

# Perbandingan pandangan hukum perdata barat dan hukum Islam terhadap transplantasi organ dan jaringan tubuh manusia = The analysis comparation of private law and Islamic law for humans organs and body tissues transplantation

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## Abstrak

Salah satu bidang yang berkembang pesat adalah bidang kesehatan. Kini zaman semakin maju, transplantasi bukanlah hal yang luar biasa. Transplantasi telah menjadi kebutuhan manusia dalam penyembuhan penyakit sehingga tidak salah apabila menjadi salah satu teknik penyembuhan populer di dunia kesehatan.

Transplantasi organ dan jaringan tubuh dianggap sebagai tindakan yang sangat terpuji, bahkan dermawan karena dilaksanakan secara gratis dan bersifat nonprofit. Indonesia sebagai negara yang masih menganut pluralisme hukum, memiliki pandangan yang berbeda mengenai transplantasi organ dan jaringan tubuh ditinjau dari segi hukum perdata barat dan hukum Islam. Penelitian ini bertujuan untuk memberikan pemahaman secara jelas serta menelaah lebih jauh tentang hal-hal yang berhubungan dengan transplantasi organ dan jaringan tubuh. Perbandingan ini dapat dianalisis dari segi hukum perdata barat dan hukum Islam. Dari hasil penelitian, dapat disimpulkan bahwa terdapat persamaan dan perbedaan yang cukup signifikan mengenai transplantasi organ dan jaringan tubuh dalam hukum perdata barat dan hukum Islam.

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Health is one of the most important things in human's life. As we can see, people's health growing rapidly nowadays. Since the health industries has been emerging through the year, tranplantation of human's bodies are a very common way and it is necessary for people's health. There are many operation of tranplantation, such as heart or kidney(s) tranplantation to help somebody's life. The doctors may have to do the tranplantation to curing their patients. Beside with the doctors, some patients wish for health people who want to discordant their organ to help them. For some people, human's organ or body's tissues transplantation is reputed as an honorable action because it is done for free and nonprofit. As a country which is still follow a pluralism law, Indonesia has a different side of doing organ transplantation based on west civil law and Islamic law. According to the explanation above, this research's purposes are to elaborate and give the information about the organ transplantation more clearly and deeply. Thus, this research also shows the comparation about transplantation of human body between west civil law and Islamic Law. As an hypotesa, this research shows that there are some significant similarities and differences about transplantation opinion between west civil law and Islamic Law law.