

CRIMINAL SANCTIONS FOR THE SALE OF HUMAN ORGANS UNDER ARTICLE 124 PARAGRAPH 3 OF LAW NUMBER 17 OF 2023 ON HEALTH

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Abstrak

Perdagangan organ tubuh manusia merupakan salah satu bentuk kejahatan yang bertentangan dengan prinsip kemanusiaan, hukum positif, dan nilai-nilai Islam. Sebagai fenomena kriminal yang terus berkembang, tindak pidana ini memerlukan analisis hukum yang komprehensif, termasuk dari perspektif hukum pidana Islam. Penelitian ini bertujuan untuk menganalisis unsur-unsur tindak pidana penjualan organ tubuh manusia serta mengkaji klasifikasi sanksi yang dapat diterapkan menurut hukum pidana Islam. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan dan pendekatan konseptual. Data diperoleh melalui studi kepustakaan yang mencakup peraturan perundang-undangan, literatur hukum, jurnal ilmiah, serta sumber-sumber lain yang relevan, kemudian dianalisis menggunakan teknik deskriptif-analitis. Hasil penelitian menunjukkan bahwa tindak pidana penjualan organ tubuh memenuhi unsur pertanggungjawaban pidana dan dalam perspektif hukum pidana Islam tergolong sebagai *jarimah ta'zir* karena tidak terdapat ketentuan sanksi yang secara eksplisit diatur dalam Al-Qur'an maupun Hadis. Selain itu, penelitian ini menemukan bahwa pengenaan sanksi terhadap pelaku dapat diklasifikasikan berdasarkan akibat yang ditimbulkan, yaitu berupa *ta'zir*, *qishāsh-diyāt*, atau *hudūd* apabila tindak pidana tersebut disertai dengan kejahatan lain yang memenuhi unsur masing-masing *jarimah*. Temuan ini memperkuat fleksibilitas hukum pidana Islam dalam merespons perkembangan bentuk-bentuk kejahatan modern.

Kata Kunci: Perdagangan Organ Manusia, Hukum Pidana Islam, Jarimah Ta'zir

Abstract

Human organ trafficking is a form of crime that contradicts humanitarian principles, positive law, and Islamic values. As an evolving criminal phenomenon, this offense requires a comprehensive legal analysis, including from the perspective of Islamic criminal law. This study aims to analyze the constituent elements of the crime of human organ trafficking and examine the classification of sanctions applicable under Islamic criminal law. The research employs a normative juridical method using both statutory and conceptual approaches. Data were collected through a library research method encompassing legislation, legal literature, scholarly journals, and other relevant sources, which were subsequently analyzed using a descriptive-analytical technique. The findings indicate that human organ trafficking fulfills the elements of criminal liability and, from the perspective of Islamic criminal law, is classified as *jarimah ta'zir* because no specific sanction for this offense is explicitly prescribed in the Qur'an or Hadith. Furthermore, the study finds that sanctions imposed on offenders may be classified according to the consequences arising from the offense, namely *ta'zir*, *qisās-diyāt*, or *hudūd*, when the crime is accompanied by other offenses that satisfy the legal elements of each respective *jarimah*. These findings demonstrate the flexibility of Islamic criminal law in responding to the development of contemporary forms of crime.

Keywords: Human Organ Trafficking, Islamic Criminal Law, Jarimah Ta'zir

INTRODUCTION

Human organ trafficking has become one of the most concerning transnational crimes in the contemporary era because it involves violations of human dignity, exploitation of vulnerable groups, and illegal commercialization of the human body. The increasing occurrence of human organ trading practices is generally driven by economic pressures experienced by individuals, encouraging them to sell their organs for financial gain. In many cases, organ trafficking is conducted through illegal networks operating both through direct interactions and online platforms, making the crime increasingly difficult to detect and eradicate (Linanda et al., 2020). The rapid development of communication technology, coupled with widening economic disparities, has created opportunities for criminal syndicates to exploit individuals who are facing financial hardship. Consequently, human organs are transformed from biological components intended to sustain life into commodities traded for economic profit, thereby raising serious legal, ethical, and humanitarian concerns.

From a medical perspective, organ transplantation is one of the most significant achievements in modern healthcare because it offers opportunities for recovery and survival to patients suffering from severe illnesses. Organ transplantation is commonly performed on patients experiencing kidney failure, corneal damage, heart failure, liver disease, and other life-threatening conditions. These procedures are carried out by competent medical professionals under strict medical and ethical standards. However, alongside legitimate transplantation practices, there have been cases involving irresponsible individuals and criminal organizations that exploit the high demand for organs by engaging in illegal organ trading activities. Such practices not only violate legal norms but also undermine the ethical foundations of healthcare services and jeopardize the rights and safety of donors and recipients (Bakhtiar Handar, 2024).

Recognizing the dangers posed by organ trafficking, Indonesia has established legal regulations governing organ transplantation and prohibiting its commercialization. These provisions are contained in Article 124 of Law Number 17 of 2023 concerning Health. The law emphasizes the principles of responsible, safe, high-quality, equitable, and non-discriminatory healthcare services. Article 124 paragraph (1) stipulates that organ and/or tissue transplantation shall be conducted solely for disease treatment and health recovery purposes and only for humanitarian objectives. Paragraph (2) defines transplantation as the transfer of organs and/or tissues from donors to recipients based on medical necessity. Furthermore, paragraph (3) explicitly prohibits the commercialization or sale of organs and/or body tissues for any reason whatsoever. This provision reflects the Indonesian legal system's commitment to protecting human dignity and ensuring that medical procedures remain within humanitarian and ethical boundaries.

Despite the existence of legal regulations, the problem of organ trafficking remains a significant challenge at both national and international levels. According to the report *Transnational Crime and the Developing World* published by Global Financial Integrity (GFI), approximately 12,000 human organs are traded illegally every year across various countries. The

report further indicates that kidneys constitute the most frequently trafficked organs, with approximately 7,995 illegal sales occurring annually. In the illegal market, the price of a kidney is estimated to range from US\$50,000 to US\$120,000, equivalent to approximately IDR 830 million to IDR 1.94 billion (Databoks, 2022). These figures illustrate the enormous financial incentives that sustain illegal organ markets and demonstrate why criminal networks continue to engage in such activities despite legal prohibitions.

From a juridical perspective, preventing organ trafficking presents numerous challenges for law enforcement authorities. Existing legal frameworks often struggle to anticipate the evolving *modus operandi* employed by criminal organizations. As technology advances and criminal networks become increasingly sophisticated, regulatory mechanisms frequently lag behind emerging forms of illegal conduct. Furthermore, organ trafficking is not confined within national borders; rather, it operates as a transnational crime involving multiple jurisdictions. Differences in legal systems, variations in criminal sanctions, and inconsistencies in international cooperation create substantial obstacles to effective law enforcement. Consequently, combating organ trafficking requires not only comprehensive legislation but also consistent implementation and strong institutional integrity. The Indonesian government must therefore ensure that sanctions imposed on perpetrators are proportionate to the gravity of the offense, applied without discrimination based on social status, and enforced by law enforcement officials who uphold integrity and resist corruption or bribery. Such measures are essential to ensuring that the rule of law functions effectively in addressing organ trafficking crimes (Wulandari et al., 2024).

Beyond the framework of positive law, the issue of organ trafficking also raises important questions within Islamic criminal law. Islamic criminal law provides a normative framework for evaluating human conduct based on legal principles derived from the Qur'an and Hadith. In this framework, criminal acts committed by legally responsible individuals (*mukallaḥ*) are assessed not only in terms of legal consequences but also in relation to moral accountability before God (Dede, 1992). The sale of human organs presents a complex legal issue because it is not explicitly addressed in classical Islamic legal sources. Nevertheless, the fundamental principles of preserving human dignity, protecting life, and preventing exploitation provide a basis for evaluating such practices within Islamic jurisprudence. Since organ trafficking constitutes a relatively modern phenomenon that is not specifically regulated through fixed punishments (*hudud*) or retaliatory sanctions (*qisas*), it is generally classified within the category of *jarimah ta'zir*. Ta'zir punishments refer to sanctions imposed for offenses that are not explicitly prescribed in the Qur'an or Hadith. The determination of the form and severity of punishment is therefore entrusted to the authority of judges or rulers, who are expected to consider the circumstances, public interest, and objectives of Islamic law when imposing sanctions (Maswandi, 2025).

Several previous studies have examined the issue of human organ trafficking from different perspectives. Research conducted by Adjie Pramana Sukma in 2025 entitled "Penegakan Hukum Pidana Terhadap Perdagangan Organ Tubuh Manusia di Indonesia" focused on the legal framework governing organ trafficking and efforts to improve the

effectiveness of the criminal justice system in addressing such crimes (Sukma, 2025). Another study conducted by Dicky Ahmad Syarifuddin in 2019 entitled “Tinjauan Hukum Pidana Islam Terhadap Studi Putusan 1015/Pid.B/Pn.Jkt.Pst/2016 Tentang Sanksi Penjualan Organ Tubuh” examined Islamic criminal law perspectives regarding sanctions imposed in cases involving organ sales (Syarifuddin & Nim, 2019). Although these studies contribute valuable insights, they primarily focus on either the positive legal framework or judicial decisions concerning organ trafficking. Consequently, there remains limited scholarly discussion specifically examining the criminal sanctions stipulated in Article 124 paragraph (3) of Law Number 17 of 2023 through a comprehensive *fiqh jinayah* perspective.

Based on this gap, the present study offers a distinct contribution by focusing specifically on the criminal sanctions for organ trafficking as regulated in Article 124 paragraph (3) of Law Number 17 of 2023 concerning Health and examining them through the conceptual framework of Islamic criminal law. Unlike previous studies that predominantly emphasize positive law analysis or broader *maqasid al-shariah* considerations, this research employs a *fiqh jinayah* approach to analyze the classification of the offense, the relevance of *jarimah ta'zir*, and the compatibility of statutory criminal sanctions with Islamic legal principles. Therefore, this study is expected to contribute both theoretically to the development of Islamic criminal law scholarship and practically to discussions regarding the formulation and implementation of criminal sanctions against organ trafficking in Indonesia.

METHOD

This study employs a qualitative research design using a normative juridical approach. Normative juridical research is a method that examines legal issues through the analysis of legal norms, statutory regulations, legal doctrines, and relevant literature related to a particular legal problem. In this study, the normative juridical approach is utilized to analyze criminal sanctions for the sale of human organs as stipulated in Article 124 paragraph (3) of Law Number 17 of 2023 concerning Health and to assess their relevance from the perspective of Islamic criminal law.

The research applies two primary approaches. First, the conceptual approach is employed to examine and analyze the concepts of criminal responsibility (*al-mas'uliyah al-jinā'iyah*), criminal acts, and punishment (*'uqūbah*) within the framework of Islamic criminal law. This approach facilitates a comprehensive understanding of the legal principles governing human organ trafficking and enables the formulation of a structured analysis concerning the classification of the offense and the appropriate sanctions under *fiqh jinayah*. Second, the statutory approach (*statute approach*) is utilized to examine legal provisions governing organ transplantation and the prohibition of organ commercialization, particularly those contained in Law Number 17 of 2023 concerning Health, along with other relevant regulations. These legal provisions are subsequently compared and analyzed in relation to Islamic criminal law principles.

Data collection in this study is conducted through an extensive library research method. The sources of data consist of primary legal materials, including statutory regulations and judicial

decisions with permanent legal force, as well as secondary legal materials such as books, scholarly articles, legal commentaries, and opinions of legal experts relevant to the issue under investigation. To ensure the reliability and validity of the collected data, the study applies systematic procedures of documentation, citation, source verification, and critical examination of legal materials.

The data analysis technique employed in this research is descriptive-analytical. This method aims to provide a comprehensive description and interpretation of legal norms, concepts, and theories related to the sale of human organs without testing specific hypotheses. The analytical process is conducted through three stages: data editing, which involves organizing and verifying the collected materials; data display, which consists of systematically presenting the relevant findings; and data analysis, which involves interpreting the legal materials through the perspectives of positive law and Islamic criminal law in order to formulate coherent legal conclusions.

RESULTS AND DISCUSSIONS

Human organ trafficking is a criminal activity that is typically carried out in secrecy by perpetrators, and such cases are rarely reported to the authorities. The sale of human organs or human trafficking possesses several distinctive characteristics that make it difficult to identify and address. Among these characteristics are the highly complex technical nature of the procedures involved and the participation of professional medical actors. Organ extraction clearly requires specialized knowledge and skills to understand and perform the procedure properly (UNODC, 2015).

Article 204 paragraph (1) of the Indonesian Criminal Code classifies the act of “selling, offering, delivering, or distributing dangerous goods” as a formal offense (*delik formil*). A formal offense is a criminal offense whose formulation emphasizes the prohibited act itself. Meanwhile, the act that “causes a person's death” is categorized as a material offense (*delik materiil*), whose formulation emphasizes the prohibited consequence resulting from the act and which is subject to criminal sanctions under the law. Within the Indonesian Criminal Code, Article 204 regulates offenses involving the sale or distribution of dangerous goods and states: “Whoever sells, offers, delivers, or distributes goods known to endanger the life or health of another person, without informing others of such dangerous nature, shall be punished with imprisonment for a maximum term of fifteen years” (Made Adyatman et al., 2021).

Under Islamic criminal law, certain requirements must be fulfilled before an individual can be regarded as the perpetrator of a criminal offense and held legally responsible. Generally, there are three conditions that establish criminal liability: (1) the existence of a prohibited act; (2) the act is committed voluntarily and intentionally; and (3) the perpetrator is aware of and accepts the consequences arising from the act (Hanafi, 2020). The crime of human organ trafficking clearly fulfills these three conditions, thereby rendering the offender legally accountable for the act and subject to criminal sanctions.

Conceptually, Islamic criminal law possesses several advantages in addressing criminal offenses, including the crime of human organ trafficking. The sanctions prescribed under Islamic criminal law serve both as *ḥawājir* (deterrents that prevent individuals from committing offenses in this world) and *jawābir* (means of expiation that remove sin in the Hereafter). Consequently, the Islamic criminal justice system encompasses both worldly and spiritual dimensions, promoting beneficial actions while preventing harm. The primary objective of Islamic criminal law is the realization of human welfare (*maslahah*), encompassing both spiritual and physical well-being, as well as individual and social interests. Another significant advantage lies in the universal and flexible nature of Islamic law, which possesses a high degree of dynamism. This dynamism is reflected in its dual dimensions of *thubūt* (consistency and permanence) and *taṭammur* (development and transformation), enabling Islamic law to remain relevant in responding to continual spatial and temporal changes within society (Wahyuni, 2018).

The United Nations has identified the sale and purchase of human organs as a form of transnational crime. This classification is consistent with the explanation provided in Law Number 5 of 2009, which states that an offense is categorized as an organized transnational crime when it is committed: (a) in more than one country; (b) in one country, while the preparation, planning, direction, or control of the crime takes place in another country; (c) in one country but involves an organized criminal group operating in more than one country; or (d) in one country while the consequences of the crime are experienced in another country (Fadillah & Mahmud, 2023).

Human organ trafficking is influenced by a variety of factors that motivate individuals and criminal networks to engage in such illegal activities. These contributing factors are presented in the following table.

Table 1. Factors Driving the Crime of Organ Trafficking

Driving Factors of Human Organ Trafficking Crimes	Actions Conducted
Offering Payment or Other Benefits	Offering payment or other benefits to vulnerable organ donors in exchange for their organs.
Forced Marriage for Organ Procurement	Organ removal may occur through forced marriage. Depending on a country's transplant system, perpetrators may arrange a marriage, pay the agreed marriage expenses, and subsequently force the spouse to donate an organ.
Organ Theft	The removal of organs under the pretext of providing medical treatment without the victim's knowledge, involving deception and fraud.
Ritual Practices	Victims are often killed, and the harvested organs or body parts are not used for transplantation but rather for religious rituals, magic practices (e.g., black magic), and traditional healing purposes.
Ransom or Debt Bondage	Victims are forced to surrender their organs as compensation or as a condition for gaining freedom of movement in order to repay accumulated debts.
Use of Violence and Coercion	Organ removal is carried out without the victim's knowledge or consent through violence, threats, intimidation, or by incapacitating victims with certain substances.

Organized Crime and
Organ Laundering

Domestic or transnational criminal networks organize illegal transplant operations in private or public medical facilities, often exploiting vulnerable donors. These sophisticated operations facilitate the laundering of illegally obtained organs into legitimate transplantation systems.

Source: (UNODC, 2025) Trafficking In Persons For The Purpose Of Organ Removal

Based on the data presented in the table regarding the factors that drive the crime of human organ trafficking, it is evident that such activities are often supported by individuals who possess professional expertise and extensive knowledge. The victims of these criminal activities are frequently subjected to various forms of coercion, including economic pressure as well as direct threats from perpetrators that endanger their safety and well-being.

The practice of human organ trafficking is also contrary to *fiqh jinayah* (Islamic criminal jurisprudence) because it may result in harm or even death to the individual involved. In Islamic teachings, the human body ultimately belongs to Allah, and therefore it cannot be treated as an object of commercial transaction. This principle is reflected in Qur'an Surah An-Nisa verse 29:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ وَلَا تَقْتُلُوا
 أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

O you who have believed, do not consume one another's wealth unjustly but only [in lawful] business by mutual consent. And do not kill yourselves [or one another]. Indeed, Allah is to you ever Merciful.

From both religious and moral perspectives, the sale of human organs raises serious ethical concerns because the human body should not be treated as a commodity. Furthermore, Surah An-Nisa verse 30 emphasizes that those who engage in wrongdoing will face consequences from Allah:

وَمَن يَفْعَلْ ذَلِكَ عُدْوَانًا وَظُلْمًا فَسَوْفَ نُصْلِيهِ نَارًا وَكَانَ ذَلِكَ عَلَى اللَّهِ يَسِيرًا

And whoever does that in aggression and injustice - then We will drive him into a Fire. And that, for Allah, is [always] easy. (Q.S. An-Nisa: 30)

Therefore, the crime of human organ trafficking constitutes a grave act of injustice that is fundamentally contrary to Islamic teachings. Such conduct involves the commercialization of what Allah has entrusted to human beings, motivated by the expectation of material gain and resulting in harm to others. In Indonesia, such acts of injustice have continued to occur throughout 2025. A total of 404 individuals became victims of human trafficking, while 281 cases of Human Trafficking Crimes were recorded in Indonesia up to July 15, 2025. The data are presented in the following table.

Table 2. Data on Cases of Organ Trafficking or Human Trafficking

Month	Number of Cases
January	60 cases of human organ trafficking crimes
February	53 cases of human organ trafficking crimes
March	51 cases of human organ trafficking crimes
April	21 cases of human organ trafficking crimes
May	43 cases of human organ trafficking crimes
June	40 cases of human organ trafficking crimes
July	14 cases of human organ trafficking crimes

Source: (GoodStats, 2025) The Number of Human Trafficking Cases in Indonesia Reached 281 as of July 2025

Based on the data presented in the table, the number of Human Trafficking Crimes (*Tindak Pidana Perdagangan Orang*—TPPO) or organ trafficking cases from January 2025 to July 2025 shows fluctuating trends. In January 2025, the total number of cases reached 60, then declined to 53 in February. This decrease continued in March, bringing the total number of cases down to 51. In April, a significant decline was recorded, with only 21 cases remaining. However, in May, there was a sharp increase, with the number of cases rising to 43, followed by a slight decrease to 40 cases in June. Finally, as of July 15, the police recorded 14 human trafficking cases in Indonesia. The East Java Regional Police reported the highest number of victims, totaling 54, followed by the West Java Regional Police with 42 victims, and the Jakarta Metropolitan Police with 27 victims. The largest group of victims consisted of students, numbering 95 individuals, followed by private-sector workers with 57 individuals and housewives with 42 individuals (GoodStats, 2025).

Article 432 of Law Number 17 of 2023 concerning Health stipulates sanctions for the commercialization and sale of human organs or body tissues. The article provides that: (1) any person who commercializes the implementation of organ or tissue transplantation as referred to in Article 124 paragraph (3) shall be subject to imprisonment for a maximum of five years or a fine of up to IDR 500,000,000 (five hundred million rupiah); and (2) any person who buys or sells organs or body tissues for any reason whatsoever, as referred to in Article 124 paragraph (3), shall be subject to imprisonment for a maximum of seven years or a fine of up to IDR 2,000,000,000 (two billion rupiah).

The article regulates criminal sanctions for perpetrators involved in organ trafficking or human trafficking offenses. The prescribed punishments consist of imprisonment and fines. However, these sanctions may not be entirely suitable for offenders involved in human trafficking crimes because imprisonment still presents numerous shortcomings that require improvement. Criminal punishment should not produce adverse consequences for offenders and their families, nor for society and the state. The increasing number of individuals imprisoned for human trafficking or organ trafficking offenses places a substantial burden on state finances. Moreover, the imposition of imprisonment and fines has not fully achieved its deterrent objective. This is evidenced by the continued prevalence of human trafficking and organ trafficking offenses, whose methods and modes of operation continue to evolve significantly (Nuraeni & Kania, 2017).

According to the reward and punishment theory, prisons are expected to function as institutions that create a deterrent effect for offenders. However, in general, the prison system in Indonesia has not been fully effective in deterring criminal behavior. Prisons are not merely places of punishment but are also intended to serve as rehabilitation centers and educational institutions that internalize values capable of fostering awareness among inmates. Nevertheless, such a model does not always produce a deterrent effect. In some cases, individuals may even prefer living inside prison rather than outside it (Djafri & Samad, 2023).

Within the framework of the Development Law Theory proposed by Mochtar Kusumaatmadja, law is intended to play a more empowering role in societies undergoing development. In supporting national development, the theory does not merely explain the nature and functions of law but also addresses its future direction and practical application (Aulia, 2018). Based on this theory, Islamic law can contribute to national development in two ways. First, Islamic law may serve to fill gaps within positive law and may be adopted by the state as positive law applicable to Muslims. Second, Islamic law may function as a source of values that contribute to the formulation of legal norms and regulations.

If the first approach is adopted, namely that Islamic law functions as positive law, Islamic criminal law identifies several categories of sanctions within the framework of *jarimah*. These classifications include: (1) when the crime of organ trafficking or human trafficking is accompanied by murder or physical assault, the offender may be subject to *qisās-dīyāt* punishment along with all applicable provisions governing *qisās-dīyāt*; (2)

when the crime is accompanied by rape or adultery, the offender may be subject to *hudud* punishments; and (3) when the crime of organ trafficking or human trafficking is not accompanied by murder, assault, rape, or adultery, the offender may be subject to *ta'zir* sanctions, including sanctions comparable to those stipulated in Article 124 of Law Number 17 of 2023 concerning Health.

Therefore, from the perspective of Islamic criminal law, sanctions for perpetrators of organ trafficking or human trafficking are not limited solely to those prescribed under Article 124 of Law Number 17 of 2023. Rather, the severity of the punishment may be increased or reduced according to the nature of the offense and the extent of harm caused by the criminal act. This principle is consistent with the following legal maxim:

التعزير يدور مع المصلحة

"The imposition of *ta'zir* punishment should be adjusted in accordance with public welfare and benefit" (Amir, 2007).

CONCLUSIONS

Indonesia has established legal provisions governing human organ trafficking through several regulations, particularly Article 124 of Law Number 17 of 2023 concerning Health. The article stipulates that organ and/or tissue transplantation may only be performed for the purposes of disease treatment, health recovery, and humanitarian objectives. Furthermore, the law explicitly prohibits the commercialization or sale of human organs and tissues for any reason. In addition, Article 204 of the Indonesian Criminal Code provides a legal basis for addressing acts involving the sale or distribution of dangerous objects that may endanger human life and health. From the perspective of Islamic criminal law, criminal liability arises when three essential elements are fulfilled: the existence of a prohibited act, the voluntary commission of the act, and the perpetrator's awareness of the consequences resulting from the act. Human organ trafficking satisfies these elements and therefore warrants legal accountability and punishment. The sanctions for organ commercialization are regulated under Article 432 of Law Number 17 of 2023, which prescribes imprisonment of up to five years or a fine of up to IDR 500 million for the commercialization of organ transplantation, and imprisonment of up to seven years or a fine of up to IDR 2 billion for the sale of organs or body tissues. In Islamic criminal law, the sale of human organs is generally classified as *jarimah ta'zir* because it is not specifically addressed in the Qur'an or Hadith. Consequently, the determination of punishment is left to the discretion of judges or state authorities. Nevertheless, from the perspective of Islamic criminal law, the current legal framework requires further refinement to better reflect legal certainty and justice, particularly through a clearer classification of sanctions into *ta'zir*, *qisās-diyāt*, and *hudud* according to the nature and consequences of the offense.

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