

Transplantation of human organs In the Algerian health Law

زراعة الأعضاء البشرية في قانون الصحة الجزائري

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Received: 29/06 /2025

Accepted: 29/10 /2025

Published: 29/11 /2025

Abstract:

The Algerian legislator, like the rest of international health legislation, has tended to promulgate Health Law No. 18-01, which is accompanied by a set of medical and legal controls that place the process of organ removal and distribution within its legal and applied framework, taking into account for this purpose the conciliation between the interest of the donor to preserve and preserve his body, the interest of the recipient in the use of the organ, and the interest of society to control the process of organ removal and transplantation so that it does not go beyond its legal scope, which entails criminal liability for offenders and those responsible for them.

Key words: human organs; removal; transplant; donor; recipient.

Introduction:

The right to physical safety is considered a sacred right in all divine and secular laws. The goal of every human being on this earth is the necessity of preserving the continuity of his body parts to perform their functions normally. This is constitutionally guaranteed as a basic right that guarantees the individual's existence as a living physical entity that performs his effective role within society. This is enshrined in the penal code through criminal penalties that embody the constitutional protection of this right. By criminalizing all behaviors that aim to assault human organs during life and even after death.

However, this principle is no longer absolute due to the significant developments in medical research, which have led to the emergence of new, more effective technical methods for treating incurable diseases. Perhaps the most prominent of these is the process of removing and transplanting regenerated and non-regenerated human organs, whether between the living or from the dead to the living. This has helped save many patients who were doomed to suffer until death.

The topic of organ removal and transplantation has generated considerable controversy among legal experts, physicians, and religious scholars. This is because it is a procedure that poses a significant risk to human life and physical integrity. Various laws and regulations have been enacted to protect it from any attack by establishing controls that regulate the process of organ removal and transplantation.

In line with the legislation that was the first to establish this system in its laws, the Algerian legislator, since issuing Health Law 85-05, took the initiative to adopt the strategy of removing and transplanting human organs, in view of the great importance it achieves. However, the controls that it established at that time were known for their many loopholes, which prompted it to review these controls through issuing the new Health Law 18-11. Through which he established a set of medical and legal controls that largely achieve the desired benefit from the process of removing and transplanting human organs, which brought new horizons to human life, in giving the human being, who is the means and the end in this life, hope for the renewal and continuation of life.

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This study highlights the role of the controls established by the Algerian legislature to regulate the process of organ removal and transplantation. This is achieved by attempting to reconcile fundamental interests: the patient's interest in saving his life from the threat of death and chronic pain; the donor's interest in preserving his physical integrity by protecting his health from any life-threatening consequences; and the community's interest in combating the phenomenon of organ trafficking.

Based on the above, the following question can be raised: How effective are the controls established by the Algerian legislature for the practice of removing and transplanting human organs in preserving the health of patients and donors, and in reducing the phenomenon of illegal organ trafficking?

To address this study, we have relied on the analytical approach by extrapolating the texts related to regulating the removal and transplantation of human organs contained in Law 18-11¹. on health, through two sections. In the first section, we addressed the medical controls regulating the removal and transplantation of human organs, while in the second section, we devoted it to studying the legal controls regulating the removal and transplantation of human organs. We concluded this study with a conclusion that includes the most important results and suggestions.

The Algerian legislator has been keen in Article 360 of the Health Law to adhere to this condition and to apply it strictly, so that the donor does not lose an organ without the recipient benefiting from it, and so that his health is not exposed to danger as a result of this removal, and so that the removal process is not carried out except in cases of extreme necessity, A doctor's acceptance of an organ transplant depends on the recipient's illness being intractable to medicine, and normal treatment methods and therapies becoming ineffective and normal surgical operations leading to ineffective results. Therefore, the only option is to replace the damaged organ with a healthy one.

Topic One- Medical Controls Governing Human Organ Removal and Transplantation:

In the case of removing or transplanting human organs, the physician is obligated to fulfill two types of medical controls necessary for their success. Some of these controls are required by the necessity of preserving the health of the patient in whom the organ is to be transplanted and the health of the donor. These controls are called objective medical controls (the first requirement). In addition, they require procedural medical controls imposed on those in charge of them (the second requirement).

First requirement- Objective medical controls for the removal and transplantation of human organs:

These controls are limited to the duplication of the organ to be donated (first branch), the compatibility of the donor's tissues with the recipient's (second branch), and the preservation of the removed organ from damage (third branch).

first branch- Duplication of the organ to be donated:

It is well known that the process of removing and transplanting human organs primarily aims to achieve a therapeutic or diagnostic goal. Therefore, the legislator stipulated that before proceeding with organ removal, the organ to be donated must be renewable. If a person cannot donate a heart, lung, or pancreas, then such a donation would inevitably lead to the person's death. Therefore, the harm expected from the donation process is much greater than the expected benefit².

Referring to Article 355, Paragraph 01 of the Health Law, we find that the legislator did not specify the human organs that may or may not be donated, but rather was content to specify the purpose of the organ transfer and transplantation process, which he limited to the removal of the organ being for a therapeutic or diagnostic necessity. Therefore, the human organs that are suitable for donation are those that do not constitute an integrated tissue unit, and their removal does not affect normal life. Rather, the body can compensate for it on its own, as is the case with the removal

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of part of the liver, or it can compensate for its function, as is the case with the removal of a kidney, which is considered a paired organ.

It should be noted that duplicate organs are those whose removal does not affect the body's functions or cause any distortion in the human's appearance or structure, such as the hands, feet, or eyes. Donation in this case would inevitably harm the donor's physical integrity and impede their ability to perform their functions, not to mention the disfigurement that would be inflicted.

In the field of kidney transplantation, for example, since kidneys are a pair of non-regenerating organs in the body, before taking one of them from the donor, the doctor must verify that the other kidney is healthy, free of any deficiency or disease, and capable of fulfilling the functions of the removed kidney³.

In addition to the above, medical experiments have confirmed that in order to remove an organ, the donor must be between 50 and 10 years old. Performing such operations on people older than this age increases the risk of exposing them to risks and diseases, not to mention the inability to endure surgical procedures. These operations may cause more serious health complications if performed on a child under 10 years old⁴.

second branch- the compatibility of the donor's tissues with the recipient's:

After fulfilling the duplication condition of the organ to be removed from the donor, this organ must be compatible with the recipient's tissues, because one of the most important risks that prevent the transplant from achieving its goal is the problem of tissue incompatibility between the donor and recipient, or what is known as the phenomenon of foreign body rejection. It is absurd to remove a healthy organ from a living person if the success rate is zero due to the recipient's body rejecting the removed organ. This contradicts the basic purpose for which human organ removal and transplantation are permitted⁵.

Therefore, surgeons performing organ removal and transplantation must verify the compatibility of the recipient's and donor's tissues well in advance of the organ transplantation procedure, to ensure both their safety and the success of the transplant. The purpose of removing an organ from a donor and transplanting it into the recipient's body is to save the recipient without harming the donor. However, with tissue differences, this purpose will certainly be negated⁶.

By referring to the text of Article 360, Paragraph 2 of the Health Law, we find that the Algerian legislator has limited donation as a principle to the family sphere, so that the donor is the father, mother, brother, sister, son, daughter, grandmother, grandfather, maternal uncle, paternal aunt, paternal aunt, paternal cousin, paternal aunt, paternal aunt, paternal uncle's daughter, paternal aunt's daughter, paternal uncle's son, paternal aunt's son, paternal aunt's son, paternal aunt's son, paternal niece, paternal niece, paternal husband, wife, stepmother, stepfather of the recipient.

In the event of tissue mismatch between the donor and the recipient, cross-organ donation may be an exceptional option. This involves creating a "donor-recipient" pair with identical tissues and immune composition, provided that the identities of the donor and recipient remain undisclosed.

In addition to verifying tissue compatibility between the recipient and the donor, the latter must undergo a series of biological and clinical tests to ensure their health and freedom from infectious diseases that can be transmitted from one person to another⁷.

Third branch - the preservation of the removed organ from damage:

One of the most important requirements following organ removal from the donor's body is its preservation, as damage to the organ can have serious consequences for the recipient. The length of time required to preserve the viability of the organ removed from the donor varies depending on its anatomical composition. For complex organs in the body, such as the liver and kidneys, they deteriorate within a short period of time, not exceeding a few hours. In contrast, some tissues, such as arteries and bone tissue can remain in place for long hours without suffering the slightest damage⁸.

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The Algerian legislator, through Article 257 of the Health Code, has ordered the establishment of structures at the level of hospital institutions authorized to remove and transplant organs, which shall be entrusted with the task of preserving human organs, cells, and tissues for utilizing them whenever necessary, after consulting the National Agency for Human Organ Transplantation.

The second requirement- Medical procedural controls for the removal and transplantation of human organs:

The phenomenon of illégal trafficking in human organs has necessitated the regulation of human organ removal and transplantation operations by imposing stricter restrictions on the doctors performing them, the most important of which is that they must have a legal license to practice them (the first branch), and that they must be carried out in institutions licensed to perform these operations (the second branch).

The first branch -The doctor must have a legal license:

The médical profession is one of the noble professions. The doctor's mission aims to preserve the health of patients and alleviate their physical and psychological suffering, while respecting the individual's life and human dignity. Therefore, the Algerian legislator stipulated that the doctor must obtain a legal license to permit his medical work in general, whether related to examinations and surgical operations, or a special legal license when it comes to the removal and transplantation of human organs, This is because the permission granted to the doctor to practice these activities is due to his exercise of a right established by law⁹.

The Law grants the doctor This License, requiring him to obtain the educational qualification that allows him to practice the medical profession, which the legislator specified in Article 166 of the Health Law 18-11, by obtaining a doctorate in medicine, dental surgery, or pharmacy, or a recognized foreign certificate, and that he not be afflicted with a disability or a medical condition that is incompatible with practicing the medical profession, and that he not have previously been sentenced to a criminal penalty that is dishonourable, In addition to the above, he must be registered with the regionally competent Regional Council of Medical Ethics after taking the legal oath, and must be a doctor practicing his profession in hospital institutions on a permanent basis,

However, this does not prevent the use of the expertise of doctors from the private sector or even from foreign countries when they have a long history of practicing organ removal and transplantation and are known for their high scientific qualifications and reputation in the field of surgery, by concluding agreements with them to benefit from their expertise in this complex field¹⁰.

The Algerian legislature has entrusted the Minister of Health with the task of granting legal licences to surgeons practising the removal and transplantation of human organs, if he meets the conditions required by law.

Second branch-The practice of removing and transplanting human organs in legally licensed institutions:

In order to ensure that the removal and transplantation of human organs does not deviate from the prescribed path, the Algerian legislature has precisely defined the places where it is performed, in view of the danger of performing it in unauthorized places and the consequences that may result from it.

On the basis of the foregoing, the legislator stipulates in article 366 of the Health Code that the removal and transplantation of organs in public hospital institutions authorized by the Minister of Health be carried out after consulting the National Agency for Organ Transplantation, and thus the specialized medical centres (private sector) have been excluded, in order to prevent the manipulation of human organs and to make such practices the monopoly of public institutions that guarantee to a large extent the preservation of human and moral values.

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The preceding condition is one of the scientific and practical considerations related to ensuring the health status of the donor and the recipient, and not to represent and respect the corpse, especially if the object of removal is a dead body, as required by the need to ensure the benefit of the transferred organs in order to achieve the therapeutic interest sought from their removal¹¹.

It is obvious that the preceding condition cannot be achieved unless the practices of removal and transplantation are carried out by a surgeon with experience and ability to complete this work in a manner that guarantees success, and that such important and dangerous medical operations can only be carried out in public medical centers that have advanced equipment and equipment that may not be available in private medical institutions, in which the process is fully achieved in an appropriate and proper manner in accordance with the principles of medical art.

The Algerian legislature has been very correct in restricting the conduct of these operations to licensed public institutions only, because this prevents the empowerment of the private sector, for which profit is the main motive, and it is easy to subject public hospitals to close control by state agencies (security and judicial), to reduce the phenomenon of illegal trafficking in human organs.

Referring to the centres and institutions authorized by the Minister to carry out these operations, we find that most of them are located in Algiers, despite the large size and density of Algeria, which prevents the needs of all patients present in the national territory from being met.

Topic tow- the legal controls regulating the transfer and transplantation of human organs:

Based on the danger posed by the removal and transplantation of human organs to the physical integrity of the donor, the Algerian legislator has set legal conditions that fall on the shoulders of surgeons that require them to abide by them in order to allow them and to avoid falling under penalty of criminal accountability, as the practice of transferring organs from the bodies of the dead (the first requirement) has legal controls that differ from the practice of transferring organs from the bodies of the living (the second requirement).

The first requirement - legal controls for the removal of organs from the bodies of the dead:

The Algerian legislator has required the removal of organs from the bodies of the dead a number of conditions limited to the need to obtain approval to remove organs from the body of the deceased (the first branch) and to be removed after proven death (second branch).

The first branch- Obtaining approval to remove organs from a human corpse:

The surgeon may not remove any of the organs of the deceased without the issuance of consent to do so, and such consent may be issued by the deceased during his life or by a member of his family after his death

First- the consent of the deceased during his lifetime:

Before removing the organs from the body of the deceased, the surgeon must verify his will regarding this practice, and whether the object of the will is approval or rejection, and in view of the importance of the will of the deceased, the legislator has approved through Article 262, paragraph 02 of the Health Law, the need to respect it¹².

However, the legislator spoke of the state of refusal expressed by the deceased by any means, in particular through the registration in the register of rejection maintained by the National Agency for Organ Transplantation, which must be carried out by the medical team in charge of the removal.

Second- Consent of family members in the event that the deceased is not under the guardianship of removing his organs during his lifetime:

If the consent of all family members does not raise any problem, the question arises in the case where some members of his family allow this issue, while others reject it at all, will the organs of the body of the deceased be removed in this case or will the right devolve to the State?

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Both jurisprudence and law have disputed the issue of the division of family members over whether or not to agree to remove the organ of their deceased, and there are three trends:

1-The trend that all family members must agree to the removal of organs from the corpse: The majority of jurisprudence has tended to say that it is necessary to obtain the express consent of the family members of the deceased, so that the process of removing organs from his body can be carried out if he was not recommended to do so during his lifetime, and ignoring the family's right in this regard involves a violation of one of the freedoms related to public order, and therefore it is not permissible to carry out the process of removing organs from the body of the deceased, even with the consent of a member of his family, if a person occupying a higher rank in terms of kinship of the deceased objects to this, on the basis that Requiring the consent of relatives to remove the body is an expression of the protection of their moral rights over the body of their relative, rights that find their roots in the blood and kinship ties that bind family members. This trend has received wide support in jurisprudence and comparative law, as it is not permissible for a surgeon to remove organs for the necessary needs of the body of the deceased without the consent of his family to do so, but he has not been spared criticism for two reasons: the first is the failure to take into account the humanitarian necessities of the family, and the second reason is the adoption of the presumption of express written consent of relatives¹³.

2-The trend that presumption of supposed consent of family members: In view of the criticism of the trend calling for the need for all family members to agree to remove the organ from the body of their relative, another trend has emerged in jurisprudence and comparative law, the content of which is based on the presumption of the supposed consent of family members to remove the organ on the basis that the therapeutic interest of patients who are in need of human organs and progress in medicine requires preferring the interest of the living in need of these organs over the deceased and his relatives, especially since the bodies of the dead are the most important resource for obtaining human organs. If we require the consent of the deceased or his family, as the request for consent hinders the removal process, especially since organ transplants need speed and the request for approval may lead to the loss of the opportunity for successful organ removal operations, and if the removal of the organ may be great¹⁴.

This approach was adopted by French Law No. 1181 of 1976 on the removal and transplantation of human organs, article II of which stipulates that removal for therapeutic or scientific purposes may be carried out on the body of a dead person, as long as it is not known that during his lifetime he objected to the removal of one of his organs. In the body of the deceased as the property of the state, which disposes of it as it pleases within the framework of the public.

3-The trend that the corpse should be nationalized: This trend is based on consideration of interest, as the body is not owned by the person or his family and the rights of society must take precedence over the body of the deceased.

If the interest of the family is not to prejudice the body of the deceased, and the interest of the patient is to remove a member of the deceased, this means a conflict between the private interest of the family and the general interest of humanity, and therefore it is necessary to weigh between the two interests and the public interest to prevail over the family interest, and this can only be achieved by abandoning the consent of relatives. Thus, the surgeon can independently and without the need to obtain the consent of the relatives of the deceased assess the appropriateness of the procedure of removing the organ from the body of the deceased to transfer it to a sick person in dire need, thus achieving the public interest in preserving the patient from the risk of death.

With reference to the text of article 362 of the Algerian Health Code, we find that the legislator did not adopt a specific approach, since it decided that it is possible to carry out the removal of human organs from the body of the deceased, if the investigation of the medical team in charge of removal on the rejection record results in the negative position of the deceased in his life, and that he did not register his refusal. The father, mother, husband, children, brothers or sisters

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or the legal representative if the deceased is without a family, in order to know his position on organ donation, as it is clear from this article that it does not conflict with the provisions of the law, public order and public morals, especially since this act involves on the basis of its content human solidarity and compassion for others who are threatened by death.

Under article 363 of the Health Code, the Algerian legislature has prohibited the disclosure of the identity of the deceased donor to the recipient in order to preserve his psyche.

Extrapolating from article 365 of the Health Code, we find that the legislator has given priority in the transplantation of organs removed from the bodies of the dead to patients registered in the national waiting list maintained by the National Agency for Organ Transplantation, in order to close the door to influential people and mediation and to achieve the principle of equity among patients.

Second branch- That the organ is removed after death is proven:

According to medical scientists, death takes place through three stages: the first stage is known as death, which occurs when the respiratory system and heart stop performing their functions in the human body, and the second stage is called biological death, which is achieved a few minutes after the cessation of pumping oxygen-laden blood to brain cells, as at this stage, despite the death of human brain cells, the rest of the body's cells remain alive for very short periods. The last stage is known as cellular death, in which all the cells of the organs of the human body die, and in it the real death of the human being occurs in his entire organs¹⁵.

Article 362 of the Health Code stipulates that a committee of doctors must verify the death of a person whose organs are to be removed with certainty before the doctor carrying out the removal process undertakes the removal of the person, provided that this doctor is not part of the medical staff that will verify the death.

The second requirement- legal controls for removing organs from the body of the living:

The legal controls imposed by the legislator are based mainly on the removal of organs from the body of the living person as a donation (the first branch), and that the removal of organs from the body of the living is accompanied by his consent (second branch).

the first branch- The removal of organs from the body of the living person should be a donation:

Article 358 of the Health Code stipulates that the giving up of one of his organs to a patient free of charge by a living person must be a donation and not by sale and trafficking, as the human body is not suitable to be the object of financial transactions. Therefore, it is not legally and legally acceptable to deal with money in human organs, otherwise it is outside the prescribed scope and considers the phenomenon of trafficking in human organs, which is considered one of the most heinous criminal phenomena criminalized by the legislator and for which penal provisions are provided under articles 303 bis 16 to 303 bis 29 of the Penal Code.

This condition plays an effective role in not making human organs a commodity for human brokers who take advantage of the condition of the patient who is in dire need of transplanting a healthy organ in his body to pay exorbitant money due to his health conditions and his fear of deterioration of his condition or death on the one hand, and on the other hand, opening the door to the destitute who has no money to sacrifice one of his organs because of his urgent need for money, as human organ brokers take advantage of his poverty to bargain with one of his organs and exploit him unfair in order to make outrageous profits.

In addition to the requirement that human organs be donated free of charge, the Algerian legislator, through article 359, paragraph 02, of the Health Code, has established a strategy aimed at providing free medical examinations required for the removal of the organ for the purpose of transplanting it into the patient's body.

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Article 367 of the Health Act also stipulates that those responsible for removing or transplanting human organs shall not be given any remuneration for carrying out such operations, in order to enshrine the principle of gratuitousness that should govern such operations, the content of which is the preservation of human values.

Second branch- The transfer of organs from the body of the living person is accompanied by his consent:

Human organ removal and transplantation operations are performed only on a person of legal age necessary to be able to understand the nature of the surgical intervention, after obtaining his express consent:

First- the person must be sane and of legal age:

The Algerian legislator stipulates through article 361 of the Health Code for the validity of the donor's consent that the latter be sane and of the age of majority, and thus rejects the idea of removing an organ from a minor or adult deprived of the ability to discriminate, since this act will inevitably harm him.

This requirement has also been approved by the World Health Organization, which has also approved the prohibition of the extraction of human organs from minors, but has allowed an exception in some rare cases permitted by domestic laws, such as with regard to renewable cells, if there is no adult donor who achieves the treatment goal¹⁶.

This is the approach followed by the Algerian legislator as it allows the removal of hematopoietic stem cells from minors, but within the scope of granting them to a brother or sister, and in the absence of other therapeutic solutions, this removal can be done exceptionally in favor of his cousin, cousin or cousin, and this in the absence of an adult donor who achieves the same therapeutic goal. The informed consent of both parents or their legitimate representative.

As for the recipient, the Algerian legislature does not specify a specific age for his eligibility, and if the consent of the recipient is issued by a person who has reached the age of majority and is mentally strong, such consent is considered valid and productive of its legal effect.

Second- the consent must be based on sound will:

In order for organ removal and transplantation to be performed, there must be an element of consent in the donor, and one of the basic conditions for considering the donor's consent is that it is issued by free will, and it is so if it is issued by a person with sound mental and psychological faculties.

On the basis of this, any physical or moral pressure or coercion to which a person is subjected would affect his consent and cause him to accept the removal of one of his organs in which case the consent is defective and irrelevant, since the will made was improper because of the existence of the element of coercion.

The medical team in charge of performing the removal of the organ from the donor's body must verify that his consent comes from a special conviction from him in the event of organ removal between relatives, as within the scope of these practices, the donor is often exposed to psychological pressure that leads him to donate or accept the removal of one of his body organs, especially if he is the only person whose tissues have been proven by medical tests to be compatible with the patient's tissues.

One of the signs of the health of the donor's satisfaction is also that it is informed consent in the sense that the person wishing to remove an organ from him to another is insightful, and fully aware of what the required operation is, he must be informed of the potential and certain risks that may occur as a result of the operation and be informed of the complications that may occur in the future, as well as the side effects of the operation such as its effects on his social and even economic life, as this process may affect his energy, work performance and ability to produce in the future¹⁷.

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In the case of an incompetent person, consent may be given by the father or mother or the legal representative, as the case may be, but if he is a minor, consent is given by the father or mother, and in their absence, the legal representative is the one who grants consent¹⁸.

. Article 364 of the Health Code stipulates that the removal of the organ of the receiving patient must be the only way to preserve his health and physical integrity, and his consent is required in the presence of the doctor who heads the service in which he was admitted and in the presence of two witnesses, and if the patient is unable to consent because of his severe illness, an adult member of his family may give written consent in the order of priority provided for in article 362 of the same Code.

If the receiving patient is incapacitated, the issue of consent here is given by his father, mother or legal representative, as the case may be, and in the case of the removal of the organ of a minor person, consent is granted by his father or mother and in the absence of it is granted by his legal representative, but in the event of extreme necessity through which the father or mother or the legal representative cannot attend or contact them in a timely manner, the medical team will prevail in the patient's interest over notifying his family. Waiting for its approval, because any delay may have serious consequences up to the point of his death, provided that the doctor who heads the Authority proves the state of extreme necessity in the presence of two witnesses.

It is clear from the above that the expert committee is responsible for enlightening both the donor and the patient, taking into account the tightening of insight towards the donor without the patient, because the medical work here does not include any therapeutic benefit for him, which requires adequate care in order to obtain his informed consent, and this can only be done by tightening the commitment to inform him¹⁹.

This informed consent must also be expressed before the regionally competent president of the court, who has the responsibility to ensure in advance that the consent is free and informed and that the donation conforms to the conditions stipulated by law, due to the rigor of the process that requires legalization in order to avoid any future problems or denial regarding his consent, and the legislator has granted the donor the authority to revoke his consent granted before the Committee of Experts. The President of the Court shall have territorial competence at any time and unconditionally.

Conclusion:

The Algerian legislator has organized the removal and transplantation of human organs and has set controls for their implementation so that they are not chaos exploited by the weak souls in order to get rich at the expense of human dignity and the sanctity of his organs, so the legislator tried through the promulgation of Health Law 18-11 to fill the gaps in the repealed law, which is clearly evident through the creation of the National Agency for Organ Transplantation, the identification of persons who can donate, as well as the identification of recipient patients.

The legislator has done well to define and restrict the conditions for the practice of human organ removal and transplantation with special guarantees for the donor and the recipient, because allowing the space without restricting the will and desire of those concerned may result in the spread of the phenomenon of trafficking in human organs and the resulting kidnappings and killings for the purpose of providing organs.

The legislator also regulated the issue of the disposal of the bodies of the dead for the purpose of benefiting from them in giving hope to patients who are in dire need of human organs in order to ensure the continuation of their lives, but the legislator established a kind of immunity that prevents the disposal of the bodies of the dead who have shown that they do not accept the disposition of their organs during life by not allowing the organ to be removed from it. Non-binding.

This is not to mention the effectiveness of these controls in making doctors away from any criminal responsibility when they apply these controls as imposed by medical ethics, as well as

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the legal conditions for the process of organ transplantation and transplanted, especially since the legislator has made these operations the monopoly of the public sector and not other private clinics, thus putting an end to the criminal practices committed by some weak souls who are affected by the material, and who are attracted to wealth, even at the expense of the most sacred thing that a person possesses.

Based on the above findings, the following suggestions can be made:

- Spreading the culture of human organ donation among members of society.
- Promulgation of a special law independent of the Health Act regulating the removal and transplantation of human organs.
- Tightening the criminal penalties imposed on the perpetrators of organ trafficking offences, amounting to the death penalty, in most cases.
- Develop an insurance system for the donor against all possible risks that may occur in the future as a result of organ removal.
- Extending the practice of operations related to the removal and transplantation of human organs to all public hospital institutions located in the national territory.

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