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## Irony of Surrogate Motherhood Services

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### ABSTRACT

Marriage is a covenant that unites men and women to legalize the relationship, aimed at achieving lasting happiness according to the guidelines set by Islamic law. Islam emphasizes the factor of halal offspring as the main purpose of marriage (Rozumah Baharudin & Rumaya Juhari, 2002). However, not all lucky couples are blessed with children naturally. Sometimes infertility on one side prevents this natural process from happening. This is a painful reality for some couples. Surely they will try various ways to have children. One of them is through surrogate mothers. The issue of surrogate mothers invites a variety of controversies that are growing from year to year, causing many issues of surrogacy ethics remain unresolved to this day. The term surrogate mother refers to the method of boarding the uterus of a woman who is able to conceive voluntarily or paid for at a certain rate. This surrogate mother method is done because a woman is unable to conceive due to various health problems. However, lately, most wealthy and working women who do not want to go through pregnancy on their own also use the services of surrogate mothers. This indirectly encourages poor women to make this service a money-making career. Surrogate mother services have caused many problems in the religious and social fields. The first problem is about the law of using the services of a surrogate mother to have children. The second problem is that women who are not highly educated and poor make the services of surrogate mothers as a permanent career that provides lucrative returns. The next problem is the status and identity of children born through this method. Looking at the problems that arise, then there is a need for a study to discuss this issue so that all parties get the benefits and complete enlightenment about surrogacy services to couples who intend to use this service or who have had children through surrogacy. This study uses a qualitative method in which the researcher will conduct a semi-structured interview to understand the meaning given by the respondents to this social phenomenon.

**KEYWORDS** - Surrogate mother, law, pregnancy, career, money pit, child status

### I. INTRODUCTION

Assisted Reproductive Technology has shown a new method in the effort to get offspring that is Surrogate Motherhood or Surrogate Mother Method (Assisted Reproductive Technology, 1983). It is a follow-up method found after extra uterine seed grafting or seed grafting that does not follow a natural process. It involves a third party where a seed is inserted into a woman's uterus, the fetus grows in it and is then born through that woman. The idea of using the surrogate mother or embryo transfer method was triggered through the success and development of the in vitro fertilization process or the test tube baby method (Benagiano, Carrara & Filippi, 2010). This progress was initially seen as an advance that could give hope to many couples out there who are unable to have offspring naturally. However, as time passed and human beings became more literate with progress, surrogate mothers were no longer seen as a method to help women who were disabled. Instead it has turned into a good opportunity for women who want children but are not willing to get pregnant in order to maintain the beauty of the body and open space for the poor to earn a large income immediately. In general, this article will discuss the law of using surrogacy from a religious and legal point of view, the phenomenon of surrogacy which is increasingly becoming the choice of the low-educated and the poor and understand the status and identity of children born through this controversial method.

**Definition of Surrogate Motherhood :** Generally, a surrogate mother refers to a woman who agrees to rent out her uterus to a partner who wants a child at a certain rate of payment. It is done by inserting the father's seed into the woman's uterus to be fertilized. There are also cases where the result of fertilization of the seed of the husband and wife is implanted into the uterus of a woman who rented her uterus to conceive for 9 months. After giving

birth, the surrogate mother must hand over the baby to the partner who hired her according to the agreement that has been signed between them. This agreement is commonly referred to as a gestational agreement (Ratman, 2012) or surrogacy contract (Salim, 2006). In Arabic, surrogate mothers or women who rent a uterus are also called by various terms. Among them are al-'ummu al-musta'jir, al-ummu al-badilah, al-musta'jir, al-hadlanah, syatul janin, al-ummu alkazibah, ar-rahmu al-musta'ar, or ta'jirul arham. However, they are better known by the term arrahmu al-musta'jir or al-'ummu al-badilah. While in English, the surrogate mother is referred to as the surrogate mother (Ahmad Zabidi, 2007).

**Methods of Fertility Treatment through Surrogate Mother :** Fertility treatment commonly used in the context of surrogate mothers is the Intra Cytoplasmic Sperm Injection (ICSI) method through the In-Vitro Fertilization (IVF) process (myjurnal.my). ICSI is a method in which a single sperm released by a man is injected directly into an egg that has also been released from a woman. The sperm is injected through the egg membrane to the cytoplasm (wikipedia.org). IVF refers to the technique of fertilizing eggs and sperm outside the body. It is fertilized in a glass dish in a laboratory and then implanted into a woman's uterus to continue the pregnancy process (wikipedia.org).

Surrogate mother services are usually done through two methods, namely:

**Artificial Insemination:** This method involves the process of implanting sperm into the uterus of the surrogate mother. The sperm is usually taken from the man who will be the father (intended father) or sperm from the donor (if the father is infertile). The effect of the use of this method is that the fetus may inherit either the genetics of the surrogate mother and her biological father or the genetics of the surrogate mother and the male sperm donor. This means that in some cases that use the services of a surrogate mother, the child born does not actually have any blood relationship with the partner who became his parents (Zainal Kling, 2006).

**Gestational Surrogacy:** This method uses sperm and eggs from a married couple who wish to have a child but are unable to have it naturally. The fertilization process is performed in the laboratory through the method of artificial insemination (IVF). Intra Cytoplasmic Sperm Injection (ICSI) is applied for couples who have fertility problems due to lack of sperm. The use of this method allows couples to have children who inherit their own genetics even if conceived and born by a surrogate mother. This can happen only if the procedure performed does not involve the donation of seeds of either donor male sperm or eggs from other women.

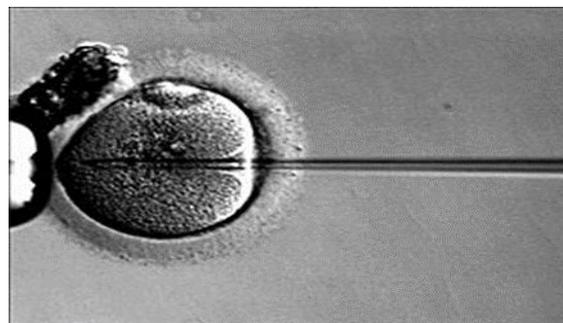


Figure 1: The process of injecting sperm into the cytoplasm (ICSI).

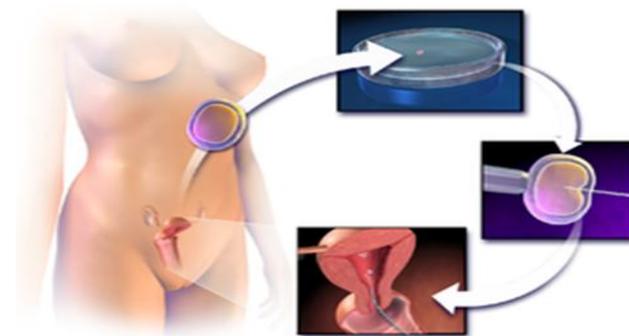


Figure 2: The process of fertilization by artificial insemination (IVF) and the embryo is implanted into a woman's uterus.

There are several procedures that couples and surrogate mothers have to go through if they want this method to be successful. These procedures include:

- Controlled Ovarian Stimulation,
- Monitoring,
- Laboratory Procedure,
- Seed production (Oocyte Retrieval),
- Embryo Transfer and
- Storage (Cryopreservation).

For women who have had a miscarriage, premature birth or other health problems such as heart disease, kidney problems, diabetes or high blood pressure, they are not eligible to be foster mothers (Abu Bakar Majid, 2006).

**LITERATURE REVIEW:** Surrogacy is an arrangement, often supported by a legal agreement, whereby a woman (the surrogate mother) agrees to bear a child for another person or persons, who will become the child's parent(s) after birth. People may seek a surrogacy arrangement when pregnancy is medically impossible, when pregnancy risks are too dangerous for the intended mother, or when a single man or a male couple wish to have a child. Surrogacy is considered one of many assisted reproductive technologies (Wikipedia)

**Reality of Surrogate Motherhood Services :** In western countries such as the United States and some other European countries, the phenomenon of surrogate mother services has become a common medical issue. The demand for this service is increasing every year, especially from couples who fail to have children through the usual methods of intimate relations. Individuals who are not married but want to have children of their own have also used this method as a solution to their desires. Among the world famous football players, Cristiano Ronaldo who is said to have had 3 children born to a surrogate mother (gempak.com). In addition to Cristiano Ronaldo, many western celebrities are making this surrogate mother method as a solution for them to have children of their own. These celebrities are made up of famous actors, singers and supermodels. Some of the celebrities who have surrogate mothers are Tyra Banks who is a world famous supermodel, Ricky Martin, pop singer popular with her latin songs, Lucy Liu, a popular American actress, Giuliana Rancic, entertainment journalist and television celebrity and Sarah Jessica Parker, star of *Sex and The City* (cosmopolitan.my).

In addition, popular Bollywood artists such as Shah Rukh Khan and Aamir Khan are also said to have offspring born to surrogate mothers (theasianparent.com). The majority of couples who use the services of surrogate mothers have tried to have children in a natural way. Yet due to health problems such as uterine cancer, difficulty conceiving or infertility problems in each partner prompted them to try this method. In western countries, advertisements about surrogate mother services are readily available. It is featured in Yellow Pages books and websites on the internet. Usually these services are legally managed by certain agencies where they are responsible for managing advertisements, data storage, health management and legal services for the surrogate mothers involved as well as spouses who need their services. This includes the selection process, treatment up to the process of giving birth to the child (myjurnal.my). The implementation of the surrogate mother method is indeed giving a new ray of light for couples who face difficulties in having children with natural methods. In fact, the surrogate mother service has also received response from lesbians and gays who wish to have children and build their own 'family' (myjurnal.my).

**Problems that Arise Behind the Service of Surrogate Motherhood:** There are three main problems that will be discussed, namely the law of using the services of surrogate, surrogate mothers as a money -making career as well as the status and identity of children born through the surrogate mother method.

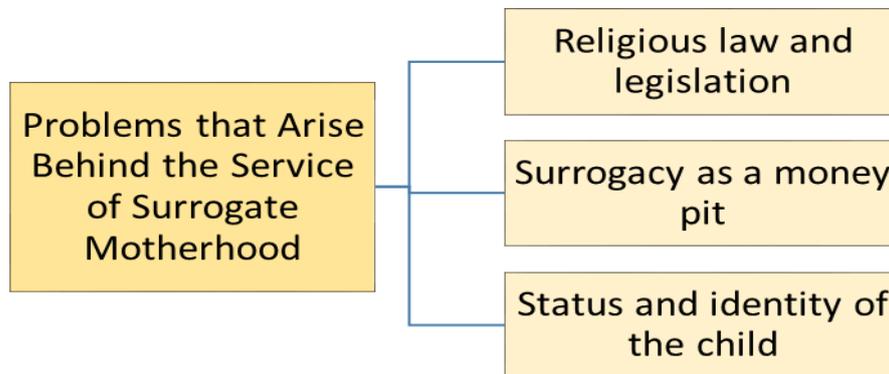


Figure 3: Problems to be discussed

**Religious law and legislation :** Every couple who is legally married of course wants children from the results of their relationship. Islam also does not forbid its followers to strive for the light of the eyes. However, every effort taken must be guided by the rulings that have been outlined by the Islamic law. Regarding surrogacy services, the 80th Muzakarah of the Fatwa Committee of the National Council for Islamic Religious Affairs, which met on 1 to 3 February 2008, decided that the use of surrogacy services to obtain children was prohibited even though the process used sperm and eggs from legal spouses. . This is because the services of surrogate mothers will cause the problem of lineage confusion for the child to be born (JAKIM, 2014). However, there are still differences of opinion among the fuqaha (people who are faqihs about the laws of religion) on this issue. Some opinions say that the service of a surrogate mother is not allowed in Islam because it has to do with several things, namely:

-a) There is no valid marriage bond between the owner of the sperm and the woman who is the surrogate mother. Islam requires each couple to bind each other with a valid marriage bond before having children.

The word of Allah in surah Ar-Rad which means:

“And indeed! We sent messengers before you, and We made for them wives and offspring. ” -Surah Ar-Rad, verse 38.

In surah An-Nahl, Allah also says which means:

“And Allah has made for you mates (wives) from a group like you and made from your mates; children and grandchildren, and given to you good and lawful sustenance. Do they then believe in falsehood (idolatry) and they disbelieve in the favor of Allah?” -Surah An-Nahl, verse 72.

These two verses explain that the marriage bond bestowed on the offspring is a blessing of God's grace that should be thanked. The value of gratitude is through obedience to the commands and prohibitions that have been set by religion and sharia. Therefore, a child born through a method without a valid marriage is against Islamic law (Fawzi Mahmud, 2012).

Confusion of lineage to the unborn child that causes various confusions in later life. Through the services of a surrogate mother, an unborn and unborn baby may have a genetic relationship or have no blood relationship at all because the sperm and fertilized egg belong to someone else (Annas, G.J & Elias S, 1993). A case that once came to the attention of the American public in 1984 is evidence of this problem of lineage confusion. Involves the tussle of baby Melissa Stern (Baby M) between couple William Stern and Elizabeth Stern with Mary Beth Whitehead. Miss Whitehead had leased her uterus to the Stern partner through the process of transferring William Stern's sperm to Miss Whitehead's uterus for a fee of US10,000. However, after the unborn baby was born, she refused to hand over the baby to the Stern couple and rejected the promised wage offer. The case posed a social dilemma when in 1985 Miss Whitehead was arrested by police. Baby M was then confiscated and handed over to the Stern couple. The issue received heated attention and there was intense debate until the New Jersey Church

issued an opinion condemning the surrogate mother service method which was seen only as making babies a commodity and women as 'baby -making factories'. In 1987 the New Jersey Court of Appeals finally recognized Miss Whitehead's status as a mother (biologically) and granted visitation rights while custody/adoption rights were granted to the Stern couple (*In re Baby M*). After that, the United States enacted a law on surrogacy to prevent the Whitehead case from recurring (*In re Baby M*).



Dr. Elizabeth and William Stern who decided to have children through the surrogate mother method.

On the aspect of sperm donation, apart from the National Fatwa, generally medical experts in Malaysia have accepted a ruling made in a seminar at Al-Azhar University with six important institutions that allow IVF and other fertility treatment procedures provided they must be within a legal marriage. The fertilized seeds are from a real married couple (Siti Nuraini Mohamed Nor, 2004). This also means that the services of surrogate mothers are clearly out of the context of fertility treatment allowed in Islam.

-c) The duty to maintain the purity of the seed is the responsibility of all Muslims. No exception for those who want to be mothers and fathers. Dr. Yusuf Al-Qardhawi said that "Islam has protected the descendants by forbidding adultery and adopting children, so that the family condition will always be clean from various forms of foreign elements. Therefore, Islam also forbids the fusion of sperm (baby test tube), when the fusion does not come from the husband's sperm" (Al-Qardhawi, 1990).

While Sheikh Mahmud Syaltut opined that "The sperm grafting (baby test tube) that was done was not from the husband's sperm, then there is no doubt that it is a very bad crime, and an evil act that is greater than adopting a child. Because the child is the result of semen grafting, contains foreign elements in the lineage and encourages adultery at a time that is against the Islamic law and the law. Similarly, it is opposed by high morality, and equates to a degree of bestiality that is inhumane and without a noble social bond" (Al-Qardhawi, 1990).

Next, Salim Dimiyati in his argument mentioned, "A tube baby that uses sperm from the donor's father, while its egg cells are from the mother and obtained by direct operation from the contents of the egg. Here there is clearly a third element in the mother's body. Thus, in this case there has been hidden adultery even though no physical adultery took place. Even children born because of it are children of adultery" (Dimiyati, 1986).

According to Sheikh Prof. Dr Mohammad Ra'afat Othman, on the other hand, the act of inserting a man's sperm into the uterus of a woman who does not have a valid marriage bond is not adultery but it is similar to adultery. Although the inserted seed is from a legitimate married couple, the prohibition of inserting the seed into the uterus of a woman who is not a wife remains unchanged. The Shari'ah forbids things that can cause a commotion to fellow human beings (Fawzi Mahmud, 2012).

The opinions of these jurists are supported by arguments based on quotations from the Qur'an and Hadith.

1. The word of Allah in surah Al-Mukminun verses 5 to 7 which means:

"And those who guard his honor. Except for his wife or his slaves, then surely they are not blameworthy. Then whoever desires other than that, then they are the transgressors. "

This verse clearly shows that it is important for every individual whether male or female to take care of the genitals absolutely, including maintaining the purity of the semen that enters the vagina.

2. The word of Allah in surah Al-Baqarah verse 223 which means:

"Your wives are (like) the land where you cultivate, so come to the place where you cultivate according to the way you want. And do (good deeds) for yourselves, and fear Allah and know that you will meet Him and give glad tidings (O Muhammad) to the believers. "

This verse explains that a believing man (husband) should always take care of his gaze and genitals, including by ensuring that his seed is not dispersed into the uterus that does not belong to his wife. Similarly, the believing women (wives), are commanded to always take care of her genitals, including ensuring that she does not receive any seed other than her own husband.

3. From Ruwaifi 'ibn Tsabit al-Ansari that Rasulullah sallahu'alaihi wassalam once said which means:

"It is not halal for a person who believes in Allah and the Hereafter to pour his water (sperm) into the plants (vagina/uterus) of others (women who are not halal for him)." - Hadith narrated by Ahmad, Abu Daud and Tarmizi.

This hadith is considered authentic by Ibn Hibban but is considered Hasan by al-Bazzar (multazam\_einstein, 2013).

4. From Al-Husyaimi ibn Malik ath-tha'i from the Prophet sallahu'alaihi wassalam said which means:

"There is no sin in the sight of Allah after shirk that is greater than a man who puts his semen into the womb which is not lawful for him." - Hadith of Muslim history.

Based on these hadiths, Rasulullah sallahu'alaihi wassalam has clearly explained that inserting a man's semen into a woman's uterus that does not begin with a valid marriage is a major sin after shirk. In a surrogate mother service procedure, it explicitly involves the process of inserting a seed from a foreign man into the uterus of the woman who is the surrogate mother. Although the fertilized seed is from a legitimate husband and wife, the uterus in which the seed is inserted belongs to another woman.

d) Defame the dignity and glory of a mother in the eyes of society where in the beginning the position of the mother was highly respected and esteemed. Dr. Yusuf Al-Qardhawi disputes whether without feeling the pain of pregnancy, through the experience of cravings and facing the pain of childbirth, a woman deserves to recognize herself as a 'mother'. Is it enough that we place the value of motherhood on someone just by giving an egg cell to insert into the uterus of another hired woman? Although the egg cell is indeed necessary to carry genetic traits, it is not enough to produce maternal value (Qardhawi, 1998).

This coincides with the words of Allah in surah Luqman which means,

"And We have enjoined on man kindness to his parents; her mother had conceived her and bore weakness after weakness (from the beginning of pregnancy to the end of breastfeeding), and the period of weaning her was a period of two years; Be grateful to Me and to your parents; (Remember!), To Me is the return (to receive retribution). " - Surah Luqman, verse 14.

The word of Allah in surah Al-Mujadalah which means,

"Those who 'zihar' their wives among you, (are the ones who are guilty, because) their wives are not their mothers. Their mothers are none other than the women who gave birth to them. " -surah Al-Mujadalah, verse 2.

This verse clearly states that the mother of a child is the woman who gave birth to the child.

There are also the opinions of some jurists who allow (allow) the use of the services of a surrogate mother. Yet they place very strict conditions (Fawzi Mahmud, 2012). Among them:

1. Be careful during the procedure of implementation of this method so that the seeds do not mix.
2. Only used during a real emergency.
3. The woman who rents the uterus must have a lawful relationship with the husband or in other words, is also the wife of the owner of the sperm.

Dr 'Abdul Mu'thi Bayyumi (member of Majma' Buhuts Islamiyah in Al-Azhar, Egypt) said that the practicality of surrogacy services can solve various problems of women who want offspring but cannot conceive and give birth naturally (Khauli, 2011).

In the book *Bayi Tabung, Review of Legal Aspects*, Salim HS (author) took the opinion of Ali Akbar (Indonesian scholar) who said that "Leaving a baby tabung to a woman who is not her mother is permissible, because the mother cannot conceive it, because her uterus is disturbed or certain problems, whereas breastfeeding to other women is permissible in Islam, can therefore be hired. So it is also possible to give wages to women who lend their wombs" (Salim, 1993).

Although there are opinions that allow the use of the services of surrogate mothers, but the jurists insist that its implementation must be in a state of complete emergency. This refers to an unavoidable chronic health problem. In addition, the implementation of the seed fertilization procedure must use sperm and eggs from a legitimate married couple and intend to be parents only. There can be no mixing of seeds with donors or foreigners who do not have a valid marriage bond.

In terms of civil law, in Malaysia there is still no special law related to the issue of surrogate mothers. Nor are there any statistics that can show the number of related cases. However, there are several countries in the world that allow the implementation of surrogacy services legally. These include India, Thailand, the United States, Russia, Georgia and Ukraine.

**Surrogacy as a Money Pit:** Every woman's instinct is to feel the pleasure of conceiving a child in her womb. The ability to conceive for months is an irreplaceable privilege (although some people consider the nine-month period to be burdensome). For some women in India and some other countries, pregnancy is a 'career' that promises a lucrative income. By volunteering as surrogate mothers, poor and low-educated women can break free from the shackles of poverty. They can give a better life to the family and send the children to school. In India, for example, there are special dormitories that house pregnant surrogate mothers. Those who have agreed to become surrogate mothers and signed a contract, have to leave their families to live in the hostel which is located near the hospital in Gujarat (hmetro.com.my, 2016).

Sharmila Mackwan, a surrogate mother in India received a wage of 40,000 rupees (RM 25, 138) for conceiving and giving birth to twins for a couple. Sharmila stated that the income from her service as a surrogate mother will be used to pay for the schooling of her two children and build a small house for their family. According to Sharmila, if the surrogate mother's job is banned, it is unlikely that she will be able to save that much money despite having to work hard all year (hmetro.com.my, 2016). For Tina Rajesh Chavan, being a surrogate mother is a way for them to have their own home. He said, "The income once working as a surrogate mother is more than ten years working as a maid." (hmetro.com.my, 2015). Chavan received a payment of 500,000 rupees (RM 32,594) for each pregnancy (Chavan has been pregnant as a surrogate mother twice for a foreign couple). As a result of 'working' as a surrogate mother, she managed to send her children to high school. Meanwhile, for Ana (not her real name), a Ukrainian who used to work in a hotel with an income of \$ 200, only about RM790 per month is now more comfortable being a surrogate mother because she receives an income of \$ 20,000 (RM 78,784) per month (mingguanwanita.my, 2018).

In contrast to the situation of women in India who are poor and uneducated, Ana is not included in that category because her mother is an accountant and is still able to support Ana's needs (mingguanwanita.my, 2018). This work is done only because of the desire to live more luxuriously than usual. If in foreign countries there are women who think like Ana, it is not impossible that the matter may also cross the minds of young women in our country. Looking at the uncertain economic situation, the rising cost of living and the desire to spend more, will push them to do jobs with lucrative remuneration.

In the past, young women chose jobs such as escort girl or call girl to earn a decent income. Some do it because they want to help the family in the village, cover monthly expenses and want to enjoy a luxurious life. If the law on surrogacy services is not heeded, worry that one day young women especially those who have been married and have children choose this career as their easy source of income. Especially if these women are married to couples who are less able to fulfill their desires.

**Status and Identity of the Child :** Uncertainty of the status and identity of the child is the most serious problem that worries many parties when it comes to the issue of surrogate mothers. A surrogate mother of Indian descent can only conceive and give birth to a child of English blood. The possibility of a situation where the expectant mother is the grandmother or sister of the baby is also not impossible.

For example in the case that happened in 1991 in Abedeem, United Kingdom where a 42 -year -old librarian became the first woman to conceive her grandchild. The baby's embryo was produced from the IVF method of the librarian's daughter and son -in -law (Kolata G, 1991). In Anand, India, a Gujarat woman in her 40s named Rekhaben Patel has 'lent' her uterus to conceive twin embryos belonging to her daughter, Dharti Patel. Dharti Patel who lives in London with her husband has a uterine defect that prevents her from getting pregnant. She and her husband were unable to find a suitable woman to conceive their twin embryos that resulted through IVF techniques. Rekhaben was initially unwilling but thinking of her daughter's happiness, eventually agreeing to be a surrogate mother for her granddaughter (National Kerala News, 2004). Salim Dimiyati has expressed the following opinion, "A tube baby who uses sperm and egg cells from a legitimate husband and wife, then the embryo is entrusted to another mother (surrogate mother), then the child born is no more than an adopted child, no right to inherit and inherited, because an adopted child is not his own child, cannot be equated with a natural child." (Dimiyati, 1986).

A significant flaw in the implementation of the surrogate mother method is the mixing of lineages. In one case in Germany, there was a problem where after a doctor's examination found that the result of fertilization from sperm and eggs implanted into the uterus of the surrogate mother did not stick to the uterus, instead the surrogate mother was naturally pregnant as a result of intercourse with her husband. The surrogate mother could not cancel the contract that had been signed because she had already received a payment of 8000 dollars. The surrogate mother has sold her own child (Khauli, 2011).

## II. METHODOLOGY

The structure of this study is a phenomenological research using semi-structured interviews conducted face-to-face to get feedback and information from respondents on the subject matter being studied. Qualitative phenomenological analysis explores concepts and provides additional insights into the subject matter studied that may not be possible through quantitative studies. Meanwhile, the use of structured semi-structured interviews is intended to facilitate the development of research and research of the group. As a result, during the interview, researcher was able to identify the issues in surrogate motherhood. In this study, data are classified according to the theme based on the topics studied.

**Research Sampling:** This study is qualitative in nature and statistical generalization is not the aim of this study. Therefore, probability sampling was not used in this study; instead, non-probability sampling was used for the purpose of selecting samples for this study. Non-probability sampling is relevant to this study since the study was conducted to make findings on what was happening in the life of the parents with autism children, what are their challenges, financial aspects that they faced, the implications of what happened to the children and the relationship that relates to what happened in the context of parental challenges faced in raising autism children, rather than to answer questions such as "how much" and "how often" as in quantitative studies (Honigmann, 1982). Therefore, the most appropriate sampling strategy used in this study is objective sampling (Patton, 2002). Purposive / purposeful sampling is based on the assumption that the researcher wants to find, understand, and get an idea of the subject of the study. Therefore, it is important for this study to select a sample that will help to understand the subject being studied (Merriam, 2009). According to Patton (2002), the logic and power of sampling is based on a case study that provides more information with in-depth information. Therefore, selection criteria are important in selecting respondents for studies that use this purpose (LeCompte & Presissle, 1993).

The sampling used in this study was conducted using snowball sampling technique to obtain sample of respondents. Snowball sampling (also known as chain or network sampling) is the most commonly used form of sampling (Merriam, 2009). This technique involved finding some of the key respondents who easily met the criteria set out to participate in the study and then asked the respondent to introduce the researcher with other individuals who were potential respondents in the study. This snowball sampling technique is useful for populations that are difficult to reach or identify individuals who meet sampling requirements or conditions but these populations know each other and are interrelated (Bernard, 2006). This method generates a sample of studies through referrals by those who share or know others who have the characteristics required of a study (Handcock & Gile, 2011). Thus, the study sample will become larger when the information from the new sample can be identified to meet the specified sampling criteria (Patton, 2002). In this study, the snowball sampling process was conducted by identifying several individuals who had undergo surrogacy or had child by surrogate mother that met the criteria set out in the study as a preliminary sample, or also known as 'seed starting' (Shafie, 2010). This identification process requires researchers to obtain information from sources such as Social Welfare Department, General Hospital as well as local information from the public. The next step is to request a sample of the sample to identify other individuals who meet the criteria presented in this study and potentially respond.

In this study, the number of samples was final when no new individual was proposed that was not mentioned in the previous wave and fulfilled the respondents criteria set out in this study.

### III. RESULTS AND FINDINGS

The findings of this study are divided into three sections namely the demographics of the respondents, the dissertation information and the responses provided by the respondents based on the semi-structured interviews conducted on the respondents.

### CONCLUSION

Based on the arguments expressed by the jurists and the explanations by those who are more knowledgeable, the services of surrogate mothers can give new hope to couples who are unable to have children naturally, but also leave a rather serious negative impact. The question of law alone has explained many of why this matter is forbidden in Islam. Even looking at the status of the child born also gives an awareness that this method of surrogacy is very unfair. It defiles the purity of the family institution as well as violates the ethics of humanity.

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