

Genetic premarital examination

Zouhir Benhachani ¹ and Lakhdar Djerada ²

¹ Doctor, Faculty of Law and Political Science, University of Batna, Algeria,
Laboratory: Environmental Studies and Sustainable Development, Algeria
Email: benhachanizouhir@gmail.com

² Doctor, University of Ahmed Draia Adrar, Algeria
Email: lakhdar@univ-adrar.edu.dz

Abstract---Genetic diseases and congenital malformations constitute a high percentage of newborns, and it is statistically expected that one in every 25 children will suffer from either a hereditary disease, a severe congenital defect, or a mental retardation resulting from a defect in the genes, some of those afflicted with these diseases die early or need to remain in Hospitalization for a long time or repeatedly, which leads to many economic and psychological problems that affect the patient, the family and society. Practical applications of genetics in humans include genetic counseling and premarital medical examination, as they are two very important procedures in this era and achieve a number of benefits, the most important of which is reducing the spread of hereditary diseases. Providing accurate and modern examinations, providing early diagnosis and spreading health awareness to prevent these diseases. Providing advice before marriage, before and during pregnancy, after childbirth, and after diagnosing the condition, and supporting the affected family and providing physical, social, and economic relief.

Keywords---Genetic diseases, Congenital malformations, Genetic counseling, Premarital examination, Early diagnosis.

Introduction

Science has finally been able to identify potential genetic problems by analyzing the genes of individuals. Those about to get married to determine whether their reproductive cells carry undesirable characteristics, as well as by testing the uterine fluid during pregnancy to determine the presence or absence of undesirable genes, this helped in reducing the rate of problems, this examination should be compulsory like all other official measures to ensure the legal status of offspring and their right to a happy life and to avoid inheriting harmful genes.¹ Science has ended in the modern era after

How to Cite:

Benhachani, Z., & Djerada, L. (2025). Genetic premarital examination. *The International Tax Journal*, 52(4), 1521–1544. Retrieved from <https://internationaltaxjournal.online/index.php/itj/article/view/167>

The International tax journal ISSN: 0097-7314 E-ISSN: 3066-2370 © 2025

ITJ is open access and licensed under a Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License.

Submitted: 05 January 2025 | Revised: 26 March 2025 | Accepted: 01 June 2025

many studies, and these studies are still continuing their discoveries in the field of genetics to the necessity of medical examination before marriage.

Genetics is considered one of the sciences most closely related to humans. Through the basics of this science, one can notice that it focuses on how the distinctive characteristics of an individual are transmitted from parents to children and grandchildren, and some of these characteristics appear or disappear according to known genetic rules, whether traditional or modern rules that depend on molecular inheritance. A new science known as (medical genetics) has emerged to understand the inheritance of human characteristics, especially unwanted hereditary diseases known as hereditary diseases, and genetics has also intervened to a large extent The possibility of treating some genetic diseases or preventing their occurrence. Genetic diseases appear either as a result of a change in the number of chromosomes, a change in their structure, or a change at the molecular level of the gene.

Recent discoveries have led to the knowledge that the origin of human creation is from a single cell, and that the tissues, the body is made up of cells, and each cell contains a nucleus, and this nucleus contains the genes that carry the genetic material, starting with the characteristics that all humans share, and ending with the characteristics that are specific to the individual None other than that, and after the discovery of the genetic material, research began to focus on finding out the number of these genes and their structure. Its functions and locations in a huge international scientific project known as the “Human Genome Project”, which is one of the greatest scientific achievements achieved by man, and this was followed by the change in the composition of the genetic material of the cell The origin of the structure of the living organism and the storehouse of its genetic characteristics, using new techniques known as genetic engineering. Various applications and multiple fields, it now includes plants, animals and humans. In the field of plants, this method was used so that the plant, after being genetically modified, acquires new desirable characteristics in addition to its original characteristics in the field of animals, it is possible to improve and increase animal production.

This technology became a major source for the production of types of medical drugs and serums, and as a result, companies specializing in genetic engineering products were established. Today, genetic engineering plays an important role in diagnosing and detecting genetic diseases for their prevention and treatment, in addition to introducing and developing new methods of treatment, and hopes are raised for gene therapy after from hereditary diseases.

In view of the extreme importance of this topic, this research came to clarify its issues, reveal its mysteries, and explain its rulings, so that people will be aware of what they undertake, so that the lawful can be distinguished from the forbidden, and it can be fulfilled g. The project is forbidden, and this topic is of great importance in terms of its relationship to the soul and offspring, which are considered It is one of the most important and necessary objectives that Sharia law came to preserve.

The first topic: The concept of genetic medical examination before marriage.

The concept of pre-marital medical examination is modern, and ancient clients did not care about it, and they did not clarify its procedure and issues as modern medical scholars cared about it due to the lack of scientific possibilities, and devices available in our days, but these possibilities were not known².

First requirement: Definition of pre-marital medical examination.

Section One: Definition of medical examination

Medical examination before marriage means in medical science: (providing mandatory medical consultations for individuals about to marry, based on laboratory and clinical examinations conducted for them before the marriage contract is concluded. We can extract a complete and comprehensive definition of premarital medical examination, so I say that premarital examination is: “a set of psychological, cultural and social guidelines, clinical medical examinations (medical and family history,

and clinical examination) and laboratory examinations for both men and women before contracting marriage, aiming to:

- 1- Providing full consultations and advice to those planning to marry, which will benefit both of them and the community.
- 2- Identify the general health condition of each of them and know their ability to have a healthy child.
- 3- Working to protect them and their offspring from the transmission of infectious and hereditary diseases.

Firstly: Types of medical examination before marriage. There are two basic types of pre-marital medical examination:

a) Genetic medical examination before marriage: It is for a man and a woman about to get married to undergo certain tests, the main purpose of which is: to avoid genetically afflicted offspring, and this type is not devoid of one of the following cases:

- 1- Knowing whether the man or woman, or both, are carriers of a pathological genetic trait that may be passed on to the offspring - by God's will - and there is a certain percentage of infection with the disease in the offspring based on the type of the pathological genetic trait, and this type of examination is the most common.
- 2- Find out whether both the man and the woman suffer from a specific hereditary disease, as some hereditary diseases may not appear clearly in adults unless a careful clinical and laboratory examination is conducted, and this type is rarely used.

b) Non-genetic medical examination before marriage. It is for the man and woman about to get married to undergo certain tests to ensure that they are free of some epidemic diseases that may be transmitted through marriage from one of them to the other or to the offspring, or to ensure that there is agreement or not in some health matters. Examples of this type include:

- ✓ Examination of men and women for reproductive diseases such as AIDS, syphilis, and hepatitis.
- ✓ Examine the woman for immunity to German measles, because the lack of such immunity may expose the fetus to congenital malformations if the mother becomes infected with German measles during pregnancy.
- ✓ Examining the blood type of the man and the woman to ensure that there is no match between the two classes, which would expose the fetus to danger³.

First section: What is meant by genetic testing?

Talking about the issue of medical examination before marriage is one of the new issues that has emerged with scientific progress in the field of various medical sciences. However, contemporary jurists have differed on this issue. There are those who see the illegality of medical examination before marriage, and others see legitimacy, including Muhammad Othman Shaybar and Abdul Rahman Al-Sabouni...etc⁴.

Since the Algerian legislator took into account the legitimacy of the medical examination before marriage, therefore, our study will be limited to the opinion that supports the legitimacy of conducting the medical examination before marriage. These people inferred from what they argued regarding the legitimacy of conducting the medical examination before marriage that it does not conflict with the principles of Islamic law, as they relied on a number of Narrative evidence from the Qur'an and Sunnah (first) as well as jurisprudential rules (second).

Second section: Opinion of those obligated to undergo a medical examination before marriage and their evidence.

Scholars who say that a medical examination is required before marriage believe that there is no legal objection to the guardian issuing legislation or a law requiring people to undergo a medical examination before marriage.⁵ Among those who support the permissibility of requiring a medical examination before marriage are:

Sheikh Muhammad Abu Al-Zahra⁶Dr. Hamdati Maalainain⁷And Professor Dr. Muhammad Al-Zuhaili⁸And Professor Muhammad Shabir⁹And Professor Abdul Rahman Al-Sabouni¹⁰And others

1/- Dr. Muhammad Al-Zuhaili: [Laboratory tests and medical examination before marriage, even in countries that do not require or require it in marriage, there is nothing wrong with it according to Sharia law or there is no objection to it in practice. If the ruler orders it for the sake of interest, it becomes obligatory]¹¹.

He says: [The medical examination before marriage related to hereditary diseases is an obligatory duty, and this is not considered an infringement on personal freedom, because it is in the public interest that benefits the individual first and society, the state and the nation second.]¹².

2/- Professor Abdul Rahman Al-Sabouni believes: In his explanation of the necessity of the medical examination, it is [must be obligatory for all applicants for marriage to undergo a medical examination, so that the marriage will not take place except after a medical certificate proving that he is medically fit]¹³.

3/- Dr. Hamdati Maa Al-Ainin says: [I believe that it is necessary to conduct a medical examination before the marriage contract to ensure that each of the spouses is safe from chronic disease that is transmitted by heredity according to the concept of medical genetics]¹⁴.

Third Section: Medical examination before marriage in Algerian family law

The Algerian legislator adopted the issue of medical examination before marriage and recognized its legitimacy, although the draft law on medical examination before marriage had been prepared by specialists in the early eighties, and it did not see the light of day until the 2005 amendment, and this is due to imaginary and subjective reasons¹⁵.

Firstly: Pre-marital medical examination before order 02-05-2005. The Algerian legislator stipulated in Article 115 of the order containing the Health Law of 1976 as follows [the modalities of pre-marital medical examination shall be determined by decree, in order to protect the health of the family]¹⁶It is clear from this text that the Algerian legislator required the pre-marital medical examination to protect the family from communicable diseases, but no decree was issued after the issuance of this that specifies how to conduct the pre-marital examination, and therefore this article has not found any application in the scientific field.¹⁷.

When the order issued in 1976 containing the health law was cancelled, and the current law related to health protection and promotion was issued, its texts were devoid of any text stating the submission of a pre-marriage medical examination certificate, and this is considered a legislative deficiency that the Algerian legislator must rectify.

Secondly: Medical examination before marriage after the issuance of Order No. 05-05-2005.This is in accordance with Law No. 84-11 through Article 7 bis, which states: "Marriage applicants must present a medical document, no more than three months old, proving that they are free of any disease or factor that may pose a risk With marriage, the notary or officer must Civil Status: Before issuing a marriage contract, it is necessary to ensure that both parties have undergone medical examinations and that they are aware of what diseases or factors that may reveal a risk that may interfere with the marriage, and this is indicated in the marriage contract.

The conditions and methods for implementing this article shall be determined by regulation.

We find that by including Article 7 bis, he obligated both parties to conduct a medical examination, but he did not deviate from the provisions of Sharia law. He did not make the examination a condition for the validity of the marriage contract, but rather included it as a preventive measure only.¹⁸.

Executive Decree No. 06-154, dated 13 Rabi' al-Thani, 1427 AH, corresponding to May 11, 2006, was to specify the conditions and methods for implementing the provisions of Article 7 bis of Law No. 84-

11, dated 9 Ramadan 1404 AH, corresponding to June 9, 1988 4, included Family Law, as stated in Article Two of the decree: [Every marriage applicant must present a medical certificate no more than (3) months old, proving that he has undergone the medical examinations stipulated in this decree. The certificate stipulated in Article shall be delivered by a doctor according to The form attached to this decree].

This decree included the necessity of providing a medical certificate for every marriage applicant, proving that they have undergone medical examinations, and obliging the notary or civil status officer not to issue a marriage contract except after submitting those medical certificates stipulated in the decree. The law also prohibited the notary and the civil status officer from refusing to conclude a marriage contract. For medical reasons contrary to the will of those concerned¹⁹.

The second topic: Inclusions of the pre-marital medical examination.

In view of the scientific development and progress in the medical field, especially in genetic engineering, including the functioning of the body's cells, the functions of genes, how diseases are transmitted, and ways to prevent them, these discoveries have imposed themselves on legal jurisprudence by exploiting these results to achieve the health of the individual and society. In general, medical examination before marriage includes a group of It is one of the tests that can predict the transmission of diseases and their severity between spouses, considering that this relationship is the fastest means of transmission of such diseases.

On this basis, the Algerian legislator, through the text of Articles 3 and 4 of Executive Decree 06/154, obligated both the suitor and the fiancée to undergo a medical examination, so we will discuss the contents of this examination, whether they are examinations Mandatory tests, or additional tests (optional).

First requirement: Mandatory examinations.

The Algerian legislator, in Executive Decree No. 06/154, which specifies the conditions and modalities for implementing the provisions of Article 07 bis of the Family Code, specified the types of examinations that must be conducted.

According to the text of Article 3 of this decree, the doctor cannot hand over the medical certificate except after being informed of the results of the analyzes and examinations carried out by the person concerned, which the Algerian legislator stipulated as an obligation, which is a comprehensive clinical examination (Section One), blood type analysis (Section Two).

First section: Comprehensive clinical examination.

Firstly: Definition of comprehensive clinical examination. "A virtual examination, which does not go beyond some of the usual necessary tests, such as measuring blood pressure, heart rate, and examining the apparent condition of the body in question, and at most it does not go beyond some analyzes or x-rays."²⁰.

Clinical examination is the examination that the doctor conducts for the patient, using the power of observation. He may also use simple equipment for examination at the patient's bed, such as a stethoscope, but without using modern and complex means of diagnosis.

Secondly: Examination steps. The comprehensive clinical examination includes some steps, including:

- Inspection and observation by looking at the patient and observing him, such as estimating weight and height, human appearance, and physical examination.

Second section: Blood type analysis.

The pre-marital medical examination includes blood type analysis, in order to detect the type of Rh factor (ABO + Rhesus), which is one of the most important tests performed for spouses, because of its benefit as it reveals the extent of compatibility and incompatibility between the husband's blood type and the wife's blood type. There are four possibilities that can occur, which are as follows:

- **First possibility:** The blood type of both spouses is positive.
- **The second possibility:** The blood type of both spouses is negative.
- **Third possibility:** The blood type is positive for the wife and negative for the husband.

In the three possibilities, the blood types are considered compatible and homogeneous, meaning that they do not affect the health of the fetus or the couple.²¹

There are more than 26 systems to determine the different types of blood, but only some of them play a role in the blood transfusion process, including the ABO system, the Rhesus system, and the Kell-Cellano system, in addition to other systems.

The ABO system: It is the first system known to humanity, discovered by the Austrian Scientist Land Steiner (Landsteiner) in 1900, where he conducted an extensive study centered around comparing people's blood with each other and identifying the similarities and differences between them²².

The Rhesus System: And the Rhesus system contains five (05) antigens, which are: DccEe, which is present on the membrane of red blood cells and does not exist at all in the membrane of platelets²³.

The Kell-Cellano System: In this system, there are no natural antibodies, but rather they are acquired through blood transfusion or pregnancy, as they are a type of immunoglobulins, the immune class. G (igG).

Other systems:

1. **Lewis system:** It is a system that is classically linked to an ABO system because it relies on the same basic substances, but its antigens are of two types: Ag Lea and Ag Let²⁴.
2. **HLA system:** HLA Antibodies are present in white blood cells, platelets, and in all cells except red blood cells.

Genetic diseases “are a group of diseases that have a specific system of inheritance in a family, for several generations, and are caused by a defect in the structure of chromosomes or genes, or a defect in the final resulting function”²⁵. It is also known that they are diseases that are inherited from parents to children, and it is not a condition that if the parents are infected with one of these diseases that the children will be infected with it, but the possibility of the children being infected with these diseases increases if the parents are infected with these diseases²⁶.

Genetic diseases have occupied the attention of doctors and specialists in the science of genetic engineering, due to their rapid spread and their high percentage among diseases that affect humans in general, such that (2% of children suffer from hereditary diseases when they are newborns, 50% of women suffer from recurrent miscarriages, 50% of children suffer from blindness, deafness, and mental and motor disabilities. In general, there are many hereditary diseases that are difficult to enumerate²⁷, but in our study, we will focus on the following:

Diseases transmitted through the chromosome (first), diseases resulting from genetic defects (second), providing two examples²⁸ for each type, given the huge number of these diseases that exceed thousands.

Section Three: Tests that detect infectious diseases.

The medical examination before marriage is considered a preventive measure to protect the family and society from disease, and through it advice is provided that ensures the success of the marriage and the safety of the spouses. In addition to the genetic medical examination, there is the non-genetic medical examination, or what is known as the detection of non-genetic infectious diseases transmitted through relationships. Nationality, through the text of Article 4 of Decree 06/154 specifying the conditions and methods for implementing the provisions of Article 7 bis of the Family Law, a doctor can request or

suggest to the two parties that they perform certain possibilities that indicate the presence of infectious diseases. This type of examination aims to subject the engaged couples to examinations that It reveals the infectious diseases spread in our society.

Infectious diseases mean “diseases that are usually, but not always, transmitted through sexual intercourse”²⁹. These are diseases that are transmitted between spouses through sexual relations, whether this relationship is between different or same sexes. Among the causes of transmission of such diseases are bacteria, fungi, and viruses of various types³⁰.

There are so many infectious diseases that it is difficult to enumerate them, in addition to the diseases that are discovered to this day, so we will focus in our study on the most serious diseases (first) and the less dangerous diseases (second).

Firstly: Diseases are more serious. Sexual diseases are serious diseases that are mostly transmitted through sexual contact with a person infected with the disease. The World Health Organization has previously announced that the number of people infected with sexually transmitted diseases annually exceeds 750 million people³¹. Perhaps addressing some of these diseases and talking about them will open the way for those who are about to become infected with the disease. Marriage is to be convinced of the necessity of undergoing examination, because of its importance, as infectious diseases are many and varied, including: syphilis, hepatitis³², AIDS, gonorrhea, herpes, trichomonas³³...etc.

1: Herpes: It is a disease caused by viral germs called (His hominis) (Herpes hominis) is characterized by severe, red-colored ulcers that grow and multiply rapidly. Its first symptom is severe itching and pain in the genitals. Then, small watery bubbles appear on the skin or mucous membranes, and these bubbles burst to form painful ulcers that heal for a period and then quickly return. The virus is transmitted from pregnant women to women. The fetus, which often leads to blindness or death in newborns, and is linked to cervical cancer in women, which is an infectious disease transmitted through sex, and one of its greatest causes is homosexuality³⁴.

2: Hepatitis C disease (HBV): It is a viral infection that infects the liver cells, leading to the management of the cells and reducing the efficiency and function of the liver, causing liver damage by 20%.% of those infected, and liver cancer in 5% of those infected, and it can be prevented by a safe vaccine that prevents its occurrence by 95%.

3: Gonorrhea: It is the most contagious sexually transmitted disease at the present time. It is caused by a very small bacterium called Neisseria gonorrhea. It may affect 200-500 million people every year, most of whom are in the prime of their youth. One of its greatest causes is homosexuality, and the symptoms of the disease appear in the form of burning pain when urinating. Thick, sticky secretions full of pus and pus with an odor. Women experience severe pain in the lower abdomen and lower back, and inflammation of the urethra. If the disease is not treated, the bacteria reach the prostate and seminal vesicles and damage them, causing infertility. The disease is transmitted to the fetus at birth, and its condition worsens if it is not treated³⁵.

4: Syphilis: It is an acute infectious disease, one of the most dangerous sexually transmitted diseases. It attacks the mucous membranes at the site of the infection, and is caused by a bacterium (Treponema pallidum). The symptoms appear in the form of a hard ulcer inside the body, then enlarged lymph nodes. Then the ulcer disappears, and the patient thinks that... He is healed, then he appears Headache, fever, sore throat, and pain in the joints, then red spots spread over the entire skin, then warts and painful swellings on the genital organs. Then the third stage begins after the end of the second stage, for a period ranging from 3 to 20 years and perhaps longer³⁶.

5: Trichomonas(Trichomonas):It is a sexually transmitted disease caused by a bacterium (Trichomonas Vaginalis), this disease most commonly affects women, and according to recent statistics, this disease affects 170 million people in the world. This parasite causes inflammation of the vagina, cervix, and bladder, and in males it causes inflammation of the urethra or prostate. This disease is transmitted through contact. Sexual disorder, the greatest cause of which is homosexuality, which is treated with antibiotics³⁷.

6: AIDS: Acquired immunodeficiency syndrome (abbreviated from the first letters of the words: Acquired Immune Deficiency Syndrome), is a devastating, deadly disease that spreads terribly in the world due to abnormal sexual relations, and causes the spread of adultery and sodomy. A recent report published by a magazine stated: (Infectious Disease of North America, in December 200 AD, stated that the number of AIDS cases in the world reached 53.1 million people by the end of 1999 AD, and the number of people who died from this disease until that date reached 18.8 million people.

The virus has a name; HIV is in the infected person's body tissues and in various body fluids: blood - semen - vaginal secretions...

AIDS has stages that the patient goes through:³⁸

The first stage: The stage of the virus entering the body, which may take up to seven weeks. This stage is when the person appears healthy and completely normal, and the blood analysis may not show that the person is infected.

The second stage: The stage of carrying the disease (incubation) from two months to ten years or more, during which the person appears healthy, and may be an athlete, but he carries the virus that is infectious to others, and a blood test shows that he is infected with the virus.

The final stage: The stage of the disease, where the virus has destroyed the immune cells, and the patient is then infected with many bacterial and viral diseases and skin cancers, and the disease ends in death.

Section Summary:

From the above, it becomes clear to us that the issue of pre-marital medical examination is a contemporary issue, as it is meant to be a set of laboratory and clinical examinations carried out by both partners in order to provide them with advice and lead to a happy married life, as we find that Islamic law has approved a project Pre-medical examination Marriage, because the latter is considered a step towards achieving a healthy family, it helps to preserve oneself and one's offspring, based on a number of Sharia texts.

The idea of medical examination before marriage carries with it goals and great importance: it contributes to reducing hereditary and infectious diseases, whether for the parties involved or the offspring. It also contributes to alleviating the burden on health institutions, as well as reducing the issues presented before judicial bodies.

As for the time for conducting the examination, it has been the subject of discussion in Arab legislation, as it is after the intention to marry and before announcing the engagement. However, the Algerian legislator obliges the examination to be performed before concluding the marriage contract, by submitting a certificate no more than three months old.

However, despite the positive aspects of the pre-marital medical examination, it is fraught with some drawbacks, including infringement on one's private life, by leaking medical secrets, and thus the afflicted person becomes frustrated and depressed, in addition to the high financial cost of the examination, as it is difficult for some people to do it.

Through our study of the contents of the pre-marital medical examination, we find that the Algerian legislator has stated in Decree 06/1564 in Articles (03 and 04) that the doctor cannot hand over the medical certificate, except after being informed of the results of the analyzes and examinations that he mentioned as an obligation (a comprehensive clinical examination). (Blood type analysis), and he can also suggest to those concerned about the possibility of conducting additional tests in order to detect hereditary and infectious diseases, while providing some medical information and advice.

Third Section: What is meant by genetic engineering?

Knowing what is meant by this term depends on clarifying each of its vocabulary.

I. Definition of engineering:

- A) Language: Derived from Al-Hindaz, which is Persian Arabized, its origin is aab andhaz, so it replaced zay with sina, because there is not in any Arab speech zay after dal, and the engineer is the one who designates water courses and canals and digs them where they are dug, and it is said: So-and-so is the Hindu of this matter, meaning he knows it, and a man Hindus, if they are well-sighted and experienced³⁹.
- B) In terms: “scientific principles and principles related to the properties of matter, the sources of natural forces, and the ways to use them to achieve material purposes”⁴⁰.
- II. Genetics. Language: So-and-so inherited from his father and he inherited from him an inheritance and an inheritance. His wealth became his property after his death. It is said: You inherited so-and-so’s property from his inheritance and an inheritance if your heir dies and his inheritance becomes yours. God Almighty said - reporting on the authority of his Prophet Zechariah, peace and blessings be upon him, and his supplication for him: “And indeed, I feared.” The one who followed me was my wife. I am barren, so grant me from Yourself a guardian. (5) He will inherit from me and inherit from the family of Jacob. “That is, he will remain after me, and my inheritance of prophecy will become his inheritance, and he will inherit his wealth”.

Second section: What is meant by genetic engineering?

There are many expressions used to define genetic engineering, as follows:

First definition “Directing the natural course of genetic factors to another path with the intention of changing an undesirable reality, or achieving a desired description”⁴².

Second definition: “Transferring sections of the DNA of one living organism and inserting them into the DNA of another organism to produce a hybrid molecule”⁴³.

Third definition: What is notable about these definitions is their agreement that genetic engineering is related to the transfer of genetic material from one cell to another, but most of them are taken to be that they included within the definition the purpose of transferring genes, which is to change characteristics, as in the first definition, and some of them were modified This is to explain how genes are transferred either By deleting, adding, merging, or rearranging, and such is not in the nature of definitions that lead to brevity and distance from details and explanations.

The close connection between genetic testing and genetic engineering appears on the one hand that the subject of genetic engineering is the genetic material present in the nucleus of the cell known as genes, and hereditary characteristics are transmitted from parents to children through genes. If they are healthy, the offspring will be healthy, and if they are sick, the offspring will be sick, just as Children inherit characteristics from their fathers and mothers, and some diseases are also transmitted to them⁴⁴.

Just as hereditary diseases differ in their nature and harm, so too do they differ in their prevalence in societies. A hereditary disease spreads in one place rather than another, such as hereditary blood diseases that spread in the Arab countries, especially in the regions It was infested with malaria⁴⁵.

There is a large percentage of recessive hereditary diseases that are only discovered through genetic testing, as the carrier of the defective gene does not show its effects and does not suffer from any apparent illness, but if he marries a woman who carries the same defective gene The disease can appear in a quarter of the offspring⁴⁶, and it is Genetic testing before marriage is a way to identify those who carry a specific defective gene. Therefore, it is appropriate to explain what is meant by genetic testing in order to know the legal rulings related to it.

Third Section: Explaining what is meant by genetic testing before marriage.

There are many expressions used to define genetic testing, as follows:

The first definition: "Giving advice, giving correct information, and offering the possibility of giving birth to a child with a genetic disease that will have serious consequences on the life of this child, whether physical or mental consequences"⁴⁷.

Second definition: "It seeks to provide its students with correct knowledge, possible expectations, and their statistical percentage, leaving decision-making entirely to those concerned between them and the treating physician, without any attempt to influence a specific direction."⁴⁸

Genetic diseases and consanguineous marriage We conclude that many Sharia and medical scholars have exaggerated their warning against consanguineous marriage, relying on scientific studies that have been proven to the contrary. This does not mean that consanguineous marriage is desirable at all, but we take the middle position on it, so we say that based on genetic scientific research, if it is found in a family with a recessive genetic disease, it is better to marry distantly and alienate the marriage for fear of the combination of recessive genetic factors, which leads to the possibility of infection in the offspring to continuing consanguineous marriage within a closed circle is undesirable due to the possibility of the accumulation of hereditary diseases as a result of the presence of recessive genes.

Section Two: The relationship between consanguineous marriage and pre-marital medical examination.

Genetic studies have proven that the possibility of genetic diseases appearing in consanguineous marriage is greater than in distant marriage. The reason for this is that every human being carries between four and eight defective genes. He does not suffer from any harm from them, because they are recessive, but the disease appears when these genes meet. The patient with another similar one ⁴⁹.

In consanguineous marriage, there is a high probability that each of the spouses is a carrier of the same defective gene, because the genes are similar between cousins and maternal uncles, as each individual shares a quarter of the inheritance with his paternal uncles, aunts, uncles, and paternal aunts, and shares a quarter of the inheritance with his paternal uncles, paternal aunts, and paternal uncles. The paternal aunt is one-eighth of the inheritance, and then the percentage of combination of pathological genes between the spouses increase, and vice versa. If individuals are distant from each other in relation to each other, the number of similar genes between the spouses decreases⁵⁰.

If he marries one of his female relatives, and both of them have the same recessive disease trait, they will combine, leading to the possibility of having children with hereditary diseases, and the possibility becomes stronger when there is a hereditary disease condition in the family⁵¹. This leads to the fact that research conducted on consanguineous marriage and long-distance marriage in various countries has proven that children with hereditary diseases whose parents are related by relatively more kinship than children whose parents are not related⁵².

The results showed that the differences in lineage in the rates of occurrence of genetic diseases between consanguineous marriage and distant marriage are small, as the probability of an increase in genetic diseases in consanguineous marriage increases to approximately 4%, as for distant marriages, it is in the range of 2% to 3%.

Many studies say that consanguineous marriage has no direct relationship to most of these diseases, as most of them are due to common causes between environment and genetics, and only a few of them recur in the family and consanguineous marriage has an effect on them.

Even if there is a hereditary disease in the family, this does not mean that both spouses must be carriers of the diseased genetic factor. It has been found that the probability that first cousins are carriers of the same genetic factor is 8.1 to 12.5%. As for the dimensions, the percentage is 3.2%.

The fourth Section: Ruling on conducting genetic testing.

Genetic testing before marriage is one of the means of identifying carriers of defective genes, and scholars have differed regarding its procedure, based on two opinions:

The first statement: Conducting a genetic examination before marriage is permissible according to Islamic law, and thus the recommendation of the Islamic Organization for Medical Sciences 53 was issued.

A group of scholars said so⁵⁴.

The second statement: There is no need to perform a genetic test, and it is better to leave it, and this is what some scholars say⁵⁵.

The basis of the evidence: It is obligatory for a remote person to have a good opinion of God, and if he does that, he does not need to undergo an examination before marriage⁵⁶.

Discussion: Taking the reasons does not conflict with good faith and believing in God. The believer is commanded to do the reasons while relying on God and thinking well of Him, and this is the guidance of the Prophet, may God bless him and grant him peace. On the day of Uhud, he wore two armors 57, and one of the reasons for taking it is to undergo an examination before marriage to ensure So much safety both pairs of defective genes.

Second: Their reasonable evidence:

- 1- The pre-marital examination gives incorrect results, and then the decisions based on it are incorrect⁵⁸.

Discussion: Not accepting that the results of the examination are incorrect, as it is conducted according to scientific steps that guarantee - God willing - the accuracy of its results.⁵⁹ And if we assume that this matter occurred, then it is due to the methods used in conducting it in some medical centers.

- 2- The basic principle is that the spouses are free from the hereditary disease, so there is no need to perform it⁶⁰.

Discussion: There is a need to conduct an examination so that each of the spouses is aware of what he is suffering from, especially recessive genetic diseases that are characterized by the person being a carrier of the defective gene and not showing symptoms of the disease, and there is no other way to know that by examination.

Meaning: Sharia law came with introductions that precede the marriage contract, including: engagement, and looking at the fiancée, so that each party can get to know the other's qualities in terms of the woman's qualities that appear to the observer. What is meant by this is continued companionship, the continuation of the relationship, and the stability of married life. There is no doubt that marriage The marriage of healthy people lasts longer than the marriage of sick people, and some pathological characteristics cannot be known except through genetic testing, so it is legitimate⁶¹.

The family is the first building block in building the nation, and for its structure to be strong, its members must be healthy, and pre-marital examination protects the family from hereditary diseases⁶². The intended purpose of marriage is housing, affection, mercy, and the creation of healthy offspring. This cannot be achieved if the offspring are afflicted with diseases that are difficult or impossible to treat, and pre-marriage examination is a way to avoid marriage that leads to the creation of sick offspring⁶³.

Their evidence is from the legal rules.

The "damage is removed" rule⁶⁴.

The basis for inferring the rule: Failure to conduct genetic testing will cause harm to the offspring in the event that the parents are carriers of defective genes, because this leads to the possibility of the genes being passed on to the offspring, and then some of them becoming infected with this hereditary disease caused by this defective gene, and genetic testing is carried out with knowledge of safety. Those who wish to marry with common hereditary diseases, so it is lawful, in order to avoid this harm⁶⁵.

Weighting: After presenting the two opinions, and what all the proponents of each opinion have used as evidence, the first statement becomes clear, which is the permissibility of performing genetic testing, for the following reasons:

Firstly: The evidence for the second statement was discussed with sufficient answers.

Second: The strength of the evidence used by those who say permissibility.

Third: The statement that it is permissible to perform the examination is to achieve the preservation of the offspring, which is one of the necessary objectives of the Sharia that it came to preserve, and to prohibit everything that violates it. Al-Ghazali - may God have mercy on him - said: "The Shariah's aims for creation are five, which is to preserve their religion, their soul, their mind, their lineage, and their wealth. Everything that involves preserving these five principles is a benefit, and everything that neglects these principles is a harm, and avoiding them is an interest⁶⁶.

Al-Ghazali's statement: "Everything that involves preserving these five principles is a matter of interest." This includes everything that involves preserving these principles, and performing genetic screening involves preserving the offspring, by protecting the offspring from contracting some hereditary diseases.

The Sharia also stipulates the preservation of these five necessities from both sides:

First: Of existence by seeking what establishes its pillars and establishes its foundations.

Second: From the side of nothingness, by preventing what is defective with it, or non-existent.

Concerning this, Al-Shatibi ⁶⁷ - may God have mercy on him - says: "Preserving it is achieved through two things: one of them is what establishes its pillars and establishes its rules, and that is an expression of observing it from the aspect of existence.

Third: What averts it from the actual or expected imbalance in it, and that is an expression of observing it from the side of nothingness."⁶⁸

His saying, "Preserving her is due to two things: ... and the second: what prevents an actual or expected defect in her." It is understood that everything that leads to preventing a violation of the preservation of the offspring is permissible, and that includes genetic testing, because the inheritance of hereditary diseases leads to the weakening of the offspring.⁶⁹

Fourth: One of the rules of Sharia law is the rule: "If two evils conflict, the greater of the two shall be considered as harmful to the lesser of them."⁷⁰

In general, evils must be repelled, but two evils may come together in a matter, and one of them is not repelled except by bringing about the other. Here we apply the rule to commit the lesser of the two evils in order to ward off the greater of them⁷¹.

If there is a conflict between two evils, we consider the greater harm to the lesser harm, and by looking at genetic testing and the harms that may result from it, such as disclosing its results, or the reluctance of those who want to marry, or its financial cost, we find that the harm of not performing it is greater, because of the injury that may result. Al-Nisli, with some genetic diseases, and this spoil is due to the person who is preserved from the purposes of the necessary Sharia, and then the concern is to provide this spoil, and the lack of view to what may be caused to be submitted by corruption.

Fifth: In implementation of the jurisprudential rule: "Paying is more important than lifting."⁷²

The purpose of genetic testing is to limit marriage between carriers of defective genes, which leads to a reduction in the number of births afflicted with genetic diseases. This achieves the prevention of harm before it occurs, which is easier than removing it after it occurs, because protecting the newborn from a genetic disease before it occurs is easier than removing it and treating it after it occurs.

Based on what is indicated by the purposes of Sharia law and its general rules, and given the implications of genetic testing for preventing harm before it occurs, performing it before marriage is lawful, because its purpose is to protect the offspring from hereditary diseases, and preserving the offspring is one of the necessities stipulated by Sharia law.

Genetic testing is required in two cases:

First: There is a relationship of kinship between the two suitors.

Second: The spread of certain genetic diseases in society⁷³.

The reason for this is that the suspicion is strengthened by the possibility of the offspring being infected with a hereditary disease.

If the guardian sees the interest in obliging people to undergo genetic testing, it becomes obligatory, as if a hereditary disease spreads in society, and marriage is the reason for its spread, then the imam has the right to compel people to undergo genetic testing as a matter of Sharia policy.

According to the Sharia rule: “The imam’s management of the subjects is dependent on his interests”⁷⁴.

This rule demonstrates a great principle of Sharia policy, which is that whoever is in charge of people’s affairs must dispose of them in a way that achieves their interest, and preventing marriage before the spouses undergo examination achieves the interest of the spouses and society, and protects them from the harm that results from the offspring being infected with hereditary diseases from sick individuals. One to Expensive expenses, continuous care, and multiple medications⁷⁵.

The second topic: The effects of examination on abandoning the marriage plan.

The medical examination has many effects. If the results of the pre-marital medical examination are positive, the marriage project will be completed in light of reassurance and satisfaction between them. In the event that negative results appear and one or both of the parties suffer from an illness that prevents achieving the goal of marriage, then the injured party has the right to The right to consummation, that is, during the engagement period, as well as the request to dissolve the marital bond if consummation takes place.

It may be an impediment to the completion of the marriage project, as it makes abstention a matter of course if one or both parties refuses to consummate the marriage. Saying otherwise makes the engagement a binding contract, and makes the marriage take place under duress. Therefore, it is permissible for both of the engaged couples to abstain from the engagement, which is what is stipulated in the article System of Arab legislation⁷⁶.

The third topic:

If the results of the pre-marital medical examination reveal defects or illnesses in one or both of the people about to get married, the aggrieved party can withdraw from the engagement due to the illness of the other party.

The legislator considered the engagement to be merely a promise of marriage, and did not entail any of the effects of the marriage contract. It is a contract built on the absolute desire and mutual will between the suitors, knowing that it did not specify the reasons for abandonment, leaving the field open to the suitors, whether they were Revocation with or without cause⁷⁷. By linking the issue of the engagement to the issue of the pre-marital medical examination, it is possible to cancel it after the examination is conducted, if the results of the examination indicate the illness of one of the parties, and the sick party proceeds to complete the contract, without the healthy party knowing anything about this illness, in which case the contract is made Provide a pre-medical examination certificate Marriage or by falsifying the analysis with the help of a doctor⁷⁸, and it becomes clear that the illness or defect that was hidden conflicts with the goals of marriage, then the healthy party has the right to abandon the engagement out of forgery and deception more than out of illness or defect⁷⁹.

As for the Algerian legislator, it stipulates in Article 05 of the QAJ that: “If abandoning the engagement results in material or moral damage to one of the parties, it is permissible to award compensation to him,” but it stipulates compliance with the rules of Sharia and the rules of officials. The case of negligence is that the just person was involved in the damage that was caused. The other party because of its refusal⁸⁰.

It is noted that the Algerian legislator has stipulated the permissibility of compensation but not its obligation, despite the fact that what is generally accepted in general rules is that the person who caused the damage is obligated to compensate (Article 124 of the Civil Code)⁸¹.

Ruling on marriage for someone suffering from a contagious or hereditary disease.

The ancient jurists did not address in a clear and precise manner the issue of compensation for breaking the engagement due to its rarity at that time, but after the issue was taken into account as a normal phenomenon and its occurrence in most cases, the ruling on this issue was established in accordance with the rules of general Sharia, so that the scholars divided into four preponderant opinions, which are as follows:

If the two suitors were examined, and it was found that one of them had a chronic defect, or a hereditary and contagious disease that would affect the other party with injustice and unfairness, would this afflicted person's right to marriage be forfeited?

- **The Hanafi school said:** Marriage, in its right, is disliked and forbidden when there is fear of injustice, that is, when marital rights are not respected, because its legality is only to protect oneself and obtain reward through a child, and the one who fears injustice commits a sin and commits forbidden things, so interests take precedence due to the preponderance of these evils, and his issue is prohibition, except that the texts do not advance, so we said it is disliked. If he is certain, that is forbidden⁸².
- **The Malikis said:** Marriage is forbidden, as the right of one who harms a woman due to his inability to provide for her or to have intercourse, or to earn money from an unlawful place, is forbidden. Some Malikis said: "It is forbidden to one who does not hide hardship and harms the woman due to his inability to have intercourse or to provide for him, or he earns money from an unlawful situation, and the like." Al-Shamil's statement: "And preventing harm to a woman due to intercourse, spending, or earning money through a forbidden act."⁸³
- **The Shafi'is said:** Marriage is forbidden for someone who knows himself not to carry out his duties, if he finds the gift and an ailment such as a permanent illness, old age, or a sign of hatred for him.
It was stated in Asna Al-Matalib: "He is classified as insecure and in need of alimony and does not know himself to fulfill his marital rights, so he bears the desirability due to the need for alimony and the prohibition due to lack of confidence in performing the rights. If the impediment and the requirement conflict, the impediment comes forward⁸⁴."
- **The Hanbalis said:** He hates marriage in his right, and it is better to leave it, as it was mentioned in Al-Mughni by Ibn Qudamah that it says: "Whoever has no desire because he did not create a desire for him like the curse, or it was a desire and it went away due to old age, illness, or the like, then there are two aspects to it:

One of them: It is desirable for him to marry according to the general meaning of what we mentioned.

And the second: Abandoning him to him is better because it does not achieve the interests of the marriage, prevents his wife from being protected by someone else, is harmful by confining her to himself, and exposes himself to duties and rights that he may not be able to carry out. Imam Ahmad said about a man with little earnings who is too chaste to marry⁸⁵: As for the one who is unable to do so, God Almighty said: {And let those who do not find the wherewithal for marriage abstain until God enriches them from His bounty...}⁸⁶.

- **Chosen statement:** After presenting the opinions of the jurists, it becomes clear to me that marriage for this afflicted person is forbidden, because it leads to something forbidden and because of the harm and injustice that marriage entails for the other party, and this contradicts the purposes of marriage, because the marriage bond is eternal, and these diseases and defects that exist in the afflicted person are likely to disturb the peace of the person. This is eternity.

Just as the harm has been removed and the harm remains, it is not permissible to inflict harm on people, as this is absolutely forbidden. Likewise, private harm must be borne to ward off general harm. A person can bear what he has of illness or defect, but others can only bear this with difficulty.

This ruling does not apply to all diseases and defects, but rather to diseases and defects whose harm and danger extends beyond others, and everything depends on them. As for diseases and defects that are minor or whose harm does not extend beyond others, this ruling does not apply to them.

The ruling is restricted to whether one of them does not know that the other is defective or sick. Otherwise, the marriage is permissible if there is consent between them, to avoid unfairness and wrongdoing in this case.

Third: The effect of reversal on compensation for damage.

Since the engagement is a promise to marry, and therefore is not a binding contract, it does not include any obligation, and each of them may withdraw from the engagement of his own free will. They cannot be forced to complete the marriage contract, as it is a right that may be used at all times. As he pleases⁸⁷, the Algerian legislator has taken this opinion. In the text of Article 5, Paragraph 2 of the Algerian Family Code, which states: "If abandoning the engagement results in material or moral harm to one of the parties, he may be awarded compensation," as this article indicates that the basis for compensation is abandoning the engagement. It is the association of change with actions and circumstances. An emergency that caused damage to the other party, but this article left the discretionary power to the judge, so we find that the Algerian legislator explicitly approved compensation, whether the damage was material or moral⁸⁸.

Dropping this on the issue of the pre-marital medical examination, we conclude that due to the negative examination results, the engagement was canceled, since without these results, the marriage contract would not have been concluded, and therefore this compensation is determined by the judge. The material damage that befalls a person is easy to estimate, while the moral damage is. This is the harm that is caused to her future in marriage as a result of her being insulted by publicizing her health condition, which makes people refrain from talking about her, because people in our time are accustomed to talking a lot about the girl who breaks off her engagement, and therefore it is difficult to estimate, so the estimate is up to the authorities. Judge's discretion ⁸⁹.

Fourth: Compensation for damage resulting from divorce and separation.

Compensation is the financial amount that the judge rules to compensate for the harm that befalls the husband or wife as a result of the dissolution of the marital bond.

f- Compensation in the event of severing the marital bond by unilateral will (divorce).

If the judge rules to terminate the marital relationship based on the husband's will, the judge orders compensation to the wife based on the harm caused to her as a result of the breakup of the marital bond, and this is in accordance with the text of Article 52 of the Algerian Family Code, which states: "If the judge finds out that the husband was abusive in the divorce, he will award compensation to the divorced woman. "For the harm caused to her," but if the husband proves that the wife cheated on the results of the pre-marital medical examination by concealing a defect or illness in her that is a justification for divorce, the husband is exempted from compensation for the arbitrary divorce, because there is a suspicion of an imbalance in the relationship on the part of the wife. No psychological trauma to the husband, which gives him the right to end the relationship. Marital, because proof of sexual competence, which revolves around defects and diseases, can be detected through a medical examination before marriage, while after marriage it is through a medical certificate. Therefore, the Algerian legislator sought to protect both parties from falling into sexual intercourse. Cheating and fraud after marriage, through knowing the situation. Their health, especially sexual diseases and defects, should be done by including the medical certificate in the marriage contract file. Therefore, if these defects appear after undergoing a medical examination, this is evidence of the wife's deception and cheating on the results of the examination⁹⁰.

٥- Compensation for the dissolution of the marital bond at the request of the wife (Divorce).

Since the Algerian legislator specified in Article 53 of the Algerian Family Code the cases that are subject to a request for divorce, and this latter is considered one of the issues summarizing the request for compensation, according to the text of Article 53 bis, which states: "The judge may, in the event of a divorce ruling, award compensation to the divorced woman for the harm caused to her," as

is clear from the text of this Article: If the judge finds out that the woman has been harmed as a result of the marriage contract.

The alternatives offered to those wishing to marry if one or both of them are sick or carry any hereditary or infectious diseases. If a person wants to marry a woman and one or both of them are sick, or afflicted with any genetic or infectious disease that could be transmitted to her future generations, there are several alternatives and options for these people to avoid harm to their offspring, which are:

- 1- Avoid marriage in light of the results of the medical examination before completing the contract.
- 2- Avoid pregnancy by using permanent and temporary contraceptives.
- 3- Selection after in vitro fertilization, and medical examinations, and then input the sperm into the uterus.
- 4- Selection by medical examinations, and then input sperms into the womb.
- 5- Selection by conducting medical examinations on the fetus during pregnancy⁹¹.
- 6- Controlling the sex of the fetus to give birth to a child who is expected to be affected with genetic diseases ⁹².

Jurisprudential and medical analysis of these reasons

First alternative: Avoiding marriage in light of negative results that could bring types of disease to one of them or their generations in the future. It is possible for them to avoid marriage in light of the results of this medical examination before completing the contract.

This is if we know that the original ruling on marriage in the case of moderation - as stated by the majority of jurists - is that it is a confirmed Sunnah from the Prophet, may God bless him and grant him peace, according to his saying: "So marry as many women as you please, two, three, or four; but if you fear that you will not be equal, then one or what she possesses." ⁹³, and his saying, may God bless him and grant him peace: "Marriage is my Sunnah, so whoever deviates from my Sunnah is not of me"⁹⁴.

It is also forbidden for someone who is incapable of doing so spending it is upon his wife if he earns a lawful income, and if he is unable to have intercourse with her, and when there is fear of unfairness and injustice to his wife and vice versa, marriage is disliked for someone who fears that if he marries, he will be unjust to his spouse, negligent in his duties. Therefore, avoiding marriage is better than inflicting injustice on one of them, and it will avoid the harm that will befall them and their generations after them. It is obligatory in the case of intense longing that leads to falling into adultery and when there is no fear of injustice and injustice to the wife. It is permissible when all the previous conditions are equal for the person.

The second alternative: Avoid pregnancy by using permanent and temporary contraceptives.

Permanent contraception means:

These are methods that work to stop reproduction permanently so that it is no longer possible whether man or woman - to return to procreation once again, once and for all, these methods either consist of removing the places responsible for the secretion of the pregnancy, or they completely nullify their action, or they involve removing the site of the pregnancy⁹⁵.

Temporary contraceptives mean:

Stop procreation for a certain period of time, by any means that is not intended to cause sterility, or eliminate the nature of the reproductive system, such as isolation, taking drugs, placing the male barrier, and the like in the regimen for the benefit that the spouses or those who seek assistance from the experts may see.⁹⁶

Section Four: Disclosing the secret of the pre-marital medical examination.

Disclosing medical secrets is a form of violating the sanctity of private life, because there is a close connection between private life and secrecy, as private life is not achieved through secrecy, as this latter

is a means that guarantees the protection of the sanctity of private life. Maintaining medical confidentiality is one of the legal guarantees for the success of the medical examination, and the medical profession is one of the professions that obliges its employee to keep the secrets of their patients. In implementation of this obligation (professional secret), one must... The prohibition of disclosing information that comes to their knowledge to others except those engaged Only⁹⁷.

The doctor is responsible when he discloses the secret of the examiner's results, and for responsibility to exist, it must be available. The general element of the crime, which is the legal element that means that the act is stipulated in the penal code and that a penal punishment is established for it. As for the second element, which is the material element, which in turn requires that it have three elements: The existence of a medical secret is an effect, in addition to the moral element that takes the form of criminal intent, which means the perpetrator's will to commit the crime with his knowledge of it, then if they are combined, the crime of disclosing the secret is committed against the doctor, and therefore it is obligatory Punishment for disclosing the results of the secret pre-marital medical examination to others. It applies to the crime of divulging a secret because it is a personal secret that is limited only to its parties⁹⁸.

It can be concluded from Article 201/1 of the Penal Code that the Algerian legislator imposed a penalty of imprisonment from one month to six months, and a fine of 20,000 to 100,000 DZD on the persons identified in this regard Matter, and they are existing doctors and those entrusted with the secret for the purpose of punishing anyone who has a direct relationship with the issue of divulging medical secrets⁹⁹.

The special laws also included the penalty prescribed for the crime of disclosing medical secrets. Referring to the Public Health Law and its Promotion, we find that it is stipulated in Article 235 as follows: "The penalties stipulated in Article 301 of the Law shall be applied The penalties for those who do not observe the obligation of professional secrecy stipulated in Articles 206. 226 of this law," which indicates that the health law came to complement what the penal code brought, not to abolish it.

The Code of Medical Ethics also recognized the issue of medical secrets in the text of Article 36, which states: "Every doctor or dental surgeon is required to keep the professional secret imposed for the benefit of the patient." However, there are exceptional cases in which the doctor is allowed to reveal some secrets freely P of the law, if so The matter relates to the public interest. The individual interest must be sacrificed for the sake of the public interest, including the declaration of infectious diseases to protect society from diseases that pose a threat to their lives. Therefore, the doctor must inform the professional authorities of the presence of diseases that threaten the mother n public health, and this is stipulated in Article 54 of Public Health Law and its Promotion: "Any doctor must immediately inform the health authorities concerned about any contagious disease he is diagnosed with, otherwise administrative and penal penalties will be imposed on him¹⁰⁰.

The second Section: The benefits and harms of genetic testing before marriage.

The first issue: The benefits of genetic testing before marriage.

The benefits of undergoing genetic testing before marriage are the prevention of hereditary diseases spread in society, by identifying those who carry the defective gene. If the man proposing to marriage is a carrier of a defective gene, and the woman is also a carrier of the same defective gene, this leads to The possibility of some of their offspring being infected with a hereditary disease Although they are free from this disease, and do not suffer from any symptoms of it, then those wishing to marry are advised to refrain from it, in order to avoid infecting the offspring with genetic diseases. They insisted on the importance of examining the sex cells before pregnancy, as well as the fetus n during pregnancy, to ensure his safety from disease¹⁰¹ .

This leads to reducing the number of people infected with genetic diseases, in two ways:

The first is: non-marriage between carriers of the same defective genes. This is a method that has led to a significant decrease in the percentage of hereditary diseases that are widespread in some countries that have implemented genetic screening before marriage¹⁰².

Second: Conducting tests for vaccinia when wanting to have children¹⁰³.

The second issue: The harms of genetic testing before marriage.

Some specialists mentioned caveats to genetic testing, as follows:

- Misleading people that performing a genetic examination will cause their offspring to develop hereditary diseases, and this is not true, because these diseases are more than eight thousand diseases, and the examination is not comprehensive for all of them, but rather is for what is widespread in society, so if a thousand are proven As for the safety of those who want to get married, this is misleading Producing healthy offspring free of genetic diseases, then they are surprised when they produce offspring infected with other genetic diseases¹⁰⁴.

Conclusion

Pre-marital medical examination is considered one of the topics that is described as new at the level of medical, legal and forensic sciences, at least in Algeria. We have tried to cover the topic according to these areas that it extends Including, in search of scientific facts that clarify this issue being researched.

Among the contemporary jurisprudential issues that require careful Sharia study is the subject of this book (pre-marriage medical examination, an applied legal study), as this topic has captured the attention of many, and the aspirations of those interested and concerned These are topics that need conclusive answers from qualified and specialized people. In the legal and medical fields, this matter also worries many who work to care for the affairs of society and protect it from health and social ills, which in turn needs a documented opinion on which to build legislation that regulates people's affairs and directs them to avoid falling into Which causes them fatal health ailments and disabilities, so we will show the most important results. reached, and put forward some recommendations.

1- The pre-marital medical examination means the examination conducted by the doctor on the engaged couples, subjecting them to a series of examinations before concluding the marriage contract, with the aim of detecting and knowing the health condition of those about to marry, and the possibility of them suffering from hereditary or infectious diseases. The examination is given In a picture to the partners about the possibility of transmitting diseases to offspring, it is As a preventive program provided to both parties.

These examinations end with the issuance of a medical certificate that is deposited in the civil contract file with the legally authorized authorities, as a new condition added to those other legal and administrative procedures that must be adhered to in the civil contract, under penalty of prohibition Concluding it without this preventing the marriage from taking place in accordance with the principle of consent and the rest of the pillars and conditions. Legitimacy known by law and law. The Algerian legislator took the initiative to codify the issue of pre-marital medical examination in the last amendment to the Family Law in 2005, with just one article (07 bis), and referred the matter to regulation, which was limited to one executive decree No. 06/154, while the Health Protection and Promotion Law remains No. 85/05 and Civil Status Law No. 70/20 are devoid of any provision regarding pre-marital medical examination, despite the fact that these two laws are directly related to the latter.

2- The spread and outbreak of infectious and hereditary diseases, medical examination was one of the new topics at all levels of Sharia, legal, medical, and jurisprudence.

3- There are legal principles from the Qur'an and Sunnah that confirm the legitimacy of the issue of medical examination before marriage. Sharia requires the preservation of life and offspring by preventing diseases, by requiring both engaged couples to be aware of the defect.

- 4- Medical examination also contributes to alleviating the financial burden resulting from treating people with genetic diseases, reducing pressure on hospitals, as well as alleviating the burden on judicial institutions.

Recommendations:

It is permissible to conduct a genetic examination before marriage, and this is confirmed in two cases:

- The existence of a kinship relationship between the engaged couple.
- The spread of certain genetic diseases in society.

- 1- If the guardian sees the interest in obligating people to undergo genetic testing in the event of a hereditary disease spreading in society, it becomes obligatory.
- 2- What the doctor learns of the results of the patient's genetic examination is a secret that he is forbidden from publishing, and he must maintain its confidentiality and hide its results. If the tests reveal that one of the parties is infected with a hereditary disease, it is sufficient for him to inform the other party. It is not permissible for a healthy person to do that without explaining the illness he has, and this is not considered Betrayal of trust. Systems must be put in place to maintain the privacy and confidentiality of this matter. It is not prohibited to use examination results in scientific research without mentioning the names of their owners, or any evidence of their families or tribes. Rather, it is used vaguely.
- 3- It is permissible to perform genetic testing on the fertilized sex cells to determine what genetic diseases they may be afflicted with if there is a significant need, such as the presence of a hereditary disease in the couple or one of them that can be transmitted to their offspring.

References list:

1. Genetic diseases from an Islamic perspective, by Professor Dr. Ali Al-Muhammadi, Yearbook of the College of Sharia, Qatar University, issue fifteen, p. 107.
2. Majd Al-Din Abi Al-Saadat Al-Mubarak bin Muhammad Al-Jazari Ibn Al-Atheer, *Al-Nihayah fi Ghareeb Al-Hadith wa Al-Atheer*, Al-Fahs Subject (First Edition, Riyadh, Dar Ibn Al-Jawzi, 1461 AH), p. 693.
3. Medical examination before marriage, foundations and concepts, Dr. Muin al-Din al-Sayyid (3/309-310), research presented to the sixteenth session of the Jurisprudence Academy in Mecca in the period between Shawwal 21-26, 1422 AH = January 5-10, 2002 AD.
4. Safwan Muhammad Udaybat, *Medical Examination Before Marriage, An Applied Legal Study*, Dar Al-Thaqafa for Publishing and Distribution, Jordan, 2011, pp. 98-99.
5. Abdullah Hassan Salah Al-Saghir, *The extent of the legitimacy of committing to a medical examination before marriage*, previous reference, pp. 111-112.
6. He is Muhammad ibn Ahmad Abu al-Zahra, one of the greatest scholars of Islamic law of his time. Muhammad was born in al-Mahalla al-Kubra in the Gharbia Governorate in Egypt in the year 1315 AH, corresponding to 1898 AD. He wrote: *The History of Controversy in Islam, Crime in Islamic Jurisprudence*, as cited by the Imam from 'The four imams wrote a huge book: Abu Hanifa, Malik, Al-Shafi'i, and Ibn Hanbal. He died in 1974 AD, Al-Zirkali, *Al-A'lam*, op. cit., vol. 6, p. 25.
7. Hamdati Maa El Ainine, born on December 20, 1938 in Laayoune, is of Moroccan origin, holds a state doctorate from Dar Al Hassania, is a research professor in comparative jurisprudence, president of a chamber in the Moroccan Supreme Council, assigned to a mission at the Royal Court - head of the Council of Scholars in Kenitra - member of the Royal Advisory Committee In charge of reviewing the Code, member of the International Islamic Jurisprudence Academy, professor at Dar al-Hadith in Quneitra, member of the Constitutional Council 2005.
8. Muhammad Al-Zuhaili, born in Ballara Deir Atiyah, in the Damascus countryside, on August 10, 1941 AD, 1351 AH - 1932 AD, former Dean of the College of Sharia and Islamic Studies at the

- University of Sharjah, and currently Professor of Comparative Jurisprudence there. Among his works are: *The Effects of War in Islamic Jurisprudence*, *Islam and Youth*, *Al-Wajeez fi Usul al-Fiqh*.
9. Muhammad Othman Taher Shabir, PhD in Sharia, Comparative Jurisprudence, was born in 1949 AD, in Khan Yunis. Among his books are: *Rulings on Abscess in Islamic Jurisprudence*, *Rulings on Plastic Surgery in Islamic Jurisprudence*, *Our Struggle with the Jews in Light of Sharia Policy*.
 10. Abdul Rahman Al-Sabouni, born in Aleppo, Syria, 1929 AD. Doctorate in Islamic Sharia from Cairo University. Master's degree in comparative Arab legal sciences. Professor of comparative jurisprudence in personal status and the principles of jurisprudence. Among his works are: *Rulings on Marriage in Islamic Jurisprudence*. See: *The Arab Family in the Face of Challenges*. Contemporary, First Family Conference, (ed., Beirut: Dar Ibn al-Hazm 1423 AH/2003 AD), pp. 294-295.
 11. Muhammad Al-Zuhaili, *Genetic Guidance*, op. cit., p. 780.
 12. Muhammad Al-Zuhaili, previous reference, p. 782.
 13. Al-Sabouni, *Rulings on Marriage in Islamic Jurisprudence*, 1st edition, Al-Falah Library: No. B, 1987), p. 237.
 14. Hamdati Maa Al-Aynin, *Diseases for which genetic testing should be mandatory*, Symposium on Genetics, Genetic Engineering, Human Genome and Gene Therapy, An Islamic Vision, held in Kuwait, October 13/14, 1998, Publications Series of the Islamic Organization for Medical Sciences, p. 956.
 15. Badriya Abdullah Al-Awadi, "We Have an Opinion on the Algerian Family Law and Family Security," *Al-Qabas Newspaper*, No. 15394, Kuwait, March 15, 2006, published on the website: www.alqabas-kw.com.
 16. The Official Gazette of the Algerian Republic, No. 13, Rabi' al-Thani 16, 1427 AH, corresponding to May 14, 2006 AD.
 17. Marouk Nasr al-Din, *Criminal Protection of the Right to Body Safety in the Algerian Family Law*, (No. I, Algeria: National Office of Educational Works, 2003), p. 75.
 18. Souad Tounsi, *Mandatory medical examination before marriage in Algerian legislation*, a memorandum for obtaining a master's degree in law, Faculty of Law and Political Sciences, Akli Mohand Oulhadj University, Bouira, 2015, p. 49.
 19. Mouloud Dedan, *The Family According to its Last Amendment* (No. 1: Algeria, Dar Al-Bayda, 2006), p. 51.
 20. Iqrouna Zubaida, "Premarital medical examination is a care for the health and stability of the family," an intervention presented for a study day on premarital medical examination, Faculty of Law and Political Science, Abderrahmane Mira University, Bejaia - 04/16/2015, p. 6.
 21. Masoud Hilali, previous reference, p. 331.
 22. Myriam Marolla et d'autres, op. cit, p. 11.
 23. Myriam Marolla et d'autres, op. cit, p. 13.
 24. J. Bernard, et d'autres, idem, p. 55.
 25. Faten Al-Buayshi Al-Kilani, previous reference, p. 25.
 26. Najat Nasser, *The phenomenon of consanguineous marriage and its relationship to hereditary diseases*, a thesis for a master's degree in health anthropology, Faculty of Human Sciences, Abu Bakr Belkaid University, Tlemcen, 2012, p. 97.
 27. Faten Al-Buayshi Al-Kilani, previous reference, pp. 25-26.
 28. Appendix No. 01.
 29. Abdel Fattah Ahmed Abu Kaila, previous reference, p. 97.
 30. Abdel Fattah Ahmed Abu Kaila, previous reference, p. 97.
 31. Abdul Hamid Al-Qudah, *Sexual Diseases are a Divine Punishment*, (first edition, BD: DN, 1958 AD), p. 29.
 32. Epidemic hepatitis: It is one of the infectious diseases caused by viruses that cause damage to liver cells. The resulting damage may be temporary or permanent, and it often infects the body with

- bile, especially in children. An article published on the "Hepatitis Epidemic" website. www.123esaaf.com.
33. Trichomonas: A sexual disease transmitted through sexual contact. It affects women, as the bacterium causes inflammation in the vagina, cervix, and bladder. Or, for men, it causes inflammation in the urethra. See Safwan Muhammad Udaybat, p. 79.
 34. See: Faculty of Nursing at the University of Jordan, Reproductive Health Symposium and the Importance of Medical Examination Before Marriage and the Seriousness of Sexually Transmitted Diseases, Dr. Sawsan Al-Majali's Working Paper: Sexually Transmitted Diseases and AIDS, p. 40, and Al-Bar, Sexual Diseases, pp. 225-259, and Abdel Hamid Al-Qudah, Sexual diseases are a divine punishment, unknown place of publication, 1st edition, 1985 AD, pp. 89-901, and Kamal Khaled Bakr, Sex and Life, Beirut - Lebanon, Dar Ibn Hazm - Al-Tawbah Library - Riyadh, 2nd edition, 2002 AD, pp. 250-251. .
 35. Abdel Hamid Al-Qudah, same previous reference, p. 51.
 36. See Al-Bar, Sexual Diseases, pp. 18, 305-359, and Al-Qudah, Sexual Diseases are a Divine Punishment, pp. 41-50, and the article "Do not approach adultery" by Dr. Hassan Shamsi Pasha, online at: www.khayma.com/chamisphasha/aduletery.htm
See, Rifaat Muhammad and others, Infertility and Reproductive Diseases, Beirut - Ezzedine Printing and Publishing Foundation, unknown edition number, 2001 AD, pp. 285-287.
 37. See, Al-Bar, previous reference, pp. 392-396, and the Faculty of Nursing, University of Jordan Reproductive Health Symposium, Dr. Sawsan Al-Majali's working paper, p. 41, and Al-Qudah, previous reference, pp. 73-77, and the article "And do not approach adultery" by Dr. Hassan Shamsi. Pasha on the previously mentioned website.
 38. See, Abdel Hadi Mesbah, AIDS: Between Horror, Concern, and Truth, Cairo, Egyptian Lebanese Publishing House, 2nd edition, 1993, pp. 125-140, and Al-Qudah Abdel Hamid, AIDS: The Harvest of Abnormalities, Amman, Al-Asdiqa Printing and Trading Company, 1st edition, 1985. M, pp. 41-46, and the Faculty of Nursing at the University of Jordan, Reproductive Health Symposium..., a working paper by Dr. Sawsan Al-Majali, pp. 41-52, and Risha Maan Daher, AIDS: Its causes, treatment, and prevention, Beirut - Lebanon, Dar Scientific Books, 1st edition, 1991 AD, pp. 62-63.
 39. See, Al-Muhit Dictionary by Al-Fayrouzabadi, Geometry subject, Lisan Al-Arab by Ibn Manzur, Geometry subject.
 40. Intermediate Dictionary Dr. Ibrahim Anis and Dr. Abdel Halim Montaser Dr. Attia Al-Sawalhi and Dr. Muhammad Ahmad, Hindu article.
 41. Surah Maryam, verses 5-6.
 42. Sharia and legal provisions for intervention in heredity and reproduction factors, Mahmoud Mahran, p. 122.
 43. Genetic engineering between scientific data and Sharia controls, Iyad Ibrahim, p. 33.
 44. See: Genetics and humans, Basics of human and medical genetics, pp. 20, 36, 49, The most important methods of prevention from hereditary diseases, pp. 12-13, Sharia keeping up with genetic engineering data (1/582).
 45. Genetics and man, pp. 7, 9, 58, consanguineous marriage and hereditary diseases, p. 20, deformed fetus and hereditary diseases, pp. 227 and 228.
 46. Pre-marital examination and genetic counseling Dr. Muhammad Al-Bar, pp. 15-16, genetic testing and prevention of hereditary diseases from an Islamic perspective, p. 121, pre-marital examination, p. 38.
 47. Genetics, engineering, human genome, and gene therapy - an Islamic vision (2/847).
 48. The same previous reference, (2/1050).
 49. See: Genetics and Man, pp. 64-65, consanguineous marriage and its consequences, Dr. Abdullah Hussein Basalama, p. 64, Sehatak Al-Youm magazine, issue seven, 1997, Pros and cons of consanguineous marriage between permissibility and prohibition (4/904-905), the most important methods of prevention from hereditary diseases, p. 2.

50. Consider, medical measures to prevent hereditary diseases, Dr. Karem Al-Sayyid Ghoneim, p. 8, Sihatak Al-Youm magazine, issue 5, 1998 AD, the most important methods of prevention from hereditary diseases, pp. 2-6, for every question there is an answer in heredity and consanguineous marriage, p. 42, consanguineous marriage and hereditary diseases, p. 19, cloning and procreation between the experimentation of scientists and the legislation of heaven. D. Karem Al-Sayyid Ghoneim, p. 353.
51. See, Genetics and Man, p. 65, the path to a healthy family and society, Dr. Riyad Al-Akour, p. 30, consanguineous marriage, its pros and cons, p. 63, reproductive health from an Islamic perspective, Dr. Mustafa Al-Qudah, p. 61.
52. Symposium on Genetics, Genetic Engineering, the Human Genome, and Gene Therapy - An Islamic Perspective (2/705, 731, 740, 847), Premarital Screening and Genetic Counseling, p. 32.
53. Symposium on heredity, genetic engineering, the human genome, and gene therapy, Islamic Perspective (2/1051).
54. Reproductive health from an Islamic perspective Dr. Mustafa Al-Qudah, p. 61 (research in Al-Rabita Magazine, Issue 461 - Shawwal 1424 AH), A Jurisprudential View of Genetic Guidance, Dr. Nasser Al-Maiman, pp. 500, 507, (research in Umm Al-Qura University Journal, Issue 20 - Safar 1421 AH), Genetic diseases from an Islamic perspective, pp. 106-120, Genetic testing and prevention of hereditary diseases from an Islamic perspective, p. 124, Sharia keeping up with genetic engineering data (1/583), Genetic Counseling Dr. Muhammad Al-Zuhaili (2/779).
55. It is the statement of Sheikh Abdul Aziz bin Abdullah bin Baz - may God have mercy on him - when he was asked the following question: I would like to marry my cousin, and some of my close friends advised me to do a medical examination before marriage so that we can be sure of my inheritance genes. Does this interfere with God's judges? And his destiny? What is the ruling on religion regarding this medical examination? The Sheikh replied: There is no need for this revelation, and you must think well of God. Al-Muslimun newspaper, p. 11, issue 597, dated 02/26/1417 AH.
Sharia fatwas on medical issues, Dr. Abdullah bin Abdul Rahman Al-Jibreen, pp. 83-84, compiled by: Ibrahim Al-Shathri.
56. Al-Muslimun newspaper, p. 11, issue 597.
57. It was reported on the authority of Al-Sa'ib bin Yazid, may God be pleased with him: The Prophet, may God's prayers and peace be upon him, appeared between two shields on the day of Uhud., Narrated by Ahmad (3/449) (15760), Abu Dawud in the Book of Jihad, Chapter on Wearing Armor (4/41-42) (2590), and Al-Nasa'i in Al-Kubra in the Book of Sirs, Chapter on Protection from Attack (8/7) (8529), Ibn Majah in the Book of Jihad, Chapter on Weapons (2/938) (2806), and Al-Tabarani in Al-Kabir (7/153-154) (6669). He said in Al-Zawa'id: "Its chain of transmission is authentic according to Al-Bukhari's conditions." It was authenticated by Al-Albani in Sahih Sunan Abi Dawud (2/491) (2256). and Al-Sindhi said: "His saying, 'It appears between two armours,' meaning he effected the zihar between them by making one of them a zihar for the other, or zihar in the sense of helping, and what is meant is that he put them on, and it indicates that trust does not require abandoning consideration of the reasons." The Hadith Encyclopedia, Musnad Ahmad (24/499-500).
58. Al-Muslimun newspaper, p. 11, issue 597.
59. Ethics of genetic counseling in Islamic societies Dr. Mohsen bin Ali Al-Hazmi, p. 48, premarital examination and genetic counseling, pp. 18, 29-30.
60. Sharia fatwas on medical issues, p. 84.
61. The Islamic approach to protecting offspring from hereditary diseases, p. 14, medical examination before marriage from an Islamic perspective (2/856-857), medical examination before marriage in Islamic jurisprudence, p. 308.
62. Medical examination before marriage in Islamic jurisprudence, p. 409.
63. The Islamic approach to protecting offspring from hereditary diseases, p. 42, pre-marital medical examination in Islamic jurisprudence, p. 307.

64. Al-Ashbah wal-Naza'ir by Ibn al-Subki (1/41), Al-Ashbah wal-Naza'ir by Al-Suyuti, p. 83, Al-Ashbah wal-Naza'ir by Ibn Nujaym, p. 85, Explanation of Jurisprudential Rules, p. 179.
65. The Islamic approach to the safety of offspring from hereditary diseases, pp. 40-41, jurisprudential developments in issues of marriage and divorce, p. 97, medical examination before marriage in Islamic jurisprudence, pp. 308-309.
66. Al-Mustasfa (1/287).
67. He is Imam Ishaq Ibrahim bin Musa bin Muhammad Al-Gharnati, known as Al-Shatibi, one of the leading Maliki scholars. He was a fundamentalist jurisprudential researcher. He died in the year 790 AH. He wrote books including: Al-Muwafaqat fi Usul Al-Shari'a, Al-I'tisam fi Al-Hadath and Bid'ahs.
68. Approvals (2/7).
69. Reproductive health from an Islamic perspective, p. 61.
70. Al-Ishbah wal-Naza'ir by Al-Suyuti, p. 87, Al-Ashbah wal-Naza'ir by Ibn Nujaym, p. 89, Majma' Al-Haqiqi', p. 311, Explanation of Majalla Al-Ahkam Al-Adliyyah, by Salim Baz (1/32), Explanation of Jurisprudential Rules, p. 201.
71. Abdullah Hassan Salah Al-Saghir, The extent of the legitimacy of the obligation to undergo a medical examination before marriage, op. cit., p. 72.
72. Al-Qawa'id by Al-Maqri (2/590), Al-Ashbah wa Al-Naza'ir by Ibn Al-Subki (1/127), Al-Manthur fi Al-Qawa'id by Al-Zarkashi (2/155), Al-Ashbah wa Al-Naza'ir by Al-Suwati, p. 138.
73. Sharia and legal provisions for intervention in the factors of heredity and reproduction, p. 225, reproductive health from an Islamic perspective, p. 61.
74. Al-Manthur fi Al-Qawa'id (1/309), Al-Ashbah wal-Nadha'ir by Al-Suyuti, p. 121, Al-Ashbah wal-Nadha'ir by Ibn Nujaym, p. 123, Majma' Al-Haqiqi', p. 316, Sharh Majallat Al-Ahkam Al-Adliyyah, by Salim Baz (1/42), Sharh Al-Qawa'id Al-Fiqhiyyah, p. 309.
75. Genetic guidance (2/781), the Islamic approach to protecting offspring from hereditary diseases, pp. 36-37, pre-marital medical examination in Islamic jurisprudence, pp. 310-320.
76. Mahmoud Samir Abdel Fattah, The Legal and Social Organization of the Family, Dar Al-Ma'rifah University, Dr. for. N, 2006, p. 139.
77. Abdel Aziz Saad, Marriage and Divorce in Algerian Family Law, 3rd edition, Dar Houma for Printing, Publishing and Distribution, Algeria, 1996, p. 86.
78. Masoud Hilal, previous reference, p. 353.
79. Souad Al-Tunisi, previous reference, p. 66.
80. Al-Yazid Aissat Belmami, Divorce at the Wife's Request in Algerian Family Law, a memorandum for obtaining a master's degree in law, Liability Contracts Branch, Faculty of Law, University of Algiers, 2002/2003, p. 64.
81. An article published on a website: www.algeriedroit.fb.dz
82. Al-Bahr Al-Raiq, (3/84), Majma' Al-Anhar (1/216), Hashiyat Ibn Abidin (3/7).
83. Hashiyat al-Dasouki (2/214-215), Hashiyat al-Adwa (2/38), Sharh Mukhtasar Khalil by al-Kharshi (3/165).
84. Asna Al-Muttalib (3/107), Mughni Al-Muhtaj (4/205) Qalyubi and Amira (3/207).
85. Al-Mughni by Ibn Qudamah (7/334), - Dar Al-Fikr - Beirut in the year 1405 AH, Matalib Uli Al-Nuha (5/6).
86. Surah An-Nur, verse 33.
87. Abdel Aziz Saad, previous reference, p. 86.
88. Haidab Nour El-Din, Abuse of the Right Before and After the Establishment of Marital Bond, Graduation Thesis to Obtain a Master's Degree in Law, Faculty of Law and Political Sciences, Akli Mohand Oulhadj University, Bouira 2015, p. 23.
89. Abdel Aziz Saad, previous reference, p. 89.
90. Souad Tounsi, previous reference, pp. 69-70.
91. D. Muhammad Abdel Ghaffar Al-Sharif, Compulsory Screening for Genetic Diseases, (1/324), The Ethics of Genetic Counseling in the Arab-Islamic Region, Dr. Mohsen Ali Faris Al-Hazmi -

- (3/331 - 332), research submitted to the sixteenth session of the Jurisprudence Academy in Mecca in the period between Shawwal 21 - 26, 14223 AH, corresponding to January 5 - 10, 2002 AD.
92. D. Muhammad Othman Shabir, Islam's position on genetic diseases, p. (1/339).
 93. Surat An-Nisa, verse 3.
 94. It was previously mentioned on page 45.
 95. D. Abdul Hakim Ahmed Muhammad Othman, Permanent and temporary contraceptives between permissibility and prohibition, (2/291), research published in the Journal of the Faculty of Sharia and Law with our supervision, Al-Azhar Al-Sharif University, fourth issue 1425 AH / 2004 AD.
 96. D. Muhammad Ali Al-Bar, the policy and means of birth control in the past and present, p. 193-ed.: Modern Age Publishing and Distribution, first edition, 1991 AD.
 97. Kamal Samia, previous reference, pp. 8-9.
 98. Boumdan Abdel Qader, Penal Code for the Doctor for Disclosing Medical Secrets, thesis for obtaining a master's degree in law, Faculty of Law and Political Sciences, Mouloud Mammeri University, Tizi Ouzou, 2011, pp. 89, 91, 101.
 99. Boumdan Abdel Qader, same previous reference, p. 105.
 100. Ziwi Akria, Responsibility for Disclosing Medical Secrets, Master's Thesis in Law, Faculty of Law and Political Science, Akli Mohand Oulhaj University, Bouira, 2013, pp. 63, 67.
 101. Sharia keeping up with genetic engineering data (1/582/584), a closer look at genetic medical examinations (2/642 - 643), genetic counseling, its importance - its effects - caveats. Dr. Nasser Al-Maiman (2/807 - 808), jurisprudential developments in issues of marriage and divorce by Osama Omar Al-Ashqar, p. 84, pre-marriage medical examination and required medical examinations (3/867), jurisprudential issues in human genes from an Islamic perspective (2/780, 785) .
 102. See, A Closer Look at Genetic Medical Examinations (2/641-642), Symposium Discussions on Heredity, Human Genetic Engineering, and Gene Therapy (2/720), Jurisprudential Developments in the Issues of Marriage and Divorce, p. 90.
 103. Jurisprudential views on the human genome (2/739), a closer look at genetic medical examinations (2/642-643).
 104. Premarital examination and genetic counseling, pp. 30-31, genetic counseling, its importance - its effects - its caveats (2/808).