

ISSUES IN MEDICAL LAW AND ETHICS

Edited by
Pufen Nemie Jahn Kassim
Abu Haniffa Mohamed Abdullah

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Medical Law and Ethics Unit
Law Centre
Ahmad Ibrahim Kulliyah of Laws

الجامعة الإسلامية العالمية
INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA

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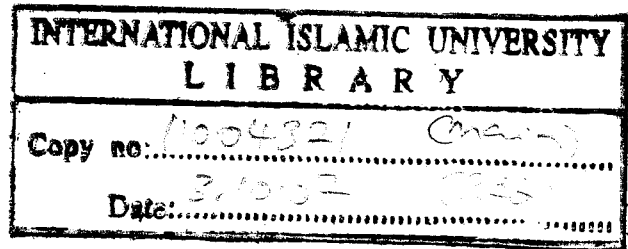
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AN INSIGHT TO THE ETHICS OF ASSISTED REPRODUCTION: BALANCING RIGHTS AND RESPONSIBILITIES

*Majdah Zawawi
Zaleha Kamaruddin*

Introduction

Advances in the area of biomedicine have made phenomenal breakthroughs in responding to the desire of infertile couples to overcome infertility. Various assisted reproductive techniques allow the fertilization of the egg by the sperm to be done outside the womb. After the implantation of a viable embryo into the mother's womb, pregnancy is achieved. Not only that, these techniques has widened the reproductive choices of men and women by allowing them to choose when, with whom and how to procreate.¹ The advancements in this area of medicine have even given rise to the possibility of mankind (or in actual fact woman kind) to reproduce asexually.² These technological advancements while being applauded by many have also brought about serious ethical issues.

Examples of the difficult moral issues could be identified especially in areas where there are third party involvements in the reproductive process. This can be seen in the legal problems that have arisen from the number of children that have been born resulting from the usage of donor material be it in the form of sperm, ovum or embryos as well as the practice of surrogacy in many Western countries. Litigation has occurred in cases of surrogacy, for example, where there have been disputes as to who has a better right over the resulting embryos in cases of divorce or death of one of the parties, as well disputes pertaining to the custody of children born from surrogacy arrangements. Some countries such as the United Kingdom have legislated in order to govern the practice of assisted reproduction and to give some form of legal recognition to the resulting child (especially those born from donor material). Nevertheless, the moral issues that surround the use of assisted reproductive technologies remain unsettled.

Advances in this area of science and technology have also enabled scientists to cryo-preserve embryos and this has given rise to complications in determining of the "owner" of the embryos in the event of death, divorce or separation of the couples. Aside from that there is also a fear of the resurgence of the eugenics movement as scientists can now pre-determine