

# A READING OF EXECUTIVE DECREE NO. 20-223 ON CHANGING THE SURNAME AND ITS RELATION TO ADOPTION IN ALGERIAN LAW

BOUSSAM NOURREDINE

[boussamnoredine@gmail.com](mailto:boussamnoredine@gmail.com)

University of Sfax

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## Abstract:

*Executive Decree No. 20-223, issued in August 2020, aims to reinforce legal protection for fostered children, particularly those of unknown parentage. This is reflected in the facilitation of procedures for granting a family surname without affecting their legitimate lineage if known. This decree reflects the Algerian legislator's commitment to the principles of Islamic Sharia, which emphasizes the preservation of lineage and establishes the kafala (foster care) system as a legal and religious alternative to adoption, which is prohibited in Algeria. However, the decree still raises several legal and social issues, particularly regarding the potential perception of granting a family name as a form of indirect adoption or as an infringement upon the original family surnames, despite the emphasis on protecting the children's lineage. To ensure the optimal application of this decree, it is essential to strengthen legal awareness by improving foster care procedures and reinforcing oversight in granting family names. These measures help ensure the necessary protection of the rights of fostered children while upholding the religious principles that the legislator is committed to.*

**Keywords:** family name change, adoption, *kafala*, unknown parentage, civil status.

## INTRODUCTION

The issue of protecting children of unknown parentage is one of the important social and legal concerns in Algerian society. The legislator has sought, through various legal texts, to find appropriate solutions to this issue. These legislative efforts regarding child protection represent a significant challenge at both the legal and practical levels.

In the absence of legitimate parentage, many difficulties arise in ensuring civil and social rights for these children. This has prompted the legislator to intervene by providing legal mechanisms that guarantee them the necessary protection and facilitate their proper integration into society.

Within this framework, Executive Decree No. 20-223, dated August 8, 2020, concerning the change of the family name for fostered children, was issued as one of the legislative mechanisms aimed at achieving their legal and social protection. This decree sets out the procedures for granting family names to fostered children, particularly those of unknown parentage, without affecting the legitimate parentage of those whose lineage is known. All of this takes place within the *kafala* system, which is the legal and religious alternative to the adoption system, which is prohibited under Algerian law.

However, as is often the case with the issuance and application of any legal text, numerous challenges emerge—especially in sensitive matters such as parentage, and the potential effects on the legitimate lineage (in the case of children with known parentage). There is also the question of whether this decree might be considered a form of indirect or implicit adoption. The application of this decree in practice also faces challenges related to the clarity of legal procedures and the potential for manipulation in the granting and changing of family names.

In light of the above, we pose the following research question: **Does Executive Decree No. 20-223 provide adequate protection for fostered children, especially those of unknown parentage? And can it be considered a form of indirect adoption, which is prohibited both religiously and legally?**



## Section One: The Legal Framework of Executive Decree No. 20-223 on Surname Change

I begin by examining the content of this executive decree and the legal foundation upon which it is based.

### Subsection One: Content of Executive Decree No. 20-223 on Surname Change

Executive Decree No. 20-223, issued on 18 Dhu al-Hijjah 1441 AH, corresponding to August 8, 2020<sup>i</sup>, is grounded in a legal and regulatory framework aimed at providing legal and social protection for fostered children, whether of known or unknown parentage. The decree stipulates the possibility for a guardian (*kafil*) to grant their family name to the fostered child (*makfoul*) in order to provide this category of children with a legal identity and facilitate their social integration into the foster families. It ensures their legal and social protection while taking into account the principle of the child's best interest—an internationally recognized principle affirmed by conventions ratified by Algeria.

Moreover, the provisions of this decree and the procedures it outlines do not conflict with Islamic legal rulings that prohibit traditional forms of adoption due to the implications such practices may have on human dignity. A review of the procedures defined in the decree, which will be elaborated upon later, reveals that it only governs the process of granting or changing the surname of the fostered child without affecting the legal acknowledgment of biological parentage and the rights deriving from it. The legislator, through this decree, has sought a balance between the protection of civil rights guaranteed to every individual and the objectives of Islamic law (*maqasid al-sharia*), without infringing upon religious principles.

Additionally, the decree aims to create stable legal statuses for children of unknown parentage, which in turn positively affects their psychological and social well-being, strengthens their sense of belonging, and fulfills the requirements of legal identity for every individual—such as having a personal and family name. All of this is consistent with the provisions of the Algerian Family Code, which explicitly prohibits adoption in all its forms while allowing guardians to request custody of a foster child.

This decree also reflects Algeria's ongoing efforts to comply with and implement international conventions related to the protection and rights of children. For example, Article 7 of the 1989 Convention on the Rights of the Child emphasizes every child's right to a name and identity from birth. Thus, this decree represents a significant step forward in enhancing the legislative and institutional mechanisms aimed at protecting children in Algerian society. It presents a balanced approach that combines the child's best interests—as a legal and humanitarian priority—with legislative and religious objectives under Islamic law, while also respecting Algeria's international commitments.

### Subsection Two: The Legal Basis of Decree No. 20-223

The legal foundation of Executive Decree No. 20-223, dated August 8, 2020, lies in the Algerian legislator's commitment to upholding the principle of equality before the law—ensuring that children of unknown parentage enjoy the same legal and social rights as other children.

Referring to Article 28 of the Algerian Civil Code, it is affirmed that every person has the right to a family name that distinguishes and identifies them. This principle is reinforced by the decree through a legal mechanism allowing the transfer of the family name from the guardian to the foster child, within the framework of the *kafala* system. However, this process does not interfere with other religious principles regarding lineage, such as inheritance or the legal recognition of paternity. Rather, the decree serves only to regulate the administrative identity of the fostered child while preserving biological lineage<sup>ii</sup>.

Another fundamental pillar underlying Decree No. 20-223 is its attention to the psychological and social dimensions affecting this category of children. The negative repercussions that foster children

often endure are addressed through provisions—especially the possibility of granting the foster family’s surname to the child—which aim to mitigate the social and psychological burdens faced by fostered children. Through this mechanism, they are provided with both legal and social support to help them confront challenges, such as societal stigma, thereby facilitating their natural integration into the community.

Decree No. 20-223 may be viewed as a practical model for harmonizing civil and religious legal systems in Algeria. It achieves a careful balance between preserving religious values and addressing the humanitarian and social needs of fostered children.

The decree draws its legal legitimacy from a wide array of legislative and regulatory texts that establish the right of every newborn to a family name—an essential personal right and a key component in affirming legal identity. If the ultimate goal of the decree is to institutionalize the rights of children of unknown parentage and protect those rights within society, then realizing this goal is the primary principle that Algeria has sought to uphold, notably through its ratification of the 1989 Convention on the Rights of the Child<sup>iii</sup>. Article 3 of this convention affirms that the child’s best interests must be a primary consideration in all actions concerning them. The preamble of the convention further emphasizes the objective of improving the living conditions of children across the world<sup>iv</sup>.

The decree also finds a solid legal basis in Law No. 15-12 on the Protection of Child Rights<sup>v</sup>, which serves as a legal reference for child protection in Algeria. Article 7 of this law reiterates the principle of prioritizing the child’s best interests in all decisions, measures, or rulings—whether judicial or administrative—taken concerning them<sup>vi</sup>.

Additionally, the Civil Status Code<sup>vii</sup> (notably Ordinance No. 76-07 of February 20, 1976)<sup>viii</sup>, along with numerous other laws, stipulates that children of unknown parentage must be given a family name. This name serves to define their identity and preserve their legal rights against any doubts that may arise regarding their origins or birth circumstances—uncertainties which, if left unaddressed, would further complicate their situation and contribute to their marginalization in society.

Granting the surname of the foster family to a child of unknown parentage serves their best interest, as it allows them to appear publicly as a member of that family. There is no need for everyone to know that the child is fostered, especially since, in legal principle, judgments are based on outward appearances. This contributes to creating a natural and stable environment for their upbringing—without violating legal or religious norms—despite the questions raised about whether this might constitute a form of indirect adoption.

Article 4 of Law No. 15-12 also states that the proper and natural environment for any individual is the family.

It can thus be said that, through Decree No. 20-223, the Algerian legislator aimed to promote a multifaceted interest—psychological, by providing the child with a natural sense of belonging in a family environment; social, by shielding them from societal blame or curiosity about their identity; and administrative, by simplifying access to official documents and records relevant to this group.

It is important to note that the legislator made the realization of all these interests optional in the case of a known biological mother, thereby also safeguarding the personal rights of the fostered child. These include their original identity, their right to the mother’s surname, inheritance, maintenance, and kinship ties with the maternal lineage, including the associated prohibitions in Islamic law. This careful consideration remains firmly within the overarching framework of prioritizing the foster child’s best interests—a goal that, in our view, the Algerian legislator has skillfully achieved.

### **Subsection Three: Laws Related to Executive Decree No. 20-223**

In addition to the previously mentioned laws and texts, this section outlines a number of legal provisions directly related to Executive Decree No. 20-223 on surname change—particularly those addressing the granting of a family name to children of unknown parentage, as well as legislation governing the *kafala* system, which serves as the legal and religious alternative to adoption. These legal frameworks collectively aim to protect the legal and personal rights of children of unknown lineage.

- **The Algerian Civil Code**, Article 28, emphasizes that every individual must have a family name<sup>ix</sup>.
- **The Algerian Civil Status Code**, particularly Articles 63 and 64, regulates the assignment of a legal identity to ensure the social integration of children of unknown parentage. It stipulates that such children be given names either by the declarants or, in their absence, by the civil status officer. The articles also specify the necessary information to be recorded about these children, including the obligation to shield them from all forms of marginalization or discrimination<sup>x</sup>.
- **Decree No. 71-157**, dated 3 June 1971, outlines the required conditions and justifications for requesting a change of family name.
- **Executive Decree No. 92-24**, dated 13 January 1992<sup>xi</sup>, supplements Decree No. 71-157 by adding further procedures, conditions, and mechanisms related to surname change.
- **Law No. 84-11**, as amended by Ordinance No. 05-02 of 2005, includes several provisions on the legal establishment of paternity for children of known parentage. Notably, Article 46 prohibits adoption both religiously and legally<sup>xii</sup>.

## Section Two: Provisions for Changing the Surname of a Fostered Child

This section outlines the key legal conditions established by the legislator for requesting the change of a foster child's surname to that of the guardian (*kafil*). These conditions are intended to safeguard the rights of all involved parties—namely the guardian, the foster child, and the biological mother (if known)—and govern the legal consequences that arise from such a change under Decree No. 20-223.

### Subsection One: Legal Conditions for Changing a Fostered Child's Surname to That of the Guardian

Given the sensitive and consequential nature of this matter and its impact on the rights of the involved parties, the Algerian legislator has established a set of mandatory legal conditions for submitting such a request. These conditions pertain to the *kafala* contract itself, the person making the request (the guardian), the foster child (especially if of unknown parentage), or the case where the child is known only through the mother (i.e., born to an unmarried mother).

#### 1. Conditions Related to the *Kafala* Contract

According to Article 1 bis of Article 31, which supplements the provisions of Decree No. 71-157 on civil status, a request to change the surname can only be submitted by someone who has legally obtained custody of the child through a documented *kafala* contract. This contract must be formalized either by a legally authorized public official (e.g., a notary) or issued by a competent judicial authority<sup>xiii</sup>. There is no specific time limit imposed for submitting this request; rather, the legal validity of the *kafala* contract itself suffices. This provision likely reflects the legislator's intention to streamline the surname change process in a way that supports the foster child's need for stability.

#### 2. Conditions Related to the Foster Child (Child of Unknown Parentage)

Returning to the aforementioned Article 1 bis, it is stipulated that the request for surname change must be made in the name of and for the benefit of the child. The child must be under the legal age of majority, meaning they are not legally autonomous and remain under the guardianship of the *kafil*<sup>xiv</sup>. Furthermore, the child must be of unknown parentage. If the child's lineage is known—



particularly through the mother<sup>xv</sup>—the legal conditions differ from those applicable to children of unknown lineage<sup>xvi</sup>.

### 3. Conditions Related to the Applicant (the Guardian)

Article 1 bis of the aforementioned decree stipulates that the request to change the surname must be initiated by the *kafil* (guardian). This requirement is based on two key considerations: First, the guardian is the rightful bearer and owner of the family name and thus has the authority to extend it; second, the guardian is the legal custodian of the foster child. These justifications are rooted in the guardian's full and voluntary consent—an essential pillar of all legal acts and contracts. In the absence of such consent, any legal action becomes null and void. Therefore, the guardian's will and clear approval serve as the legal foundation for initiating the request to change the surname.

### 4. Conditions Related to the Unmarried Mother

If the foster child's mother is known and alive, Algerian law—specifically Article 3 referenced earlier—requires that her consent be attached to the application. This consent must be formal, explicit, and express her full and informed agreement to the change of the child's surname to that of the guardian. Such consent is considered a formal waiver of her established rights to have the child bear her surname.

#### Subsection Two: Can Granting the Guardian's Surname to the Foster Child Be Considered a Violation of Family Name Integrity?

The Algerian legislator has been diligent in ensuring the protection of the family name system through the provisions of the Family Code, the Civil Status Code, and other legal texts. This attention stems from the historical abuses of the surname system during the French colonial period in Algeria—a legacy that continues to have negative repercussions today. Any infringement on the surname system is seen as tampering with a person's legal standing, civil status, and ultimately, their identity. The unauthorized use or transfer of a family name outside its legal and familial framework constitutes a legal offense: the violation of a family name.

Notably, the executive decrees mentioned earlier—especially Decree No. 20-223—have sparked a wave of legal and religious opposition. Critics have drawn on Qur'anic verses 4 and 5 of Surah Al-Ahzab:

“Nor has He made your adopted sons your (real) sons. That is your (mere) saying with your mouths. But Allah says the truth, and He guides to the (right) way. Call them by [the names of] their [biological] fathers; it is more just in the sight of Allah. But if you do not know their fathers, then [they are] your brothers in religion and those entrusted to you.”

Objections to granting the guardian's surname to the foster child are primarily rooted in the legislator's failure to clearly define the legal nature of a family name. This raises several questions: Is the right to assign or change a surname a personal right or merely a right of use? Can it be revoked? Does it transfer to one's descendants?

In this regard, one school of legal thought considers the surname a right of use only. According to this view, it cannot replace the legal surname assigned under Article 64 of the Civil Status Code, which recognizes the family name as a personal and legal identifier that is passed down to one's children.

On the other hand, another group of legal scholars argues that these executive decrees conflict with the provisions of Article 46 of the Algerian Family Code, which explicitly prohibits adoption both religiously and legally<sup>xvii</sup>. According to this opinion, granting a foster child the guardian's surname constitutes a form of indirect or implicit adoption, and may represent an attempt by the legislator to gradually<sup>xviii</sup> lift restrictions on adoption—akin to how adoption is framed in foreign legal systems, such as Article 364, paragraph 1, of the French Civil Code, which defines simple adoption.

Some scholars argue that changing the surname of a child of unknown parentage and granting them the guardian's family name effectively alters the child's original lineage. They point out that, under Algerian civil status law, assigning a name and surname to children of unknown parentage is the exclusive responsibility of the civil registrar, who is solely authorized to record such information in civil status registers<sup>xi</sup>. In contrast, a child born to a known mother inherits the mother's surname, and lineage is established maternally. Therefore, the issuance of such decrees is viewed by these scholars as an implicit or even explicit endorsement of a gradual form of adoption—by effectively assigning the child a new familial lineage. This, in their view, constitutes a form of infringement upon the family name system<sup>xx</sup>.

They further suggest that the Algerian legislator should reconsider the substance of these provisions by introducing additional safeguards. For example, the law could explicitly recognize the right of any member of the guardian's family to object to granting their surname to someone outside the family—regardless of whether the fostered child is of known or unknown lineage.

It is worth noting that Decrees No. 92-24 and No. 20-223 were introduced to supplement Decree No. 71-157, dated 3 June 1971. Together, these decrees govern the procedures for changing the surname of a foster child in a manner that avoids any explicit endorsement of adoption.

However, concerns about violating the integrity of family names persist, especially when the guardian's surname is granted to the foster child without the consent of the guardian's family members. Critics argue that this situation may constitute a breach of public order, potentially leading to familial disputes and personal harm. For instance, affected individuals may discover that another person—entirely unrelated to the family—shares their surname in official civil records. This can result in psychological harm or social rejection for the foster child, particularly if they become the subject of disapproval or lack of acceptance by the guardian's family.

### **Subsection Three: The Impact of These Conditions on the Religious Stance Toward Decree No. 20-223**

Based on the above analysis, it becomes clear that most objections to Decree No. 20-223 center on the concern that it may represent a form of indirect adoption, thereby risking confusion or disruption of established lineages. According to this perspective, the decree constitutes a breach of Islamic law and Algerian legal principles, as it ostensibly enables a child to be affiliated with someone other than their biological lineage—something Islam strictly forbids.

However, when examining the detailed procedures and conditions outlined by the Algerian legislator—especially the process for requesting a surname change and the requirement that the guardian's surname be granted to the foster child only under specific circumstances—these concerns appear largely unfounded. The legislator has taken deliberate measures to prevent any loss of original lineage. Even in cases involving children of known parentage (such as those born to an unmarried mother), the law mandates explicit maternal consent to transfer the surname, ensuring that no automatic or arbitrary reassignment of lineage occurs.

These provisions reflect the legislator's intent to preserve the legal status and identity of the foster child, while facilitating their stability and integration into society. Moreover, the original rights of the guardian and their family are protected—particularly in terms of the family's collective approval regarding the use of their surname by a foster child of unknown origin.

In conclusion, the Algerian legislator—in our view—has made a prudent and thoughtful decision in issuing this decree. The procedural framework it establishes has positive implications for foster children, not only in the legal and administrative spheres but also psychologically and socially. Notably, the Ministry of the Interior issued a directive encouraging that foster children not be recorded in the family register, so as to avoid confusion with biological children, while still ensuring equal treatment in practical and social terms<sup>xxi</sup>.

Thus, there is little basis for the objections raised against this decree. Its grounding in Islamic law and its alignment with the principles of *maslaha* (public interest) and *mafāsīd* (harm avoidance) make it a significant and effective legal tool for child protection and should be respected and implemented accordingly.

### Section Three: The Relationship Between Executive Decree No. 20-223 on Surname Change and Adoption

In this section, we clarify the connection between Executive Decree No. 20-223 on changing surnames and the concept of adoption, which is prohibited both religiously and legally in Algerian law.

#### Subsection One: Adoption in Islamic Law and Algerian Legislation

Islamic law and Algerian legislation are aligned in not recognizing adoption and in prohibiting it outright. This is because adoption severs a child's biological lineage and assigns them a new familial identity. In contrast, the *kafala* system functions as a legally and religiously sanctioned alternative, allowing for the care and protection of children of unknown parentage without altering their legal lineage—whether known or unknown. Below, we examine this framework in greater detail.

#### 1. The Prohibition of Adoption in Algerian Law

- **Religious Prohibition:** Islamic Sharia prohibits adoption because it conflicts with the fundamental principle of preserving lineage. The aim is to maintain the child's original lineage and prohibit replacing it with a new one<sup>xxii</sup>.
- **Legal Prohibition:** Algerian law explicitly prohibits adoption. Article 46 of the Algerian Family Code states: "Adoption is prohibited both religiously and legally."<sup>xxiii</sup> Accordingly, any attempt to adopt a child is considered illegal and invalid.

#### 2. The *Kafala* System as an Alternative to Adoption

Algeria has adopted the *kafala* system, which is endorsed by Islamic law as a legal and ethical model for caring for children of unknown parentage or those without families.

- **Definition of *Kafala*:** According to Article 116 of the Algerian Family Code, *kafala* is a legal system that allows for the upbringing and care of children of unknown parentage or those lacking a family, without changing their legal lineage<sup>xxiv</sup>.
- **Rights of the Fostered Child:** The most fundamental right for a fostered child is the preservation of their original lineage if known. If the child's lineage is unknown, they have the right to be given a name and family name, as stipulated in Article 64 of the Algerian Civil Status Code<sup>xxv</sup>.
- **Assigning the Guardian's Surname to the Fostered Child:** Algerian law permits the guardian to grant their family name to the fostered child without altering the child's original lineage, making the child part of the guardian's family, or establishing inheritance or other rights that arise from biological lineage<sup>xxvi</sup>.

#### 3. The Difference Between Adoption and *Kafala*

The differences can be summarized as follows:

- **Adoption:**  
Adoption involves severing the child's biological lineage and assigning them a new familial identity—essentially integrating the child into the adoptive family. This is explicitly prohibited by both Islamic law and Algerian legislation due to the resulting confusion and disruption of lineage<sup>xxvii</sup>.

- ***Kafala*:**  
In contrast, *kafala* preserves the child's original and legitimate lineage. The child does not inherit from the guardian, does not become part of the guardian's family, and only administrative rights are

established—not the legal or religious rights that come with biological kinship—even if the guardian’s surname is granted<sup>xxviii</sup>.

#### 4. Legal Implications of *Kafala*

The *kafala* system produces several legal effects:

- **Granting the Family Name:** Algerian law permits guardians to assign their family name to a fostered child. This facilitates social integration without altering the child’s legal lineage or granting religious rights within the guardian’s family.
- **Preservation of Legal Lineage:** Whether known or unknown, the child’s original lineage is preserved, emphasizing the importance that Islamic law places on maintaining familial lineage<sup>xxix</sup>.
- **Exclusion from Inheritance:** Foster children do not have the right to inherit from their guardians, even if they share the same family name. Inheritance rights are exclusively tied to biological lineage, not to the sharing of a surname<sup>xxx</sup>.

From the above, it is clear that significant distinctions must be made between adoption and *kafala*. Based on this, the following recommendations are proposed:

- **Promoting Legal Awareness:**  
To ensure a better understanding of the legal procedures surrounding the care of children of unknown parentage, it is essential to enhance public legal education, particularly about the distinctions between *kafala* and adoption<sup>xxxi</sup>.
- **Improving *Kafala* Procedures:**  
The procedures related to *kafala* should be improved to facilitate care and ensure the full legal and religious rights of foster children are respected and upheld<sup>xxxii</sup>.

The Algerian legal framework rightly prohibits adoption—not only in accordance with Islamic Sharia but also within its own legal system. In its place, the *kafala* system has been instituted to ensure the care, protection, and integration of children of unknown parentage. This system preserves their lineage, fulfills their civil and social rights, and reflects Algeria’s commitment to both Islamic principles and the best interest of the child as a guiding legal and humanitarian standard.

#### CONCLUSION

At the conclusion of this analytical study of Executive Decree No. 20-223, dated August 8, 2020, it becomes evident that the Algerian legislator, through this decree, has reinforced the legal and social protection of fostered children without compromising the principles of Islamic Sharia, which explicitly prohibits adoption within Algerian legislation. Instead, the decree endorses and strengthens the *kafala* system, allowing for the care and protection of children of unknown parentage without altering their original lineage. This ensures these children can receive support, integrate into society, and obtain their full civil and legal rights, all while preserving their identity and lineage.

Although the process of granting the family name raises legal concerns, including the risk of being perceived as an infringement upon the biological family’s surname or as a form of indirect adoption, these issues highlight the need for the Algerian legislator to reexamine existing texts and clarify the procedures involved. Such clarification is essential to ensure proper implementation, avoid misinterpretation, and prevent potential misuse.

Nevertheless, it can be concluded that Executive Decree No. 20-223 reflects the significant efforts made to strike a delicate balance between protecting the rights of fostered children and preserving the religious principles that underpin the Algerian legal system. Additionally, the decree demonstrates Algeria’s commitment to international conventions that affirm and protect the rights of children.

1. Article 64, Ordinance No. 70-20 on Civil Status.
2. Ben Aoumer, M. S., & Kabir, A. (2019). *Child Protection in Algerian Civil Law, Journal of Law and Local Development*, Vol. 1, No. 2, Adrar, Algeria, p. 83.

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- <sup>ii</sup> Ordinance No. 75-58, signed on September 26, 1975, comprising the Algerian Civil Code. Official Gazette No. 78, dated September 30, 1975, amended and supplemented by Law No. 07-05, signed on May 13, 2007. Official Gazette No. 31, dated May 13, 2007.
- <sup>iii</sup> Convention on the Rights of the Child (1989), Article 3:  
“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”
- <sup>iv</sup> Article on surname granting (1969).
- <sup>v</sup> Law No. 15-12, signed on July 15, 2015, concerning the protection of the child. Official Gazette No. 39, dated July 19, 2015.  
Article 7: “The best interests of the child shall be the aim of all procedures, measures, judgments, or administrative and judicial decisions concerning them.”
- <sup>vi</sup> Article 28, Ordinance No. 70-20, signed on February 19, 1970, concerning civil status. Official Gazette No. 21, dated February 27, 1970. Amended by Law No. 17-03, signed on January 10, 2017. Official Gazette No. 2, dated January 11, 2017.
- <sup>vii</sup> Ordinance No. 76-07, dated February 20, 1976.
- <sup>viii</sup> Article 28, Algerian Civil Code.
- <sup>ix</sup> Articles 63 and 64, Algerian Civil Status Code.
- <sup>x</sup> Executive Decree No. 92-24, signed on January 13, 1992, concerning surname change. Official Gazette No. 5, dated January 22, 1992. Supplements Decree No. 71-157 of June 3, 1971.
- <sup>xi</sup> Ordinance No. 05-02, signed on February 27, 2005. Official Gazette No. 15, dated February 27, 2005. Amends and supplements Law No. 84-11, dated June 9, 1984 (corresponding to 9 Ramadan 1404), related to the Family Code.
- <sup>xii</sup> Article 117, Algerian Family Code: “Kafala must be established before the court or notary with the consent of those who have parental authority.”
- <sup>xiii</sup> Article 121 of the Algerian Family Code.
- <sup>xiv</sup> Article 119 of the Algerian Family Code.
- <sup>xv</sup> Article 120 of the Algerian Family Code.
- <sup>xvi</sup> Article 46 of the Algerian Family Code
- <sup>xvii</sup> Ben Aoumer Mohamed Salah and Kebir Asmaa, Child Protection in Algerian Civil Law, *Journal of Law and Local Development*, Vol. 01, No. 02, June 2019, Adrar, Algeria, p. 83.
- <sup>xviii</sup> Djoubbar Hayat, The Possibility for the Guardian to Change the Surname of the Fostered Child, Study Day titled The Surname of a Child Born Out of Wedlock, held on February 4, 2013, p. 299.
- <sup>xix</sup> Ben Abida Abdelhafid, Civil Status and Its Procedures in Algerian Legislation, 4th edition, Houma Publishing House, Algiers, 2016, p. 73.
- <sup>xx</sup> Instruction issued by the Directorate of General Legal Codification, Disputes, and Property Management, Ministry of the Interior and Local Authorities, No. 1230, dated March 28, 1994, Algeria.



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- <sup>xxi</sup> Article 222 of the Algerian Family Code.
- <sup>xxii</sup> Article 46 of the Algerian Family Code.
- <sup>xxiii</sup> Article 116 of the Algerian Family Code.
- <sup>xxiv</sup> Article 64 of Ordinance No. 70-20 concerning civil status.
- <sup>xxv</sup> Executive Decree No. 20-223 concerning the change of surname.
- <sup>xxvi</sup> Article 91 of the Algerian Family Code.
- <sup>xxvii</sup> Article 116 of the Algerian Family Code.
- <sup>xxviii</sup> Article 120 of the Algerian Family Code.
- <sup>xxix</sup> Article 116 of the Algerian Family Code.
- <sup>xxx</sup> Ben Aabida, A. H. (2016). *Civil Status and Its Procedures in Algerian Legislation*, 4th ed., Houma Publishing, Algiers, p. 73.
- <sup>xxxi</sup> Study on the Legal Status of the Fostered Child in Islamic Sharia and Algerian Legislation by researcher Amal Aalam.
- <sup>xxxii</sup> Executive Decree No. 20-223 concerning the change of surname.