

## Organ Transplantation in Brain-Dead Patients from the Perspective of Islamic Jurisprudence and Human Rights

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Brain death and organ transplantation from brain-dead patients is a new issue that only contemporary jurists have addressed. The majority of these jurists have considered life and death as common customs and have not permitted organ transplantation from brain-dead patients. However, some of them regard the diagnosis of death in brain-dead patients as a specific custom and have allowed organ transplantation. This article argues that regarding brain-dead patients, one should refer to the general custom concerning devotional rules, such as shrouding and burial, and refer to the specific custom regarding non-devotional rules, such as organ transplantation and inheritance. Therefore, it is obligatory to transplant the organs of these people to those who need organ transplantation. Moreover, since doctors consider the life of the affected person irreversible and brain death is the permanent, irreversible, and complete loss of brain function, the right to life of the affected person has not been ignored. In addition, since organ transplantation is not disrespectful to the body, bodily integrity has not been ignored.

**Keywords:** Brain death; organ transplantation; jurists' opinion; right to life; bodily integrity.

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