



# An Analysis of Ethical and Legal Issues in Organ Transplantation and Organ Donation in Indonesia

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## ABSTRACT

*The development of modern medical science has brought significant advancements in efforts to save human lives, one of which is through organ transplantation. Although organ transplantation offers significant benefits to the medical field, it also raises various complex issues encompassing ethical, legal, social, and religious dimensions. This study employs a qualitative descriptive method and a library research approach to explore the legal framework and bioethical principles governing organ transplantation in Indonesia. The analysis revealed that the legal regulations concerning organ transplantation in Indonesia have undergone substantial development. Law Number 17 of 2023 on Health stipulates that organ transplantation may only be conducted for humanitarian purposes and explicitly prohibits any form of organ commercialization. Furthermore, Government Regulation Number 28 of 2024 provides the technical foundation related to the procedures, hospital licensing, and establishment of transplantation ethics committees. From an ethical standpoint, organ transplantation practices must adhere to the four fundamental principles of bioethics: beneficence, autonomy, non-maleficence, and justice, which position patients as autonomous subjects in medical decision-making. Religious factors also have a major effect on public perception: Catholicism and Islam regard organ donation as an act of charity and solidarity, Hinduism associates it with the concept of dāna (sacred giving); and Buddhism views it as a noble expression of compassion. Therefore, organ transplantation in Indonesia must be implemented within a robust legal and ethical framework, harmonized with the prevailing humanitarian and spiritual values of society.*

**Keyword:** Organ Transplantation, Bioethics, Health Law, Organ Donation, Religious Values.

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## INTRODUCTION

The development of medical science has produced various innovations in the field of therapy and healing of diseases that were previously difficult to treat. One such significant advancement is organ transplantation. Organ transplantation is a medical procedure that involve the transfer of human tissue or organs from one individual to another to replace damaged or failing organs. Advances in medical technology have significantly improved the safety and success rates of transplantation procedures. However, despite its significant contribution to health, organ transplantation raises numerous ethical, moral, legal, and social issues that require in-depth attention and study from various disciplines (Firmansyah Y, 2021).

Globally, organ transplantation has saved millions of lives every year, especially for people with chronic diseases such as kidney failure, heart failure, and liver disorders. However, the imbalance between organ demand and availability remains a fundamental issue. The demand for organs is increasing sharply, whereas the number of donors is extremely limited. This phenomenon has given rise to serious problems, such as long waiting lists and an increase in illegal organ trafficking (Akles, 2022).

In Indonesia, organ transplantation practices are still relatively limited compared to those in developed countries. According to data from the Indonesian Ministry of Health, only approximately 200-250 kidney transplants are performed annually, whereas the actual need reaches thousands of cases. The low number of organ donors is not only due to medical factors but also to cultural, social, and religious factors that influence public perceptions of organ donation (Syamsurizal S, 2023). Legally, regulations governing organ

transplantation in Indonesia are set out in Law No. 17 of 2023 concerning Health and Government Regulation No. 28 of 2024 concerning Organ and Tissue Transplantation. However, these regulations are considered insufficient to address all the challenges of modern transplantation practices (Batubara SA, 2021).

In addition to the positive legal aspects, medical bioethics is a crucial element in discussing organ transplantation. The four main bioethical principles of autonomy, beneficence, nonmaleficence, and justice form the basis of every medical decision. The principle of autonomy emphasizes respect for an individual's right to make decisions about their body, including organ donation. The principle of beneficence emphasizes the obligation of medical personnel to act in the patient's best interest, whereas nonmaleficence emphasizes the prohibition of actions that could harm the patient. The principle of justice relates to fairness in the allocation of medical resources (Wigmore, 2014). Religious and cultural factors also influence public perceptions of organ transplantation. In Indonesia, where the majority of the population is Muslim, views on organ transplantation are mixed. Some religious scholars reject the practice, citing its importance in preserving the integrity of the human body as God's creation, while others permit it based on its benefits and the value of helping others (Aliya, 2024).

In addition to ethical and religious issues, organ transplantation raises criminal law issues. In practice, various cases of human organ trafficking have emerged, exploiting the community's economic situation. According to the Draft Criminal Code (RKUHP), Article 394 prohibits the practice of buying and selling human organs for commercial purposes, which carries a maximum prison sentence of five years (Poetra, 2023). In the context of Indonesian health law, hospitals performing organ transplants are required to meet certain requirements, as stipulated in Government Regulation Number 28 of 2024, which stipulates that the Minister of Health, who has designated a hospital, can perform organ transplants. This provision is intended to guarantee patient safety, prevent illegal practices, and ensure that the transplant process is carried out by ethical and competent medical personnel (Rico Virza, 2024). With the advancement of medical technology, including the use of artificial intelligence and genetic engineering techniques in transplantation, the complexity of ethical and legal issues has increased. New challenges, such as xenotransplantation (interspecies transplantation) and transplantation from anonymous donors, are giving rise to new debates in modern bioethics (Miranda Claudia Sihombing, 2024).

Based on the above description, organ transplantation is a highly relevant topic to be studied from the perspective of health law and bioethics. While this procedure offers life expectancy for many patients with severe organ dysfunction, it also raises complex moral, ethical, legal, and religious dilemmas that must be considered. Therefore, an in-depth study of the legal framework in Indonesia and the application of bioethical principles in medical practice is needed so that organ transplantation is not only based on technical aspects but also on humanitarian values, justice, and the protection of human rights (Poetra, 2023). Therefore, in this case, the author is interested in analyzing Ethical and Legal Issues in Organ Transplantation and Organ Donation.

## **RESEARCH METHODS**

This study adopted a qualitative approach through a literature review. This approach was carried out by searching, collecting, and integrating various information related to organ transplantation within the context of medical ethics and culture in society. Data sources were obtained from various scientific literature such as books, journal articles, and previous research results relevant to the topic of study, so that the information used remains up-to-date and can be scientifically accounted for. The main objective of this study is to provide a comprehensive interpretation of the legal and ethical aspects of organ transplantation practices, both from the perspective of medical professional ethics and within the context of community culture. Through this study, we hope to gain an understanding of the public's views and attitudes toward organ transplantation practices, as well as how social values and medical ethics interact in assessing this medical procedure.

## **RESULTS AND DISCUSSION**

### **Organ Transplant**

According to the Big Indonesian Dictionary (KBBI), transplantation is defined as the transfer of body organs from one location to another. In English, the term "to transplant" means to move. This definition aligns with the formulation contained in Government Regulation Number 18 of 1981 concerning Clinical

Post-mortems, Anatomical Post-mortems, and Transplantation of Human Organs or Tissues, and in Chapter 1, Article 1, Paragraph 5 of Law Number 23 of 1992, which states that transplantation is a series of medical procedures to transfer organs and/or human body tissues from one's own body or another person's body for the purpose of treatment to replace organs that are not functioning optimally. Based on this definition, transplantation is performed to restore the function of a malfunctioning body organ through the process of transferring an organ from one part of the body to another, or to an organ recipient (recipient) from a donor (Priambodo, 2022).

Terminologically, an organ is defined as a part of the human body that has a specific function and is vital for survival, such as the heart, kidneys, lungs, liver, cornea, pancreas, intestines, and heart valves. In a medical context, organ transplantation is performed as a last resort for patients experiencing severe organ failure that cannot be addressed with conventional treatments. According to the Oxford Dictionary, the word transplant is explained as the act of "removing an organ from one body, whether human or animal, and then transferring it to another body." Thus, organ transplantation is a complex medical procedure that involves two different individuals: the donor as the organ giver and the recipient. It requires careful medical, ethical, and legal considerations. There are two scenarios for the implementation of organ transplantation. First, when the donor and recipient are in the same location, the transfer process can be carried out directly. Second, when the donor and recipient are in different locations, sterile and rapid storage and transportation of the organ are required to prevent tissue damage. In some cases, transplantation can involve a single individual (autotransplantation), whereas in other cases, it involves two different individuals (allotransplantation) (Priambodo, 2022).

### **Organ Transplantation According to Medical Ethics**

In medical practice, organ transplantation involves transferring an organ or tissue to another part of the body, within the same body or to another individual. This procedure is the most effective replacement therapy for patients with severe organ damage that is no longer treatable with conventional treatments. Ethically, transplantation should only be performed if there is a clear and urgent medical indication; therefore, it should not be performed haphazardly (Priambodo, 2022).

Every doctor involved in this procedure is required to adhere to the core values of the Indonesian Code of Medical Ethics (KODEKI). Article 2 of KODEKI states, "A doctor shall strive to carry out his or her profession in accordance with the highest professional standards." Article 10 emphasizes that "A doctor shall maintain the trust of patients and respect the rights of patients, colleagues, and other health workers." Article 11 adds that "Every doctor shall remember his or her obligation to protect human life." These provisions uphold human dignity, patient rights and professional integrity (Priambodo, 2022).

Informed consent is a crucial aspect of transplantation ethics. If the donor is still alive, the doctor is required to provide a thorough explanation of the procedure, risks, and possible post-operative outcomes before the procedure is performed. No coercion is permitted against the donor or the recipient's family, as this violates the patient's right to freedom in medical decision-making. If the donor dies, a transplant can only be performed with written consent given during life, or with the permission of the donor's heirs if the donor has not left a prior statement.

The legal basis for the implementation of transplantation is now regulated in Article 124 paragraph (1) of Law Number 17 of 2023, which stipulates that organ and/or body tissue transplantation is carried out for the purpose of restoring health and curing disease as well as humanitarian purposes; paragraph (2) explains that this action is the transfer of organs/tissues to recipients from donors according to medical needs; and paragraph (3) expressly prohibits the commercialization or selling/buying of organs and/or body tissue. In addition, Article 127 stipulates that transplantation may only be carried out by medical personnel who have the authority and expertise in health care facilities, while Article 128 outlines the principles that must be considered in transplant procedures such as fairness, medical utility, donor-recipient compatibility, and the health of living donors. These provisions indicate that organ transplantation is recognized as a legitimate and permitted form of treatment in Indonesia within the modern regulatory framework. Its implementation can involve two types of donors, namely living donors and brain-death donors. For living donors, only certain organs can be removed, such as one kidney, part of the liver, pancreas, or lungs, because these organs can still function with the remaining parts (Law, 2023).

However, organ transplantation raises ethical and legal challenges if it does not comply with

applicable regulations. The World Health Organization (WHO) notes that the limited number of donors is a global problem that has the potential to lead to irregularities such as illegal organ trafficking. The limited supply of organs is often exploited by irresponsible parties to profit by selling human organs commercially, which clearly violates humanitarian values and applicable laws (Law, 2023).

Therefore, organ transplantation in Indonesia must be guided by the KODEKI (National Code of Conduct for the Elimination of Humanity), Government Regulation No. 28 of 2024, and Law No. 17 of 2023. Adherence to these principles demonstrates the moral and professional responsibility of medical personnel to ensure that every transplant is performed for the benefit of humanity and not for economic gain. By upholding ethical and legal principles, organ transplantation practices are expected to be safe, dignified, and in accordance with human rights legislation.

### **Informed Consent and Organ Transplant Law Reform**

The concept of informed consent is a fundamental principle in modern medical ethics that affirms at patient's right to consciously and voluntarily make their own medical decisions. Every medical procedure, including organ transplantation, can only be performed if the patient has received complete, accurate, and understandable information regarding the purpose, procedure, risks, benefits, and available treatment alternatives of the procedure. In this context, the doctor no longer acts as the sole decision-maker, but rather as a professional recommender, while the final decision remains with the patient. This principle positions the patient as an active subject with autonomy in determining medical procedures according to their personal values and priorities. Therefore, medical personnel have a moral and legal obligation to provide information honestly, transparently, and without misleading information, and to ensure that patients understand the consequences of each choice (Thomas Mulyanto Kurniawan, 2025).

In international regulations, the principle of informed consent is strictly regulated in various legal instruments, such as the Uniform Anatomical Gift Act (UAGA) of 2006 in the United States, which establishes an opt-in system whereby an individual is considered a donor only if they provide explicit consent during their lifetime. This model allows families or third parties to consent to organ donation after death, while respecting the wishes of individuals who have previously expressed their willingness to donate. In some countries, this approach is strengthened to avoid conflicts between the donor's wishes and the family's objections and to ensure respect for the right to personal autonomy (Wigmore, 2014).

In the Indonesian context, Law Number 17 of 2023 concerning Health serves as the latest legal basis, replacing some of the old provisions in Government Regulation Number 18 of 1981 and Law Number 36 of 2009. Article 124 of Law Number 17 of 2023 states that body tissue and/or organ transplantation is carried out for the purpose of restoring health and curing disease and is only for humanitarian purposes, and expressly prohibits all forms of commercialization of human organs. Article 126 regulates the criteria for medically valid death, including brain death, which is the legal basis for performing transplants from deceased donors. Furthermore, Article 127 states that transplants can only be carried out by competent medical personnel in qualified health facilities, while Article 128 emphasizes the principles of justice, medical utility, and donor safety as aspects that must be considered in every transplant implementation. Criminal provisions are also regulated in Article 432, which provides strict sanctions for parties who trade in body organs or commercialize the transplant process, with the threat of imprisonment of up to seven years and a fine of up to two billion rupiah.

In line with the principle of informed consent and national law, the donor consent system in Indonesia is still opt-in, where a person is considered a donor only if they provide informed written consent. However, various academic studies by Syafruddin and Supit suggest that Indonesia develop a hybrid model, combining an opt-in system with a family consultation mechanism to align with the community's social and cultural values. This model is considered more realistic for the Indonesian context, where medical decisions are still based on family deliberation and, not solely on the individual (Thomas Mulyanto Kurniawan, 2025).

Furthermore, the modern legal framework demands comprehensive protection for living donors, including psychological assessment, long-term health insurance, and fair compensation for the costs incurred during the donation process. This provision aligns with the view of Beauchamp and Faden (1986), who position informed consent as a form of respect for personal autonomy and self-control, without external coercion. Therefore, transplant law reform in Indonesia needs to clarify procedures for assessing donor eligibility, establish a transparent national registration system for organ donors and recipients, and

strengthen the oversight of illegal organ trafficking practices (Wigmore, 2014).

Furthermore, harmonization with international ethical standards is crucial. Indonesia must ensure that transplantation practices align with the Istanbul Declaration (2008) and World Health Organization (WHO) guidelines on transparency, distributive equity, and the prevention of transplant tourism. This includes establishing a centralized organ allocation system based on medical urgency, as implemented in many developed nations. The WHO notes that more than half of the world's transplants now come from living donors, creating a new ethical challenge: balancing the donor's right to autonomy with the state's obligation to protect their safety (Wigmore, 2014).

Thus, organ transplant law reform in Indonesia must be multidisciplinary and participatory, involving legal experts, medical professionals, bioethicists, and community leaders. Open dialogue between the government, medical institutions, and the public is necessary to ensure that new policies are legally sound and ethically and socially acceptable. By integrating the principles of informed consent, donor protection, and strict oversight of potential abuse, Indonesia can build a fair, safe, transparent, and humanitarian organ transplant system, in accordance with the spirit of Law 17 2023 and the universal values of bioethics.

### **Legal Framework for Organ Transplantation in Indonesia**

The legal framework for organ transplantation in Indonesia is comprehensively regulated by the Law of the Republic of Indonesia Number 17 of 2023 concerning Health, which is the foundation of national health regulations. Article 124, paragraph (1), states that the transplantation of body tissue and/or organs is carried out to restore health, cure disease, and for humanitarian purposes. Paragraph (2) explains that the act of transferring organs or body tissue from a donor to a recipient is carried out according to medical need. Paragraph

(3) expressly prohibits the commercialization or sale of organs or body tissues for any reason (Law, 2023).

In addition, the Law regulates the requirements for organ transplantation. Article 127 stipulates that transplantation can only be performed in health-care facilities by medical personnel with the expertise and authority, and the facility must meet the technical requirements set by the Minister of Health. Article 128 regulates the principles that must be considered in the implementation of transplantation, including the principles of medical utility, fairness, compatibility of tissue and/or organs with the recipient, priority order based on medical need, tissue/organ characteristics, family relationships, timeliness, and the health of living donors (Law, 2023). The legal framework also regulates living and deceased donors. Article 125 of Law Number 17 of 2023 states that donors can consist of living donors (organs/tissues are taken while still alive with the consent). This regulation protects living donors through the principles of consent and donor safety.

### **Legal Protection for Living Donors**

Article 337 Paragraph (1) of Government Regulation Number 28 of 2024 explains that prospective living donors must meet administrative requirements, including a minimum age of 18 years, a written statement of voluntary willingness without asking for compensation, family approval, understanding the indications of contraindications for the risks of the procedure and post-operative life guidance, as well as a statement not to sell organs and not to make agreements with recipients that constitute a sale or purchase/reward. This is the most practical protection to prevent donors from being "trapped" in economic agreements before the medical process begins. Article 344 Paragraph (1) states that living donors have the right to know the identity of the recipient (with the recipient's consent), be exempt from all health care costs during transplant treatment, receive priority as a recipient if they later need a transplant, and can revoke registration until before the preparation for surgery begins. Meanwhile, Paragraph (2) states that donors are required to maintain recipient confidentiality, not make special agreements with recipients regarding transplantation, and comply with health-care instructions for donors. The prohibition on "special agreements" is a legal protection that closes the space for hidden transactions/illegal compensation. This norm protects donors from the burden of costs, protects donor autonomy (the right to withdraw consent), and guarantees "reciprocity" (priority if the donor needs it later) (Government, 2024).

In the implementation of living donor transplantation, the service cost package is regulated as explained in Government Regulation Number 28 of 2024, Article 335, Paragraph (2) states that the service cost package in the living donor transplant process includes: donor health service costs and

suitability/suitability checks; costs for prospective donors who fail to become donors; surgical costs for donors and recipients; and post-operative care costs for donors and recipients. The details of this package make it clear that the donor is included in the service financing scheme, not “the party who must bear the costs themselves.”

In the event that the donor is unable to perform activities or work optimally during the transplantation and health recovery process, the government provides protection in the form of an award or compensation to the donor as a form of recognition for their participation in organ transplantation. This Government Regulation emphasizes that this award is not a reward, not a sale, only for humanitarian purposes, and is not commercialized. The award is given to the recipient; if the recipient is unable (PBI JKN criteria), then the award can be given by the Central/Regional Government; the form/value is determined by the Minister together with the Ministry of Finance. This protects the donor socio-economically without turning the transplant into a transaction regulated in Article 357 Paragraphs (1) to (6). Article 380, Paragraph (1), Letter h of this regulation emphasizes that monitoring of living donors post-transplant is the responsibility of the Central Government and Regional Governments, which includes health protection and fulfillment of the rights of living donors. This provision emphasizes that the health risks of donors do not end at the time of surgery but require continued monitoring as part of the state's governance obligations in guaranteeing the safety and welfare of donors.

### **Legal Protection for Dead Donors**

Dead donors (organs/tissues are taken after being declared dead by medical personnel at a health-care facility and must have the consent of the family or if the donor has expressed willingness during life). As a technical implementation of this law, a derivative was also issued in the form of Government Regulation Number 28 of 2024 concerning the Implementation of Law Number 17 of 2023 concerning Health as an implementing regulation that provides details of the procedures and mechanisms for implementing transplants.

To protect potential deceased donors of organ transplants, the state guarantees the fulfillment of rights and respect for every potential deceased donor. These rights are stipulated in Article 355, including exemption from all health-care costs after being declared brain dead or brain dead, priority as a recipient if an organ transplant is needed later, and the freedom to revoke registration as a potential donor during their lifetime. Furthermore, potential donors have the right to determine the type of organ to be donated during registration and are exempt from funeral costs at hospitals. This provision affirms respect for the dignity, wishes, and rights of potential deceased donors in the national organ-transplant system.

In Article 358 Paragraph (1), the details of the costs arising from the implementation of organ transplantation are regulated by the provision that funding can be sourced from the State Budget (APBN), Regional Budget (APBD), and/or other legitimate sources in accordance with statutory regulations. One use of APBN funds is allocated for the activity of taking organs from donors who have been determined to be brain-dead. This provision emphasizes the principle that organ donation is a humanitarian act, so that the state is obliged to bear the costs of critical processes and not leave them entirely to private transaction mechanisms.

### **Legal Protection of Recipients**

Law Number 17 of 2023 guarantees that everyone has the right to be an organ transplant recipient; however, implementation must be based on the level of medical emergency and the patient's survival. Prioritization of recipients must be carried out fairly, transparently, and responsibly, as a form of protection against potential irregularities, such as the practice of purchasing priority pathways or abuse of waiting lists. The principles of transplantation implementation, including fairness, medical utility, organ compatibility, and prioritization of medical needs and family relationships, serve as ethical and legal standards in the event of a dispute. Therefore, every medical decision must be explained rationally and in accordance with these principles.

In line with this, Article 345 of Government Regulation Number 28 of 2024 affirms the rights of living donor transplant recipients, including the right to know the donor's identity. medical information related to the transplant with the donor's consent, as well as the right to access the waiting list for potential recipients. This right to access the waiting list is a concrete protection of the principle of transparency, ensuring that the

transplant process is conducted fairly and is free from "backdoor" interference.

On the other hand, recipients also have several obligations, both in living and deceased donor transplants, namely maintaining the confidentiality of the donor's medical information, paying for the transplant package through a legitimate financing mechanism (independent, JKN, or insurance), complying with health-care instructions, and undergoing medical tests as directed by the doctor. Recipients are prohibited from entering into special agreements with donors to keep their relationship within ethical and medical boundaries, not economic contracts.

As a form of structural protection, this regulation requires healthcare facilities performing transplants to record and report information through the Organ Transplant Information System. This system serves as a transparency and accountability instrument that provides data, a communication platform, and a resource for the public and healthcare facilities, ensuring that the entire transplant process can be openly audited and traced in accordance with the principles of good governance.

### **Legal Sanctions for Illegal Organ Transplant Practices**

From the aspect of legal sanctions for violations of illegal organ transplant practices, it is also regulated by Article 432 paragraph (1) of Law Number 17 of 2023. It states that anyone who commercializes the implementation of body tissue or organ transplants, as referred to in Article 124 paragraph (3), can be punished with a maximum imprisonment of five years or a maximum fine of IDR 500 million. Paragraph (2) states that anyone who sells organs and/or body tissue for any reason can be punished with a maximum imprisonment of seven years or a maximum fine of IDR 2 billion (Law, 2023).

As an implementing regulation, the government issued Government Regulation (PP) Number 28 of 2024 concerning the Implementation of Organ and Body Tissue Transplantation. This PP clarifies technical aspects that have not been regulated in detail in the law, including the requirements and procedures for carrying out transplants, including medical, psychological, and legal examinations of potential living donors; informed consent, which must be given in writing and accompanied by an easy-to-understand explanation; criteria for brain death as the legal basis for taking organs from deceased donors; supervision and licensing of health-care facilities that carry out transplants; and periodic recording and reporting of transplant activities to the Ministry of Health.

The government issued Government Regulation Number 28 of 2024 as a follow-up to Law Number 17 of 2023. This regulation was issued to strengthen the organ transplantation system through strict supervision of the donation process, donor registration, and organ distribution based on the principles of transparency, fairness, and patient safety (Government, 2024). One important aspect of the legal framework for organ transplantation is the requirements for hospitals to perform organ transplants. Based on Article 127 of Law Number 17 of 2023, organ transplants can only be performed at licensed healthcare facilities that meet specific requirements. These provisions are further detailed in Government Regulation No.28 of 2024.

Hospitals are also required to have an electronic recording and reporting system integrated with the National Transplant Committee and the Ministry of Health to ensure transparency and accountability in the transplantation process. Furthermore, hospitals performing transplants are required to have an Ethics Committee and a Hospital Transplant Committee responsible for assessing the medical, psychological, and legal suitability of donors and ensuring that informed consent is given voluntarily and without coercion. Technically, The implementation of organ transplantation, based on Government Regulation Number 28 of 2024, is placed within a strict, standardized health service delivery framework under the guidance and supervision of the Minister of Health. This regulation emphasizes that organ transplantation can only be performed in hospitals licensed in accordance with statutory provisions and carried out by competent and authorized personnel. In addition to establishing the principles of non-commercialization, patient safety, and medical fairness as the main foundations of transplantation, it also regulates the donor and recipient registration mechanism, medical suitability and suitability checks, service financing, and mandatory recording and reporting through the National Health Information System. To ensure the quality and accountability of transplantation implementation, this Government Regulation authorizes the Minister of Health to provide guidance and supervision to transplantation hospitals while also delegating technical arrangements, including the determination of organ transplantation hospitals, the establishment and function of a national coordinating institution, and a periodic evaluation mechanism into the Minister of Health Regulation as implementing regulations. If ethical violations, malpractice, or indications of organ

trafficking are found, the transplantation permit can be revoked, and the hospital can be subject to administrative and criminal sanctions based on Article 432 of Law Number 17 of 2023.

Over the past few decades, Indonesia has demonstrated significant progress in the medical field, particularly in developing organ transplant techniques, such as kidney and liver transplants. This progress is inseparable from the government's increasing focus on strengthening the national healthcare system, which is based on innovation and patient safety issue. Several major hospitals, including Cipto Mangunkusumo Hospital (RSCM) in Jakarta, now serve as national centers of excellence for organ transplantation in Indonesia. This success is based on the availability of trained and certified medical personnel, improved medical infrastructure, and the use of cutting-edge medical technology that supports safer and, more effective transplantation procedures in accordance with the ethical standards of the medical profession. With this progress, Indonesia is gradually strengthening its position as one of the countries in Southeast Asia capable of providing organ transplant services of competitive quality at the regional and international levels.

### **Theological and Moral Perspectives on Organ Transplantation**

Each religion has its own moral and spiritual perspective on organ transplantation, but in general, they all depart from the same principle: respect for human life and rejection of the exploitation of the body. In the Catholic tradition, organ transplantation is considered a noble act of love and charity as long as it is carried out voluntarily, without coercion, and for non-commercial purposes. The Church affirms that the human body is a gift from God; therefore, any use of organs must be based on the principles of totality, integrity, and informed consent, as affirmed in the Catechism of the Catholic Church (CCC 2296–2297). Organ donation is seen as a concrete expression of love for others, but the removal of vital organs from a living person, which results in death, is considered a violation of human dignity (Priambodo, 2022).

In Islamic teachings, organ transplants are permitted as long as they aim to save lives, do not cause harm, and are not carried out commercially. Although the Qur'an does not explicitly mention organ transplantation, its basic principles are found in verses such as Al-Maidah:32, which emphasizes the importance of preserving human life. Modern scholars such as Yusuf Qardhawi emphasize that transplantation is permissible provided that the donor is safe and does not lose a single organ, such as the heart or liver. Thus, Islam views this action as part of medical efforts and a form of humanitarian solidarity (Syamsurizal S, 2023).

In Hinduism, organ donation is seen as a noble act that aligns with the principle of *dāna*, or selfless giving, which is one of the core moral values of Hinduism. This Teaching emphasizes that the human body is only a temporary vessel for the soul; therefore, using body parts to help others does not hinder the journey of reincarnation. Therefore, organ donation is considered a form of *dharma* and a virtuous act that supports life (Michael Oliver, 2011).

In Buddhism, organ transplantation is accepted as long as it is done with compassion and without attachment to the physical body. The principle of *dāna* (giving) in Buddhism encourages altruistic acts, such as organ donation, to help other living beings. However, some traditions, particularly Tibetan Buddhism, remain cautious about the concept of brain death, as it is believed that a person's spiritual consciousness can remain in the body for some time after breathing ceases. Nevertheless, Buddhism generally views organ donation as the highest form of compassion, reflecting self-sacrifice for the well-being of others (Michael Oliver, 2011).

### **CONCLUSIONS**

Organ transplantation is a significant innovation in modern medicine, encompassing not only medical aspects but also ethical, moral, and legal concerns. Studies have shown that organ transplantation in Indonesia has a strong legal basis under Law Number 17 of 2023 concerning health, which affirms the principle of humanity and prohibits the commercialization of human organs. These provisions are reinforced by Government Regulation Number 28 of 2024 concerning the Implementation of Law Number 17 of 2023, which regulate implementation procedures, requirements for hospitals, and the establishment of a National Transplant Committee to ensure a transparent and ethical process of organ procurement. From a bioethical perspective, every transplant must uphold patient autonomy, fair distribution of organs, the principle of benefit, and the principle of non-maleficence to ensure this practice is truly a form of humane

medical care. Furthermore, the success of organ transplantation is strongly influenced by religious and cultural factors. Every religion fundamentally emphasizes respect for life and rejects the exploitation of human bodies. Catholics view organ donation as an act of love, Islam considers it a form of welfare and solidarity, Hinduism associates it with dharmic values, and Buddhism interprets it as an act of compassion. Thus, the synergy between legal regulations, medical professional ethics, and religious spiritual values is the primary foundation for realizing a safe, just, and equitable organ transplant system that respects human dignity.

The recommendations of this study include strengthening the implementation of regulations and ethical oversight by the government and health institutions, multi-sectoral collaboration involving the government, medical personnel, and religious leaders, and developing interdisciplinary studies of bioethics, health law, and theology to create a strong conceptual basis for the formulation of public policies related to organ transplantation and organ donation.

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