

# **THE LEGAL SYSTEM OF BRAIN DEATH**

## **(Comparative study with Islamic jurisprudence)**

***BY***

**Abbas Naeem Abdul Jaleel Al- Tama**

### **Abstract**

The concept of brain death is one of the most important issues of concern to medical, legal and jurisprudential arena and of the most complex and controversial among scholars, since death was defined as the stopping of a vital organ in the human body such as the heart, lungs or brain, which affects the rest of the organs resulting in the stoppage of their functions because of a coherence and harmony in each other's work.

But with the progress of artificial resuscitation devices in the sixties of the twentieth century and its role in the continuation of breathing and blood circulation process has led to the emergence of the case were not known in the medical and legal communities and even jurisprudence, namely, (brain death) and it became possible to separate cardiac death and the death of brain, the consequence of this development was that cardiac and breathing arrest are insufficient to the occurrence of death, it has been a sharp debate among medical and legal jurisprudence areas about the extent to which brain death revolted real death or not, and the consequent legal implications such as the ability to stop the artificial resuscitation devices from a patient with brain death.

**The study consists of three chapters:**

The first one discusses the definition of death, signs of death in both physicians and jurists conception. The second chapter includes the situation of brain death wither it's a real death or no.

The last chapter studies the legal position of dead brain patient and the medical responsibility of artificial resuscitation.

After extrapolation of the views of jurists and physicians, the researcher found asset of results installed in the conclusion of this research.