



MUSLIM AND POLITICAL RULINGS ON EMBRYO TRANSPLANTATION IN UZBEKISTAN AND ITS SPIRITUAL IMPACT ON CHILDREN

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Abstract

The forthcoming work covers aspects of embryo transplantation from the standpoint of Muslim scholars, as well as the influence of the forbidden method in the process of ECO on the character of children, based on sources of Muslim law. In addition, this work examines the laws of the Republic of Uzbekistan regarding the implementation of embryo transplantation, as well as the rules of ECO according to the decree of the Ministry of Health of Uzbekistan.

Keywords: ECO, embryo transplantation, fatwas, decrees, edict, law, donor, recipient, patient, artificial insemination.

Introduction

Environmental changes and the wrong way of life of people provoke various diseases, and along with which can include a delay in having a child in the family. Of course, the causes of infertility are different for men and women, in order to identify the diagnosis, you should visit a gynecologist to make sure that this is not a genesis that is incurable, and couples in this case can only resort to innovative methods of fertilization, other symptoms are treatable except for the last diagnosis, which is called "unclear genesis". "IVF - In vitro fertilization is an assisted reproductive procedure, most often used to solve infertility problems. The term "in vitro" in the name of the method implies that fertilization occurs



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outside the body of the expectant mother. This process includes a series of various procedures that take about two weeks and consists of the following key stages: Preliminary preparation, including tests and monitoring of egg maturation; ovarian puncture to collect material; fertilization of eggs; transfer of embryos into the uterus.

Artificial insemination is performed in specialized laboratory conditions, where sperm are combined with eggs in a special solution. The resulting material is then carefully analyzed before it is transferred. The embryo consists of four cells, and at this stage, possible developmental abnormalities or diseases can be identified. The selected embryos are then transferred to the uterus to continue development."^[1]

According to Article 15 "use of assisted reproductive technologies" of the Republic of Uzbekistan, the procedure for conducting IVF is determined by the Cabinet of Ministers , which we will list below.

Assisted reproductive technologies (ART) are an innovative technology aimed at achieving pregnancy, the same as in vitro fertilization. According to the statement of the Ministry of Health of Uzbekistan, on artificial insemination, the patient is first examined to identify the causes of infertility and to identify health problems in order to cure before the procedure. In cases where, after 9-12 months of treatment, it was impossible to achieve pregnancy, then patients are referred to ART. When preparing patients for ART, contraindications to the use of this method are determined among them, for this, recipients are given a full list of necessary examinations for analysis.

Based on the examination results, patients are prescribed the following types of ART:

"in vitro fertilization; artificial insemination; hatching ; cryopreservation ; intracytoplasmic sperm injection."^[2]

According to the ruling of Muslim scholars, this method of fertilization is considered new and for this reason it is impossible to find direct evidence from

¹ Press service of the Committee on the Halal Standard of the Muslim Spiritual Board of the Republic of Tajikistan: <https://halalrt.ru/dozvoleno-li-eko-s-tochki-zreniya-islama/>

² L. Khikmatova . with article: "how is the IVF procedure carried out"
https://www.norma.uz/novoe_v_zakonodatelstve/kak_provoditsya_procedura_eko



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the primary sources of Muslim law, but it is possible to cite the criteria of Islamic scholars who relied on similar examples when making a decision regarding this method of achieving pregnancy. Among the types of IVF there is donor fertilization and surrogacy in which a third party participates and is similar to adultery, in view of this, this process is strictly prohibited. As an example, we can cite the statements of the scientist Muhammad ibn Adam al- Kawsari , who correlated these types with the establishment of children without marriage and belongs to the category of major sins and children born in adultery are distinguished by a bad character and behavior in the future, that is, this has a bad effect on the spiritual education of society and will lead to the destruction of the chain of genealogy, namely the preservation of the family of a certain society is one of the main criteria of Islamic dogma.

There are two methods of artificial insemination, internal and external processes. Internal is when the wife herself becomes a donor for herself. The second can be related to when the donor is a third female person. In order to understand which of these types are approved by Sharia and which should be avoided , it is necessary to understand in detail. "Internal fertilization is carried out inside the woman's uterus, and external fertilization of sperm and egg is carried out in a special test tube and moved into the uterine cavity. In both cases, the development and growth of the child occurs inside the uterus ." [³]

Internal fertilization includes the following processes:

When the husband's sperm is produced by transplantation into the wife's uterine cavity, this method is permitted by Shariah, since the sperm of the man who is her husband cannot reach the wife's uterus naturally.

"Fertilization using another man's sperm. This method is used when a man is infertile, this method is popular in European countries, and there is even a bank where donor sperm is stored, and clients are even provided with catalogs of donors of Nobel Prize winners, as well as other famous personalities. This method is completely contrary to Sharia ." [⁴]

³International magazine AZANKZ : Fatwa on artificial insemination. <https://azan.kz/durus/view/fetva-ob-iskusstvennom-oplodotvorenii-3409>

⁴International magazine AZANKZ : Fatwa on artificial insemination. <https://azan.kz/durus/view/fetva-ob-iskusstvennom-oplodotvorenii-3409>



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As already mentioned above, it is forbidden to carry out IVF through donors, that is, there should be no intermediaries between the husband and wife, since a third party in the process of artificial insemination violates the norms of Sharia and is considered a sin on par with adultery, since the services of donors, considering an external factor, enter the woman's uterus, which is not allowed to him, or vice versa regarding a woman regarding the sperm of another man, as evidence, Islamic scholars cite the following Verse : "Do not come near to adultery, for it is an abomination and an evil way." (Surah Al Isra , Verse 32) [5]

More confusion arises regarding surrogate motherhood , the question arises about who should be considered the mother, the one who gave birth or the one who raised them, based on the 2nd verse from Surah Mujadal where it says: " Their mothers are only those women who gave birth to them" [6] many Muslim scholars believe that the mother of the child is the one who carried and gave birth, thus the real mother of the child will be considered the surrogate mother, and the one who used her services will have no relation to the child. The main reason for the violation of the norms of Sharia through surrogate motherhood is that the order within society is violated, the lineage is interrupted and the family ties between mother and child are broken , all this contradicts Islam, as an example we can cite the verse from the Koran : "O people! Fear your Lord, Who created you from a single soul, and created from him his mate, and dispersed from them both many men and women. Fear Allah in whose name you ask one another, and fear severing ties of kinship. Indeed, Allah is Watching over you ." [7]

The relative level of influence of IVF on the spiritual state of children depends on how this procedure was carried out, if the IVF procedure does not violate the boundaries of what is permitted determined by religious and constitutional order, no negative consequences will be reflected in the character of children, but if the rules were violated, and it became on a par with adultery, then based on life observations, children born illegally , which contradicts the religious canon, will inherit bad behavior and bad character and probably cannot even find their place in society.

⁵Kuliev Elmir. Translation of the Koran: Eksmo , 2012 with cheers Isra 32 verse .

⁶Kuliev Elmir. Translation of the Koran: Eksmo , 2012 from ura 58 : 2 verses .

⁷Kuliev Elmir. Translation of the Koran: Eksmo , 2012 from ura 4 :1 verse .



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Comparative analysis between the canons that are parts of the spiritual aspects of our state, religious state and decrees of the Ministry of Health of the Republic of Uzbekistan regarding IVF do not contradict each other in any way, for example, the rules for conducting IVF in the constitution of our country, as has already been cited, the law previously leaves the decrees of the Ministry of Health of Uzbekistan and the stages of conducting IVF were given in order, but the difference between religions is that honoring a third party in the process of IVF, as well as a surrogate mother, is considered prohibited and is characterized as adultery, which was not emphasized by the law of the Republic of Uzbekistan.

Conclusion

To sum up, in this article the questions raised regarding IVF were considered, religious legal problems were solved. Spiritual education of youth occurs, relying on our spiritual values, state canons and religion as part of our spirituality was considered as the main source of designation of the level of influence of IVF on spiritual education of children. In this work, the decrees of the Ministry of Health of the Republic of Uzbekistan on the step-by-step implementation of IVF were considered. So, according to the religious decree, IVF does not violate the norms of Sharia, if this applies between husband and wife, in other cases it is considered forbidden and is considered a sin on a par with adultery, which in turn is an abomination and threatens negative consequences, reflecting the bad character and character of the child, and such a child is even a threat to society.

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