

# Juridical Review of Islamic Law: Surrogacy Phenomenon in Southeast Asia Countries

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**Abstract**—Rent womb or commonly called surrogacy arises because of the modernization process, the process of modernization here is the development of science and technology in the field of medicine, namely genetic engineering. The purpose of rent womb is to help a married couple who are unable to have offspring naturally. But because of the process of renting a womb, problems arise in the fields of law and religion. From the problems that arise because of the existence of this womb rental practice, a study is needed to discuss the rent a womb according to Islamic law view. The problems in this study are reasons that are allowed or not allowed to rent a womb as well as the legal status of children born through renting the womb according to Islamic law. According to information in the field, women who rented their wombs claimed to be forced to do so because of the economic crash. In reality, the implementation of rent a womb can occur by involving two parties, namely; the first is a woman who rents her womb and a second as a tenant. In this case, the majority of renting is a couple who find it difficult to get offspring. This paper uses interpretative methodological research. Which means an investigation based on socio-psychological phenomena that occur, in a complex context, with the intention to explain the phenomenon in the form of a narrative with the intention to clarify that the practice of renting a womb in accordance with its agreement as is prevalent in Southeast Asian countries such as Laos, Thailand, Cambodia and India.

**Keywords**—Islamic law, surrogacy, rent womb

## I. INTRODUCTION

Marriage in Islam comes from the word *nakaha* which means marriage. The bride is called *nakihatun* and the bridegroom is called *nakihun*. the meaning of marriage is a bond of birth and soul between a man and a woman to live together in the household and to have offspring carried out according to Islamic law. With the aim of forming a happy family, prosperous, *sakinah*, *mawaddah* and *rahmah*[1].

The purpose of marriage according to Islam is to fulfill religious instructions, in order to establish a harmonious, prosperous and happy family. Harmonious in using the rights and obligations of family members. Prosperity in the sense of inner creation of peace that is caused by the fulfillment necessities of life, so that happiness and affection come from family members[2].

More than that, the Prophet Muhammad described in a hadith narrated by Imam Muslim from Abi Hurairah that the presence of a child can provide benefits later if his parents have died, pious child prayer is one of the three things that are unbroken for people old person who passed away[3]. Even so, not all husband and wife couples can get offspring as expected by both, it is caused by many factors, both those factors from the husband's side and from his own wife. Therefore, they will try to find a way so they can get offspring as they want.

Modernization is a natural occurrence in the development of a country, modernization is often interpreted as a process of change from a traditionally patterned society to a modern characterized state society. In the last decade, because of the modernization there has emerged the invention of technology in the field of genetic engineering, in an effort to help and helping husbands and wives who cannot reduce children. Such engineering is characterized by the emergence of IVF. This discovery is very beneficial for humans, especially for married couples who cannot get children by natural means.

Especially the problem of IVF which has been considered as a discovery of science that brings great benefit to humans, especially for husband and wife who do not get children with natural fertilization (in vivo), has found a new method with fertilization outside the uterus (in vitro).

This process suggests that it has made the scholars and Muslim scholars agree to allow them to do IVF, as long as the processed sperm and ovum are from legitimate husband and wife. But the problem of IVF will be different if you switch to womb rent, namely human efforts to hold fertilization by bringing together the egg (ovum) with spermatozoa between husband and wife in a glass and then implemented it into the womb of the woman in the womb according to the agreement, which resulting in a relationship of love between a woman who is pregnant (rented by her womb) and a child in her womb.

Surrogacy is to use another woman's womb to contain female seeds (ovum) that have been mixed with male seeds (sperm), and the fetus is conceived by the woman until birth. Then the child is given back to the couple to take care of him and the child is considered their child[4].

Islamic scholars forbade the surrogacy if using a woman's womb other than the wife, mixing the seeds between the husband and other women, mixing the seeds of the wife with other men, or entering the fertilized seeds after the death of the husband and wife. Even if the woman is another wife of her own husband, according to Yusuf Qaradhawi then this is not permissible either. Because, in this way it is not known who exactly these two wives are mothers of babies who will be born later. Also to whom the offspring (*nasab*) of the baby is propped up, to the owner of the sperm cell or the owner of the womb[5].

## II. OVERVIEW OF SURROGACY

### A. Definition of Womb Rent (Surrogacy)

In a large Indonesian dictionary "rent" is defined as the use (loan) of something by paying rent[6], while the meaning of the word "uterus" means womb or crossbreed[7]. Then it can be interpreted the term "surrogacy" is the use (borrowing) of the content by giving/paying rent. In Islam the womb is known as *al-ummu al-musta'jin* or *al-ummu al-badilah* or also known as *ar-rah al-musta'jin*. In the sense of surrogacy involves a second party, namely a woman who rents her womb to a married couple who does not have offspring by paying according to the agreement. Womb rent, called surrogate mother or surrogacy, according to a medical dictionary is a woman who has been contracted to conceive for other women or partners[8].

Surrogacy is literally equated with a "surrogate mother" who is defined freely as an agreement between a woman who binds herself through an agreement with another party (husband and wife) to get pregnant with the results of the conception planted into her womb[9].

### B. The Reason and Cause of Surrogacy

There are several reasons that will cause surrogacy to be carried out, including[10]:

- A woman has no hope of conceiving because of an illness or disability that prevents her from conceiving and giving birth to a child;
- The woman's womb is removed due to surgery;
- The woman wants to have children but does not want to bear the burden of pregnancy, childbirth and suckling children and wants to maintain the beauty of her body by avoiding being impressed by pregnancy;
- Women who want to have children but have menopause (menopause); and
- Women who want to find income by renting their wombs to others.

### C. The Kind of Surrogacy

- Seed wife (ovum) mixed with husband's seeds (sperm), then put into the womb of another woman. This method is used in situations where the wife has good seeds, but her womb is removed due to surgery, continuing disability, due to chronic disease or other causes;

- Same as the first form, except seeds that have been compounded are frozen and put into the womb of the mother overlapping after the death of the couple;
- Ovum of the wife is mixed with the sperm of another man (not her husband) and put into the womb of another woman. This situation is if the husband is barren and the wife has obstruction or disability in her uterus but the wife's seed is in good condition;
- The husband's sperm is mixed with another woman's ovum, then inserted into another woman's womb. This situation applies if the wife is afflicted with an illness in the ovary and her uterus is unable to carry out the duties of pregnancy, or the wife has reached the stage of menopause; and
- Husband's sperm and wife's ovum are compounded, then put into the womb of the other wife of the same husband. In this situation, the other wife is able to bear her husband's child from a wife who is not allowed to get pregnant.

### D. The Process and Implementation of Surrogacy

The process of conception carried out outside the womb by a legitimate couple who later will be implanted in the womb of another woman requires an ovum (egg) and also sperm. Ovum taken from a mother's and sperm's fallopian tube is taken from a father's ejaculation. The sperm is examined first whether it meets the requirements or not. Likewise, with a mother's egg cell, the doctor tries to determine exactly when ovulation (free egg from the womb) and checks whether there is a ripe egg or not. When at ovulation there are cells that are really cooked, then the cell is sucked with a syringe through an incision in the stomach, the cell is then placed in a chemical tube and stored in a laboratory that is given the same temperature as a woman's body so that the egg cell stay alive[11].

## III. SURROGACY PHENOMENON IN SOUTHEAST ASIAN COUNTRIES

### A. Laos

In this country, the main prediction for the rent of the womb is the problem that makes the business grow. Many fertility clinics—although not permitted—provide services for couples seeking help with their fertility problems.

Since 2015, many advanced and modern clinics have used words such as "Miracle" and "Perfect" to make them stand out among the fertility business competition in the Lao capital, Vientiane. Because of its proximity to the Thai border, rights groups say this location makes Laos[12]—one of the poorest countries in Asia—a center for smuggled goods such as drugs, wood, and most recently cement.

Prohibitions in various countries make many people fled to Laos where rented mothers are usually made pregnant in Laos, but will give birth in Thailand or other countries. Although medical facilities in Laos also do not support childbirth processions from rented mothers, who are likely to give birth to twins from IVF procedures, and tend to be born prematurely and require the treatment of a specialist.

Even so, the future of the rental mother's business looks bleak. Especially because of the many pressures from more advanced neighboring countries and various human rights organizations, the Laos government might ban the rental of commercial wombs.

Human rights organizations such as Sensible Surrogacy in Nevada have warned many couples to avoid Laos and stay away from such practices in Southeast Asia. "Although the government has not opposed this for the past few months ... but the government movement tends to be fast and comprehensive," Sensible Surrogacy, a foundation in Las Vegas, wrote on its website[13].

The sperm smuggling case has attracted a lot of national attention with the Laos government itself conducting an investigation on this matter. There is no law to lend womb rentals and there are no clinics in Laos that have permission to offer rented maternal services, said Dr. Chanphomma Vongsamphan, general director of the Minister of Health[14].

#### *B. Thailand*

At the beginning of August 2014, the Thai parliament agreed that the practice of leasing wombs or surrogacy which is prevalent in the country is included in the category of criminal acts. The rule was finally passed into legislation, which means the services of renting the womb or surrogate services are now officially banned in Thailand[15].

The law also aims to stop the womb of Thailand from becoming the womb of the world, because previously many foreign couples were looking for commercial uterine rental services. In the latest regulations, foreign couples may not use uterine rental services in Thailand. However, if those who are seeking uterine rental services are Thai citizens or mixed-race couples, uterine rental services are still permitted provided the substitute mother is 25 years or older. Violations of this rule are categorized as serious crimes.

In the practice of surrogacy, a young woman who is underprivileged is usually offered 300-400 thousand baht to conceive the child, with all living expenses and medical expenses borne by the couple who rents her uterus. In 2014, around 1,000 babies were born in Thailand as a result of the womb rental service. That number is six times more than all the womb rents between countries in the world throughout 2013[16].

With the advancement of medical care, there is no doubt why Thailand is still the center of rented mothers. In addition, the Thai government also does not prohibit rented mothers from giving birth to their babies there, even though the hired mother must "identify the biological father of the baby," said Thongchai Keeratihuttayakorn, deputy director of the Health Services Support Department.

#### *C. Cambodia*

Meanwhile, Cambodian authorities announced a crackdown on the practice of commercial surrogation in the capital Phnom Penh in October last year. This announcement came when they arrested an Australian nurse named Tammy Davis Charles. Davis Charles is

currently awaiting a verdict on charges of running a commercial surrogation business and has fake documents[17].

In developing countries, the practice of leasing legal and illegal wombs is indeed dominated by white consumers, aka those who come from European countries, the United States or Australia. Running this practice illegally is certainly riskier. At least 70 Australian parents who intend to enter into an agreement with a surrogation operator in Phnom Penh[18] face the risk of being accused of trafficking in human beings and have difficulty bringing their babies home. Some Australians are believed to have brought babies and surrogates to Vietnam and Thailand and submitted baby passports at the Australian embassy.

The Cambodian government strives to announce that foreign parents of babies born to surrogate mothers must be tried to prove their father and ability to care for the baby. In the case of a surrogate mother in Cambodia who is married, a husband is considered legitimate or not as a baby's father until proven in court.

Based on this case, Cambodia has drafted a new law to handle cases of surrogation. Meanwhile, the Australian Government has warned its citizens that commercial surveillance abroad has the potential to cause significant legal and social problems. Both countries really understand that human trafficking. This issue is not only a matter of Australia, Cambodia, or Thailand, but it also afflicts countries such as India[19].

#### *D. Indonesia*

In Law No. 36 of 2009 concerning Health, that this surrogation contract is not an attempt at pregnancy outside the scientific method as mentioned in Article 127 of the Health Law, namely:

1) Pregnancy efforts outside the natural means can only be carried out by a legitimate husband and wife provided that: a) the results of sperm and ovum fertilization from the husband and wife concerned are implanted in the womb of the wife from which the ovum originates; b) carried out by health workers who have the expertise and authority for it; and c) in certain health care facilities.

2) Provisions regarding the requirements for pregnancy outside the natural means as referred to in paragraph (1) shall be regulated by Government Regulation. In Government Regulation No.61 of 2014 concerning Reproductive Health in Article 40 Paragraphs (1) and (2), namely:

a) Reproduction with assistance or pregnancy outside natural means can only be carried out by a married couple who are legally married and experience infertility or infertility to obtain offspring.

b) Reproduction with assistance or pregnancy outside the natural means as referred to in paragraph (1) is carried out with the results of fertilization of sperm and ovum originating from the husband and wife concerned and implanted in the womb of the wife from which the ovum originates. As well as surrogation or leasing contract is deemed not to fulfill the element of article

1320 of the Civil Code. That is, there is no fulfillment of one of the elements which are a *halal* causal.

The practice of surrogation is prohibited in Indonesia. The prohibition is contained in the general regulation regarding "IVF" in Article 16 of Law No.23 of 1992 concerning Health and Decree of the Minister of Health No.72/Menkes/Per /II/1999 concerning the Implementation of Artificial Reproduction Technology. From the two regulations, it can be concluded that the practice of "surrogate mothers" is prohibited from carrying out its implementation in Indonesia, and is confirmed by the existence of criminal sanctions for those who practice it (Article 82 of Law No.23 of 1992 concerning Health).

#### IV. THE LAW OF SURROGACY IN ISLAMIC VIEW

##### A. Rent in Islam

In Islamic scientific literature, leasing is known as *ijarah*. Basically, *ijarah* is defined as the right to utilize goods/services by paying certain benefits. According to the fatwa of the National Sharia Council (DSN), *ijarah* is the contract of transfer of use rights (benefits) for a good or service for a certain period of time through payment of rent/wages, without being followed by the transfer of ownership of the goods change of ownership, but only the transfer of use rights from those leasing to tenants. The person who rents a benefit to another person is called the *muajjir* and the other party who rents the benefit is called *musta'jir*. While the benefits leased are called *ma'jur*.

As for something that is paid in exchange for benefits, it is called *ajr* or *ujrah* "wages". When the *ijarah* contract has taken place legally, then *musta'jir* has the right to benefit, and the person who rents out has the right to wages as a substitute for benefits leased because *ijarah* is a type of exchange transaction.

In sharia terms, *ijarah* is a type of contract to benefit from wage compensation. Based on this, it is illegitimate to rent trees to use their fruit because the tree is not a benefit. It is also illegitimate to rent currency, food for consumption, and items weighed or measured. Because all these items cannot be used except by spending them. Similarly, the law of renting out cows, sheep or camels to milk their milk because *ijarah* is a contract of ownership of benefits, not goods. The benefits in question can be the benefit of an object and can be in the form of a job benefit, such as the benefits of the work of engineers, builders, weavers, and tailors. It can also take the form of benefits from someone's hard work, such as servants and laborers.

##### B. A Legal Requirement is a Lease Contract in Islam

The *ijarah* contract is declared valid if the *ijab* and *qabul* are stated by the word *ijarah* or every word that indicates the meaning of *ijarah*. Both parties holding a lease contract are required to have ability and worthiness, which is a sense of *tamyiz* (can distinguish between good and bad). If one of the parties is a memory ill person or a small child who has not been able to distinguish between the right and the wrong, then the lease agreement is declared invalid.

This contract is a combination of the contract of sale and purchase and lease or a lease agreement that ends with

the ownership of goods in the hands of the tenant. It is this nature of the transfer of ownership that distinguishes it from ordinary *ijarah* (rent). For this contract, the rental price and purchase price are set together at the beginning of the agreement.

There are various legal issues that need to be considered when entering into this contract, in the contract clause it must be explained about the form either by leasing with an appointment to sell, the rent they specify in *ijarah*, the price of goods in the sale transaction and when ownership rights are transferred[20]. Regarding this contract, risks that might occur, such as 1) Default, the customer does not pay installments/rent intentionally. 2) Damage to *ijarah* assets resulting in increased maintenance costs. 3) The customer stops in the middle of the contract and does not want to buy the asset.

In the books of fiqh, it is explained in full about the Legal Terms of the Lease Agreement or '*ijarah*', which is said to be valid if it meets the following conditions:

a) Both parties do it voluntarily. If one party does it on coercion, then the *ijarah* contract is declared invalid, based on the Qur'anic verse An-Nisa verse 29 [21] which reads, "*O you who believe, do not eat each other's treasures in a vanity way, except by means of trade carried out on a voluntary basis between you. And do not kill yourself, verily, Allah is the Most Merciful to you.*"

b) Knowing the benefits of goods that are clearly leased to prevent the occurrence of disputes. The effort that can be done is by looking at the goods directly, or enough with an explanation of its nature. Also by explaining the period of a month or more lease, by explaining the form of work needed if the benefits are in the form of work.

c) The benefits of leased goods can be realized. Some scholars require this because renting out items owned by two or more people (*musya'*) is not valid if it is only rented by one of the owners. Because the benefits of goods are not fully realized or used by tenants. This is the opinion of the school of Abu Hanifa. While the opinion of the number of scholars leasing *musya'* goods is absolutely legal, both by people who are allied or otherwise because they have possible benefits to be handed over and shared. As is the case in the sale and purchase contract, because *ijarah* is one type of sale and purchase contract. If it turns out that the benefits of the goods are unknown, then the lease agreement is declared invalid.

d) The benefits of goods leased are *mubah*, not including those that are prohibited or required. Therefore, *ijarah* is not valid for the purpose of disobedience that must be abandoned. Whoever hires someone to kill another person in a wrong way; or to buy *khamar*; or rent out a place to sell *khamar*; a place to play gambling, or as a church; then the lease agreement made is vanity. Similar laws apply to lease services of fortune tellers, astrologers, and shamans. Because compensation for these services is prohibited and included in the category of consuming human property in a vanity way. Also, it is not valid to hire services to do obligatory worship such as prayer and



fasting, because that includes worship of the fard or other people who are forgiving.

In the Qur'an, we do not find a letter or verse that regulates the position of the child born through the process of IVF using sperm and ovum from a married couple and the embryo is transplanted into the surrogate mother's womb, but which is similar to it is a breastfed child. A breastfeeding child is a child who is conceived and born of a married couple, then breastfed by another woman. This happened to the Prophet Muhammad who was breastfed by Halimah Sa'diyah until the prophet was 5 years old [22]. Adolescent children are regulated in QS Al-Baqarah verse 233[23]. This means that mothers should suck their children for two full years, that is for those who want to perfect breastfeeding. And the obligation of the father to feed and clothe the mothers in a way that is good. Someone not burdened but according to ability levels. Let no mother suffer misery because of her child and father because of her child, and even the inheritance is obliged. If both want to wean (before two years) with their second willingness and consultation, then there is no sin on either. And if you want your child to be taken away by someone else, then there is no sin for you if you give a payment according to the right. Fear your God, and know that Allah sees what you do.

Because the problem of surrogacy is a new problem, where the legal basis is not found explicitly in the Quran or the hadith, so is also difficult to find in the book of fiqh, so it is natural among Muslim scholars there are differences of opinion.

#### C. Opinions that Allow Surrogacy

1) *Prof. Dr. Udin Journalist, PAK.* argues, if the womb belonging to the participant's wife in the embryo transfer in vitriol fertilization qualifies to contain the embryo until birth, the administration of the reproductive tube baby whose pregnancy in the womb of another woman (surrogate mother) is *haram*. Conversely if; a) the wife's womb is damaged and cannot contain the embryo, b) no technology has been found that can contain the embryo in the tube until birth, c) and therefore the only way to get the child from his own seed is through the road surrogate mother then the law organizes the reproduction of IVF by using another woman's surrogate mother's womb, because it is done in addition to an emergency as well because the desire to have a child is very large.

2) *H. Ali Akbar*, stated that Minimizing IVF to women who are not mothers is permissible because the mother cannot impregnate her, because her womb is impaired, while breastfeeding children to other women is permissible in Islam, in fact, it may be paid. Then it is possible to pay wages to the woman who lent her womb.

3) *H. Salim Dimiyati* argues that IVF uses eggs and sperm from a legitimate husband, then the embryo is entrusted to another mother (surrogate mother), then what is born is no more than a mere adopted child, no right to inherit and inherited, because adopted children are not children themselves, should not be equated with biological children.

#### D. Opinions of Islamic Scholars & Institutions that Forbid Surrogacy

1) *As-Sayyid Sabiq*, a well-known expert on fiqh from the as Syafiiyah group, argues, if it refers to the legal requirements of a lease, namely: the willingness of two parties to implement a contract; knowing the benefits perfectly; goods that become objects of contract (rent) can be used for use according to criteria, reality, and syara'; can be handed over something that is rented along with its uses (benefits); and the benefits are the things that are not the ones that change prohibited. Based on this, the womb rent is not permissible because of the way (entrusting the embryo to the womb of another woman) which has been stated by most scholars not to be allowed as described above. Because the legal principle of muamalah is that everything is permitted unless there is a prohibition in the Quran and the Sunnah. While it is difficult to find a detailed discussion about the rent of the uterus in these two main sources. Then it must follow *ijma*. In addition, in the principle of Islamic determination of *halal haram*, good intentions do not change something that is unlawful to be lawful. But it needs to be remembered, who has the right to determine *halal* or *haram* everything is only Allah[24].

2) *Dr. Yusuf Qaradawi*, in the book Volume 3 of Contemporary Fatwas, among others, writes that all jurists do not allow womb rent in its various forms. According to him, jurisprudence experts and experts from the medical field have issued fatwas that allow husband and wife or one of them to take advantage of scientific advances to help them realize the birth of children. However, they required the sperm to belong to the husband and the wife's egg cell, no third party between them. For example, in IVF problems. Furthermore, Qaradawi wrote, if sperm came from other men whether known or not, this was forbidden. Likewise, if the egg comes from another woman, or the egg cell belongs to the wife, but the womb belongs to another woman, even this is not allowed. This incompetence, according to Qaradawi, because this method will cause a confusing question, who is the mother of the baby, does the owner of the egg carry the characteristics of the offspring, or does it suffer and suffer the pain of being pregnant and giving birth? In fact, he was pregnant and gave birth, not of his own volition. In fact, if the woman is another wife of her own husband, then this is not permissible either. Because, in this way, it is not known who exactly these two wives are mothers of babies to be born later. Also, to whom the baby's blood will be rested, the owner of the egg or the owner of the womb[25]?

3) *Syaikh Mahmud Syaltut*, He argues, if the insemination is from another male sperm who is not bound by a marriage contract with a woman—andperhaps this is what many people talk about insemination—then it really cannot be doubted, it will encourage human life and animal growth. plants and remove them from human dignity, namely the noble social values that are linked in

the marital a relationship that has been disseminated. And if artificial insemination for humans is not from the husband's sperm, then things like this status can no doubt be a very bad act and a crime that is more evil than picking up a child[26].

4) *Results of the trial of the OIC III Islamic Fiqh Institute in Jordan in 1986*, Deciding that the surrogacy was illegitimate and absolutely forbidden to him because it would result in nasal mixture and loss of motherhood and other barriers of syar'i. And so is not justified leaving it to the womb of the second, third and so on for polygamy.

5) *Musa Salih Syaraf*, any method other than that (test tube baby) is illegitimate in illegitimate law. If a husband is barren and then he moves another male sperm to his wife who can still give offspring, then it is clearly forbidden. Likewise, if his wife is barren while her husband can still inherit from other male sperm, then this action is clearly unlawful. If a woman is pregnant with the results of insemination like this, then this child is a child who is not a syar'i, moreover, she is produced from a very bad wife's actions.

From the above opinion, it can be concluded, the illegitimate laws contained in the surrogacy can be reviewed in several aspects, including, from a social perspective, can attract living standards such as animals and *nasab* exposure. In terms of ethics, incorporating seeds into the womb of another woman is illegitimate according to the Prophet's hadith and for a woman to cause loss of motherhood and damage to the order of life of the community.

The provision of the eighth Daurah in Makkatul Mukarramah describes the fatwa relating to this matter, namely, the compounding of the womb performed on the husband and wife's seeds, then returned to the wife's womb is accepted in principle but does not escape doubt in its implementation. Therefore, it is not natural to use this method but when an emergency is very demanding and by fulfilling the following conditions: a) Compounding is done with the husband's semen; b) Done during the life of the husband and not after his death; c) Implemented by trusted Muslim doctors; and e) Approved by both husband and wife.

From the explanation described above, it can be concluded that the child born to a single woman from the womb rental based on Islamic law and determining the child's *nasab* is the result of adultery resulting from covert intercourse so that the child is given to his mother.

The existence of various differences of opinion regarding *halal* or not the existence of the surrogacy made jurisprudents make a meeting held in Kuwait to discuss the matter, which in the end the result of *ijtihad* stated that conception based on the concept of renting the womb was acceptable provided the parties did so in a marriage bond without interference from other parties.

## V. CONCLUSION

Although there are some countries that do not regulate specifically—there are no legal regulations, surrogacy will

certainly cause losses far greater than the benefits obtained. This will also create new problems in the household and endanger the parties and children born, especially for babies who are handed over to couples who surrogate according to the contract, the mother's relationship will not occur naturally.

In the case of contracts, surrogacy is an illegal contract, because the womb is a human organ, while the human organs are commodities that cannot be rented and traded. Whereas for the status of the child from surrogacy which is done by using sperm and egg cells from husband and wife then transplanted into the womb of another wife of the same husband with the stepchild. This is caused by outwardly and biologically, the child is the child of the mother who gave birth.

But if reviewed in detail, the child is a child who has seeds, because women (other wives of the same husband) who give birth only receive an embryo. When viewed from the side of marriage ties, where labor is also a marriage relationship, then the child born is also his child. And when viewed from the origin of the seed, the child who is born becomes the stepchild of a husband who has sperm. Even if seen from the side he gave birth, then became his biological child.

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