

Amid the creation of fetuses and their impact on the proportions of the newborn

وسط إنشاء الأجنة وأثرها على نسب المولود

Pr. ALLAL Amel*

Professor of Higher Education, Faculty of law and Political Science
TLEMCEEN University

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Abstract:

The scientific development in the field of commitment of fetuses and conducting experiments and scientific research has reached modern methods that have been confronted with the problem of infertility, as it takes place according to artificial methods. The childbearing was not as a result of a personal relationship between the spouses, as a third party can intervene for the occurrence of pregnancy, it may be a donor man Sperm or a woman who is donated with an egg, or donated them together .

More than that, scientific development was able to give the right of motherhood to a woman whose womb has been rooted due to illness or a defect at her at birth, as she could be granted the right of motherhood thanks to a woman who rented her womb until the fetus of a woman is a woman, which is called the alternative mother.

Keywords: Marriage - a fetus - scientific development - alternative mother.

المخلص:

إنّ التطور العلمي في ميدان تكوين الأجنة وإجراء التجارب والأبحاث العلمية، توصّل إلى طرق حديثة تصدّت لمشكلة العقم، إذ تتمّ وفقاً لطرق اصطناعية. ولم يبق الإنجاب كما كان وليد علاقة شخصية بين الزوجين، إذ أصبح بإمكان طرف ثالث التدخل لحدوث الحمل، قد يكون رجلاً متبرعاً بنطفة أو امرأة متبرعة ببويضة، أو متبرعين بهما معاً.

أكثر من ذلك، فقد أمكن التطور العلمي منح حق الأمومة لامرأة قد تأصل رحمها بسبب المرض أو عيب فيها عند الولادة، إذ أمكن منحها حق الأمومة بفضل امرأة يستأجر رحمها حتى يتطور فيه جنين امرأة عاقم وهو ما يدعى بالأم البديلة.

الكلمات المفتاحية: زواج - جنين - التطور العلمي - الأم البديلة.

* The corresponding author. Pr. ALLAL Amel, TLEMCEEN University

1-Introduction :

If the marriage mattress is the basis for proving the proportions of the boy resulting from the communication of the two spouses in a natural way, then the scientific development in the field of formation of fetus and conducting experiences and scientific research has reached modern methods that confronted the problem of infertility, and the proportions can be proven through, the latter is done according to artificial methods, The pollination has become without the natural means, and for this this modern technology was called childbearing pollination, and it is one of the developments that the legislator included within the Article 45 bars, which developed the legal framework of the artificial insemination process.

The childbirth was not left as Walid was a personal relationship between the two spouses, as it became possible for a third party to intervene with his water because of the occurrence of pregnancy.

On the other hand, it was possible to embrace an embryo in a traditional place (rented wombs).

In addition, it has been known, in a way that is no room for doubt, that this scientific and biological revolution revealed the emergence of attempts to plant reproductive organs such as ovaries and testicle. However, it was soon that it has learned about these scientific and therapeutic experiences, many of the violations contradicting legal principles and moral and religious values. And more than that, it shakes the relationship of the newborn to its lineage and the ties of society around it, because it leads to the corruption of genealogy and doubt in it.

The question is: When a third party interferes other than the spouses in the process of fertilization, whether by semen, by egg or uterus, how is the proof of the lineage in it?

Thus, we have to talk about the issue of lineage when the fetus has arisen in a non -natural uterus of the wife, which is called the renal of wombs or artificial insemination by the alternative mother (the first topic).

Moreover, the knowledge and biological discoveries have been able to find solutions to the problem of non -childbearing due to infertility, which is the technique of transporting and planting reproductive organs. But it is worth noting that our study is limited to planting two members only, namely: the testicle of a man, and the ovaries of a woman (the second topic). This drags us to know the extent of their impact on the lineage and the position of jurisprudence and the L. on the proportions resulting from the cultivated reproductive organs.

The first topic: The proportions caused by the alternative mother

The wife may suffer sterility or disease, so this prevents her from obtaining a biological child, such as infection of her ovaries with sterility or her uterus is injured, and the latter may have a disease that is afraid to move to the newborn ... etc.

All of these cases lead us to the following question: What is the objection to carrying a woman with a child of another woman who is unable to have children for a reason preceding the male?

This question led to the emergence of a new technique of artificial insemination methods, which was called "Alternative Mother" or "Rest Request".

Accordingly, we will address the concept of the alternative mother, then her legitimacy, and finally the ratios of the child caused by the alternative mother.

First: the concept of the alternative mother

The alternative mother is "the woman who accepts the job of her womb in return or for free, by carrying a sperm of craftsmanship industrially for a couple who is impossible for childbearing to corrupt the womb of the wife."¹

There are several reasons that lead to couples to resort to the process of renting wombs, the most important of which are:

1- That the wife has a healthy bleach, but her womb has been removed by surgery for any reason, or with birth defects so that she cannot be pregnant, and her husband is healthy.

2- The wife should be Solomon, but the pregnancy is caused by the wife with severe diseases, such as miscarriage due to pregnancy.

3- The spouses' fear of the transmission of some genetic diseases to the newborn, if there are medical precedents for these chronic diseases that cannot be cured, and their transmission to the children is medical constant².

4- The wife reaches an unimaginable age stage.³

5- The wife avoids the burdens of pregnancy and childbirth, or her desire to devote himself to her work or her fear that her lists are subject to flabby or change due to pregnancy or after pregnancy, and other cases.

On the other hand, there are reasons for the admission of an alternative woman to pregnancy. Family or social ties may be the most important, such as the acceptance of the mother, sister, or others for pregnancy on behalf of her daughter or sister, or accepting the friend of pregnancy on behalf of her friend, and other common issues.

In contrast to the foregoing, the financial reason may be inherent in the acceptance of the alternative pregnancy woman,⁴ and thus achieve a material interest, and this is what happened in the (Baby Cotton) case in 1983.⁵

In general, the use of the alternative mother's technique in the above circumstances includes in its essence the pregnancy of the fetus in the womb, and its delivery after birth to his biological mother or donor. Mothers take the following pictures:

1- The alternative mother rents her womb for the benefit of the beneficiaries who wish to obtain a child, so the fertilized brightness resulting from pollinating the wife's egg is planted to the semen of her husband artificially in the test tube inside the uterus of the alternative mother, and therefore there is no connection that links the carrier to the child except pregnancy, it is not

¹ Nasreddine Marouk, Surrogate Mother between Comparative L. and Islamic L., A Comparative Study, M.A.Q.I., Faculty of L., University of Algiers, Vol. 37, 1999, No. 04, pp. 16-17

² M. Mursi Zahra, Artificial Reproduction, A Comparative Study, Kuwait University Publications, Kuwait, 1993, p. 73.

³ Al-Halabi Legal Publications, Beirut, Lebanon, 2012, p. 276.

⁴ Ali Hadi Attia Al-Hilali, the previous reference, p. 277.

⁵ Nasreddine Marouk, The Surrogate Mother..., op. cit., p. 414.

biologically. Considering that her role is limited to pregnancy, she was called (La Mère Porteuse).¹

2- The alternative mother donated her egg to be shot artificially with the sterile woman's husband inside the test tube, after which the fertilized hook inside her womb is planted, so that the fetus grows naturally in it. In this case, the alternative mother is the biological mother of the child as the owner of the egg and the uterus together, and there is no role for the wife except to receive her to the child after birth. This image is called (La Mère De Substation).

3- That the embrace takes place in an artificial uterus, which is an updated image of the tube child, which is under trial, where pregnancy is carried out inside an artificial uterus.²

Muslim jurists have not been subjected to this type of pollination, and therefore we wonder about the rates of childhood caused by artificial uterus, for whom is it attributed?

If this vaccination takes place, then the lineage of these children on the one hand is not, as it is not from a woman here until we consider it a bed for the man, even if the source of the egg is his legitimate wife because the child is attributed to whom she was born. Also, he is not attributed to his mother because she did not carry him and did not give birth.³ This type of pollination (in an artificial womb), the child will lose its lineage from his mother and father.

Second: The legitimacy of the alternative mother

Artificial insemination through the alternative mother helped eliminate the problem of infertility, but in return he contributed to raising many legal problems.:

1- The argument of supporters of this technique⁴.

This trend of jurisprudence does not see the benefit of taking advantage of artificial insemination processes with the help of an alternative mother, and their support in that:

* These operations help the two spouses to obtain a child, and protect them from the negative and cruel community, as they are unable to have children.

* This process is not inconsistent with the legal provisions, especially if it is done by donating and until the help of the two spouses, as it is like the process of transferring and planting human organs that take place publicly.

* As long as the role of the alternative mother is limited to pregnancy for a specific period, and the true mother of the newborn remains either biological because she is the owner of the egg. As for his father's side, he is attributed to the husband of the owner of the egg, who was sacrificed with his water, and this

¹ Roberto ANDORNO, The legal distinction between persons and things in the light of artificial procreation, 1996, p.259.

² M. Ali Al-Bar, Artificial Insemination and Test Tube Babies, Journal of the Islamic Fiqh Council, Second Session, Vol. 1, 1986, Issue 02, p. 110.

³ Ahmed Ziad Salama, Test Tube Babies between Science and Sharia, Dar Al-Azima for Sciences, Cairo, 2nd ed., 1998, p. 111.

⁴; Abdelkader Al-Arabi Al-Shahat, General Legal Provisions for the Artificial Reproduction System, A Comparative Study, Doctorate, Faculty of L., University of Oran, 1999-2000, p. 89.

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statement was taken by a number of jurists such as Professor M. Abbasi,¹ as most of the present of the Islamic Jurisprudence Council in its eighth session in 1405 AH² suggested it, thus making the process legitimate.

* This method of childbearing must be permissible, because the alternative mother accepts and is wanted to play the role of a pregnant woman, and there is no preventing her from using her right to act in her body.

* The amount that the alternative mother receives from the two spouses is considered as compensation for her pregnancy on behalf of the sterile wife, and this makes the process far from the illegal trading.

* The goal of establishing alternative motherhood associations lies in helping the two spouses, as it is the purpose of solidarity with them, not achieving profit, which makes their activity legitimate.

If these foundations that were adopted in order to allow the process of renting the uterus, then what are the arguments dependent on them by the opponents?

2- The opponents of this technique.

The consequent arguments are taken to the non -legitimacy to the subject of uterine rental³:

* L.s are the distinction between people and things, and each of them has its own legal and independent system. People are rights, but things are subject to these rights.

Considering that the uterus is one of the women's reproductive organs, it is an integral part of her body,

Thus, it goes out of the circle of legal dealings. In other words, if the trafficking in things is permissible, then the trafficking in the womb is an illegal matter because it violates the principle that the human body is outside legal experiences.

* This method of vaccination is inconsistent with the principle of the inadmissibility of behaving in the case of people, and as long as the person's condition is his legal position in terms of proving the proportions of the parents and denying these proportions, the alternative motherhood contradicts this principle because it aims to give birth to a child whose real daughter contradicts his biological daughters, The alternative mother waives all her rights in favor of her homeless mother.

* Alternative motherhood contradicts the principle of the sanctity of the human body.

* Her rental is considered a source of spoiling the meaning of motherhood, so the owner of the womb bears and gives birth to leave the newborn to the owner of the egg, although the bond of the newborn with his mother is in

¹ M. M. Abbasi, Test-Test-Break Baby, Al-Azhar Magazine, Year 57, Vol. 1, Safar 1405 AH, p. 200.

² Journal of the Islamic Fiqh Council, Second Session, Vol. 1, Muslim World League Press, Makkah Al-Mukarramah, 1407 AH/1986 AD, Issue 02, p. 266.

³ Djilali Tchouar, Marriage and Divorce..., the previous reference, pp. 113-114; Abdelkader Al-Arabi Al-Shahat, the previous reference, pp. 81

two aspects: the first: the association of training and inheritance and the source of the egg; The second: the bond of pregnancy and childbirth and its uterus.

* "The child is attributed from his mother's side to the owner of the womb who carried him and born, but the owner of the egg is like a breastfeeding mother.

Note that, as previously mentioned, the newborn may not be associated with the sterile wife, any bond, so the alternative mother is the biological mother of his donation to the egg and uterus together, yet she waives her motherhood in favor of a foreign woman from the newborn.

* According to the general legal rules, no one can give up a right of his rights before its establishment, and in the process of artificial insemination by alternative motherhood, the latter pledges to give up the child after his birth, and this is a waiver of her right to the newborn before he was already born.

* The alternative mother, when she puts her body in the service of others, and receives an interview for the specified period for completing the process, is close to prostitution, as the latter places her body in favor of someone who pays a financial interview.

* The process of pollination by the alternative mother loses the latter her natural role and turns into a mere device whose mission is pregnant and childbirth.

* This method of childbearing includes an attack on individual freedom because it contains several strict conditions represented in:

- Commitment to perform medical examinations
- Commitment to abandon the newborn as soon as he is alive.

* "Resorting to hurrying the uterus would conflict with the interest for which it is found, which is the treatment of women's infertility. A healthy women who are able to have children may resort to this process.

Because they take advantage of high positions, or that the nature of their work does not allow them to be pregnant and reproduced. They avoid this in order to preserve their grace.

* This technician opens to those who are able financially to exploit the unable, as it enables the alternative mother to pressure the spouses to obtain the largest possible amount of money. "

* The wife's resorting to this process in it is a violation of the rights of the child by simply giving him false proportions from the mother's side, as may arrange severe effects that reflect on his psychology, for the mother who carried him and put him abandoned him in favor of a foreign woman about him, who committed to his upbringing.

By informing us of these arguments and the chain of narrators, it is clear to us that the supporters of this process justify their position based on the argument that it is a means to eliminate the problems that exist between the two spouses due to lack of childbearing, which may be a reason for dismantling the married bond, ignoring the observance of the negative effects of the process, And the resulting problems that may result from them. Moreover, the financial compensation that the alternative mother receives cannot be justified as compensation in exchange for her pregnancy, as this profit itself makes the

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contract illegal because the child is outside the circle of commercial dealings, and that the saying of this will lead to making people are things that may be behaved In it with money.

From here we note that the supporters of this type of insemination presented very weak and illogical arguments, in contrast to the exhibition direction that supported his position with very strong bonds and the most prominent of what this process represents in the dignity of the alternative mother and an explicit violation of the rights of the child.

The truth is that this trend has fallen into his position, as the aiming agreement to the use of an alternative mother carries in his folds several conditions that attack individual freedom, from which we mention, for example, but not limited to: preventing the alternative mother from exercising sexual relations with her husband at the time of pollination, as well as her commitment to conducting many tests Medical may have to abort in the event of a newborn with serious diseases. And the ugliest in all this is that she abandoned the pleasure of her liver.

We, in turn, support the second direction and emphasize the necessity of the legitimacy not to add the method of artificial insemination by the alternative mother, even if this method is a viable way to eliminate the problem of infertility, and barbed in front of the dismantling of the married bond, it is in return, and as Professor Dr. Chawar Jilali says, "is a way A virtue of non -married women and for one woman who is not married and for the two and the seizures."¹

As for the position of the Algerian legislator, when he stipulated the issue of artificial insemination, using the alternative mother, he explicitly acknowledged the prevention of resorting to the latter.

But what is wrong for the Algerian legislator that he did not approve a civil or criminal punishment if this technician is resorted to, because what was stated in the family L. is not sufficient to stop the persons from resorting to this method, so it must be accompanied by the deterrent character that would fear them. Although the legislator stipulated the punishment of the refugees of this technology, through the public health L., he abandoned the text when he organized the issue of artificial insemination in the family L.²

Artificial insemination, in its internal and external form, and its various and different methods, was found as a solution to eliminate the problem of infertility, to be the only hope for those who are unable to have children in obtaining the newborn. In spite of his positives, in return, he produced several negatives, and it was a reason for the emergence of many legal problems, especially in relation to the rates of the child who is caused by artificial insemination after the intervention of the alternative mother

Third: The lineage of the child resulting from the surrogate mother

The process of artificial insemination by the surrogate mother is done in two ways: Either the wife's egg is fertilized with her husband's sperm, and then the fertilized egg is implanted inside the womb of a foreign woman. In this case,

¹ Djilali Tchouar, Marriage and Divorce..., the previous reference, p. 110.

² A. 45 bis, the last paragraph of the Algerian Family Code

the problem of determining the lineage of the child arises. Is it attributed to the first woman as the owner of the egg, or is it attributed to the second woman as the source of its nourishment?¹

Either either is vaccinated with the egg of the woman borrowed with the semen of the husband, to be repeated and cultivated inside the womb of the latter, and in this case we see that the owner of the egg is the same rented as the uterus, so is it attributed to the child, or is he attached to the sterile husband, although he does not have any relationship with him?

We find that the legislator was satisfied with giving the legislator to this method of pollination, without determining a criminal penalty and no treatment for the effects of resorting to it actually. In front of this legislative void, it can be said that if the alternative mother is the owner of the egg and the uterus together, then this means that she is the biological mother of the newborn. However, the latter can only be an illegitimate son, due to the lack of marriage bond between his biological father and the alternative mother. As long as the legislator requires the husband's relationship to establish the legal lineage, and the latter is not available, the newborn is attributed to his biological mother only, that is, to the alternative mother and has nothing to do with the wife.

Things are in the case in which the alternative mother is only rented for her womb, while the owner of the egg is the wife. Here the legislator had to intervene to explain his position, especially since aside as a great jurisprudence sees that the newborn, in this case, is attributed to the married couples, and his support in that is that the process was carried out by using the wife's egg and her husband's semen in the context of the resurrection

A legal marital relationship, and that the alternative mother did not participate in the ambiguity of the fertilized egg, and that her womb has played a functional role, no more, as it forms a bowl of the fetus and a place to feed it, and has no role in acquiring genetic attributes, the latter is independent of the fertilized sperm from the husband's sons and the wife's egg, What makes the genetic relationship deeper than feeding the fetus.²

In addition, the insertion of the fertilized egg inside the uterus completely excludes the mixing of the water of the husband with the water of the alternative mother.

Within the framework of Algerian L., the question does not stop at this extent, as Algerian society is an Islamic society that permits multiple wives, the question arises about the situation in which the alternative mother is the second wife of the husband of the semen, how is the proportions determined here?

Once again, the Algerian legislator has neglected to address this situation, which can fall from the practical aspect, and this indicates a lack of treatment of the issue of artificial insemination by it, in its various forms and methods, and the effects that result from it.

¹ Choukri KALFAT, *The problems caused by artificial procreation*, R.S.J.A., 2006, n°04, p.30.

² Nasreddine Marouk, the previous reference, p. 428 and following.

The second topic: planting genital organs (testicle and ovary) and the position of jurisprudence and law on the resulting proportions.

The lack of reproduction is a difficult problem and a field of scientific research. Modern scientific developments have opened the field to the technique of transporting and planting reproductive organs, as this leads us to know the extent of the success of the scientific development in the cultivation of glands and reproductive organs, and is there a risk in planting and implanting testicle and ovary on the proportions?

We will be exposed to the concept of reproductive organ transplantation (first), then the risks raised by the issue of transmission of reproductive organs on the lineage (secondly).

First: The concept of genital planting

One of the doctors¹ defined it as: "The organs that produce fertilization elements of eggs and sperm", which are also "the place of sexual intercourse", and are divided into two types²: the organs that transmit the genetic characteristics of man, and the organs that do not convey the genetic characteristics of man.

1- Members who transmit the genetic characteristics of man.

It is known as "reproductive glands", through which reproductive cells are produced, when the man there is the two testicles, and it performs two functions: the secretion of sperm, the secretion of hormones, which are responsible for the secondary characteristics of the male, such as the change of sound from the softness of the child's sound to the roughness of the man's voice, building bones and distribution Green in the body ... etc.³

As for the woman, there is the ovaries, their role is limited to making the egg, which is the seed of a woman from which her characteristics and characteristics of their origins are transferred to their offspring, and we find them on the right and left of the fallopian tube, and both are connected to the womb by thick striking on the right and left side. They are bags that contain a specific number of eggs at birth, meaning that the eggs inside the ovary are formed before the birth of the female from the belly of her mother, in addition to their responsibility for the secretion of female hormones.⁴

2- Members who do not convey the genetic characteristics of man.

It is called "reproductive organs". As for the man, there is the penis, and it is merely a tool for the transmission of semen.

What matters to us in this study is the first type, that is, the transplantation of the testicle in the man and ovaries in the woman.⁵

¹ M. Kanaan, The Medical Jurisprudence Encyclopedia, Dar Al-Nafayes, Amman, 1986, p. 489.

² M. Ali Al-Bar, Transplantation of Gonads and Reproductive Organs, Research Papers of the Symposium on an Islamic View of Transplantation of Some Human Organs, Kuwait, October 23, 1989, p. 464 et seq.

³ Nasreddine Marouk, Human Organ Transplantation in Comparative L. and Islamic L., A Comparative Study, Vol. 1, Book 2, Dar Houma, Algeria, 2003, p. 130.

⁴ Sufyan bin Omar Burqa'a, Lineage and the Extent of the Influence of Scientific Developments on Proving It, Dar Kunuz Ishbilia for Publishing and Distribution, Kingdom of Saudi Arabia, 1st ed., 1428 AH/2007, p. 493. p. 493.

⁵ Sufyan bin Omar Bouregaa, the previous reference, p. 496.

Second: The risks raised by the issue of transferring the genitals on the proportions

The issue of transferring the reproductive organs affects the lineage in particular, in the event of transplanting the testicle or ovary, the resulting child is attributed to the person who is transferred from him, that is, the newborn is a son of the man who is transferred from him, or the woman who is transferred from the ovary, and thus the child is not attributed to the recipient or the recipient of the member. The reproductive because the last two are considered incubators or those carrying the only seed system. It is also scientifically proven that the genetic characteristics of the child are transmitted from the source (donated), not from the recipient, and the transfer of these members leads to the mixing of genealogy.

Accordingly, what is the ruling on Islamic jurisprudence and the law of the descent of this process?

Third: The position of jurisprudence and law on the proportions resulting from the cultivated genitals

After giving a glimpse of the transplantation of the reproductive organs (testicle and ovary), we had to address the legal ruling of the descent of this process, and then we learn about the position of the L. on it.

A- The effect of transplanting the testicle on the proportions of the newborn.

Some contemporary jurists authorized this process, while others rejected it. They discussed the issue of transferring the testicle and its impact on the lineage, within some specialized bodies, including the Islamic Fiqh Council, on which some fatwas and decisions were issued, and the views and opinions of these jurists can summarize in two sayings, where supporters of the first opinion went to the permissibility of transplanting the testicle and not affecting the lineage, And Sheikh Sayyid is a former, who authorized the transfer of the two testicles together, and he inferred this with the following¹:

- "The testicle is merely an organized machine for those sperm, so there is no suspicion of prohibition in the process of transporting it (according to his estimation).

- There is no effect of genetic genes because of their lack of matching, as evidence that the two brothers of the same origin are transmitted to them with one genetic characteristics.

We concluded that:

a) Genius transplantation:

Since the testicle and the ovary continue to carry and secrete the genetic characteristics of the transmission from it, even after its transplantation, a new recipient, its transplantation is prohibited by Sharia and it is a confusion of genealogy.²

b) Planting members of the reproductive system:

¹ Sayyid Sabiq, Fiqh al-Sunnah, Vol. 3, Dar al-Fikr al-Arabi, Lebanon, 1403 AH/1983 AD, p. 86

² Sufyan Omar bin Burqa'a, the previous reference, pp. 505-506.

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Some members of the reproductive system that do not transmit genetic characteristics

- except for the segmented nakedness
- are permissible for legitimate necessity and according to the legal controls and standards indicated in Resolution 01 of the fourth session of this complex, which is "the benefit of man with the organs of another living or dead human body."

Contemporary scholars inferred the saying that the two testicles are not authorized to leave the following:

- The transfer of the two testicles together leads to depriving the transmitted from the offspring, which is forbidden by Sharia, and leads to the loss of genealogy and mixing incest¹.

- The testicle is the factory in which the sperm is secreted and the sperm is created in it, and with the testimony of the specialized doctors that the transfer of the two testicles requires the transmission of the genetic attributes present in the person who is transferred to it to the children of the person who is transferred to the testicle from the whiteness or blackness, the length or the palace, the intelligence or stupidity, and otherwise This is one of the physical, mental and psychological descriptions, and this is a variety of mixing genealogy that the L. prevented by all means.

After presenting the previous two sayings, we suggest that the second opinion of the opinion - and God knows best - is that it is not permissible to plant the testicle because the lineages are not mixed, and that the specialized doctors affirmed that the glands contain genitals, so the testicle contains the initial materials from which the sperm is produced, so it is transferred from one person to another, It is nothing but a form of fertilization of the egg by other sperm without the husband,² and the newborn is not related to the husband or wife, and this leads to the mixing of the prohibited genealogy.

B- The effect of ovarian transplantation on the proportions of the newborn.

The ovarian transplant process from one woman to another is completely similar to the transfer of a man's testicle, thus resulting in the same effects and the same rulings that we have previously presented. And the woman who carries a child, as a result of this planting, will have a strange child from her, because the egg is not from her, but rather a woman who is donated to her in the ovary.

After presenting the position of Islamic jurisprudence regarding the process of transplanting the testicle and ovary, what is the position of the L. on the proportions caused by this process?

¹ Sadiqah Ali Al-Awadhi and Kamal Najib M., Transplantation of Reproductive Organs and Gonads in Women and Men, Research Papers of the Symposium on an Islamic Vision for Transplantation of Some Human Organs, held by the Islamic Organization for Medical Sciences, Kuwait, October 23, 1983, pp. 450-451.

² Sufyan bin Omar Burqa'a, the previous reference, pp. 505-506.

1- The position of the law on the proportions resulting from the cultivated genitals

The Algerian legislator has not been exposed to the issue of planting reproductive organs, including testicle and ovary, neither in the family L. nor other legal texts. What is included in the L. to upgrade health only organizes practical controls, that is, for some members of the human body, and the necessity of the availability of free satisfaction, free of charge, ..., and the legislator did not complete the process, according to Article 161 of the Health Promotion L., except for treatment or personal goals .

3-Conclusion:

Hence, it can be extracted that the formation of embryos in a non -normal uterus is legally prohibited and legally prohibited. With regard to the technique of transporting and planting the genital organs, the ruling on the proportions in this case through which childbirth was submitted, the separation is due in accordance with the provisions of Article 222 of the Family L., which refers us to the provisions of the Islamic L. and not others, which, as we have seen earlier, prohibits this process,

The study showed a set of results, among them that the medical development created solutions to infertility, but opened the door to deep proportions. Also, Islamic jurisprudence permits industrial fertilization only between spouses, and prohibits any interference of a third party, and this is what the laws of statutory laws are not mixed with the lack of confusion.

- Through these notes, a number of recommendations can be made to enhance the effectiveness of related legal texts, including:
- The necessity of developing accurate legislation that regulates artificial fertilization, and prevents any external interference that violates genealogy.
- Awareness of husbands about the limits of Sharia and law in the use of modern technologies.

Enhancing medical and legal control over artificial insemination centers to fond of not mixing samples, and encouraging medical research in treating infertility in legitimate ways without compromising genealogy.

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