



Controls of dealing with the technique of preserving surplus laboratory embryos between Sharia and Algerian law

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Abstract ;

The world is currently witnessing a significant advancement in medical science with the discovery of therapeutic techniques to help spouses who were born later. By creating a method for preserving extra laboratory embryos for both internal and external artificial insemination, scientists have been able to obtain positive results from these medical experiments. This paper aims to shed light on this method, which is a contemporary concern for many types of spouses who suffer from chronic illnesses or delayed reproduction. In addition, it aims to elucidate Algerian law's position about Islamic law, as well as the rationale behind its legality and the legal restrictions on managing surplus embryos.

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1. **Introduction**

The current era is characterized by considerable scientific progress in all fields. Perhaps the most prominent of these areas are the medical developments that followed yesterday. It was not impossible to do so today. Islamic law can no longer keep pace with any of these developments in this area except with recent legislation and legislation. Therefore, there is a difference between the medical findings and the provisions of Islamic law and the legal provisions governing this profession and its branches if we take into account this scientific progress and the accompanying discovery of modern therapeutic methods that have helped doctors to eradicate many diseases and to produce medicines for the treatment of certain serious diseases.

generally, such issues were not raised a few years ago; they were not known at the time; they were the product of advances in scientific techniques that had made many new developments in the hands of people, and it was, therefore, natural for scientists in such areas as sharia and law to be interested in examining and expressing their views on these issues, in their respective fields of specialization. Many States have authorized artificial

Insemination with legal and legal controls. Algerian legislation, by article 45 bis of the Algerian Family Code in 2005, stipulates that: "Spouses may resort to artificial

insemination" (the Algerian Family Code, 2005). The Algerian legislature has endeavored to keep pace with scientific and medical development and to assist spouses in their reproduction through artificial insemination techniques. Thus, it has become important to study the technical controls on the preservation of surplus laboratory embryos between Sharia and Algerian law.

The purpose of this research is to highlight one of the most important topics that many of the spouses are ignorant it, organized by Islamic law and Algerian legislation. It brings together more than one science, namely, medical, legal, and legal sciences; the regulation of the technique of the preservation of surplus laboratory embryos from the standpoint of Sharia and Algerian law, as well as the demonstration of the flexibility of Islamic law, its validity for every time and place, its coverage of new incidents and events, an attempt to facilitate the process of consideration and scrutiny by the members of the legal and legal jurisdiction; and to draw the attention of the Algerian legislature to the enactment of laws regulating this modern medical technique.

To achieve the goals of this study, we ask the following problematic: What are the legal controls for dealing with the preservation of surplus laboratory embryos ?And were the procedures for its

use was regulated by Sharia and Algerian legislation?

In this study, we will use the analytical and comparative approach whereby we will gather the relevant views and different images of the research, including those that are lawful and approved by the law. Oppositely, we will analyze those views and weigh one of them. We will also compare the texts of Sharia with those of the Algerian law. We will divide the research into three topics:

Topic 1: The concept of the preservation of surplus laboratory embryos and their causes.

Topic 2: Legal controls for the preservation of laboratory embryos.

Topic 3: Legal controls for the preservation of surplus laboratory embryos in Algerian legislation.

Finally, we conclude the article, containing the most important findings and suggestions.

2. The concept of preservation of surplus laboratory embryos and their causes

This technique was developed in the United States of America as a result of the great scientific development in external artificial insemination. Doctors have been able to devise new methods of cooling semen conservation. Several pregnancies and births have been successfully completed

and spread throughout the world, and special centers have been set up.

2.1.1 The concept of the technique of preserving surplus laboratory embryos

Procreations with medical assistance are linked to a specific technique of keeping embryos in dedicated centers or banks so that if semen implants in the uterus fail, their content will be used.

They can be defined as: "a small chemical refrigerator or rooms used for liquid nitrogen cooling, (Ali, 2012, p. 1354) and also defined as: "a medical device pre-equipped with high-tech maintenance of surplus embryos in auxiliary medical fertilization processes, for recovery when needed by its authors and right-holders." (Haykel, 2007, p. 90).

A third definition is: "The placement of men's sperm, eggs for women, and pollen that have reached the first stages of development in warehouses, incubators or devices, within special refrigerators (e.g. liquid nitrogen), shall be preserved for their life until they are used again when needed." (Said, 2013, p. 43).

From previous definitions, it is concluded that this technology is well established in the area of assisted reproduction technology has been used for several decades and is linked to high rates of success in achieving pregnancies similar to those of fresh embryo transfers. Refrigeration not only provides flexibility

in the timing of fertility treatments but also allows individuals and spouses to maintain embryos for future use, thus contributing to public safety and the success of assisted reproduction.

2.1.2 Reasons for the preservation of laboratory embryos

The process of artificial insemination is one of the current methods of treatment. This process has produced several contemporary medical developments, including sperm banks and embryo banking. The idea of these banks is to take the sperm and female eggs and store them in warehouses with appropriate physical and chemical properties for up to a quarter of a century. They are then recovered at the time of demand. They are spread, they exist in many countries.

The timing of the procedure is immediately following the vaccination of the wife's egg by the husband's sperm disinfectant, but there may be health or personal reasons why they should not resort to the technology for the preservation of embryos, which we quote as follows:

I. Health reasons

The man has testicular cancer.

- Men are exposed to radioactive or chemical substances when treated for diseases such as cancer.

- Resuscitation of sperm-borne vessels in the male reproductive system due to congenital defects.
- There is a severe weakness in sperm in terms of small numbers, activity, and movement.
- Excess of vaccines in artificial fertilization processes.
- Recourse to preserved vaccines in the event of failure of the first transplant.
- Women avoid the risk of multiple pregnancies, with few vaccinations, and keep the rest in place of all vaccinations.
- Vaccinations that lead to a large number of embryos endangering them, (Mamoun, 2011, p. 1355).
- It reduces the costs of artificial fertilization techniques that the majority are unable to afford.
- Women avoid the troubles and problems of repeated withdrawals of their eggs to which they are subjected each time;
- Contributes to the detection and treatment of genetic diseases, research, medical experiments, and study.

Some medicines that prevent sperm formation in some difficult medical conditions, such as autoimmune disorders, pulmonary colitis, heart transplants, or diabetes, all involve the use of toxic medication for cells and immunity, which will stop the production of sperm. (Mustafa, 2014, p. 21).

I. personal reasons:

- To obtain the offspring after the death of the sperm owner, both spouses agree to keep the sperm frozen. If the husband

dies and the wife is alive, they can recover the frozen sperm and then undergo vaccination, and pregnancy and reproduction will be achieved after the death of the husband.

- A man goes to jail and is sentenced to a very long term, which prevents him from stepping on his wife, and freezing sperm is the best solution for him in such a situation.
- Women freeze their eggs for several reasons, the most important of which are health, and there are other social or personal reasons. (Ibrahim, 2019, p. 238).

II. Health reasons:

There are many health reasons why the mother-in-law freezes eggs, including:

- When resorting to artificial insemination, where a woman egg's ovaries are activated by a doctor and produce surplus eggs, they are kept in cold conditions and frozen, to be used later when the woman is willing to re-grate. The doctor freezes some artificial fertilization eggs to take advantage of them if the growth of implanted eggs in the uterus fails and freezes the eggs that reduce the costs of artificial insemination in future times, in addition to protecting women from the risks of taking activated drugs.

- If a woman is at risk of stopping ovulation following surgery or using radiotherapy.
- Infecting women with an autoimmune disease requires the use of medication that can lead to gland poisoning or serious problems in the uterus.
- The absence of sperm is required for pollination after the extraction of eggs for use in industrial pollination; the eggs are frozen until sufficient sperm are collected. (Sardar, 2010, p. 43).

III. Social and personal reasons:

- A woman may use an egg freeze for her own social circumstances, including:
- The husband travels for a long time, and the woman seeks to save her eggs by freezing them.
- Freeze single eggs, for use after marriage, for fear of menopause, for unwillingness to have children in the first years of marriage in order to preserve beauty, for work or study, etc. (Haji., 2003, pp. 59-60).

2.2 Legal controls for the preservation of surplus laboratory embryos

The jurisprudence and principles of the Sharia stipulate that the lawful judgment of the act of the official is based on the bringing of the interest and the prevention and payment of the spoiler; the subject of

the freezing and storage of the eggs is likely to be the sharia.

For the judgment to deal with the technique of freezing surplus embryos and to have a clear view of them, it is necessary to search for equivalents in the statements of the jurists, their jurisprudence, and their attachment to what is closer to the branch by deducing the origin and following the equivalent of the branch in accordance with the previous rules and principles. Thus, the knowledge of the lawful rule of egg assembly is based on two origins of Sharia and its general rules:

The first is to balance the interests that give rise to the technique of freezing surplus embryos with the damage and damage caused. This provision differs between individual people, and from one individual to another, in view of the corrupt interest or payment it entails. To the extent that the good that a wise street wants is fulfilled, action is initiated and the absence of action is prevented.

Number two: the trigger for the freeze, and the trigger for the freeze. The technique of freezing surplus embryos is permissible if the motive for doing so is permissible, and it is prohibited if the motive is unlawful, Allah said :(We have honored the Children of Adam, and carried them on land and sea, and provided them with good things, and greatly favored them over many of those We created.) (Al-Isra, 70).

Thus, the Sharia jurisprudence has differed on the permissibility or prohibition of the technique of preserving surplus laboratory embryos after artificial insemination in designated banks. This is due to their disagreement about the nature of surplus embryos, which are human embryos with human dignity or are not human embryos, thus prohibiting their use or leave.

2.2.1: the view of prohibition.

According to the authors of this opinion, vaccinations may not be frozen on the basis of a number of arguments. Preservation leads to the mixing of genes, especially in light of the loss of honesty and lack of control. It deprives an excuse, divides the duration of the pregnancy into two tribal periods and a period of time thereafter, and makes it the form of a spouses-controlled calendar that begins on and ends on a date, which is a means of helping to vaccinate after death, resulting in many losses affecting the birth, inheritance and other legitimate matters, stopping the embryos and developing them, especially in their early stages. (Mustafa, 2014, p. 31).

The jurist of the prohibition of the freezing of surplus embryos have shown that:

- There is no need for a woman who has not been married to perform an egg freeze because she can be viable for reproduction without any medical intervention.
- The technique of freezing surplus embryos includes a number of losses,

including access to the nakedness of a foreign woman without legal justification. It is legitimate to know that the nakedness of a foreign woman is permitted for the reason of the need to do so. There is no need in this case. There is therefore no need to do. (the Muslim World League, 2023).

The mixing of genes, taking eggs from women, and freezing them in embryo banking may, over time, lead to their loss or association with others. This leads to the disruption of the mixing of genes, which is contrary to the intent of the tender law to preserve genes and symptoms.

The eggs were created for the yard and damaged by going out, and their preservation was frozen for enrichment after marriage, contrary to what they were created for him, unlike those formed under marriage. They are for pregnancy and reproduction, and this universal year is a divine wisdom that should not be compromised; for breaching them inevitably disrupts the universal order.

It is well known that if a woman reaches menopause, the ovaries lose the ability to ovaries. This means that she has lost her ability to conceive, and indeed God is wise enough to show that men do not reach this age of despair, but that the ability to release sperm and the reproductive capacity to old age remain. If they are sexually vulnerable, which is not linked to the release of sperm, the difference is clear; a man does not carry, and therefore has no danger of continuing

to be able to release sperm and to freeze a woman egg's if they are intended to be used after the age of menopause. (Nur, 2022, pp. 298-327).

This technique threatens the integrity of the genealogy, which is one of the purposes of the sharia; preserved samples may mix with each other; there may be deliberate manipulation by some weak souls of doctors who draw and preserve samples or others, and pregnancy from a serial killer may occur after the death of the husband.

This view was taken by the Egyptian advisory house, which declared illegal the establishment of embryo banks, considering the corruption of the family system and the manipulation of penitentiaries. Precaution must be made to prevent the freezing of embryos, and doctors must withdraw eggs as much as they need, leaving them uninfatuated). (Al-Arabi, 2012, pp. 16-17). Some of them are destined to be vaccinated outside the womb, and there is no need to return to the womb. The first was to leave them to die as much as they needed because the preservation and maintenance of genes do not amount to financial and physical problems (Salem).

However, there are cases where the freezing of sperm and eggs is prohibited:

I. Freeze sperm or eggs for reproductive use by non-spouses ,It is prohibited to freeze sperm and eggs if they are donated to others, whether in exchange for money

or free of charge. The owner of sperm may not give his or her animals a gift to others for their benefit or the owner of the egg may offer her or her eggs to those who benefit them free of charge, for example, to be donated to the spouses to obtain the offspring and to sterilize them or infect one of them.

II. The freezing is aimed at obtaining certain specifications by means of the freezing of sperm and eggs to obtain specific specifications in the birth of a child. This is from the fact that the freezing was a product of goods that Islam has deprived him of.

III. If one dies and the other is alive and wants to have a baby, he or she can recover sperm or frozen eggs, and then perform industrial insemination of the animals and achieve pregnancy and reproduction after the death of the husband or wife.

IV. Freeze of single eggs for use after marriage in fear of menopause, failure to have children in the first years of marriage in order to maintain height and beauty, or to engage them in work or study, or for other reasons. The damage that can be achieved by freezing eggs in such a situation outweighs the problem of deprivation of reproduction. The risk of error in something that causes the mixing of genes needs to be re-examined and addressed. The corrupter has overcome the desired interest in freezing and has to say that it is ever allowed to open and maintain

a corrupted situation in Islamic society that requires the prohibition of this situation. (Omar, 2012, p. 64).

2.2.2. Opinion on permissibility

The jurists of this opinion point to the urgent need for conservation in dedicated banks, since it helps to perform artificial enrichment operations because the process of de-egging is cumbersome and financially expensive for a woman. It also helps to detect genetic diseases prior to the implantation of pollination. Insemination does not matter whether it is instantaneous or lax as long as it is between the spouses and there is no difference between the frozen or unfrozen embryos. This was taken by the sharia community at its sixth session, held in the Kingdom of Saudi Arabia in 1960, where it decided on several arguments:

1. In light of the scientifically achieved potential for the preservation of uninfused eggs for withdrawal, when vaccinating eggs, only the number required for planting must be kept at each time, to avoid surplus pollinated eggs.

2. If there is a surplus of pollinated eggs in any way left without medical attention until the normal life of that surplus is over. (Haji, 2003, p. 22).

3. That the frozen vaccines are the result of egg pollination of her husband sperm's water wife and have a legal marriage relationship during their life, and that the

frozen plates of the conservation center have been established in special records designed for this purpose.

4. Such conservation must also be carried out at the level of governmental centers or non-profit, scientifically and religiously reliable official institutions, and if the owners request their disposal, it shall be done immediately. (The Muslim World League, 2023).

5. Such preservation is necessary and not for curiosity, selectivity, sale, or trade.

6. The center of Embryo Freezing (Cryopreservation) staff must guard against the mixing of preserved vaccines and stop immediately after the need has been completed. Those who cause them to develop viruses, deformities, or hereditary diseases due to the length of the preservation period must also be expected to do so by a reliable Muslim doctor. (Mustafa, 2014, p. 26).

This was recommended by the participants in the medical jurisprudence symposium held in Kuwait in October 1989, which recommended, inter alia, that: "The ideal situation is that there should be no surplus embryos through continuous research by scientists on the retention and vaccination of unenriched eggs only when they are needed and that the method of maintaining the ability to inject properly thereafter".

It follows from the foregoing that it is my opinion that embryos may be frozen with

strict controls and conditions for not mixing vessels while retaining embryos, taking into account their elimination after the completion of the vaccination process for which the embryos are kept. The establishment of these banks in accordance with legal controls and restrictions is also permitted as a matter of the utmost necessity and under the supervision of a reliable scientific and religious committee, so that we may say that the need to allow the eggs were created for the yard and damaged by going out to allow for prohibitions and controls to benefit from modern scientific development in the field of medicine. In particular, they may alleviate the suffering of some women suffering from infertility or reproductive problems, as well as the costs of artificial inseminations; however, they must be restricted, so that they do not fall outside the framework of legality, such as those laid down by the Egyptian advisory institution, namely:

1. Enrichment shall take place during the marriage and shall not be permitted after the dissolution of the marriage by death, divorce, or otherwise.
2. The fertilized vaccines shall be kept in a safe manner that prevents their intentional or accidental association with other preserved vaccines.
3. The ulcer should not be placed in the womb of a foreigner other than the uterus of the pollinator, neither donated

nor compensated, and it should be ensured that the freezing of embryos does not have negative side effects on the eggs were created for the yard and damaged by going out, in accordance with the rules of necessity that allow for prohibitions. (Chamsi-Pasha, 2015, pp. 173-186).

4. Legal controls for the preservation of surplus laboratory embryos in Algerian legislation

The application of medical research to laboratory embryos is limited and expanded in most legislation on the grounds adopted by any legislator. If it tends to be free to develop medically, its conditions are simple. If it adheres to the principle of inviolability of the human body, its conditions are strict. The French legislation regulates and separates the technique of preserving surplus embryos.

3.1 Controls of French law on the technique of preservation of laboratory embryos

Since this technology has created legal, social, and ethical problems, like most countries in the states, In the United States of America, we will show the controls of French legislation from this technique:

The French legislature has authorized the technique and framework for the preservation of embryos by establishing objective and formal conditions that guide

the spouses and make it easier for workers in these centers to work.

In order to legalize the preservation and integrity of embryos, the French legislature has made a number of substantive requirements, including those relating to spouses or third parties, including those working in such centers, in order to understand the gravity of the effects of such banks.

- Conservation for medically assisted reproduction and written consent

Pursuant to article 2141-11 of the French Public Health Act, the French legislature has compiled the requirement of preservation with a view to carrying out medically assisted reproduction, together with written consent. Any person whose medical care is likely to impair fertility or subject his or her fertility to an early impairment that may benefit from the collection, removal, and preservation of the commotion or microbial tissue with the aim of performing subsequent medically assisted reproduction and maintaining his or her fertility or restoration of the hormonal function. Such collection, removal, and storage shall be subject to the consent of the person concerned and, where appropriate, the consent of one of the parents authorized to exercise parental authority or guardian when the party concerned is a minor, after gathering information from the multidisciplinary team at the center on the conditions, risks,

limits, and consequences of the operation in the year in which they reach the age of majority, and obtaining the consent of the minor who is systematically able to express his or her will and participate in the decision. (Bujan, 2022, pp. 44-51).

The biological processes used for the preservation of gills and germ tissues are included in the list provided for in the above-mentioned law. Parents authorized to exercise parental authority over a minor are contacted in writing every year to collect information useful for the preservation of his or her germ tissues. The preservation of the tissue or tissues of a minor can only be terminated in the event of death. In the event of the death of a minor whose gills or tissues have been preserved, parents authorized to exercise parental authority may agree in writing that:

- Diaphragms or microbial tissues are subject to research under the following conditions:
- To eliminate the preservation of her gills or germ tissues.
- The consent is subject to revocation until the use of the compost or microbial tissues or the end of storage within the said time limit applies only to the minor.

The adult who has been preserved shall be consulted every year and shall agree in writing to the continuation of such preservation. If he or she no longer wishes

to continue the preservation or if he or she wishes to determine the conditions of preservation in the event of death, he or she shall agree in writing to:

- The commotion is the subject of donation and is subject to research under the conditions prescribed by law.
- Termination of preservation of surplus laboratory embryos

In all cases, such consent shall be confirmed in writing after a three-month period of reflection from the date of the initial approval, and the consent shall be subject to revocation until the use or even the termination of storage of the tissues or tissues. (Decree, 2021), In the absence of a response from adults for 10 consecutive years, the preservation of tissues or tissues is terminated during the continuous 10-year period. When a person reaches age, the preservation interest is no longer justified. In the absence of consent provided for this age limit is determined by order of the Minister responsible for health after consultation with the Biomedical Agency, or in the event of the death of the person. (Bujan, 2022, p. 170).

An adult who meets the age requirements established by a decree of the Council of State - after consulting the embryo banking - may also benefit from medical treatment by the multidisciplinary clinical biology team from the collection, removal, and preservation of the commotion for medically assisted reproduction in the

cases provided for in this chapter. Such collection, sampling, and storage shall be subject to the written consent of the Party concerned and shall be submitted to the multidisciplinary clinical biology team after information has been obtained on the terms, risks, limits, and consequences of the operation.

When stored composts are sperms, the interested party shall be informed that it may be at any time.

Costs relating to the preservation of the commotion carried out in the application of this order directly or indirectly cannot be borne by the employer, any natural person, or any legal person governed by public or private law.

The Act emphasizes that only public health institutions or private non-profit health institutions authorized to provide public hospital services after permission to do so may carry out this technique - remove, collect, and store the compost. (Mesnil, 2022, pp. 76-78).

3.2 Controls of Algerian law on the technique of preservation of laboratory embryos

Algerian legislation has recognized the technology for the preservation of embryos after artificial insemination itself at the first stage. Under ministerial instruction No. 300 of 2000 on best clinical and clinical practices (ministerial, 300), the legislature has adopted the legal opinion that it is

permissible to retain laboratory embryos. In this instruction, the legislature has stipulated that medically assisted reproduction can be used only after interviews have been conducted between spouses and the medical and therapeutic staff, who explain the reasons for achievement childbearing and the appropriate protocol for them and the proportion of the success of the operation and the potential damage to them, such as multiple pregnancies or distortions. (Al-Arabi, 2011, pp. 71-72).

As for the second condition, it was necessary to ensure that one or both spouses were infected with infertility, so that, as in some States, there was no recourse to such operations on the basis of experimentation, curiosity, or unlawful aims.

Through the foregoing, we distinguish between two phases:

I. Phase 1: Under the Health Protection and Promotion Act (No. 85-05), the Family Act (No. 300), and Ministerial Instruction (No. 300) concerning clinical and clinical practices in the area of medical assistance for reproduction, which allowed spouses to preserve laboratory human embryos by means of freezing techniques in three specified cases and for three years: if there is a medical necessity to delay the implantation process within the wife's womb, the second case is the impossibility of planting after the enrichment of the eggs

has been completed, and the third case concerns the existence of an additional number of embryos after the transplant has been completed.

This instruction has regulated how embryo preservation techniques are carried out in accordance with a set of conditions:

1. The preservation period shall not exceed three years so that the eggs do not lose their ability to form an embryo because of the length of the freeze, resulting in distortions and diseases.
2. The free, informed, and written consent of the spouses prompted disagreement and discord over the ownership of the vaccines after the divorce or the spouses abandoned them together.
3. The purpose of maintaining embryos is to complete the future reproduction process by only the spouses.
4. The frozen eggs must be destroyed immediately upon the death of one of the spouses. A record of this must be drawn up so that no vaccination may be carried out after death since the death of a spouse ends in marriage. However, the legislature does not specify which information is to be recorded in the report, the person who issues it, or the person who supervises the destruction.
5. The immediate destruction of eggs in the event of divorce is due to the lack of marriage between them. The legislator had to replace the term "divorce of marital

relationship," which is considered to be more comprehensive and includes divorce and debauchery.

6. Only if necessary can the number of eggs stored exceed that number, provided that the medical examiner causes the exception to be exceeded in the medical file so that there is no substantial surplus used for other purposes. (Houari. 2022. P128).
7. Interviews between the spouses and the attending physician about the quality of the eggs, the age of the wife, and all about the preservation process.
8. The introduction of these controls in accordance with the previous instruction is a guarantee of the preservation of marital rights and would provide protection for a family and community entity from mixing or converting this technology into trade.

II. Phase2 : The second Phase begins from the date of promulgation of Act No. 18.11 on health. The Algerian legislature was expected to provide details of the surplus laboratory embryo technique immediately after the promulgation of the Family Code, article 45 bis, Ordinance No. 05-02, because it related to artificial inseminations, but for unclear reasons it omitted them. (The Algerian family code, 2005).

With the promulgation of Law No. 18.11 on Health (Law N°. 18-11, 2018), a provision has been inserted in Article 374 to specify the conditions for the preservation and

damage of the commotion through regulation. However, no instruction has been given to him. He should have regulated the entire conservation process in this Law or followed organizational instructions immediately following the promulgation of the Law, as this is a legislative vacuum and a sensitive matter followed by several legal and moral caveats, the most important of which is the mixing of genealogy.

However, he was interested in identifying artificial insemination and controls.

We note that the legislature defines medical assistance for reproduction as provided for in Article 370.1 of the Health Act. That: "Medical activity that allows extra-natural reproduction, in the case of medically confirmed infertility, consists of medical, biological and therapeutic practices that allow the activation of ovulation and insemination by pipes. And the transfer of embryos and artificial enrichment."

The Algerian legislature has remedied the inadequacy of Article 45 bis of the Family Code by amending the Health Code by adding a number of rules and conditions, namely:

Laboratory embryos. Have a religious source and wish to develop their research at the expense of embryos expand their abortion grounds and turn to it without

Legal or medical necessity. In contrast, research on the dead or the living is

permitted by donation. Section III devotes articles 377 to 399. There is no justification for conducting it on laboratory embryos.

The requirement of necessity in article 370.1 states: "Medical assistance for reproduction is a medical activity that allows for:

In the case of medically confirmed infertility, we see that it was supposed to be this, along with the other conditions from the beginning, so that some don't take these operations as their own.

Experience or curiosity; artificial insemination is not used if natural reproduction is possible.

To affirm the importance of the conditions set forth in article 45 bis, as provided in article 370/1 of the Convention;

The Health Act, states: "Medical assistance is devoted exclusively to reproduction, in order to respond to a request that is transitory.

About him, a man and a woman of reproductive age, alive, forming a legally bound husband, suffering from a certain infertility.

Medically consenting to artificial transfer or enrichment, where only sperm can be used by the husband, "And only the wife's egg, excluding everyone else," the violation of this article carries a penalty. Five to 10 years imprisonment and a fine of 500,000 DA to 1,000,000 DA" as stipulated

in Article 434 of the same Act. (Law No. 18-11, 2018)

- In addition, the spouses must submit a written application for their consent to the procedure of artificial fertilization.

Article 371/2 states: "The husband and wife shall submit in writing, alive, their request concerning Medically assisted reproduction, and they must confirm it one month after it is received from "the structure or institution concerned, so that they may have support in the face of treatment centers, or the face of Each other is in dispute. (Law N°. 18-11, 2018).

- Provision is made for artificial insemination by accredited and qualified practitioners and in centers or intelligence services

In the event of a violation, a permit is issued under Article 433.

- Monitoring of industrial reproductive centers by the competent health services and the obligation to submit an annual report on all its activities under article 373/2.

- Add ethics related to assisted medical reproduction and related to Article 354

Although the legislature is considered to be highly successful in establishing controls and conditions for artificial vaccination, in particular for compliance with the provisions of Sharia, some shortcomings

are taken into account, the most important of which are:

- Failure to provide for the percentages resulting from such operations, which is not provided for in article 45 bis of the Act

The family did not add a second paragraph to article 41, which is considered to be an origin in the provision for descent.

- To ignore the provision for surplus vaccines and their fate.

Moreover, this legal provision has not been supported by regulatory provisions dealing with:

- Procedures for the operation of industrial reproduction centers;

- The responsibility of the doctor and the couple wishing to vaccinate in the absence of a condition;

- Administrative measures were taken against illegal centers, such as the closure of the center and the withdrawal of a license;

- No oversight or supervision of artificial vaccinations has been assigned to the National Ethics Councils

The medical profession is supposed to be a major player in these processes.

Thus, it can be said that the legal treatment of the technology for the preservation of embryos was provided by Ministerial Instruction No. 300 and not by the Health

Act, since in the latter, the legislature had merely declared it permissible and left a legislative vacuum on the question of determining the modalities and conditions of its application. (Instruction, 2000).

Article 435 of the same Code provides that: "Any person who contravenes the prohibition provided for in article 436 of this Code relating to any form of transaction in respect of human body materials shall be punished by 10 to 20 years imprisonment and a fine of 1.000.000 to 2.000.000.DA ". (Law No. 18-11, 2018).

The Algerian legislature is told that it has left the Algerian Code of Ethics. Article 18 of the Code still allows for appropriate biological studies to be carried out under strict control for the direct benefit of the patient, in which the fetus category may enter because it does not separate embryos from the living or the dead, which clearly demonstrates the contradiction between the Health Code No. 18-11 and the Algerian Code of Ethics.

If the Algerian Code of Ethics allows for the freezing of surplus laboratory embryos that can help to produce, it is essential that the legislature intervene to control these processes by amending the Health Code, to preserve the medical interest that Islamic law and moral public order consider to be. (Executive Decree No.92-276, 1992).

However, the regulations established by the Algerian legislature concerning the

procedure for the maintenance of laboratory embryos must not be confused with the prohibition of scientific research that affects the integration of embryos. Abortion is open where doctors who do not have religious resources and wish to develop their research at the expense of the embryos expand the grounds for abortion and turn to it without legal and medical necessity. In contrast, research on the dead or the living is permitted by donation. Section III devotes articles 377 to 399. There is no justification for conducting such research on laboratory embryos.

4. CONCLUSION

At the conclusion of the research, the following is a summary of our main findings:

1. It is in the interests of the family and society that progress in the medical sciences should be made within the legally and legally acceptable limits.
2. The legitimate examination of the developments is a necessity that demonstrates the capacity, flexibility, and validity of the Sharia for every time and place.
3. The majority of those working in Islamic law and Algerian legislation agree with the Family Code to authorize the freezing of surplus laboratory embryos for artificial insemination and to take them up with a series of legal and legal controls.

4. In Sharia and Algerian legislation, those who strive for the freezing of surplus laboratory embryos are subject to the legal and legal conditions that confer legitimacy on the operation and are liable to a penalty for their violation.

5. French law regulates the technique of freezing surplus laboratory embryos and takes them into account with conditions, rights, and obligations. There is no comprehensive legal regulation of the freezing of surplus laboratory embryos in general in Algerian legislation, except for certain provisions of the Algerian Code of Ethics for Medicine and Ministerial Instruction No. 300 concerning clinical and clinical good practices in the field of medical assistance for reproduction.

6. The need to establish safeguards to ensure that no sperm or vaccine is mixed and that the operation is permitted only in licensed specialized medical centers supervised by the State

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