

UNIVERSITI TEKNOLOGI MARA

**THE OPTING-IN SCHEME: LEGAL ANALYSIS ON THE ORGAN
PROCUREMENT SYSTEM IN MALAYSIA.**

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AUTHOR'S DECLARATION

I declare that the work in this dissertation was carried out in accordance with the regulations of Universiti Teknologi MARA. It is original and is the results of my own work, unless otherwise indicated or acknowledged as referenced work. This topic has not been submitted to any other academic institution or non-academic institution for any degree or qualification.

In the event that my dissertation be found to violate the conditions mentioned above, I voluntarily waive the right of conferment of my degree and agree be subjected to the disciplinary rules and regulations of Universiti Teknologi MARA.

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ABSTRACT

Organ donation is a noble act and provide the best solution for many chronic illnesses. However, the availability of organ donors continue to be the biggest challenge in organ transplantation. The opt-in scheme in Malaysia is seen as a mean to increase organ donation as well as countering organ shortages. However, the scheme is unsatisfactory in providing sufficient numbers of actual donors in the country despite a large number of potential donors. Moreover, the present law are inadequate in addressing the practiced scheme. The law applied in the UK, Singapore and Iran made organ procurement scheme differs from ours and pose a better rate of organ donation. Nonetheless the adoption of the same scheme may not be suitable to be applied locally as the outcome may vary depending on various factors. Furthermore, Islamic perspective on organ donation should be taken into consideration, as Islam is the religion of the federation in Malaysia. Despite the clear fatwa on permissibility of organ donation, the public is still mixed up. Hence, there is a need to approach this problem in a holistic manner so that the adopted method is applicable and well-accepted by the Malaysian multiracial and multi-faith community. the most essential step is to improve the current opt-in scheme. As it is already well-accepted, all possible efforts should be maximised. This would include improving infrastructure and services as well as providing effective public education. Furthermore, amendments of the law is necessary in addressing the inadequacy of the act as well as legally compel immediate relatives to honour an organ donor's wish. Apart from the relatives, religious leaders also play a significant role in encouraging it's religion followers to donate organs. Additionally, awarding incentive to organ donors is viewed as more feasible to attract more donors without commoditisation of the human organs.

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