

**LEGAL AND ETHICAL ISSUES ARISING IN ORGAN
DONATION AND TRANSPLANTATION**

By

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ABSTRACT

Organ donation and transplantation have been developed rapidly in modern medicine. The development has introduced new hope for the patients who suffered serious and several diseases.

As far as concerned, the only statute that governs the practice of organ donation and transplantation in Malaysia is Human Tissues Act 1974. It is obviously not sufficient since this statute only have five sections with regard to organ donation and transplantation. The statute does not discuss completely the issue of consent for living and cadaveric donors. It also does not mention what type of organs and tissues that can be donated. Furthermore, the statute is silence on the issue of death and what constitute death. Therefore, all those issues will be addressed and discussed in this research project in order to reform our current statute. A reference to Human Tissues Act New South Wales 1983 will be made in order to improve the current statute. Among others, the opting in system adopted by Malaysia will be revised since the system failed to increase the number of donating organs.

As Malaysia is a multireligious country, the issue of ethical in permissibility of donating organs will be discussed separately in this research project. Other issue that will be addressed is commercialization, buying and selling organs which lead to a serious negative impact on ethical values.

It is hoped that both legal and ethical issues that will be discussed in this research project can improve the current legal framework and increase the awareness among public in Malaysia.

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