LEGALIZING USE OF THE EMBRYONIC STEM CELLS IN THE JORDANIAN LAW

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Abstract - This paper addresses Legalizing use of the embryonic stem cells (ESC) in the Jordanian law. Its concluded that Legalizing use of the embryonic stem cells in Jordanian law according to certain regulations. And concluded also that The Jordanian legislator adopted the use of therapeutic cloning technique to take embryonic stem cells.

Keywords - Legalizing. Embryonic stem cells (ESC). Jordanian law

I. INTRODUCTION

The use of stem cells showed a number of legal problems, perhaps the most prominent problems raised by the use of stem cells is the extent of Legalizing use of the embryonic stem cells (ESC) for treatment and conduct Medical experiments, where associated with this problem is another problem is equally important is the process of intentional abortion in order to obtain those stem cells.

The importance of this topic and as a contemporary legal issues that are still the subject of legal debate, so this paper came to shed light on this important topic, where we will answer through this paper to the following questions and problems:

What are stem cells, and what are embryonic stem cells (ESC)?

What is the position of the Jordanian legislator to benefit from embryonic stem cells?

What is the ruling of the Jordanian legislator in abortion in order to obtain stem cells?

Definition of Stem Cells

There are many definitions of stem cells its defined a non-specialized cells whose function is constant regeneration and repair of what is damaged in the body. They are also called stem cells and stem cells, and have characteristics that distinguish them from the rest of the cells of the body and their ability to renew themselves for long periods may reach all human life, and its ability to migrate to any part of the body where it lives or where the body needs, as well as its ability to differentiate into cells Specialized in most parts of the body such as pulsating heart cells, muscle or neurons, eye cells that see the light, insulin-secreting pancreatic cells, enzyme-producing liver cells, and many other types of body cells[1]. And also defined a Cells capable of switching to multiple cell types[2], and we can defined stem cells the Non-specialized cells that can rapidly divide into the same cell type from the same family, and it has has the ability to divide through all stages of life to a very specialized cells to compensate and replace dead cells or consumed, and have the ability to re-industrialization and regenerate of the same cells.

To clarification the concept of stem cells it is necessary to give illustrative examples that will help the legal researcher to demonstrate its concept and importance, For example, bone marrow embryonic stem cells can produce adult cells in the liver or improve liver function[3], or their ability to convert or differentiate into heart cells, neurons or skin cells[4].

It is useful to note here what Dr. David Baltimore, the Nobel award in Medicine and President of the California Institute of Technology about the importance of stem cells, saying that these cells carry the genes and (chromosomes) genetic and therefore If there was a certain gene disease and not a chemical so that attack the cells to each other These diseases cannot be treated by chemical drugs, but the treatment of these infected cells is accessed through the modification of stem cells and the transplantation of new cells to combat the disease[5].

Definition of embryonic stem cell (ESC).

Before determine the meaning of embryonic stem cells (ESC), medical studies indicate that the main source of stem cells in general is the human body starting from embryonic cells , from this point the Stem cells are taken from aborted human embryos, or they are taken from very early human embryos where the age of the embryo from which they are taken ranges from five days to two weeks, and these two sources are the focus of this paper.

Embryonic stem cells (ESC) are cells in the early embryo that have the potential to grow and differentiate, and it has the potential to become a human organ according to the chemical stimulation because the(DNA) contains in every living cell all the information needed to generate that organism[6].

[1] Arabian center for stem cells www.stemcellsarabia.net.

[2] Terence allen, the cell short introduction, al-hindawee establishment for culture, first edition,2015,p85.

[3] Terence allen, the cell short introduction,p105.

[4] Alzairi, khaled ahmad,stem cells, knowledge world, alkwait,2008, p51.

[5] David Baltimore, Qatar International Conference on Stem Cell Science and Policy, Islam Online website www.islamonline.net .

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II. THE JORDANIAN LEGISLATOR'S POSITION ON THE (ESC)

Knowing the Jordanian legislator's position on Legalizing use of the embryonic stem cells (ESC) needs To review the Jordanian legislator's position on abortion under the Penal Code and the Public Health Law and the Jordanian stem cells regulation.

2.1 The position in the penal law.

Abortion is prohibited under the Jordanian penal law which imposed prison sentence for a period of six (6) months to three (3) years upon any woman who aborts by using, or allowing another person to use any instrument to that effect[7], the penalty will be a prison for a period of one (1) year to three (3) years upon any person who uses any method for abortion with a woman's consent[8], but if the abortion without a a woman's consent the penalty shall be sentenced for a period not exceeding ten (10) years, The penalty shall not be less than ten (10) years if the abortion, or the method used to perform such an abortion, leads to the death of the woman[9].

If a women performs an abortion on herself to protect her honour, or a person who commits the crime to protect the honour of a descendant, or a relative up to the third degree, will benefit from a mitigating excuse[10], but The penalty shall be increased by one-third (1/3) if the perpetrator of the offences provided for in this Chapter is a physician, a surgeon, a pharmacist or a midwife[11].

2.2 The position in the public health law.

The legislator in article (12) of the public health law prohibits any doctor to aborting a woman unless it is necessary to protect her life.

We notice that the legislator's in the Jordanian penal law and in the public health law did not made any distinction in the punishment for abortion based on the stage of the fetus or the stage reached except to save the women life.

2.3 The position in the Jordanian stem cell regulation

The Jordanian legislator in 2014 passed a new bylaw that called stem cells bylaw no (10) y(2014) as the first such regulation in the Arab and Islamic region for research and therapy using using the embryonic stem cell[12].

Through the regulation , the use of embryonic stem cells in therapy is legitimate according to specific standard where the legislator divided the embryonic stem cells to : Embryonic stem cells extracted from an ectopic fertilized egg[13] , in this case ,the using the Embryonic stem cells is legal for medical and research necessity, in this case the using the Embryonic stem cells its legal for medical and research necessity[14].

The legislator bans payment for donations of stem cells and eggs, and he says that modified and manipulated cells are not to be used for human reproduction[15], and the eggs should kept in a specialized center of the government[16].

The regulation also authorized the use of automatically aborted fetuses in accordance with the Penal law, and the public health law.

The second way to get embryonic stem cells is therapeutic cloning, Where the Jordanian legislator authorized the benefit of embryonic stem cells taken from the process of therapeutic cloning according to the same standards which mentioned above[17] .

III. CONCLUSION

1. Legalizing use of the embryonic stem cells in Jordanian law according to certain regulations.
2. The Jordanian legislator adopted the use of therapeutic cloning technique to take embryonic stem cells.
3. The Jordanian penal law and in the public health law did not made any distinction in the punishment for abortion based on the stage of the fetus or the stage reached except to save the women life.

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[9] Jordanian stem cell regulation

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[8] Article 322/1 , Jordanian penal law.
[9] Article 323, Jordanian penal law.
[10] Article 324, Jordanian penal law.
[11] Article 325, Jordanian penal law.
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[13] Article (3) stem cell regulation no (10) year (2014).
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[15] Article (6) stem cell regulation no (10) year (2014).
[16] Article (9/b) stem cell regulation no (10) year (2014).
[17] Article (3/d) stem cell regulation no (10) year (2014).