



THE LEGAL REGULATION OF BURIAL, FUNERAL, TRANSPORTATION AND REBURIAL OF CORPSES IN ALGERIA.

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Abstract:

Death is an undeniable reality, and procedures have to be followed that differ between administrative and legal, and may even extend to religious rites. All of this concerns the body of the deceased, starting from the moment of death and passing through several stages between the initial declaration of death and its confirmation, notification, preservation of the body if necessary, until the transport and burial of the remains. This can only be done with the authorisation of the competent authorities to carry out the funeral rites, otherwise it would be considered an infringement and a crime punishable under Algerian law.

There may be exceptional cases, such as orders for the exhumation and transport of remains, but the legislator has regulated these with texts that guarantee the sanctity of the body. There are also cases of communicable diseases, where precautions must be taken when handling the body. All this has been addressed by the Algerian legislator in scattered texts, but their traces can be followed and relied upon to establish and root any activity that takes place on the body.

Keywords: *Death and cemeteries, funerals and burials, transportation of corpses, reburials, Algerian legislation.*

INTRODUCTION:

The event of death is a material fact that must be legally regulated, and it is in fact the end of the legal personality of the human being, as stipulated by the Algerian legislator in Articles 25 and 26 of the Algerian Civil Law. Proving this event results in the loss of a series of prosecutions and obligations on the deceased, and grants third parties rights that contribute to the increase of the deceased's financial liability. However, death may occur outside the country or far from the place of residence, and death may occur in a natural or exceptional, unnatural way. In such cases, we may encounter the need to preserve the body in the body preservation service or to transfer it to the burial site.

The repatriation of the body or the burial of the deceased can only be carried out in accordance with proper administrative and legal procedures. For example, obtaining or obtaining licences for the transfer of the body or burial, as well as other cases such as requests for the allocation of a burial site, in addition to documents proving the death incident and the order of exhumation, among others. From the time of death until burial, the corpse may be subject to intentional or unintentional attacks. However, the legislator has recognised the need to protect the human being and has criminalised all forms of physical, verbal and moral assault, given the sanctity of the human being. It was also necessary to protect and preserve the body of the deceased as if they were alive.

Therefore, any behaviour or act that can be described as an assault or that can be considered a crime must be criminalised. It may happen that, after burial, and for certain purposes such as investigation, an order is made to exhume the body and proceed immediately with an action or to transfer the remains from one place to another for legal purposes. However, this may be done in normal circumstances or in exceptional circumstances that may affect public health, such as the discovery of mass graves or bodies that may be unhealthy to handle because of the causes of death, such as



infectious diseases and biological injuries that may pose a life-threatening risk to those handling the body.

It was necessary that the activity carried out on the body, from the time of death until its preservation, transfer, burial or exhumation and reburial, be subject to the respect of legal texts that guarantee all rights, regardless of the difference of nationality, sex and religion of the body of the deceased, as well as the respect of the law regulating the cemeteries and their functioning on the national territory.

From this perspective, the following question arises: how has the Algerian legislator regulated the transfer, burial, exhumation and reburial of corpses in the light of Algerian legislation?

The First Axis: The Event of Death and the Regulations for the Protection and Transfer of Corpses in Algeria

A person acquires legal personality at the time of his or her full and living birth, and thus first acquires the capacity to take legal action, followed by the capacity to perform legal acts when he or she reaches the age of majority in a normal situation, without any contingency affecting his or her legal capacity. A person's legal personality ceases with his or her death, as provided for in Article 25 of the Algerian Civil Code. The event of death is a material event that can be proved by any means, but the legislator has limited the legal methods and administrative procedures for declaring and verifying death through the medical report of the event of death, the death certificate and the registers established for this purpose. In this study, we exclude judicial or legal death because it lacks the material evidence represented by the corpse, as well as the complete certainty of the death incident, which is reinforced by Article 26 of the Algerian Civil Code¹.

The first condition: Death and some crimes committed on the corpse and their punishment

The first branch: The case of death and its types

First: The linguistic definition

In the Arabic language, death is used to refer to silence. It is said, "The wind died", meaning that it became still; "The fire died", meaning that its embers cooled down and nothing of the embers remained; "The heat and drought died", meaning that they disappeared; and "The wine died", meaning that its fermentation ceased. Death refers to that which has no life².

Second: Death from the point of view of doctors

It can be summarised in a traditional and a modern criterion for determining the moment of death and verifying the occurrence of death, as follows:

1. The traditional criterion of death: According to this criterion, death is confirmed when the heart (the circulatory system) and the lungs (the respiratory system) cease to function, which is also the cessation of all the systems of the human body. The intended meaning of "systems" here is the vital systems, centred on the complete cessation of the heart and lungs, as this results in the brain and other organs being deprived of blood flow and the lack of oxygen reaching them³.
2. The modern criterion of death: Recent studies in medical science have shown that the brain is the organ that controls all the processes in the human body, and therefore the death of brain cells or their suffering from severe injuries causes the person to be considered dead⁴.

According to this modern criterion, a person is considered dead when the cells of the brain die, even if the cells of the heart remain alive. The death of the brain cells is verified by the electroencephalogram (EEG) device, because when this device stops giving signals, it means the death of the brain cells, and when this happens, it is impossible to return to life or to lead a normal life, and this is what is called the state of the patient who enters the state of deep or final coma.

Third: Degrees of Death in Medical Custom:

1. Clinical death: This occurs immediately after the heart and lungs cease to function.
2. Biological death or brain death: This is when the brain stops functioning so that brain cells die within a few minutes of the cessation of oxygenated blood flow to the brain (without the use of artificial resuscitation devices). This is considered a sufficient diagnosis for the legal termination of human life and a death certificate is issued⁵.
3. Final cellular death: This is when the cells of the body's organs and tissues die gradually and progressively due to the cessation of blood circulation to all parts of the body and the cells dying due



to the lack of two essential substances: glucose and oxygen. This is called cellular death and is the third stage of death⁶.

Fourth - Death in Algerian legislation: The Algerian laws that have organised the issue of death can be summarised as follows:

1. Penal Code: Articles 150 to 154 of the Penal Code dealt with offences relating to cemeteries and the sanctity of the dead. It criminalised the violation of the sanctity of cemeteries, whether by demolition, desecration or in any other way. It also criminalised tampering with the corpse, whether through desecration, disfigurement or any act of cruelty, obscenity or abuse, or the unethical use of parts of the corpse, or concealing the corpse, which is in line with the provisions of Islamic law regarding the need to honour, preserve and protect the body of the deceased⁷.

2. Civil Status Law: Article 87 of the Personal Status Code stipulates that “burial shall not be permitted without the written authorisation of the civil status officer on ordinary paper, and the authorisation may be granted only after the presentation of a certificate issued by a doctor or by the judicial police officer in charge of investigating the death”, and Article 81 also contains provisions for deaths in hospitals⁸.

3. Algerian Health Law 11_18, as amended and supplemented: Article 362 states that human organs or tissues may not be removed from deceased persons for the purpose of transplantation except after medical and legal certification of death and prior authorisation and procedures established by the competent authority⁹.

The Second Branch: Some Legal Texts on the Protection of the Corpse and Crimes Committed against the Body of the Deceased

The legislator has paid great attention to the human being during his life and has enacted legal texts to guarantee his freedoms and safety from all kinds of attacks. The same applies to the sanctity of the corpse, since the legislator has established texts to protect the corpse and guarantee its integrity against any attack that may be directed against it, whether inside or outside the grave. It is necessary to distinguish between general offences against the sanctity of the corpse and specific offences against the sanctity of the corpse in national legislation.

First - General offences of assault on the corpse and the penalties provided for by the law

The Algerian legislator has taken care of and protected the human being in life and death, especially the corpse, by prohibiting any form of interference or violation. However, given the tremendous developments in the field of medical sciences and their results, especially in the field of organ removal, transfer and transplantation, whether between the living or the dead, these modern techniques have become the only way to treat many persistent diseases and ailments that science has been able to decipher thanks to the rapid development and continuous search for alternative treatments. However, this can only be done in compliance with systems and laws and with respect for human dignity, the scientific data acquired and the principles established in the medical field. Likewise, any act performed on a corpse without prior authorisation is considered a crime by the law and is punishable by law. The legislator has also sought to strike a balance between medical necessity and protection within the community. The Algerian legislator has meticulously regulated these operations in the Health Code and its complementary laws, as well as in the Penal Code, and has surrounded them with prior conditions and restrictions that doctors must observe in order to confer legitimacy on their medical practice.

The Algerian legislator has established the general offences related to the violation of the sanctity of the bodies of the deceased before their burial in articles 441 and 150 to 154 of the Algerian Penal Code, which are:

1. The offence of burying the body or removing it secretly or without authorisation.
2. The crime of desecrating the body and committing any act of cruelty or obscenity on it.
3. The crime of concealing a corpse.

The legislator has made these crimes punishable as misdemeanours and has established that these crimes are committed whenever the specified acts are available, regardless of the methods and means used to commit these crimes¹⁰.



Secondly, the specific crimes committed against the body and the resulting punishment in Algerian legislation:

The Algerian legislator has specified them in articles 303 bis 19 and 303 bis 17 of the Algerian Penal Code, which revolve around:

1. The crime of removing organs from a body.
2. The crime of removing tissues, cells or materials from the deceased.

The legislator has increased the penalties for these offences and in some cases considered them to be crimes, perhaps because of the spread of this phenomenon, particularly with technological and medical developments, the spread of the phenomenon of trafficking in human beings and the exploitation of the poor, the needy and those in special situations or in need of assistance, as well as the bodies of the deceased, in an attempt to limit it and eliminate those who practise this profession, which has become an established trade fuelled by the living and the dead¹¹.

Despite the illegality of trafficking in the human body because of its inviolability and the constitutional protection granted to it, whether living or deceased, the legislator has imposed sanctions and penalties, both in the health law 11_18 and in the penal code, as well as in the complementary laws¹².

The Algerian legislator has placed the living and the dead on an equal footing with regard to these crimes, since they enjoy the same legal and judicial protection, in order to protect human beings from these crimes, which are rampant in some countries whose legislation in this area is considered weak and incapable of providing protection and security for human beings, whether they are living or dead.

Third - The locations of cemeteries

The text of Decree No. 75/79 of 26/12/75 states that the dead may not be buried in mosques, churches, temples, Jewish synagogues or, in general, in any closed or locked building where citizens assemble for worship, nor in towns and villages. Accordingly, land specifically designated for burial of the dead is to be allocated outside these cities and villages, at a distance determined by the municipal authorities, but not less than 35 metres. It is also forbidden to construct buildings or dig wells within 35 metres of the cemeteries. These cemeteries must be surrounded by a fence or wall and protected from any violation by the public authorities. Consequently, the process of burying the dead takes place in organised cemeteries under the supervision of the public services, in a way that does not allow the burial of the deceased outside these cemeteries, otherwise it would be a violation of the laws¹³.

The second demand: The transfer of bodies inside and outside the country

The transfer of corpses is considered an essential step in ensuring the legitimacy and legality of such activities, from the legal point of view and the administrative procedures that are followed. First of all, the death must be verified by persons legally authorised to do so, by means of specific documents issued by them, otherwise the process would be null and void.

The first section: Legal and administrative procedures for the transfer of corpses

The Algerian legislator has regulated the death documents by Executive Decree No. 16-77 of 15 Jumada Al-Awwal 1437, corresponding to 24 February 2016, published in the Official Gazette No. 12 of 28 February 2016, which defines the model of the medical death certificate by Articles 02 and 03 of this decree. The licensed and practicing physician must issue the death certificate in a single copy and in a specific form, in accordance with this model, after verifying the actual occurrence of the death. It should be noted that the Algerian legislator has defined this form in the aforementioned executive decree.

Article 03 of the same decree has detailed the components and contents of the death certificate, as the upper part of the medical death certificate is assigned to the civil status officer, and the lower unnamed part is dedicated to the declaration of the competent health authorities to state the cause of death clearly and explicitly. The lower part also includes, in addition to the above, any previous medical events and must be sealed by the doctor who issued it to ensure confidentiality and can only be opened by the competent authorities authorised to use this information. It is sent to the Wilayah (Provincial) Directorate of Health, in accordance with all the protection and guarantee conditions it



contains. It should be noted that the doctor authorised to complete this document authenticates it with his signature and personal seal¹⁴.

Concerning the transportation of deceased bodies: The legislator has organised the process of transporting the deceased in the second chapter of Executive Decree No. 16-77 of 15 Jumada Al-Awwal 1437, corresponding to 24 February 2016, published in the Official Gazette No. 12 of 28 February 2016.

Article 9 of the Executive Decree stipulates that the licence to transport the deceased outside his place of residence, i.e. in a governorate other than the one in which the death occurred, shall be issued by the President of the Municipal People's Council of the governorate in which the death occurred. Exceptionally, the issuance of a permit for the transportation of the body of a person who has died of an infectious disease, as specified in the applicable regulations, is the responsibility of the governor with territorial jurisdiction, after reviewing and studying the reports of the relevant health and security services.

With regard to the authorisation of the transfer of the body of a foreign national for the purpose of repatriation to the country of origin, the governor of the governorate in which the death occurred is competent, who must immediately inform the Minister of the Interior, as provided for in article 10 of the same Decree¹⁵.

Section Two: The technical means and standards to be respected

In Article 11 of the above-mentioned decree, the Algerian legislator has laid down the obligation to respect the appropriate refrigeration conditions for the transport of the body of the deceased when the place of transport is 100 km from the place of burial. The body of a deceased person shall be transported by placing it in a hermetically sealed coffin manufactured in accordance with specific technical and technological specifications laid down by law, by joint decision of the Minister of Health and the Minister of the Interior, in the cases provided for in article 12 of Decree No. 16-77 of 15 Jumada Al-Awwal 1437, corresponding to 24 February 2016, which lays down the rules governing burial, the transfer of deceased persons, the exhumation of the dead from graves and reburial (16)¹⁶. The conditions are as follows:

The first case: When the transport of the body of the deceased is outside the territory of the municipality where the death occurred, a distance exceeding 100 km, and the time between the placing of the body in the coffin and the burial, or the time between the exhumation of the body from the grave and the reburial, exceeds twenty-four (24) hours.

The second case: when the death was caused by an infectious disease.

The third case: in all exceptional cases where the coffin must remain tightly sealed, based on a decision by the Wali (Governor).

With regard to article 13 of the same Executive Decree, which regulates the transportation of the body of the deceased according to his religion, this is in accordance with the provisions of Order No. 75-79 of 12 Dhu al-Hijjah 1395, corresponding to 15 December 1975.

Section Two: Organisation of the Burial Process and Exhumation of the Deceased from Graves and Re-burial

Requirement One: Burial in Cemeteries in Algeria and its Regulations

Subsection One: Regular Burial in Cemeteries.

The authorisation for the burial of a person in the municipal cemetery, i.e. within the municipal territory, is granted by the President of the Municipal People's Assembly, since the granting of this authorisation in this case falls within the scope of his competence, and it is an obligatory procedure for carrying out the regular burial process. This can only be done in accordance with the procedures laid down in Articles 78 to 94 of Decree 70-20 of 19 February 1970, on pain of the nullity of the procedure, as stipulated in Article 2 of the aforementioned Executive Decree.

In the event of the death of a person outside the commune in which the funeral is to take place, and without prejudice to the provisions of article 9 of the aforementioned decree relating to the transport of the body, the president of the communal people's assembly of the place of death is authorised to authorise the burial of the deceased in the communal cemetery if the death occurred outside that commune, in accordance with the provisions of article 3 of the aforementioned decree¹⁷.



Regarding the municipality of residence of the deceased, it is permissible for residents of the municipality to bury them in the cemetery of their place of residence, regardless of the place of death. It should be noted that the burial permit does not expire in this case, but must be obtained from the aforementioned competent authorities, since this is a compulsory procedure, as stipulated in the provisions of article 4, paragraph 1, of the aforementioned Executive Decree.

The same article also provides for the following exceptions to the burial in the municipal cemetery:

The first case: Non-residents who have the right to a family burial plot.

The second case: Non-residents who, before their death, expressed their wish to be buried there, either by a clear request to the competent authority, by a will or by any other form that proves the request during their lifetime, or by a request from relatives and family after the event of death¹⁸.

The third case: Persons whose identity is unknown: the burial permit is issued by the competent judicial authority for the purpose of burial or transfer of the body to the place of burial, whether within the territory of the municipality or outside it.

In the case of the burial and transfer permits issued by the President of the Municipal People's Council of the place of death, they are handed over to the President of the Municipal People's Council of the place of burial, i.e. the territory of the municipality that will receive the body, in order to register the death in the civil status records and to have it certified by the civil status officer of the municipality of the place of burial and to complete the procedures for allocating the burial space in the cemetery or graveyard¹⁹.

The Second Branch: Exceptional burial and its regulations in Algerian law

In the case of deaths occurring outside the national territory, burial within the national territory requires, first of all, an authorisation or a permit for the transfer of the remains from outside to inside the country and to the burial site. A burial permit is also required to determine the place of burial and to designate a specific place for burial. This is where the role of diplomatic and consular representations accredited to other countries, i.e. the countries where the death occurred or where the remains are located, comes into play. This is laid down in Article 5 of the aforementioned Decree. It should be noted that the person authorised to issue a burial permit for a deceased person abroad to be buried in a municipal cemetery within the national territory is the president of the competent local popular municipal council, according to the request or administrative division²⁰.

As regards the issue of a special burial permit for the remains of a foreign national within the jurisdiction of a wilaya (province), this is the responsibility of the competent wilaya governor. The burial site must be within the territory of the wilaya or the region under the jurisdiction of the competent governor, as stated in Article 6 of the aforementioned Executive Decree.

With regard to permission for burial in private property, contrary to the norm and common practice, where bodies are normally buried in a public place designated by the State, i.e. property under State authority, the legislator has allowed burial in private property, but after completion of the procedures set out in the applicable legislation, by the chairman of the competent local popular municipal council where the property or land intended for burial is located. This is stated in the provisions of Article 8 of the aforementioned Executive Decree²¹.

As for the manner and place of depositing the body of the deceased, it may be deposited in the mourning house, and it may be temporarily and exceptionally deposited in a cultural or religious building or in a collective depository, depending on the deceased and the purpose of this depository. However, the body of the deceased shall be deposited exclusively in the mortuary for the following reasons

- If the death occurred on a public road.
- If the death occurred in a health institution.
- If the death was the result of violent, undefined, unknown or mysterious causes.

The second condition: Exhumation and reburial of the dead.

The first branch: Exhumation of the dead and cases of transfer and exhumation orders

In order to exhume and rebury the deceased, a request for exhumation must be addressed to the President of the Municipal People's Council of the place of burial, and the request must be made in writing by a relative or family member. The exhumation can only be carried out after the opinion and



authorisation of the local public prosecutor has been obtained. The request must be accompanied by a certificate or document proving that the cause of death was not an infectious disease, in order to guarantee and protect public health. The petitioner must have legal capacity, which must be demonstrated by any means, and must state the name, surname, age, profession and place of residence of the deceased, as well as the legal justification for requesting the exhumation of the body, in accordance with the provisions of Article 14 of the aforementioned Executive Decree²².

It should be noted that the presence of the applicant or his representative is required during the process of exhuming the body from the grave, and he must bear the costs and expenses of this operation.

With regard to who issues the authorisation to exhume the body from the grave in the case of death caused by an infectious disease, it is the regional governor who has the sole authority to do so, but only after obtaining the opinion of the regional judicial authority in ordinary cases, as well as the opinion of the local health services. This is laid down in article 15 of the aforementioned decree.

The authorisation for the exhumation of the body of the deceased from the grave is an authorisation that combines the process of transporting the body and the reburial of the body or the bones. In other words, it is a permit that includes all these processes, so that we do not need to obtain separate permits for each individual process, considering that the purpose of the exhumation is either to transport or to rebury the body after the desired action or purpose of the exhumation. This is stated in article 16 of the aforementioned decree²³.

With regard to the time limits laid down by the legislator in Article 17 of the aforementioned Decree, the legislator has expressly stated that the body of the deceased may not be exhumed from the grave until a full year has elapsed from the date of death. This is the case unless the death was caused by one of the infectious diseases listed in the regulations in force.

However, there is an exception to the time limit for exhuming the body of the deceased, as a permit may be issued to the applicant after the expiration of three (3) full years from the date of death, regardless of the cause of death.

In the event that the body of the deceased is exhumed for judicial reasons, those responsible for carrying out the exhumation process are obliged to wear special protective clothing to prevent any possible infection, as well as for prevention and protection to ensure health and avoid any emergency. The legislator has required the implementation of a health protocol during each exhumation process, whereby the exhumators are obliged to disinfect their face, hands, clothes and shoes after each exhumation from the grave, as stated in article 18 of the aforementioned decree²⁴.

The second section: Re-burial following exhumation and uncovering of mass graves

The exhumation of unidentified skeletal remains or parts thereof and their subsequent reburial shall be subject to the legislation in force and to the provisions referred to in the aforementioned articles, without prejudice to the provisions of Algerian Health Law 11-18 and its supplementary laws. This is stated in Article 19 of the aforementioned Executive Decree.

Article 20 of the aforementioned executive decree stipulates that, in the event of reburial, the body of the deceased or the bones shall be placed in a shroud, coffin or bone box in order to guarantee and preserve the body or the bones and to preserve the dignity of the deceased, in accordance with the burial regulations laid down by law and the protocol applied in the event of exhumation and reburial²⁵.

The Municipality routinely undertakes the maintenance, organisation and protection of cemeteries, as this is one of its core competences, considering that cemeteries are subject to its disposition and management as the supervisory authority within the municipal territory, within the framework of the application of the law and the legislation in force. This is expressly stated in article 21 of the aforementioned Decree.

With regard to Article 22 of Executive Decree No. 16-77 dated 15 Jumada Al-Awwal 1437, corresponding to 24 February 2016, which lays down the rules for burial, transportation of bodies, exhumation of the deceased from graves and reburial, it refers us to the need to apply this aforementioned Decree through a joint decision between the Minister of the Interior, the Minister of Health and the Minister of Religious Affairs, as the subject is related to the three ministries.



It should be noted that the provisions of article 23 of this executive decree repeal the provisions of decree 75-152 of 12 Dhul Hijjah 1395, corresponding to 15 December 1975²⁶.

Conclusion:

The legislator has organised the operations of transportation, exhumation and burial of corpses in Executive Decree 16-77 and some scattered legal texts in the complementary laws. However, this regulation still awaits many updates and amendments from the Algerian legislator in the future, given that Algeria has adopted the digitalisation mechanism, which is aimed at all sectors.

There is no doubt that cemeteries, civil status systems and hospitals will all be directed and crowned by digitisation, even if it is in a gradual manner. It was necessary to amend the texts and to create what can be created in terms of legislation in the field of cemetery management and the treatment of the deceased body at all stages of its treatment, especially the new developments proven by the lived reality, such as cases of death in the era of coronavirus, where complications in the procedures and the lack of a protocol and a text that explicitly regulates the modalities of treatment and the explicit procedures for all stages from the incident of death to the burial and post-burial.

The Algerian legislator has done well to establish a set of penal texts, preventive measures and procedures that protect the body of the deceased from all forms of attack before and after burial, which has deterred and reduced these crimes and their circle.

Proposals:

The legislator should consider the digitisation of cemeteries in line with other institutions and consider it related to public health, especially given the developments in this field. Facilitate and digitise procedures for the transfer and burial of corpses.

Review the management of cemeteries and their possible future privatisation, with a view to capitalisation and improvement of services and greater professionalism in the activity of burial and the handling of corpses, with the determination to solve the current problems independently within the framework of the orientation towards healthy cities.

It is necessary to draw attention to the crimes that occur in cemeteries, especially those related to unjustified rituals such as magic and witchcraft, the desecration of graves and the violation of the sanctity of cemeteries. From this point of view, we call on the legislator to establish deterrent texts that are commensurate with the scale of the threats.

Footnotes:

¹- Decree No. 75-58 of 26 September 1975 establishing the Civil Code, as amended and supplemented by Law No. 05-10 of 20 June 2005, Official Journal No. 44, as amended and supplemented by Law No. 07-05 of 13 May 2007, Official Journal No. 31.

²- Ibn Manzour, Jamal el-Din Mohammad ibn Mukarram, "Lisan al-Arab", volume 1, 3rd edition, Dar Sader, Beirut, Lebanon, 1994, p. 774.

³- Abu Zaid Bakr bin Abdullah, "Resuscitation Devices and the Reality of Death between Jurists and Physicians", Journal of the Islamic Fiqh Academy, Kingdom of Saudi Arabia, Jeddah, Issue 3, pp. 536-539.

⁴- Samira Aayed Dayat, "Organ Transplantation and Transplant Operations between Law and Sharia", 1st edition, Halabi Legal Publications, Beirut, Lebanon, 2004, p. 247.

⁵- Bayoumi Mohammad Ali, "Highlights on Organ Transplantation", no year of publication, Dar Al-Kitab Al-Hadith, 2005, pp. 8-9.

⁶- Samira Aayed Dayat, "Organ Transplantation and Transplant Operations between Law and Sharia", above reference, p. 256.

⁷- Decree No. 66-156 of June 1966 containing the Penal Code, as amended and supplemented, Articles 150 to 154.

⁸- Order No. 70-20 of 19 February 1970, as amended and supplemented by Law No. 14-08 of 9 August 2014, Official Journal No. 49, as amended by Law No. 17-03 of 10 January 2017, Official Journal No. 2, Articles 81 and 87.

⁹- Law No. 18-11 of 22 July 2018 on the health of Algeria, Official Journal No. 46, published on 29 July 2018, as amended and supplemented, Article 362.

¹⁰- Decree No. 66-156 of June 1966 containing the Penal Code, as amended and supplemented, Articles 141, 150 and 154.



- ¹¹- Ordinance No. 66-156 of June 1966 containing the Penal Code, as amended and supplemented, cited above, articles 303 to 19, 303 to 17.
- ¹²- Algerian Public Health Code No. 18-11, as amended and supplemented, cited above.
- ¹³- Decree No. 75-79 of 15 December 1975 on the burial of the dead.
- ¹⁴- Decree No. 16-80 of 24 February 2016 laying down the model of the medical certificate of death, Official Journal No. 12 of 28 February 2016, Articles 02 and 03.
- ¹⁵- Executive Decree No. 16-77, which establishes the rules for burial, transportation of bodies, exhumation of the dead from graves and reburial, Official Gazette No. 12, published on 28 February 2016, Article 10.
- ¹⁶- Executive Decree No. 16-77, which establishes the rules relating to burial, transportation of bodies, exhumation of the dead from graves and reburial, aforementioned, Articles 11 and 12.
- ¹⁷- Executive Decree No. 16-77, which establishes the rules governing burial, the transportation of corpses, the exhumation of the dead from graves and reburial, aforementioned, Articles 02, 03 and 09.
- ¹⁸- Executive Decree No. 16-77, which establishes the rules governing burial, the transportation of corpses, the exhumation of the dead from graves and reburial, aforementioned, Article 04.
- ¹⁹- Executive Decree No. 16-77, which lays down the rules governing burial, the transport of corpses, the exhumation of the dead from graves and reburial, aforementioned Article 04.
- ²⁰- Executive Decree No. 16-77 establishes the rules related to burial, body transfer, exhumation of the deceased from graves and reburial, as mentioned in Article 05.
- ²¹- Executive Decree No. 16-77 establishes the rules relating to burial, transfer of the body, exhumation of the deceased from graves and reburial, as referred to in Articles 06 and 08.
- ²²- Executive Decree No. 16-77 establishes the rules related to burial, transfer of the body, exhumation of the deceased from graves and reburial, as referred to in Articles 14 and 24.
- ²³- Executive Decree No. 16-77 establishes the rules for burial, transfer of the body, exhumation of the deceased from graves and reburial, as referred to in Article 15.
- ²⁴- Executive Decree No. 16-77 establishes the rules for burial, transfer of the body, exhumation of the deceased from graves and reburial, as referred to in Articles 17 and 18.
- ²⁵- Executive Decree No. 16-77 establishes the rules for burial, transfer of the body, exhumation of the deceased from graves and reburial, as referred to in Articles 19 and 20.
- ²⁶- Executive Decree No. 16-77 establishes the rules relating to burial, transfer of the body, exhumation of the deceased from graves and reburial, as referred to in Articles 21, 20, 22 and 23.

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[4] Second - Article:

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[5] Third - Legal texts:

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2. Decree No. 66-156 of June 1966 establishing the Penal Code, as amended and supplemented.
3. Executive Order No. 70-20 of 19 February 1970, as amended and supplemented by Law No. 14-08 of 9 August 2014, Official Journal No. 49, and amended by Law No. 17-03 of 10 January 2017, Official Journal No. 2.



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4. Decree 75-79 of 15 December 1975 on the burial of the deceased.
 5. Law No. 18-11 of 22 July 2018 relating to the Algerian Public Health Code, Official Journal No. 46, published on 29 July 2018, as amended and supplemented.
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