

Sources of law

According to Article 1 of the Civil Code, the sources of law are divided into original official sources and backup official sources.

First: Original official sources (legislation)

The legislation is considered the original official source in Algerian law.

*** Definition of legislation:**

It means the written law issued by the competent authority in the state, or it is the set of legal rules established by the legislative or executive authority in the state, and this is the general meaning of legislation. The specific meaning of legislation is the set of legal rules established by the legislative authority in the state within the limits of the jurisdiction granted to it constitutionally.

***Backup official sources:**

According to paragraph 2 and paragraph 3 of Article 1 of the Civil Code, there are official backup sources of law, namely Islamic law, custom, natural law and the rules of justice.

If the judge does not find a legislative text to apply, he resorts to alternative official sources.

1*Islamic law:

Islamic Sharia is considered the first official source of law. Islamic Sharia is the rulings that God Almighty has

legislated for His servants on the tongue of His Messenger, may God bless him and grant him peace, whether it is in the Holy Qur'an or in the Sunnah of the Messenger, may God bless him and grant him peace, in terms of words, deeds, and reports.

2*Custom;

Definition of custom:

Custom is considered the oldest source of law, and it plays a major role in regulating the behavior and relationships of individuals.

What is meant is that people become accustomed to following a certain behavior and establish the habit in their souls that this behavior has become binding on them in their dealings. Or it is the habit of people to follow a certain behavior in a specific matter, such that the group feels that it is obligatory, with the necessity of respecting it and arranging a material penalty in the event of violating it.

Principles of natural law and rules of justice:

Natural law is the set of rules that govern human social behavior and its source is sound innate inspiration and sound mental perception. As for the rules of justice, they are ideal rules that aim to establish justice among people. The law also obliges the judge to exercise law within the framework of Islamic values, considering that family rulings, for example, have a legal effect.

Interpretive sources of law

These are the rules that the judge uses to understand a legal rule or remove ambiguity in it. These include jurisprudence and judiciary.

1*Jurisprudence:

It is a collection of works produced by legal scholars in the form of opinions and legal research.

2*Judiciary:

It is a collection of judicial rulings and decisions issued by the judicial system.