



On the Legal Dilemma and the Way Out of Revocation of Consent by Living Organ Transplant Donors

Jie Xi¹, Lei Feng^{2*}

¹Department of Surgery, General and Trauma Children's Hospital of Chongqing Medical University, National Clinical Medical Research Center for Children's Health and Diseases, Key Laboratory of the Ministry of Education for the Study of Childhood Developmental Diseases, Key Laboratory of Structural Birth Defects and Organ Repair and Reconstruction, Chongqing, China

²School of Marxism, Chongqing Medical University, Chongqing, China

Email: *1014123946@qq.com

How to cite this paper: Xi, J. and Feng, L. (2025) On the Legal Dilemma and the Way Out of Revocation of Consent by Living Organ Transplant Donors. *Open Access Library Journal*, 12: e13113. <https://doi.org/10.4236/oalib.1113113>

Received: February 19, 2025

Accepted: March 21, 2025

Published: March 24, 2025

Copyright © 2025 by author(s) and Open Access Library Inc.

This work is licensed under the Creative Commons Attribution International License (CC BY 4.0).

<http://creativecommons.org/licenses/by/4.0/>



Open Access

Abstract

This paper's purpose is to discuss the legal dilemma arising from the revocation of consent by donors in living organ transplantation, analyze its jurisprudential basis and practical impact, and propose a solution to balance the rights and interests of donors and recipients, so as to promote the healthy development of the organ transplantation cause. Through the analysis of typical cases, it reveals the real harm of revocation of consent; combined with the legislative status of China's Human Organ Transplantation Regulations, it points out the deficiencies of the current law in the definition of conditions, procedures and consequences of the exercise of the right of revocation; from the perspective of jurisprudence, it demonstrates the legitimacy of the revocation of consent, and emphasizes that it is in line with the principle of voluntariness, personal autonomy, and social adaptability of the law; through the comparative study, it compiles the legal difficulties in the protection of donor autonomy, information and notification mechanism, and psychological and social impacts in the US and Germany. Through comparative legal research, the practical experience of the United States and Germany in protecting the autonomy of donors, the information mechanism and the psychological counseling system is examined; specific conditions limiting the exercise of the right of revocation are proposed, including time, form and force majeure factors, and a framework of legislative proposals is constructed based on them.

Subject Areas

Health Law

Keywords

Living Organ Transplant, Donors, Withdrawal of Consent, Legal Dilemmas

1. Formulation of the Problem

1.1. The Realistic Possibility of Revocation of Consent by Living Organ Transplant Donors

In the medical field, living organ transplantation is an important means of saving the lives of patients with certain organ failures. However, some recent cases have aroused widespread concern and deep thought. Xinxin, a 6-year-old girl suffering from thalassemia major in Jiangxi province (a pseudonym), was successfully matched with a volunteer through the Chinese Bone Marrow Bank and the other party agreed to donate. However, right after Xinxin was admitted to the transplantation chamber for pretreatment, the donor suddenly “repented” midway. Xinxin’s family has borne a series of costs of about 50,000 yuan for the donor’s high-resolution matching, physical examination and collection of stem cells, etc. Not only did the money go down the drain, but the child had to be transfused with her own blood stem cells first, returning to the original state and waiting for the next suitable donor. From the case, we can see that the bone marrow behavior of “regret” of donor has brought extremely serious consequences to the recipient, Xinxin’s life is in extreme danger, and her family is also suffering from tremendous mental pressure and financial burden.

A similar situation is not an isolated case. According to relevant reports, the reversal rate after successful matching alone is as high as 20% in China [1]. In some organ transplant cases, donors may change their minds and withdraw their consent at the last moment before the surgery for various reasons. This phenomenon not only deprives the recipient of the originally expected chance of salvage, but also may lead to a drastic deterioration of his/her physical condition, as the recipient has often undergone a series of preoperative preparations, such as receiving immunosuppressive therapy, while waiting for the transplant, which will weaken his/her own immune function and physical resistance. Moreover, once the donor withdraws his consent, all the previous preparations for the transplant operation, including the investment of medical resources and the arrangement of medical personnel, will all go down the drain, resulting in a great waste of medical resources. From the social level, this phenomenon may also trigger a crisis of public trust in organ donation, making it difficult for more patients in need of organ transplantation to receive effective treatment [2]. The existence of these problems urgently requires us to explore in depth the issues related to the withdrawal of consent by living organ transplant donors from the legal level, and seek reasonable solutions to balance the rights and interests of donors and recipients, and safeguard the healthy development of the organ transplantation cause.

1.2. Legal Safeguards against Withdrawal of Consent Are Inadequate

In China, the relevant laws and regulations have already given living organ transplant donors the right to withdraw their consent. The Regulations on Human Organ Transplantation clearly stipulate that citizens have the right to revoke the consent they have expressed to donate their human organs. However, this provision is rather general and lacks a clear definition of the specific conditions, procedures and legal consequences of the exercise of the right of revocation. In practice, this has led to the emergence of many dilemmas. When the donor exercises the right to withdrawal, how to balance the rights and interests of the donor and the rights and interests of the recipient becomes a difficult problem. Due to the lack of clear legal guidelines, medical institutions are often at a loss as to what to do when faced with a donor's revocation of consent, making it difficult to determine the boundaries of their actions. In some cases, donors may revoke consent arbitrarily for personal reasons, bringing huge risks of dashed hopes and physical injuries to the recipients. In other cases, donors may be forced to withdraw their consent due to undue external pressure, but their own rights and interests are not effectively protected. In addition, the lack of clarity in the law may lead to disputes between doctors and patients, lawsuits and other problems, increasing the instability of society.

2. Jurisprudential Basis for Withdrawal of Consent by Living Organ Transplant Donors

2.1. Revocation of Consent Not Inherently Contrary to the Principle of Voluntariness

From a moral and ethical point of view, organ donation should be an act based on humanitarian spirit and noble moral sentiments, and the donor's voluntary consent to donate his/her own organs undoubtedly reflects his/her respect and care for other people's lives, which is a praiseworthy act of kindness. However, when the donor withdraws his consent for various reasons during the donation process, it does not mean that he violates the voluntary principle. Because the core of the principle of voluntariness lies in respecting the individual's independent will and decision-making right, and the withdrawal of consent is also a kind of respect and maintenance of the donor's right to his own body and independent decision-making right. In the context of organ donation, the donor's will may be affected by a variety of factors and changes, which is completely in line with human nature and common sense. A donor may initially consent to donation without sufficient understanding of the risks of the operation, the quality of life after the operation, etc., and after further understanding of the relevant information, decide to withdraw his/her consent out of concern for his/her own health and future life [3]. Or the donor may have suffered from family and social changes or pressures during the donation process, resulting in his or her inability to continue to fulfill his or her donation commitment, none of which can simply be regarded as a violation of the principle of voluntariness.

In different cultures and social backgrounds, there are big differences in people's concepts and attitudes towards organ donation. For example, in Christian culture, Greek culture, and Chinese Confucian culture, organ donation is regarded as a noble act and is widely praised and encouraged by society. While in some Islamic cultures and some Hindu cultures, people may have a lot of concerns and worries about organ donation, and even regard it as a destruction of bodily integrity and a challenge to traditional ethical concepts. Therefore, we cannot make a generalization that the donor must unwaveringly fulfill his/her commitment to donate under all circumstances, but should fully respect the donor's independent choice in different situations, and as long as his/her revocation of consent is based on the true expression of his/her will, he/she should not be found to be in violation of the principle of voluntariness.

2.2. Revocation of Consent Reflects the Social Adaptation of the Law

1) From the perspective of jurisprudence, the act of revocation of consent is a typical example of the flexibility and adaptability of law. It mainly reflects the principle of individual autonomy, the interaction between law and morality and the dynamic adaptability of law in jurisprudence. Such adaptability is the key for the law to maintain its social function and fairness.

Individual autonomy is one of the core principles in jurisprudence, emphasizing the right of individuals to have autonomous control over their bodies and lives. In organ donation, the consent of the donor is the basis of the legal act, and revocation of consent is an extension of this principle. The law allows donors to revoke consent under specific conditions, reflecting respect for and protection of the individual's will. For example, according to the World Medical Association Declaration of Helsinki, medical acts must be based on the voluntary consent of the patient and the patient has the right to at withdraw consent any stage [4]. This principle also applies in the case of organ donation, where the law ensures that the donor's wishes are always respected by allowing withdrawal of consent. This flexibility not only protects the rights of individuals, but also enhances public trust in the medical and legal system.

The between morality interaction law is reflected in the fact that the law when dealing with must take into account the moral concepts and values of society issues. The existence of the act of revocation of consent reflects the adaptability of the law in the face of moral dilemmas that involve organ donation and profound moral and ethical. In jurisprudence, the relationship between law and morality has been the center of discussion. In *The Concept of Law*, H.L.A. Hart points out that law should reflect the basic moral concepts of society, but at the same time, it needs to have a certain degree of flexibility to adapt to changes in moral concepts [5]. In the process of organ transplant donation, when the donor changes his decision due to family pressure or moral confusion, the law allows him to withdraw his consent, which respects the individual's moral choice and maintains the moral order of society.

The law must be constantly adapted to the development and changes in society in order to maintain its effectiveness and fairness. Advances in organ transplantation technology and changes in social attitudes require the law to be dynamically adapted to the issue of organ donation. Ronald Dworkin proposed in *The Empire of Law* that the law should be a “complete” system, able to maintain its consistency through interpretation and adjustment in the face of new circumstances [6]. The legal regulation of revocation of consent is the adaptation of the law in the face of new technology and new ethical challenges. For example, with the popularization of organ transplantation technology and the increasing social concern over the rights and interests of donors, the law has responded to this social demand in a timely manner by allowing the revocation of consent, ensuring the fairness and effectiveness of the legal system.

2) From a cultural perspective, the act of revocation of consent is a concrete manifestation of the law’s respect for and tolerance of multiculturalism

Different cultural traditions have different understandings and perceptions of body integrity and organ donation. In some cultures, the body is regarded as a sacrosanct and inviolable whole, and any removal of body organs is considered to be serious damage to the integrity of the body, which is against their traditional ethical and moral concepts. For example, in Chinese traditional culture, there is a strong belief that the body should be kept intact, and organ donation may be seen as a departure from this belief [7]. Hinduism, Christianity, and Islam, on the other hand, have a more open and tolerant attitude towards organ donation, but they will also emphasize the voluntary and autonomous nature of the donation process, and respect the individual’s right to make decisions about his or her own body. Therefore, the law should fully take into account these cultural differences and give donors the right to make their own choices in different cultural contexts, allowing them to decide whether to continue organ donation according to their own cultural beliefs and values.

3) At the family level, the act of withdrawing consent is a detailed demonstration of the law’s maintenance of family harmony and social stability.

Relationships and attitudes among family members often have a significant impact on a donor’s willingness to donate. In many cases, donors may initially agree to donate organs out of love for their loved ones and a desire to save their lives. However, during the donation process, there may be changes in intra-family relationships, such as conflicts and disagreements among family members, or the donor’s re-examination of family responsibilities and his or her own role. All of these factors may lead to a change in the donor’s original willingness to donate. For example, the donor may worry that his/her own health condition after organ donation will affect the financial burden of the family or his/her ability to take care of other family members, or he/she may decide to withdraw his/her consent after being persuaded by other members of his/her family to recognize the potential risks and consequences that organ donation may bring. The law should face up to the impact of family factors on the donor’s decision-making and recognize the reasonableness of the donor’s withdrawal of consent under circumstances such as

changes in family relationships, in order to maintain the harmony and stability of family relationships and the donor's legitimate rights and interests [8].

2.3. Reasonable Revocation of Consent Is Not a Greater Health Hazard

From the perspective of health risks, living organ donation does cause some damage to the donor's body, such as surgical trauma, increased risk of postoperative infection, and partial loss of organ function. However, compared with some other medical practices, the risks are not uncontrollable [9]. For example, during the treatment of some major diseases, such as chemotherapy and radiotherapy for cancer, patients may face more serious physical damages, including long-term or permanent side effects such as hair loss, extreme immunity loss, and organ failure. In contrast, living organ donation, under the premise of strict adherence to medical norms and ethical guidelines, its harm to the donor's body can be limited to a relatively small extent. Before organ donation, medical institutions will conduct a comprehensive and detailed assessment of the donor's physical condition, including the examination of various body indicators, organ function tests, etc., to ensure that the donor is able to tolerate the surgery and maintain as good a physical condition as possible after the donation. At the same time, the surgery will be conducted by a professional medical team in accordance with strict operating procedures to minimize surgical trauma and post-operative complications.

Although the withdrawal of consent by the donor may have some impact on the health of the recipient, for example, the recipient's condition may deteriorate as a result of the loss of the intended organ transplant. However, such an impact is not absolutely inevitable or irreparable. Under the conditions of modern medical technology, medical institutions can alleviate the progression of the recipient's condition by strengthening medical care and adjusting the treatment plan, so as to buy time for the recipient to find other suitable organ sources [10]. In addition, the cancellation of donations by donors will also have an impact on the psychological and emotional aspects of the recipient, including disillusioned hope, anxiety, self-doubt, crisis of trust, etc. In order to mitigate these negative effects, medical institutions should provide timely psychological support and counseling to help recipients cope with emotional fluctuations and find other possible donation opportunities as soon as possible. At the same time, strengthening the construction of social support systems is also an important means to relieve the psychological pressure of recipients. However, respecting the donor's revocation rights helps maintain his physical and mental health and personal dignity. If a donor is forced to perform organ donation unwillingly or under pressure, it may lead to postoperative psychological problems, such as anxiety and depression, and may even affect his or her perception of his or her body and sense of self-worth. In the long run, this may cause more serious harm to the physical and mental health of the donor. Therefore, the law should fully respect the donor's right of revocation while safeguarding the recipient's legitimate rights and interests, so as to achieve

a balanced protection of the rights and interests of both parties, which is also in line with the requirements and spirit of the law on human rights protection [11].

3. Study on the Extraterritorial Law of Withdrawal of Consent by Donors of Living Organ Transplants: A Study Centered on the United States and Germany

3.1. U.S. Legislation

1) Legislation protects donor autonomy and emphasizes that autonomous decision-making comes first. In the field of organ transplantation, the United States is a country in the world that has carried out relevant work earlier and transplanted a larger number of organs. As early as 1968, the Federal Human Donation Act was introduced, and in 1984, the U.S. Congress voted to pass the National Organ Transplant Act and set up a professional organization responsible for organ donation and allocation. The United States has placed great emphasis on the donor's right to make his or her own decisions regarding the withdrawal of consent by the living organ transplant donor [12].

2) Clarify the period of time during which the act of revocation of consent can be exercised. The U.S. law clearly stipulates that donors have the right to revoke consent at any stage of organ donation until the last moment before organ removal. This provision fully reflects respect for the donor's personal wishes. For example, the National Marrow Donor Registry of the United States clearly states that bone marrow donation is voluntary and that donors can withdraw their consent at the last minute before the bone marrow transplantation. In practice, when a donor withdraws his/her consent, the healthcare organization will immediately stop the preparation of the transplant without any form of coercion or obstruction to the donor.

3) Playing the role of organ transplant coordinator and fully fulfilling the obligation to inform. Organ transplant coordinators in the United States will play an important role in the whole organ transplant donation process [13]. They will provide donors with detailed information about organ donation, including the surgical procedure, possible risks, effects on the body, and the condition of the recipient, before the donor signs the consent form, in order to help the donor make a more informed decision. The coordinator will also communicate with the donor after he/she has proposed to withdraw his/her consent to understand his/her reasons for withdrawing, but will not exert any pressure, only to ensure that the donor's decision is voluntary and rational.

The American model has significant advantages in emphasizing donor autonomy and providing professional support. However, in the context of China, its portability is limited by factors such as culture, socio-economic and legal regulation. Therefore, when China learns from the experience of the United States, it needs to make appropriate adjustments and innovations based on its own cultural and social and economic characteristics to ensure the effectiveness and sustainability of the organ donation system.

3.2. German Legislation

Germany's unique institutional design and practical experience in organ donation is the establishment of mechanisms for adequate information donors and psychological counseling.

Germany's organ donation law stipulates that all citizens are considered potential organ donors unless they or their relatives expressly object. Within this institutional framework, in the case of withdrawal of consent by the donor, Germany focuses on counseling and fully informing the donor. After a donor has been registered as a potential donor, medical institutions regularly send him or her detailed information about organ donation, including the significance of donation, the risks, the latest medical research results and the needs of the recipient. The provision of such information aims to provide donors with a comprehensive understanding of matters related to organ donation so that they can fully consider various factors when making a decision [14].

At the same time, Germany has also established a professional psychological counseling team, which will intervene in a timely manner when the donor shows hesitation or wants to withdraw consent. They will have in-depth communication with the donor, understand the donor's inner concerns and worries, and provide appropriate psychological support and advice. For example, if the donor is worried that organ donation will have long-term adverse effects on his/her body, the psychological counseling team will introduce to him/her in detail the measures and achievements of modern medical technology in reducing the risks of surgery and protecting the health of the donor after surgery; if the donor withdraws his/her consent because of family or social pressures, the psychological counseling team will help him/her to analyze and cope with these pressures, and respect the donor's The final autonomous decision is respected. In the whole process, German medical institutions always put the interests and wishes of donors in an important position, and safeguard the legitimate rights and interests of donors in the process of organ donation through perfect information and professional psychological counseling mechanisms [15].

The German model has significant advantages in information notification, psychological counseling and tacit consent systems. However, its transplantability in China is limited by factors such as culture, social economy and legal ethics. When China learns from Germany's experience, it needs to make appropriate adjustments and innovations based on its own national conditions.

4. Limitations on the Exercise of Withdrawal of Consent by Living Organ Transplant Donors

Although withdrawal of consent is a manifestation of the principle of voluntariness. However, living organ transplant donors must also fully consider various factors when exercising their right to withdraw consent. This is done to ensure that the exercise of this right not only complies with ethical and legal requirements but also balances the relationship of interest between donors and recipients to the greatest extent possible.

4.1. Time Limits for the Exercise of the Act of Revocation of Consent

The donor should exercise the right of revocation within a reasonable timeframe, which needs to be determined by taking into account factors such as the preparatory process of the organ transplant operation, the physical condition of the recipient and the availability of medical resources. For example, if the donor files a revocation of consent only on the eve of the organ harvesting surgery, which is about to take place, it may bring great physical and psychological shock to the recipient. This is because the recipient has already completed most of the pre-operative preparations at this point in time, is in an extremely vulnerable state physically, and is psychologically looking forward to the surgery. On the contrary, if the donor revokes his/her consent at an early stage of preparation for the surgery, such as before conducting a comprehensive physical examination or within a short period of time after the initial communication with the medical institution, the impact on the recipient will be relatively minor.

Therefore, the legislation needs to specify a specific time period, such as one week or ten days before the organ transplant operation, within which the donor needs to provide more adequate reasons for exercising the right of withdrawal, so as to prevent the arbitrary withdrawal of consent from causing unnecessary harm to the recipient.

4.2. Formal Limitations on the Exercise of the Act of Revocation of Consent

After deciding to withdraw consent, the donor must promptly and accurately notify the relevant parties, including the healthcare organization, the recipient and his/her family. The notification should be in writing to ensure accuracy and traceability of the information [16]. The content of the notification should detail the reasons for withdrawing consent so that the medical institution and the recipient can understand the motivation behind it and take appropriate measures. For example, if the donor is unable to continue donation because of a sudden physical illness, the medical institution can adjust the treatment plan in time according to this information and find other possible organ sources for the recipient; if the consent is withdrawn because of family reasons or personal psychological factors, the relevant parties can also target communication and coordination to alleviate the conflicts and pressure as much as possible.

4.3. Revocation of Consent Must be Based on the Donor's Free Will

In the organ transplant donation process, the donor must be completely voluntary. Any form of coercion, deception or inducement is not permitted. Informed consent is a core requirement in the donation process. Donors must be informed of all relevant information, including the risks and consequences of donation [17]. The donor must make a decision based on a full understanding of the consequences of donation. If the donor exercises the right to withdraw consent based on good faith, such as a change in his or her health condition, a new understand-

ing of the risks of the procedure, or a major change in the family, he or she should be given a certain degree of tolerance and understanding in the law. In this case, the donor may not be intentionally trying to jeopardize the interests of the recipient, but is forced to make a choice when faced with special circumstances. However, if the donor, out of malice, such as intentionally concealing important information, delaying for no reason, or colluding with others in bad faith, exercises revocation of consent, which causes significant losses to the donor, the donor should bear the corresponding legal responsibility. The definition of such liability shall include the recipient's medical expenses incurred in preparation for the operation compensation for other financial losses suffered while waiting for the transplant and compensation for moral damages.,

4.4. Force Majeure Factors Should Also Be Considered

During the period when the donor exercises the right to revoke, if a force majeure event such as natural disasters and social unrest occurs, resulting in the donor being unable to exercise his rights or notify relevant parties in accordance with normal procedures, appropriate exemptions or special treatment should be granted in law. Alternatively, if the donor reconsiders and is willing to continue donating for special reasons after exercising the right to withdraw, and after re-evaluation by the medical institution, his physical condition and donation conditions are still in line with the requirements. This should also establish a corresponding mechanism to deal with this situation to fully respect the wishes of the donor and protect the interests of the recipient [16].

5. Legislative Proposals for Withdrawal of Consent by Living Organ Transplant Donors

5.1. Clarify the Procedure for Exercising the Right of Avoidance

As mentioned above, the exercise of the act of revocation of consent is affected by multiple factors. Therefore, in the legislative process, the specific conditions to be followed by the donor in exercising the right of revocation should be clearly stipulated. First of all, the period of time for the exercise of the act of revocation of consent should be clearly defined. The law can clearly stipulate that the right to revoke consent can be exercised within a certain period of time (such as 72 hours) or before the commencement of the act of donation from the time when the donor agrees to donate. There should be financial responsibility for preparatory acts that have been carried out prior to donation. Secondly, the donor should apply in writing to exercise withdrawal consent and notify relevant parties as soon as possible, including medical institutions, recipients and their families. At the same time, relevant supporting materials (such as ID cards, proof of relationship with the donor, etc.) should also be submitted to confirm your identity and connection with the donor. In addition, in terms of procedure, the hospital initiates an ethical review of organ transplantation. The identity of the donor, the authenticity of the application, and whether or not it meets the conditions for withdrawal

are reviewed. During the review process, medical experts, legal experts and ethical experts, psychological experts can be organized to conduct a comprehensive assessment to ensure that the exercise of the right of revocation is legal, standardized and orderly [18].

5.2. Defining the Legal Consequences of Withdrawal of Consent

The consent legal consequences of revocation should be defined according to the different stages of living organ transplantation. At the stage of willingness to donate, *i.e.*, before the medical institution has formally started the preparatory work for the organ transplantation surgery, if the donor withdraws his/her consent, the donor should generally not be held legally liable as no substantial damage has been caused to the recipient at this time and the donor himself/herself has no obligation to save the patient as stipulated in the law.

In the stage of donation implementation, *i.e.*, after the medical institution and the recipient have carried out preparatory work for the organ transplant surgery, such as laboratory tests and anti-rejection drugs, if the donor withdraws his consent, it is necessary to distinguish whether his withdrawal is subjectively *bona fide* or not [11]. If the revocation is in good faith, for example, the donor is unable to continue to donate for objective reasons such as sudden health conditions, in principle, should not be held legally responsible, but should be promptly notified to the relevant parties, so that the medical institutions and the recipient take appropriate remedial measures. If the revocation is made in bad faith, such as the donor intentionally conceals the true situation or suddenly reverses the decision without any reason, which causes significant losses to the recipient, including physical damage, economic loss and loss of other transplantation opportunities, etc., then it shall bear the corresponding liability, and the specific scope of the compensation shall include the recipient's medical expenses incurred in preparation for the operation, other economic losses suffered in waiting for the transplantation, and compensation for mental damages [19].

At the same time, the ways of relief for the recipient should also be clearly stipulated, such as the establishment of an organ transplant insurance system, the insurance company to compensate the losses of the recipient within a certain range, or the establishment of a special social relief fund, when the donor is unable to pay compensation or no fault does not bear the responsibility to pay compensation, the recipient can get the corresponding compensation from it, so as to safeguard the legitimate rights and interests of the recipient [20].

5.3. Strengthening the Protection of Donors' Rights and Interests

Throughout the organ donation process, medical institutions should fully safeguard the donor's right to know, right to privacy and other rights and interests [21]. China can refer to the United States to set up a special organ transplant coordinator to perform its duties fully. Before donation, donors should be informed in detail and comprehensively about organ donation, including the specific pro-

cess of surgery, possible risks, long-term effects on the body, post-operative precautions and the basic situation of the recipient, so that donors can make rational decisions based on full understanding. At the same time, the donor's privacy should be strictly protected, and his/her personal information and donation-related matters should not be disclosed arbitrarily, so as to avoid bringing unnecessary troubles and pressure to the donor.

It is also crucial to provide professional psychological advice and counseling services to donors. Organ donation is a major decision, and donors may face various psychological pressures and emotional fluctuations during the process, such as anxiety, worry and hesitation. China can learn from Germany's experience to establish a professional psychological counseling team to provide professional psychological counseling and counseling services to donors. Professional psychological counselors are able to communicate with donors in a timely manner to understand their inner thoughts and feelings, provide them with psychological support and guidance, and help them alleviate their stress and adjust their state of mind, so as to ensure that donors are in a good state of psychological and physiological well-being when making and withdrawing their decision [22].

Through these measures, effectively minimize the negative impact that may be caused to donors by donation or withdrawal of donation, and protect the physical and mental health and legitimate rights and interests of donors.

5.4. Establishment of Risk-Sharing and Compensation Mechanisms

Explore the establishment of a risk-sharing and compensation mechanism involving the Government, medical institutions, social welfare organizations and other parties, so as to provide appropriate compensation to recipients who have suffered losses as a result of the withdrawal of consent by the donor, and to reduce the economic and health risks to recipients. First of all, the government can provide certain financial compensation to recipients through financial allocation and establishment of special funds. However, its sustainability may be affected by fiscal pressures and policy changes. If the economy goes down or government budgets tighten, compensation funds may be difficult to secure. Therefore, diversified funding sources need to be explored. Secondly, medical institutions can reduce or exempt recipients' medical expenses within a reasonable range. However, for primary medical institutions with limited resources, it may increase their operating pressure. Finally, social welfare organizations can raise funds for compensation and assistance to recipients through fundraising, charity activities and other forms. Through this mechanism of multi-party cooperation, effectively shares the risks of the recipients and reduces their economic burden, while also relieving the donors of their worries and encouraging more people to participate in the cause of organ donation [23]. Obviously, the establishment of a risk sharing and compensation mechanism is an important step in promoting the development of organ donation, but its successful implementation requires multi-party collaboration and continuous optimization.

5.5. Strengthening Supervision and Management and Legal Accountability

Strengthening the supervision and management of the entire process of organ transplantation and clarifying the supervisory responsibilities of the relevant departments. Health departments should regularly check whether the operations of medical institutions in organ transplantation are standardized, including the protection of the donor's right to revoke consent, the protection of the rights and interests of recipients, and the compliance of the surgical process. A sound monitoring and reporting mechanism should be established to encourage members of the public to report violations of the law in organ transplantation, and appropriate rewards should be given to whistleblowers for substantiated reports. At the same time, medical institutions, donors, recipients and other subjects that violate the regulations will be held legally responsible in accordance with the law. For medical institutions to violate the relevant provisions of organ transplantation, such as failure to fulfill the obligation to inform, illegal organ removal, etc., they should be given a warning, fines, suspension or revocation of the registration of the relevant diagnostic and therapeutic disciplines and other penalties; for medical personnel's personal violation of the law, such as private organ removal, leaking the donor's privacy, etc., should be revoked according to the law of its practice certificate and the corresponding civil and criminal liability; for the donor maliciously revoke the consent of the recipient, should bear the corresponding . If the donor maliciously revokes the consent and causes significant damage to the recipient, he/she shall bear the corresponding civil liability; if the recipient obtains the organ donation through improper means or there are other illegal behaviors, he/she shall also be punished according to law. By strengthening supervision and management and pursuing legal responsibility, we can ensure that organ donation and transplantation activities are carried out in accordance with the law and regulations, and maintain the credibility and good order of the organ donation cause.

6. Conclusion

The exercise of the donor's right to revoke consent for living organ transplantation needs to strike a balance between ethics, law and social benefits. It is suggested that legislation should clarify the procedure and time limit for the exercise of the right to revoke, differentiate the legal consequences of revocation in good faith and in bad faith, establish a risk-sharing and compensation mechanism (such as a special fund and an insurance system), strengthen the protection of the donor's right to know and right to privacy, and at the same time, improve the supervision and accountability mechanism. By balancing the donor's autonomy and the recipient's right to life and health, and by reducing the waste of medical resources and the crisis of social trust, the standardization and humanization of the legal system of organ transplantation will be realized in the end.

Conflicts of Interest

The authors declare no conflicts of interest.

References

- [1] Ma, L.F. (2011) Bone Marrow Donation Encounters the Dilemma of “Reversal on the Verge of Repentance”. *Guangdong Science and Technology Daily*, 16 April 2011, 7.
- [2] Wang, S.H. and Wang, W. (2019) Research on Living Organ Donation from the Perspective of Philosophy of Law. *Medicine and Philosophy*, **40**, 65-67.
- [3] Hays, R.E. (2015) Informed Consent of Living Kidney Donors: Pitfalls and Best Practice. *Current Transplantation Reports*, **2**, 29-34.
- [4] Hart, H.L.A. (1961) *The Concept of Law*. Oxford University Press, 9-11.
- [5] Dworkin, R. (1986) *Law’s Empire*. Harvard University Press, 21-23.
- [6] World Medical Association (2009) Declaration of Helsinki: Ethical Principles for Medical Research Involving Human Subjects. *Journal of the Indian Medical Association*, **107**, 403-405.
- [7] Sun, S.H., Wu, R.L., Zhu, N.G., *et al.* (2020) Research Progress Concerning the Influence of the Chinese Traditional Cultural Values on the Civil Willingness towards Organ Donation. *Medicine and Philosophy*, **24**, 23-26.
- [8] Yang, X., Jin, Z., Feng, X., *et al.* (2021) The Current Situation of Knowledge and Attitudes towards Organ, Eye Tissue, Body Donation of Residents in Shenyang. *Chinese Journal of Tissue Engineering Research*, **25**, 779-784.
- [9] Olugbenga, A.J., Akinfolarin, O.O. and Iretola, A.E. (2024) Living Kidney Donation Attributable Risks: Recommendations for Improving Donor Outcomes in Nigeria. *Journal of the Nigerian Academy of Medicine*, **2**, 77-83.
- [10] Chen, H., Li, L.Z., Yang, J., *et al.* (2018) Evaluation of the Application Effect of Hypothermic Mechanical Perfusion in Kidney Donation for Organ Donation after the Death of Citizens. *China Drugs and Clinics*, **18**, 2142-2144.
- [11] Li, L. (2022) On the Legal Responsibility of Living Organ Donor Repentance. *Civil and Commercial Law Controversy*, **2**, 36-46.
- [12] Li, S.N., Gao, W. and Zheng, H. (2015) Outline of Legal and Institutional Construction of Organ Transplantation in the United States. *Practical Organ Transplantation Electronic Journal*, **3**, 74-78.
- [13] Liu, Y.Y., Li, J. and Zhang, L. (2007) Introduction to the New Role of Clinical Care Coordinator in Liver Transplantation Nursing in the United States. *Tianjin Nursing*, **1**, 53-54.
- [14] Muthny, F., Suwelack, B., Wolters, H. and Michalke, D. (2010) Living Kidney Donation: Donor-Recipient Constellations and Medical and Psychological Evaluation at the University Hospital Münster (Germany). *Transplantationsmedizin*, **22**, 87-89.
- [15] Muthny, F., Breuker, D., Brockmann, J.G., Senninger, N., Suwelack, B. and Wiedebusch, S. (2007) Psychological Screening and Care in Living Kidney Donation—7 Years of Experience with the. *Transplantationsmedizin*, **19**, 21-22.
- [16] Gong, N. (2021) Research on the Right to Revoke Human Donation. Ph.D. Thesis, Henan University.
- [17] Luo, Y.W. (2021) Informed Consent of Human Organ Transplant Donors and Its Realization. *Civil and Commercial Law Controversy*, **1**, 23-28.
- [18] Zagal, A. and Abraham, S. (2021) Ethical Aspects of Organ Transplantation: Role and

Implications for Nurses. *International Journal of Science and Research Methodology*, **19**, 113-123.

- [19] Li, W.J. (2019) On Repentance Donation of Human Organs and Liability for Damage Compensation. *Civil and Commercial Law Controversy*, **1**, 171-174.
- [20] Long, K.Y. and Wang, J.Y. (2023) Realistic Dilemmas and Legal Responses to Human Living Organ Donation. *China Health Law*, **2**, 60-65.
- [21] Oliver, E., Moreno, G. and Grinyo, J. (2019) The Anonymity of Organ Donors under Discussion. *Giornale Italiano di Nefrologia: Organo Ufficiale della Societa Italiana di Nefrologia*, **36**, 2019-vol6.
- [22] Zeng, W.J., Yu, X.L. and Long, Y. (2020) Effects of Quality Nursing Service Combined with Humanistic Care on the Psychological Condition of Organ Transplant Donors. *Chinese and Foreign Medical Research*, **31**, 96-98.
- [23] Zhang, R.T. (2014) Overview of Organ Donation in Foreign Countries and the Inspiration for Organ Donation in China. *Education and Teaching Forum*, **43**, 71-73.