



# HARMONISATION OF THE SHARĪ'AH AND CIVIL LAWS

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**HARMONISATION OF THE  
*SHARĪ'AH* AND CIVIL LAWS  
(PERSPECTIVE AND PRACTICE)**

**EDITORS**

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**Majdah Zawawi**

**1. Introduction**

The availability of assisted reproductive technologies (ART) provides a scientific solution to the treatment of infertility. Despite this, these technologies do not and cannot guarantee that all those who undergo ART treatments will end up as parents.<sup>1</sup> It is precisely because of this inability to guarantee a live “take home baby”<sup>2</sup> that scientist have continuously worked at finding better ways to increase the chances of couples undergoing ART treatments to actually take a baby home. Some of these techniques include cryopreservation of gametes and embryos to enable multiple attempts at treatment. Besides that, reliance on the use of donated gametes to assist some forms of infertility has also increased the possibility of infertile couples to have a child that is at least genetically or biologically related to one of them. In fact, surrogacy has also been considered as an option for certain types of female infertility.

Despite the legal and ethical difficulties, there are countries that have come to accept the cryopreservation of embryos, the use of donated gametes, embryos and surrogacy as a necessary part of ART services.<sup>3</sup> There are writers such as Golombok and Shanner who have admitted