



ULAMA'S VIEWS REGARDING THE LAW OF PRESERVING BODIES AS LEARNING MATERIAL (CADAVER)

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ABSTRACT

Preserving bodies without a clear purpose is prohibited or even forbidden in Islam, while according to the 2007 MUI fatwa preserving for educational purposes is permitted. However, some scholars have a different view, namely some reject this practice on the grounds that the corpse must be venerated and it is forbidden to damage or change body parts for a long time. Furthermore, there is another opinion which states that agreeing is still permitted as long as it has a clear purpose. This research aims to find out the law on preserving corpses according to the views of ulama in Sumedang Regency and Majalengka Regency, existing regulations in Indonesia, as well as opinions according to health workers and nursing academics. In this research, the data analysis method used is a qualitative field data analysis method with an in-depth interview approach to explore the views of several figures consisting of ulama, health workers and academics in nursing. The results of the research show that ulama, health workers, and nursing academics in Sumedang Regency and Majalengka Regency, approve and allow the act of preserving corpses which aims to provide learning, namely as cadavers, because it is considered that this can provide many benefits such as helping the welfare of the bigger thing is to improve science and cure millions of sick people for the development of human science in the world.

Keywords: preservation of corpses; cadaver; Islamic law

1. INTRODUCTION

Embalming is a procedure performed on a corpse using antiseptics and preservatives to minimize the time it takes to decompose. Embalming without a clear purpose is prohibited, even forbidden, in Islam, while according to a 2007 MUI fatwa, embalming for educational purposes is permitted. However, some scholars have a different view, rejecting this practice, arguing that the corpse must be honored and that it is prohibited to damage or alter body parts for a long time.

Others agree that it is permissible as long as it has a clear purpose. This lack of clarity and diversity of opinions has led to confusion among the public about what is permissible and what is not in the context of embalming, which can affect religious practices and understanding in the Muslim community (Indonesian Ulema Council 2007). Based on the above problems and the differences of opinion among scholars, researchers took the initiative to conduct research on which views are more commonly expressed by religious leaders, medical personnel, and academics regarding the embalming of corpses (cadavers) used as learning materials. In-depth views from these figures are believed to be important for increasing insight and better information about embalming of corpses (cadavers) for learning materials. This is because differing opinions on this matter can lead to confusion and unclear information for the public and healthcare professionals.

In response to previous research, the results of a study by Ahmad Azwar Habibi, Qosita, and Mahesa Paranadipa Maikel (2023) only discussed the permissibility of preserving corpses for educational purposes, subject to certain conditions: permission from the deceased prior to death and from the family. However, this study discussed the gender-specific use of cadavers, with female cadavers permitted only by female students. Therefore, this study did not address the reason for the gender-specific restriction, as health students must understand the anatomy of both men and women for educational purposes. Furthermore, a study by Fenny Bintarawati and Maskur Rosyid (2020) only discussed the prohibition on preserving corpses without a clear purpose, which is haram.

However, preserving corpses for educational or research purposes, in the form of cadavers used by health students, is permitted, based on a fatwa from the Indonesian Ulema Council (MUI). However, this study does not discuss the opinions expressed by scholars regarding the preservation of corpses and only uses the MUI fatwa. Furthermore, the study conducted by Miqdad Kevin Nl'am (2021) only discusses the prohibition of harming corpses and its analogy is only based on hadith. This study still does not fully discuss the opinions expressed by scholars or medical personnel. And finally, according to the study of Shaikh Mohd Saifuddeen (2023), this study uses two opinions: the first opinion permits the preservation of corpses for educational reasons and the second opinion does not allow it because it is haram or can be replaced with other alternatives. This study does not yet have a strong argument because it is only based on one source, namely based on the principle of *ḍarūrah* 63 Wahbah al-Zuhaylī in *Fiqh al-Islāmī wa Adillatuhu*.

Based on previous research, this research will focus more on the opinions of figures related to the preservation of corpses for learning materials, such as Islamic figures, health workers, and nursing academics to find out which opinions are expressed more frequently.

2. RESEARCH METHOD

This study employed a qualitative approach using in-depth interviews. This approach was chosen because it aligned with the research objective, which was to explore the views of Islamic scholars, healthcare workers, and nursing academics regarding the legal aspects of preserving corpses as learning materials (cadavers). Through a qualitative approach, researchers were able to explore more deeply and contextually the prevailing views within the community, particularly regarding aspects of Islamic law, ethics, and the medical benefits of using cadavers in education.

The research was conducted over one week, from October 27 to November 2, 2024, in Sumedang Regency and Majalengka Regency. These two regions were selected because they have a representative base of religious and health education institutions, as well as a number of Islamic scholars and academics relevant to the research focus. The research subjects consisted of three main groups: Islamic scholars authorized to issue fatwas or religious opinions, healthcare workers familiar with the technical aspects of preserving corpses, and nursing academics with academic and practical experience in the use of cadavers in learning.

The research process was conducted through several systematic stages. First, the researchers conducted a preliminary study to identify the problem and review various literature, fatwas, and regulations related to the issue of cadaver preservation. Afterward, they analyzed the problem and developed an interview guide containing in-depth questions based on the background of the interviewees. The next stage was field data collection, conducted through interviews with religious leaders, medical personnel, and nursing academics, supplemented by secondary data in the form of a literature review of relevant scientific literature and legal documents. The collected data was then processed through transcription, thematic categorization, and interpretation, referring to the research objectives. The results of the analysis were then compiled into an academic narrative and published in a scientific article.

The primary instrument of this research was the interview guide. The questions were designed to explore the views of Islamic scholars regarding the permissibility or prohibition of cadaver preservation from an Islamic perspective, including the specific requirements that must be met. Meanwhile, questions posed to healthcare personnel and nursing academics focused on the benefits and drawbacks of using cadavers, learning needs, and the possibility of alternatives.

The data obtained were analyzed using qualitative thematic analysis techniques. This process involved reviewing interview transcripts and grouping the findings into broad themes, such as Islamic law on embalming, medical and academic benefits, ethical and social implications, and potential alternatives. The analysis was conducted inductively, drawing conclusions from empirical data in the field, thus providing a comprehensive overview of the views of Islamic

scholars, healthcare workers, and nursing academics regarding the practice of embalming as a learning resource.

3. RESULT AND ANALYSIS

The Process of Preserving Corpses Based on Medical Implications

Embalming is a medical procedure aimed at slowing or stopping the decomposition of a body after death. Embalming is important for funerals, identifying victims of disasters or crimes, teaching anatomy, and for other medical or forensic purposes. This process involves the use of a preservative, typically containing formaldehyde, which has various medical, ethical, and social implications.

Embalming aims to prevent the body from decomposing due to the activity of microorganisms and enzymes after death. The use of preservatives, such as formaldehyde, aims to halt or slow the decomposition process, preserve the body's appearance, and extend the time available for burial or medical research (Sandwinata 2019).

The embalming procedure involves injecting a preservative into the body's blood vessels to replace blood containing bacteria. This process aims to halt decomposition and preserve the body's appearance. However, chemicals such as formaldehyde used in the embalming process have the potential to pose health risks. Formaldehyde is the primary preservative used in this process. This chemical can cause respiratory, eye, and skin irritation. Long-term exposure to formaldehyde has also been linked to an increased risk of cancer in workers involved in the embalming process (Nabil 2022).

Embalming also involves ethical considerations, particularly regarding the consent of the deceased's family or the deceased. Many cultures or religions may not accept embalming for spiritual or moral reasons. Therefore, the embalming process must be carried out with respect for the family's wishes and ethical principles. Embalming must be carried out with the permission or consent of the family or the deceased. This ensures that the procedure aligns with the family's wishes and values (Susanti 2015).

The embalming process is also regulated by law in Indonesia, particularly regarding legal procedures and the rights of the deceased's family. In some cases, the preservation of remains may involve forensic procedures for identification or investigative purposes, which must also comply with applicable legal regulations. Embalming of remains is carried out according to procedures regulated by health and legal legislation, particularly those related to post-mortem (after-death) medical procedures (Nabil and Bambang Sukoco 2022).

For bereaved families, viewing an embalmed body often gives them more time to grieve and remember the deceased. However, on the other hand, this process can also cause trauma or discomfort for some individuals or groups. Embalming a

body can also impact the family's psychology, either by providing a sense of peace or, conversely, by causing discomfort due to seeing an unaltered body (Lestari & Alamsyah, 2020).

In addition to using formaldehyde, there are also efforts to develop more environmentally friendly embalming methods, for example, by utilizing safe preservatives that pose no risk to human health or environmental sustainability. Several studies in Indonesia have explored the use of alternative preservatives such as glutaraldehyde or chemical-free embalming techniques that are safer for the body and the environment (Sahreni 2019).

As stipulated in the Indonesian Ulema Council (MUI) Fatwa Number 11 of 2007 concerning the embalming of corpses for research purposes, embalming corpses for research purposes is permitted under the following conditions:

- a) The research is intended to benefit scientific development and bring greater benefits, namely, protecting the soul (hifdz al-nafs), not merely for practical purposes. The research can only be conducted using human media;
- b) The rights of the deceased must be fulfilled, as far as possible, such as bathing, shrouding, and offering prayers;
- c) Bodies preserved for research must be treated as necessary, and upon completion, they must be buried immediately in accordance with Islamic law.

This also supports the responses from the informants who approved or permitted the embalming of corpses for learning purposes. The existence of this MUI fatwa helps us, as students and healthcare professionals, to adhere to regulations and respect the remains used for learning.

Opinions of Islamic Scholars, Health Workers, and Nursing Academics on the Preservation of Corpses for Learning Materials

As befits a human corpse, a corpse must still be handled appropriately and respectfully, in accordance with established norms. This is based on general principles based on Surah al-Isra' Verse 70, which emphasizes that mistreatment of corpses is certainly contrary to Islamic teachings. Therefore, good treatment of humans does not only apply to those who are still alive, but also to those who have died, which is an obligation to continue to be treated equally and respectfully in an appropriate manner (Bintarawati and Rosyid 2021). Several issues related to corpses, particularly those related to the views of scholars regarding the preservation of corpses for educational purposes, have been widely questioned, especially regarding their relationship to Islamic law. The Indonesian Ulema Council (MUI) (2007) stated that a fatwa regarding the preservation of corpses for educational purposes is permissible, provided it has a clear purpose and impact on the greater good, namely preserving the human soul, not merely for research purposes. This is supported by a legal basis widely cited in evidence, such as the

Quran, Hadith, the principles of sadd al-dhari'ah, and Islamic jurisprudence. This aligns with the views of the three scholars who served as our sources. All three scholars agreed that the preservation of corpses for educational purposes is permissible under Islamic law, provided it has a clear purpose and reason, permission from the individual and their family, and is legally valid and recognized by the police.

Cadavers have been an important instrument used in anatomy studies for centuries. They are also used in forensic research to study the decomposition process and assist in crime reconstruction and body identification. Several studies also state that the use of cadavers is mandatory in medical education at both undergraduate and advanced levels, particularly in specialty courses such as surgery. Some of the benefits of using cadavers include: 1) increasing respect for the human body; 2) training in emotional control; 3) developing bioethics, identity, professional attitudes, and behavior; and 4) increasing knowledge and understanding of anatomy and pathology (Romi et al. 2019). These findings align with the opinions of healthcare workers and nursing academics who served as informants in this study.

4. CONCLUSION

After conducting preliminary research, searching for reference sources, and conducting interviews on the topic "Ulama's Views on the Ruling of Preserving Bodies for Learning Materials (Cadavers)" from sources including ulama, healthcare professionals, and nursing academics, the interviewees concluded that the informants agreed with the use of corpses for learning materials, provided they respect, care, and treat the corpses with respect as living human beings.

From the perspective of the ulama interviewees, three agreed that preserving corpses for learning materials, according to Islamic law, as outlined by several ulama, is permissible, provided it has a clear purpose and reason, permission from the individual and their family, and is legally valid and recognized by the police. This is permissible because it can contribute to the greater good, namely increasing knowledge and healing millions of sick people. However, one ulama stated that for the use of cadavers, it is better to use only the organs to be studied, rather than the entire body. Furthermore, the corpses used as cadavers cannot be used haphazardly, as preserving them can be harmful to the deceased. Therefore, prioritization is given to non-Muslim bodies, categorized as "infidel enemies" (harbi), or, if used for Muslims, those deemed "ghairu muhtarom" (non-Muslims), meaning those who no longer possess self-respect and are no longer honored by Islam, such as apostates.

From the perspective of healthcare professionals and nursing academics, they agree to permit and support the use of cadavers, as they significantly support the learning and education of healthcare students. They hope that cadavers will be

used not only by medical students but also by healthcare students, including pharmacy, nursing, and midwifery students.

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