

Law No. 28 Federal

on 2005/11/19 Issued

.to 17 Shawal 1426 H Corresponding

Personal Status On

:of by virtue Amended

Decree-Law No. 8 dated 2019/08/29 Federal

Decree-Law No. 5 dated 2020/08/25 Federal

27/09/2020 Decree-Law No. 29 dated Federal

,Khalifah Bin Zayed Al Nahyan, President of the United Arab Emirates State ,We

:to the perusal of the Constitution; and Pursuant

Law no. 1 of 1972 on the Jurisdiction of the Ministries and the Powers of the Federal

;Ministers and its amending laws

;Law no. 10 of 1973 on the Federal Supreme Court and its amending laws Federal

Law no.6 of 1978 on the establishment of Federal Courts and the transfer of the Federal
Courts and its amending jurisdictions of the local courts in some of the Emirates to these Federal

;laws

Law no. 17 of 1978 on Organization of the cases and procedures of appeal in Federal

;Cassation before the Federal Supreme Court and its amending laws

;Law no.3 of 1983 on the Federal Judicial Authority and its amending Laws Federal

;Penal Law issued by Federal Law no.3 of 1987 The

;laws Civil Transactions Law issued by Federal Law no. 5 of 1985 and its amending The

;Law no.22 of 1001 on Notary Public and its amending laws Federal

of 10 .Law of Evidence in Civil and Commercial Transactions, issued by Federal Law no The

;1992

;Law on Civil Procedures, issued by Federal Law no. 11 of 1992 The

Law no. 21 of 1997 on Fixing the Dowry in the Contract of Marriage and its Federal

Expenses; and

upon the proposal of the Minister of Justice and Islamic Affairs and Wakfs, the Acting

;Council approval of the Council of Ministers and ratification of the Federal Supreme

:have promulgated the following Law We

Provisions General

1 Article

**provisions of Article 1 have been replaced by virtue of Article 1 of The
:to read as follows ,27^{III}/09/2020 Decree-Law No. 29 dated Federal**

into force of The present Law shall apply to all events occurring subsequent to the coming -1
.its provisions

cases on which no shall retrospectively apply to divorce certificate attestations and divorce It
.final judgment is issued

Emirates State The provisions of this Law shall apply to the citizens of the United Arab -2
to their community or unless non-Muslims among them have special provisions applicable
.confession

them insists on The provisions of the present Law shall apply to non-citizens, unless any of -3
the provisions of Articles (12), implementing the law of their country law, without prejudice to
the Civil Transactions Law promulgated by Federal (13), (14), (15), (16), (17), (27) and (28) of
.Law No. (5) of 1985

2 Article

Law, the In understanding, interpreting or construing the legislative provisions of this -1
.principles and rules of the Muslim doctrine shall be consulted

words and The provisions of this Law shall apply on all matters dealt with herein, in -2
provisions, the doctrinal context. For the purposes of interpretation and completion of their
.shall be consulted school of thought from which these matters derived

what is In the absence of a text in this Law, judgment shall be given in accordance with -3
.Shaffei's, then Abi Hanifa's doctrine widely known of Malik's doctrine, then Ahmed's, then El

3 Article

limits otherwise provided, lunar computation shall be adopted in calculating the time Unless
.mentioned in this Law

4 Article

provisions the absence of any text in this Law regulating the procedures of any matter, the In
Commercial Transactions of the Civil Procedures Law and the Law of Evidence in Civil and
.shall apply

5 Article

citizens, or State courts shall have jurisdiction on Personal Status litigations in which The
.State, are defendants aliens, having a domicile or residence or place of business in the

6 Article

an alien who State courts shall have jurisdiction on Personal Status lawsuits raised against The
:business, in the following instances has not, in the State, a domicile or residence or place of
.State Where the lawsuit is an opposition to a marriage to be contracted in the -1

repudiation Should the lawsuit concern a claim in rescission or annulment of a marriage, in -2
 or a wife having lost her or in divorce and the claim is introduced by either a citizen wife
 or residence in the State, against her citizenship, whenever any of the two have a domicile
 place of business in the State, whenever the husband husband who had a domicile, residence or
 established his domicile, residence or place of business abroad or had abandoned his wife and
 .deported from the State had been

whenever If the lawsuit concerns a claim of alimony to the parents, the wife or th minor -3
 .business they have in the State a domicile, residence or place of

domicile or Where the lawsuit concerns the affiliation of a child, having in the State a -4
 property, whenever the minor or the residence, or is related to the guardianship on the person or
 a domicile or residence or if the absent had therein his ,person to be interdicted has, in the State
 .residence or place of business ,last domicile

citizen, or an Should the lawsuit concern a matter of Personal Status and the plaintiff is a -5
 business, in case the defendant has no alien having in the State a domicile, residence or place of
 country or if the national law is, in the State, the known domicile or residence in a foreign
 .governing law

domicile, Where there are more than one defendant and one of them has, in the State, a -6
 .residence or place of business

.If he has a domicile of choice in the State -7

7 Article

of this Law, instances where the State courts have jurisdiction in accordance with Article 6 In
 business shall be competent otherwise the court of the plaintiff's domicile, residence or place of
 .the court of the Capital

8 Article

shall have ,The first instance court of restricted jurisdiction, composed of a single judge -1
 .jurisdiction to settle Personal Status matters

.by the court The authentications' judge shall authenticate the attestations delivered -2
 the Minister of Justice and Islamic Affairs and Wakfs shall issue a regulation on The
 .procedures to be followed in attestations and their authentication

9 Article

shall be competent The court of the defendant's domicile, residence or place of business -1
 domicile, residence or place of and, in case there are several defendants, the court of the
 .jurisdiction business of one of them shall have

place of business, or the The court of the plaintiff's or defendant's domicile, residence or -2
 the lawsuits introduced by the children, the conjugal domicile, shall have jurisdiction to examine
 :nurse, as the case may be, in the following instances wife, the parents or the fostering

.a- Costs, wages and the like

.b- Fostering, visitation and related matters

.c- Dowry, trousseau, gifts and the like between spouses d- Divorce, divorce in return of money, discharge, rescission and separation .of all kinds in the State shall The court of the deceased's last domicile, residence or place of business -3 and liquidation of the estate. If the have jurisdiction to verify the evidence of heredity, wills place of business in the State, the competent court shall deceased has no domicile, residence or .jurisdiction one of the estate's immovable property is situated be the one in whose :follows In matters of tutelage, the competence racione loci shall be determined as -4 in matters of ;a- In matters of tutelage, the domicile or residence of the tutor or the minor .that of the minor guardianship, the last domicile or residence of the guardian or .interdicted-to-be b- In matters of interdiction, the domicile or residence of the .the absent c- In matters of absence, the last domicile, residence or place of business of domicile or d- In case any of the above-mentioned in paragraphs (a, b, and c) have no the claimant's domicile or residence in the State, competence shall be given to the court of .the property of the person to be protected is located residence or the court in whose jurisdiction shall refer the e- The court which ordered interdiction, withdrawal or cessation of tutorship order to appoint a tutor or guardian in case to the court of the minor's domicile or residence in .minor or the interdicted has changed case the domicile or residence of the State and it Should the defendant have no domicile, residence or place of business in the -5 foregoing provisions stated in the was not possible to designate the competent court, under the to the court of the plaintiff's domicile, residence above paragraphs, competence shall be given .otherwise to the court of the Capital ,or place of business

10 Article

the matter Where the law requires an authorization or approval from the court, or to submit -1 of the applicant's domicile or to the judge, the request for order shall be submitted to the court .law residence, unless otherwise provided by submit a ,Every interested person may, within one week from his notification of the order -2 or cancel it and its grievance against such order; the court shall decide to uphold, amend .by law decision shall be subject to appeal by all means specified order that The application for appointment of a trustee shall be submitted on a request for -3 .heirs has to be notified to the public prosecution and the potential

11 Article

opposition otherwise decided by the court, a stay of execution shall not result from the Unless the minutes drawn-up or ,to the implementation of judgments, summary or provisional decisions .concerning alimony, fostering; or appeal thereof authenticated or the ratified conciliation reports

12 Article

shall be directed case of applying for the declaration of absence of a person, the litigation In
appointed to represent him and to the against the potential heirs of the absent, his proxy, the one
.public prosecution

13 Article

shall have the Court of Cassation quashes the appealed judgment, totally or partially, it Where
.to decide on the merits of the case

:be excepted from the foregoing paragraph Shall

reason Where the appealed judgment has been cancelled on grounds of nullity, due to a -1
addition to the declaration of related to the notification of the initial pleadings, the court shall, in
first instance for examination, after notifying the nullity, order to return the case to the court of
the appeal against the notification judgment concerns the claims litigants, considering that
.the case submitted in

the In case the appealed judgment has decided the non-jurisdiction of the court or -2
examining the case or acceptance of an incidental plea that resulted in staying the procedures of
the Court of Cassation quashed the in upholding the appealed judgment on these two counts and
to the court that has rendered the appealed judgment appealed judgment, it has to remit the case
transmit to a circuit composed of other judges or to the competent court for unless it decides to
the decision of the review of the case. The court to which the case is transmitted has to abide by
a second appeal, then, should the Court Court of Cassation in the matter settled by it, unless it is
.judgment, it has to decide on the merits of the case of Cassation quash the appealed

14 Article

his domicile, The defendant or the person to be notified shall be served the notification at -1
present and if such notification residence, place of business, elected domicile or wherever he is
fax, electronic mail, registered mail with is not possible, the court may notify him by
.equivalent means acknowledgment of receipt or by any

or residence ,In case the process server does not find the concerned person at his domicile -2
spouse, relatives sons -in-law; :he may deliver the notice to any of the persons living with him
business he may deliver it to his superior at work or one or if he does not find him at his place of
Under all circumstances the notice should .position occupying a managerial deemed by him as
appears to have completed his eighteen years of age and who, be delivered only to a person who
notified through a representative, has no apparent interest in conflict with that of the in person or
.person

copy of the If the service processor does not find any of those having capacity to receive a -3
or to take delivery of a copy notice or if they refuse to sign the original acknowledging receipt
the place is closed, he must deliver, the same day, of the notice after verifying his identity or if
his substitute in charge of the police station of the domicile of the the copy to the officer or
the ,be served, his residence or place of business, as the case may be. In addition person to
domicile, residence, place service processor must address by mail to the concerned person, at his
informing him that the copy has been of business or elected domicile, a registered letter
.delivered to the police station

copy of the The Court may, by exception to the foregoing paragraph, order the posting of a -4
person's place of residence, or of notice on the bulletin board and on the door of the concerned
necessary, by publishing the notice in two dailies, issued in the place of his last residence, or, if
.abroad in the Arabic or foreign languages, as the case may be the State or
residence, place ,Where the court has verified that the person to be notified has no domicile -5
through publication in two dailies of business, fax, E-mail or a postal address, it shall notify
or foreign languages, as the case may be, and the date issued in the State or abroad in the Arabic
.be considered as the date of notification of the publication shall
business, As concerns persons who have abroad a known domicile, residence or place of -6
be notified to them through copy of the notice shall be delivered to deputy-minister of Justice to
.acknowledgment of receipt diplomatic channels or by registered mail with
copy, dispatching Publication of the notice shall be effective as of the date of notifying the -7
acknowledgment of receipt or as of of the Fax or E-mail, reception of the registered mail with
.the foregoing provisions the date of publication, in accordance with

15 Article

place of ,A judgment shall be notified to the condemned person either at his domicile -1
of this Law, upon 14 business or residence, otherwise through the means specified in Article
request from the party in whose favor order of the Court that has rendered the judgment or upon
.the judgment was rendered
of its The period set for appeal of the judgment shall start the day following the date -2
notification of the losing party, issuance, if given in presence of the parties, or the day following
.presence of the parties if the judgment was given in the supposed
thirty days for The period set for appeal and for further appeal to the Court of Cassation is -3
.each
rescission, ,The party in whose favor a judgment has been rendered for divorce, separation -4
notify the judgment to the nullity of a contract or declaration of death of the absentee, must
was rendered, as if he was present, in order losing party or the party against whom the judgment
.run that the periods of appeal start to

16 Article

court unless The lawsuit concerning personal status matters shall not be admitted before the -1
Committee. Are excepted from this it has previously been submitted to the Family Orientation
inheritance and like matters, summary and provisional ,provision, matters concerning wills
alimony, fostering, guardianship as well as cases that cannot be settled by lawsuits concerning
.conciliation such as evidence of marriage or divorce
Where conciliation between the parties takes place before the Family Orientation -2
competent member of Committee, it shall be recorded in a minutes signed by the parties and the
competent judge, enforced as an the Committee. The minutes shall be sanctioned by the
means of appeal except if it is in violation to the executory deed and shall not be subject to any
.Law provisions of this
regulation The Minister of Justice, Islamic Affairs and Wakfs shall issue the implementing -3
.organizing the work of the Family Orientation Committee

One Book

Marriage

One Title

Engagement

17 Article

.marriage Engagement is a request and a pledge for marriage but is not considered -1
prohibited Engagement of an impeached woman, even if impeachment is provisional, is -2
.attacked and the engagement of a widow during the period of widowhood may be

18 Article

sustained as a Any of the parties may renounce to his engagement and if a prejudice is -1
claim damages for the prejudice result of an unjustified renouncement, the injured party may
.be treated as the one who renounces sustained. The person causing renunciation shall
kind or, who renounces to the engagement or dies may recoup the dowry paid in The party -2
..payment if it cannot be restituted as such, its equivalent at the date of
then the Where the engaged woman purchases a trousseau for the total or part of the dowry -3
to retribute the dowry engaged man renounces to his engagement, she will have a choice either
.of purchase or hand over its equivalent of the trousseau at the time
.part thereof Shall be considered among the dowry, gifts that are considered customarily as -4
absence of In case any of the parties unjustifiably renounces to the engagement, and in the -5
gifts offered by him and the a condition or custom, he shall not be entitled to recover any of the
.other party may recoup what he has offered
has offered, Where the renunciation is justified, the renouncing party may recover what he -6
perished or is consummated, but if it still exists, or its amount at the date of payment, if it has
.the other party may recoup nothing
one of In case the engagement is terminated by mutual renunciation of the parties, each -7
.them is entitled to recover what he offered, if still existing
attributed to any Where the engagement is terminated because of death or for a reason not -8
.gifts offered may not be restituted of the parties, or because of an impediment to marriage, the

Two Title

Provisions Of Marriage General

19 Article

and is a contract that legitimates enjoyment between spouses; its aim is protection Marriage the spouses the forming a steady family under the husband's care on basis ensuring to .assumption of its charges with affection and compassion

20 Article

illicit or Spouses are bound by the conditions exchanged except those legitimizing the -1 .banning the legitimate
the Where the contract of marriage contains a condition that is inconsistent with -2 .foundations of marriage, the contract is void
foundations of Where the contract is subject to a condition that is not inconsistent with the -3 considered illicit by law, the marriage but is in contradiction with its requirements or is .condition is void but the contract valid
with its If neither inconsistent with the foundations of marriage nor in contradiction -4 should be fulfilled. In default requirements and if not legally banned, the condition is valid and may rescind the marriage, whether he be the thereof, the party benefiting of such condition shall be exempted from alimony, payable during the waiting husband or the wife, and the former .dissolution of marriage, if the defaulter is the wife period following the
contrary was Should any of the spouses conditions in the other a specific attribute but the - 5 .of the marriage revealed, the party requiring such attribute may ask for rescission
registered contract Disavowal negates the effect of any condition unless it is written in the -6 .of marriage
expressly or The right to rescind a contract is foreclosed if forfeited by its owner or if he -7 acceptance, the lapse of one year impliedly accepts the contrary. Shall be considered an implied knowledge thereof and in case of irrevocable following the occurrence of the violation with .divorce

21 Article

qualified to As a condition for the binding effect of a marriage, the man must be suitably -1 woman and her tutor are deserve the woman, but only at the formation of the contract. The grounds of lack of such qualification. The entitled to ask for the rescission of the contract on .disappearance of such qualification thereafter contract shall not be affected by the
the age of the If the engaged persons are of inadequate age; i.e. the man's age is double -2 the consent and knowledge of woman, or more than that, the marriage shall take place only with authorization of the judge who will withhold it unless there the parties thereto after securing the .such marriage is an interest in

22 Article

custom shall ,in religion is the measure of aptitude for the husband but, aside religion Fitness .determine the other grounds of aptness

23 Article

.Aptness is a right to both the woman and her fully capacitated tutor -1
case of The remote, in rank, among tutors may not object for lack of aptitude except in -2
.inexistence of the nearest tutor or his incapacity

24 Article

if it was the man alleges his aptness or uses deceitful devices to give this impression or If
he was not apt, both the wife made a condition in the contract and it was thereafter revealed that
.rescission and her tutor are entitled to ask for

25 Article

lapsed since right to ask for rescission is forfeited if the wife is pregnant, if a year has The
the right to ask for knowledge of the marriage or by previous consent of the one who has
.rescission

26 Article

equal tutor may not ask for rescission on grounds that the dowry is below that paid in The
.condition

27 Article

it may be ,Marriage shall be officially recorded but, in consideration of a certain fact -1
.Shari'a established by other means of proof admitted by the
medical Marriage is conditioned upon the submission of a medical report from a competent -2
are free of any disease Committee formed by the Minister of Health, certifying that the spouses
.that the law considers a ground for separation
the The recording of the marriage shall be done by the authorized representatives of -3
shall issue a regulation religious authority. The Minister of Justice, of Islamic Affairs and Wakfs
.in their respect

28 Article

in their The tutor may not conclude the marriage of the insane, the imbecile or persons -1
:the following conditions status without the authorization of the judge and the fulfillment of
.condition informed of his a- Acceptance of the other party to marry him after he has been
.b- His disease is not transmitted to his progeny
.c- His marriage is in his interest
drawn-up by a The fulfillment of the two conditions (b) and (c) shall be verified by a report -2
Islamic Affairs and Wakfs in ,competent Committee to be formed by the Minister of Justice
.coordination with the Minister of Health

29 Article

accrued later male prodigal having attained the age of majority or one whose prodigality A
the dowry in excess of the may engage in marriage but the tutor may object to the portion of
.financial rights resulting from marriage customary limit. Shall be excepted the foreclosure of

30 Article

**provisions of Article 30 have been replaced by virtue of Article 1 of The
:follows Decree-Law No. 8/2019 dated 2019/08/29, to read as Federal**

maturity is 18 years, Capacity to marriage is completed by reason and maturity. The age of -1
.law conformity with the completed, unless the person concerned matures earlier in
except in Whoever legally matures before reaching the age of eighteen shall not marry -2
proposal of the Minister accordance with the regulations issued by a Cabinet decision upon the
.Justice of
failed to Should the person having completed the age of eighteen request marriage but -3
.judge obtain the approval of his tutor, he may refer the matter to the
before him to hear The judge shall fix a period for the tutor, after his notification to appear -4
the marriage is not convincing, the his argument. Should he fail to appear, or his opposition to
.judge shall celebrate the marriage

31 Article

relates to the gets married, according to Article 30, shall acquire capacity in all what Whoever
pecuniary rights resulting from marriage and its effects, with the exception of forfeiture of his
.marriage

32 Article

the tutor, in marriage, is the father then the agnates by themselves according to The
in degree of kinship, succession order: son, then brother, then uncle. Should two tutors be equal
conditions set forth by any of them shall be the marriage that was concluded according to the
.engaged female shall appointed valid. The one authorized by the

33 Article

account of tutor must be a male of sound reasoning, fully capacitated, not prohibited on The
.pilgrimage and Muslim if tutorship is to be given to a Muslim

34 Article

unknown or the most closely related tutor be interruptedly absent, his place of living Should
him in rank with the judge's impossible to be contacted, tutorship shall pass to the one following
.marriage, tutorship shall pass to the judge permission and, in case of prevention of

35 Article

.judge is the tutor of whoever has no tutor The

36 Article

.judge may not marry his ward for himself, his ascendant or descendant The

37 Article

.Proxy in marriage is possible -1
the The proxy may not marry for himself his principal unless it is so provided in -2
.procurator deed
.suspended Should the proxy go beyond the limits of his authority, the contract is -3

Three Title

And Conditions Elements

38 Article

:elements of a marriage contract are The
.The two contracting parties (the husband and the Tutor) -1
.The Object -2
.Offer and Acceptance -3

One Chapter

Spouses The

39 Article

and the tutor of the capacitated woman shall proceed with her marriage, with her consent The
.contract religious authorized official shall obtain her signature on the
the contract is invalid in the absence of a tutor. If marriage has been consummated The
.established spouses shall be separated and the affiliation of the born child is

40 Article

a condition for the formation of marriage, the woman must not be permanently or As
.provisionally prohibited to the man

Two Chapter

Text Contract

41 Article

:and acceptance are subject to the following Offer

.The word “marriage” must be expressly used therein -1
 Consequently, .They must be of immediate fulfillment and not indicating a future time -2
 condition, or if the contract is marriage shall not be concluded if made subject to an unrealized
 .temporary carried for a future date or the marriage is
 maintaining their The acceptance should meet, expressly or impliedly, the offer; the parties -3
 .capacity until the formation of the contract
 verbally occur Unity of the meeting of the parties: in their presence, the acceptance should -4
 acceptance should be during the immediately following the offer and, between absents, the
 witnesses or they be informed of its contents or by meeting in which the letter is read before
 acceptance shall not be late as to the offer if it they are not informing the emissary. The
 .what amounts to rejection separated by
 The offeror .Maintenance of the validity of the offer until the issuance of the acceptance -5
 .acceptance has the right to withdraw his offer until the issuance of the
 being aware that ,Each of the contracting parties has to hear the words uttered by the other -6
 .meaning of such words the objective is marriage although he did not understand the
 impossible, then case of incapacity to express oneself, writing shall be the substitute and, if In
 .a significant sign would suffice

Three Chapter

Prohibitions

One Section

Prohibitions Permanent

42 Article

:to kinship, a person is prohibited to marry Due
 ;his ascendant to the highest degree -1
 ;his descendant to the remotest degree -2
 ;descendants of the two parents or one of them, to the remotest degree -3
 .The first category of the descendants of one of the grandparents -4

43 Article

:to affinity, a person is prohibited to marry Due
 of his one who was the spouse of one of his ascendants, to the highest degree, or one -1
 ;descendants, to the lowest degree
 ;ascendants of the husband, to the highest degree -2
 .descendants of his wife in a consummated marriage, to the lowest degree -3

44 Article

lowest degree person shall be prohibited from marriage to his adulterous descendant, to the A
.or his daughter proscribed for adultery

45 Article

completion of the man shall be prohibited to marry the one he cursed as adulterous, after A
.curse

46 Article

what is be prohibited from fostering what is prohibited by kinship or affinity excluding Shall
:excepted by law; under the two following conditions
.Fostering should occur in the first two years -1
.Fostering should reach five different feedings -2

Two Section

Prohibitions Temporary

47 Article

:be temporarily prohibited Shall
,Grouping, even during the waiting period, between two women, should one of them -1
.supposed by a male, he would have been prohibited to marry the other
.Grouping more than four women -2
.The wife of another person -3
.A woman in her waiting period from another man -4
remarry A repudiated woman whose repudiation is not retractable, the repudiation may not -5
another husband who her repudiator unless after the expiry of her waiting period from
.consummated a valid marriage
.A prohibited woman on account of pilgrimage -6
.religions A non-Muslim woman unless she is a believer in one of the Revealed -7
.The marriage of a Muslim woman from a non-Muslim -8

Four Chapter

Of The Contract Conditions

48 Article

of full ,The validity of the marriage is subject to the presence of two witnesses, males -1
parties and aware that capacity, sound minded, hearing the words pronounced by the contracting
.the aim of such words is marriage
religions The two witnesses must be Muslims but two witnesses from one of the Revealed -2
.religion may witness the marriage of a Muslim with a woman of such Revealed

Five Chapter

Dowry The

49 Article

marriage. is what is offered by the husband, in money or property, for the purpose of Dowry
.on Dowries There is no minimum limit to it but the maximum is subject to the Law

50 Article

anything to the contrary, dowry is the property of the bride, she can freely Notwithstanding
.dispose of it

51 Article

out is due If the amount of dowry is validly determined in the contract, the amount spelled -1
.to the woman
denied, she is In case it is not determined in the contract, invalidly stated or originally -2
.circumstances entitled to an equal dowry payable to a bride under the same

52 Article

.contract Dowry may, in whole or part, be advanced or deferred upon the formation of the -1
of the Dowry is due by virtue of a valid contract. It becomes certain by consummation -2
due by death or marriage, valid privacy or death. The deferred part of it shall become
.repudiation
the stated The repudiated woman, before consummation of the marriage, is entitled to half -3
compensation not exceeding half dowry and, if not determined, the judge may adjudge to her a
.circumstances the dowry payable under similar

53 Article

.The wife may refuse intercourse until the due part of the dowry is paid -1
it ,Should the wife accept intercourse before receiving her dowry from her husband -2
.becomes a debt owed by him

Six Chapter

Rights Mutual

54 Article

:rights and obligations between the spouses are Mutual
.Legitimate mutual enjoyment of each other within what is allowed by law -1
.Lawful cohabitation -2

- .welfare Good treatment, mutual respect and compassion and preservation of the family -3
- .basis Care of the children and their education thus assuring upbringing on sound -4

55 Article

:of the wife towards her husband Rights

- .Alimony -1
- .Non-obstruction to complete her education -2
- .Non-opposition to visit her ascendants, descendants and brothers -3
- .Non-interference with her personal properties -4
- .Non-infliction of bodily or moral prejudice to her -5
- taken more Equitable treatment between her and the other wives, in case the husband has -6
- .than one wife

56 Article

provisions of Article 56 have been replaced by virtue of Article 1 of The Decree-Law No. 8 dated 2019/08/29, then they have been Federal virtue of Article 1 of Federal Decree-Law No. 5 replaced once again by :follows dated 2020/08/25, to read as

:follows of the husband towards his wife shall be as Rights

- .assets Supervising the house and preserving its -1
- .impediment Suckling his children from her unless there is an -2

Four Title

of Marriages Kinds

57 Article

.contracts is either valid or invalid and the latter includes the defective and the void Marriage

58 Article

fulfilled and A valid marriage is one in which all basic elements are present, its conditions -1
 .free of impediments
 .A valid marriage shall produce its effects upon its formation -2

59 Article

- .A defective marriage is one where some of its conditions are missing -1
- .A defective marriage does not produce any effect prior to coitus -2

60 Article

:defective marriage shall, after coitus, produce the following effects A
.smaller The specified dowry or a reciprocal dowry under same circumstances, whichever is -1
.Establishment of kinship -2
.The prohibition because of affinity -3
.Waiting period because of dissolution of marriage -4
.Alimony as long as the wife ignores the defectiveness of the contract -5

61 Article

.A void marriage is the one where one of its basic elements is defective -1
.effect Unless otherwise provided by this Law, a void marriage shall not produce any -2

Five Title

Of Marriage Effects

Provisions General

62 Article

property and the A woman having reached the age of full capacity is free to dispose of her -1
of them has independent husband may not, without her consent, dispose thereof; each one
the development of a property, the other in financial assets. If one of the two participates with
like, he may claim from the latter his share therein upon divorce building a dwelling place or the
.death or
equality must exist In donations, or similar dispositions, between the children or the wives -2
Should there be no equality, the judge .unless the judge deems that there is an interest thereto
.exclude it from the succession shall bring it into effect and shall

One Chapter

Alimony

63 Article

the wife, if Alimony includes food, clothing, dwelling, medical care, servicing charges for -1
conjugal relationship kindly she is performing such services within her family, and all what the
.requires
possibilities of In assessing the amount of alimony, it shall be taken into consideration the -2
the economic situation, in place and the debtor thereof, the circumstances of the beneficiary and
.sufficiency level time, provided it does not fall below the

conditions on In adjudging alimonies of all kinds, fostering and dwelling charges and all -3
.suffice which depends adjudging all these, eye-witnessing shall

64 Article

.circumstances Alimony may be increased or reduced according to the change of -1
alimony may Save in exceptional circumstances the action in increment or reduction of the -2
.deciding it not be heard prior to the lapse of one year as of the date of
.court The increase or decrease of alimony is computed from the date of claim in -3

65 Article

.continuous alimony has privilege over all debts The

One Section Of The Wife Alimony

66 Article

husband is due to the wife by virtue of a valid contract if she abandons herself to her Alimony
.even inevitably

67 Article

on to the wife is due as of the date of refrainment from payment when due as a debt Alimony
forfeited except by the husband, independently of a court judgment or agreement. It is not
.payment or discharge
introducing claim in alimony, for a past period exceeding three years from the date of A
.agreement action in court, shall not be heard unless it is imposed by

68 Article

his judge shall, upon request of the wife, order to pay her a temporary alimony and The
.decision shall be executory summarily and by force of law

69 Article

divorcee in a and sheltering, during the waiting period (“idda”), are due to the Alimony
woman is pregnant and, if she is reversible divorce, in a non retractable divorce if the divorced
.not, only sheltering is due

70 Article

husband alimony is due to the widow during her waiting period because of death of her No
.period but she is entitled to live in the conjugal domicile during the said

71 Article

provisions of Article 71 have been replaced by virtue of Article 1 of The Decree-Law No. 8 dated 2019/08/29, then they have been Federal virtue of Article 1 of Federal Decree-Law No. 5 replaced once again by :follows dated 2020/08/25, to read as

:instances to the wife shall be forfeited in the following Alimony
.Sharia the Should she refuse to give herself to her husband without an excuse accepted by -1
Sharia Should she abandon the conjugal domicile without an excuse accepted by the -2
excuse accepted by the If she forbids her husband to enter the conjugal domicile without an -3
Sharia
manner causing If a judgment or decision is issued by the court to restrict her freedom in a -4
such judgment or decision is her husband to miss his right to have her giving him herself and
.being applied
.law If she had breached her marital obligations that are prescribed by -5

72 Article

provisions of Article 72 have been replaced by virtue of Article 1 of The Decree-Law No. 8 dated 2019/08/29, then they have been Federal virtue of Article 1 of Federal Decree-Law No. 5 replaced one again by :follows dated 2020/08/25, to read as

not be out or to work as per law, Sharia or custom provisions or as necessary, shall Going
shall take into account the deemed a breach of marital obligations by the spouses, and the judge
.matter family's interest when deciding upon such

73 Article

the obligation of alimony to the wife is terminated upon the occurrence of any of The
:following events
.Payment -1
.Discharge -2
.decision The death of one of the spouses unless it has been ordered by court -3

74 Article

convenient dwelling husband is under obligation to prepare to his wife, at his domicile, a The
.commensurate with their standing

75 Article

provisions of Article 75 have been replaced by virtue of Article 1 of The :Decree-Law No. 8 dated 2019/08/29, to read as follows Federal

contract, and spouses shall live in the conjugal home, unless otherwise stipulated in the The
the event of a dispute between the the judge shall take into account the interest of the family in
.spouses

76 Article

parents and The husband may accommodate, with his wife, in the conjugal domicile, his -1
of them but provided no children from another woman as long as he is financially in charge
.accommodation prejudice is caused to the wife from such

The wife may not accommodate with her in the conjugal domicile her children from -2
separation or by another man unless they have no other caretaker, they may be harmed from
the right to go back on his express or implied agreement of the husband, provided he has
.therefrom acceptance should he sustain a prejudice

77 Article

husband may not accommodate with his wife another wife of his unless she accepts The
.her provided she can go back on this acceptance whenever it becomes detrimental to

Two Section

Alimony Kinship

78 Article

the Alimony of the small child who has no financial resources is on his father until -1
fellow-mates earn their living, marriage of the girl or until the boy reaches the age at which his
.with normal success unless he is a student continuing his studies
other cause, Alimony of the elder child unable to earn his living, because of a disability or -2
his expenses could be drawn is on his father should the child have no other funds from which
.from
unless she ,Alimony of the female is on her father if she divorced or has become a widow -3
.father has funds of her own or has a person in charge of her other than the
father is Should the child have no sufficient funds to meet his maintenance expenses, the -4
.aforementioned conditions under obligation to complete the required amount within the

79 Article

nurture suckling expenses of the child are on his father, should the mother be unable to The
.him, and this is considered as alimony

80 Article

funds, or if he child's alimony is on his well-to-do mother if he lost his father, without The
for the amount spent in case he was unable to support him. The mother may revert on the father
.expenditure were authorized by him or by the judge improves his financial capacity and the

81 Article

his parents A well-to-do child, male or female, grown-up or small, must provide alimony to -1
.if they have no funds from which they can spend
children are under Should the parents' funds be insufficient for their maintenance, the -2
.obligation to cover the shortage

82 Article

in proportion of The parents' alimony shall be repartitioned between their children, each -1
.his ability
.brothers Should a child voluntarily spend money on his parents, he may not revert on his -2
alimony, he Should the spending take place subsequent to a judgment ordering them to pay -3
adjudged, provided he made these may revert on each one of his brothers according to what was
.excess paid by him expenses with intention to claim back the

83 Article

wife and children, he the child's earnings are not in excess of his needs and the needs of his If
.alimony, to his family shall be under obligation to add his parents, deserving

84 Article

well-to- to each deserving payee shall be the obligation of his heirs from among his Alimony
if the heir is insolvent the do relatives according to their rank and their shares in the estate and
due compliance to Articles 80 and 81 of this obligation shall pass to the succeeding heir with
.Law

85 Article

all, the persons deserving alimony be several and the payee is unable to satisfy them Should
alimony, followed by that of the the wife's alimony shall have precedence, then the children's
.relatives parents, then the alimony of the

86 Article

the claim in The alimony of relatives, other than the children shall be due as of the date of -1
.court
shall not be The lawsuit claiming a past due alimony for the children from their father - 2
date of submitting the claim to heard if it goes back to a period in excess of one year from the
.court

Three Section

To Those Who Have No One To Support Them Alimony

87 Article

.them State shall be in charge of the alimony to those having no one to support The

88 Article

in of the foundling of unknown parents shall be paid out of his funds, if any, and Alimony alimony shall be on case he has no funds and no one benevolently proposed to spend on him, his .the State

Two Chapter

Affiliation

89 Article

shall be established by wedlock, by avowal, presumptions or through scientific Affiliation .methods if bed-sharing is established

90 Article

since the valid The child is born in wedlock if the shortest period of pregnancy has lapsed -1 .impossible between the spouses marriage and it is not established that carnal knowledge was he is born for The affiliation of the child shall be established from suspected copulation if -2 .knowledge less than the shortest period of pregnancy after the said carnal .of his birth Affiliation of the born child shall be established to his mother upon evidence -3 .be heard Once the affiliation is legally established, the action in disavowal shall not -4

91 Article

period is shortest period of pregnancy is one hundred and eighty days and the longest The physicians formed for the three hundred and sixty five days, unless a committee of medical .purpose decides otherwise

92 Article

unless the ,Acknowledgment of affiliation, even in death-bed, is evidence of consanguinity -1 :conditions acknowledged person is out of wedlock, under the following .a- The acknowledged person is of unknown descent .choice b- The acknowledging party is of full capacity, of sound judgment and of free may sustain c- The difference of age between the acknowledging party and the acknowledged .the veracity of the acknowledgment d- The acknowledged person, of full capacity and sound judgment, approves the .acknowledging party father of Affiliation is an acknowledgment of consanguinity in lineal descent made by the -2 by the grandparent is an acknowledged non-adulterous person. Acknowledgment of affiliation .not valid

93 Article

the acknowledging party be a married woman or a woman in her waiting period, the Should
there is affiliation of the child to her husband is not established unless he consents or
.corroborating evidence to this effect

94 Article

establish acknowledgment by the person of unknown descent of his father or mother shall The
this effect whenever the consanguinity if approved by the acknowledged or there is evidence to
.age difference allows such possibility

95 Article

of kinship, other than consanguinity in lineal descent, paternity or maternity Acknowledgment
.by evidence does not bind other than the acknowledging party unless approved or established

96 Article

.by law may only be uttered before the court in accordance with the rules as set forth Curse
.Divorce by curse is permanent -1

97 Article

days from The man may disavow affiliation of the child by throwing a curse within seven -1
impliedly his paternity. his knowledge of birth provided he did not acknowledge expressly or
within thirty days as of knowledge of Action for malediction shall be submitted to the court
.birth

.Where curse is for disavowal of affiliation, the latter shall be negated -2
refused to ,Should the husband take the oath of malediction and the wife refused to take it -3
give her notice, the judge appear before the court or has been absent and it was impossible to
.shall adjudge the negation of affiliation

issuance of the The affiliation of the disavowed child because of malediction shall, after -4
.man retracted his curse decision negating his affiliation, shall be reinstated if the
not been The court may resort to scientific methods to negate affiliation provided it has -5
.previously established

Two Book

Of Marriage Dissolution

Provisions General

98 Article

in The contract of marriage shall be rescinded if it includes an impediment that is -1
prevented its legal contradiction with its requirements or the occurrence of something that
.continuation

.Disunion between the spouses occurs by divorce, rescission or death -2

.reconciliation Prior to deciding disunion between spouses, the court has to endeavor -3
the ,Should the divorced woman marry another man with whom she has carnal knowledge -4
.non existent number of divorces pronounced by her previous husband shall be considered as

One Title

By Repudiation Divorce

99 Article

legally Repudiation is the dissolution of the valid contract of marriage in the form -1
.prescribed

Repudiation takes place verbally or in writing and, in case of inability, by an -2
.understandable sign

100 Article

provisions of Article 100 have been replaced by virtue of Article 1 of The :Decree-Law No. 5 dated 2020/08/25, to read as follows Federal

virtue of a shall be initiated either by the husband or any one acting on his behalf by Divorce
behalf by virtue of a special special power of attorney, or by the wife or any one acting on her
upon in the marriage contract, and it must be power of attorney, according to what was agreed
.court procedures followed in the documented according to the

testify, divorce shall be established before the judge by evidence given by two witnesses The
fulfillment of either of said or by avowal, and the judge shall issue his ruling after verifying the
.conditions two

shall be deemed to be dated on the date of avowal, unless a previous date is Divorce
governed by Sharia established to the court, and the consequences of divorce by avowal shall be
.rules

101 Article

.The repudiator must be of sound mind and have free choice -1
considered Repudiation done by a man of unsound mind due to a banned substance shall be -2
.a choice

102 Article

of the wife may occur only if she is party to a valid marriage and she is not Repudiation
.within the waiting period (known as Iddah)

103 Article

not be Divorce subject to a condition precedent to do or depart from something shall -1
.effective unless there is an intention to divorce
.perjury to an oath In the absence of an intention to divorce, there is no divorce in case of -2
conjunction with a A divorce made verbally, in writing or by sign, whether repeated or in -3
.number, shall be construed to be once only
.A divorce may not be contingent on the happening of a future event -4

104 Article

:is either retractable or non-retractable Repudiation
expiry of the The retractable repudiation does not put an end to marriage unless after the -1
.waiting period (Idda)
take one of The non-retractable repudiation ends the marriage upon its occurrence. It may -2
:the following two forms
divorced a- Repudiation with right to remarry: The divorcee may not return to the man who
her except after a new contract of marriage and a new dowry
divorced her b- Final and decisive repudiation: The divorcee may not return to the man who
husband who had carnal except after expiry of the waiting period (Idda) from another
.knowledge of her pursuant to a valid marriage

105 Article

the one occurring ,repudiation is retractable except the repudiation completing the third Every
.final and decisive prior to sexual penetration and the one considered by law

106 Article

Decree- provisions of Article 106 have been abrogated by virtue of Article 2 of Federal The
.Law No. 5 dated 2020/08/25

107 Article

an order request of the concerned persons and after divorce, the competent judge issues Upon
the alimony of the children, fixing the woman's alimony during her waiting period as well as
the child and the right to visit the fostered child. determine the person who has the right to foster
being of summary execution by force of law and the prejudiced party This order is considered as
.this order by all means of appeal prescribed by law may appeal

108 Article

and as long husband is entitled to get back his divorcee, should the divorce be revocable The
forfeited even if surrendered. Should as she is within her waiting period. His right thereto is not
expire, she may return to him by a new contract without the the divorcee's waiting period

tutor, if he refuses to give her in marriage to him, provided that her first permission of her .of the court marriage from him has been concluded with the tutor's consent or by order

109 Article

sign as well Getting back a divorcee occurs verbally, in writing and, where impossible, by -1
.as by action with intent
.waiting period Retrieval shall be recorded and the wife should be informed of it during her -2

Two Title

By Agreement (Khul') Divorce

110 Article

to Divorce for consideration is a contract between the spouses whereby they agree -1
wife or by another terminate the contract of marriage against consideration to be paid by the .person
dowry but The amount to be paid as a consideration shall be governed by the same rules as -2
.alimony or their fostering it is not allowed to agree on forfeiture of the children's
validly Should the consideration to be paid in case of divorce by agreement be not -3
.dowry determined, divorce shall occur and the husband shall be entitled to the
.Khul' is rescission -4
unduly By exception to the provisions of clause 1 of this Article, where the husband is -5
will, the judge shall decide the obstinate in his rejection and it was feared not to observe God's
.an adequate consideration "Mukhala'a" (divorce) against

111 Article

and of the consideration for such divorce is conditioned upon capacity of the payor Validity
.capacity of the husband to divorce

Three Title

Separation Judicial

One Chapter

On Account Of Defects Separation

112 Article

defect such Should one of the spouses find in the other a deep-rooted repulsive or harmful -1
impotence, obstruction of as insanity and leprosy, or those preventing sexual pleasure such as

rescission of the marriage whether this flaw genital canals or similar defects, he may ask for the .occurred later existed prior to the contract or before the His right to rescission shall be forfeited if he had knowledge of the defect -2 .contract or accepted it expressly or impliedly thereafter preventing sexual However, the wife's right to claim rescission on grounds of defects -3 .forfeited pleasure shall not, under any circumstance, be grounds of The court shall examine, in chambers, the case of rescission of marriage on -4 .sexual defects

113 Article

disappear, the the defects mentioned in Article 112 of this Law be not susceptible to Should .delay court shall rescind the marriage immediately and without period, not it is likely to disappear, the court shall adjourn the case for an adequate Where period and the party claiming exceeding one year, and in case it does not disappear during this .marriage rescission insists, the court shall rescind the

114 Article

:instances of the two spouses is entitled to ask for separation in the following Each to the In case of deceit perpetrated by the other spouse or with his knowledge inducing -1 deceit if it is established formation of the marriage contract. Intentional silence about a fact is marriage contract had he been aware of that the deceived party would not have concluded the .such fact after a marriage that ,If it is established by a medical report the sterility of the other spouse -2 that the claimant has no children and that lasted five years and after medical treatment, provided .age he is not in excess of forty years of .If the other party is condemned for adultery or a similar offense -3 disease such as Where it is established that the other spouse contracted a contagious fatal -4 contracted by the other spouse or their Aids or similar, so if it is feared that this disease be .separation descendants, the judge must order their

115 Article

which The assistance of a medical committee, specialized in detecting the defects for -1 .separation is claimed, shall be sought .Separation, in this chapter, is rescission -2

Two Chapter

Due To Non-Payment Of The Due Dowry Separation

116 Article

non-payment The wife in a non-consummated marriage shall be adjudged separation due to -1
:by her husband of the due dowry, in the following instances
;drawn a- If the husband has no apparent funds from which the dowry could be
fixed by the b- If the husband is manifestly insolvent or of unknown status and the period
.judge for payment of her dowry has expired without payment
for non- The wife shall not, after consummation of the marriage, be adjudged separation -2
.payment of her due dowry which shall remain a debt on her husband

Three Chapter

Due To Prejudice And Discordance Separation

117 Article

would make the Each of the two spouses is entitled to ask for divorce due to prejudice that -1
The right of each of the .continuity of the friendly companionship between them impossible
.reconciliation is established spouses thereto shall not be forfeited unless their
shall In accordance with Article 16 of this Law, the Family Orientation Committee -2
the judge shall propose ,endeavor the reconciliation of the two spouses and, in case of failure
not possible and the prejudice is reconciliation to the spouses. If this reconciliation is
.divorce established, the judge shall order

118 Article

**provisions of Article 118 have been replaced by virtue of Article 1 of The
:follows Decree-Law No. 8 dated 2019/08/29, to read as Federal**

discordance is If the prejudice is not established, the lawsuit shall be rejected, and if the -1
may file a new lawsuit. If the still continuing between the spouses, then the aggrieved party
successful in reconciling them, the judge shall Family Orientation Committee the judge were not
arbitrators from among their parents, if possible, after asking issue a judgment appointing two
spouses to nominate, in the next hearing at most, his arbitrator from among his each of the
to reconcile. parents, if possible, otherwise from those who have the experience and ability
arbitrator or abstain from attending Should one of the spouses procrastinate in nominating his
.subject to any appeal this hearing, the judgment shall not be
closing dates of The judgment appointing the two arbitrators shall include the starting and -2
extendable by decision of the court. their assignment, provided it does not exceed ninety days
and the parties to the litigation of the judgment The court shall notify the two arbitrators
shall ask each of them to take oath that he will perform his appointing the arbitrators and
.equity and honesty assignment with

119 Article

to reconcile two arbitrators have to find out the reasons of discordance and deploy efforts The
the arbitration sitting, between the spouses. Abstention from any of the spouses to attend

sittings if set at different intervals, shall not whenever notified of the date fixed for it, or the next .arbitrators work affect the progress of the

120 Article

provisions of Article 120 have been replaced by virtue of Article 1 of The Decree-Law No. 8 dated 2019/08/29, then they have been Federal virtue of Article 1 of Federal Decree-Law No. replaced one again by :follows as 5/2020 dated 2020/08/25, to read

the arbitrators' If the two arbitrators fail to reconcile the spouses, the court shall present -1
reconcile before issuing the judgment of recommendations to the spouses and invite them to
reconciliation after the two arbitrators recommend separation. Should the spouses reach
before a judgment is issued, the court shall confirm that separating between them and
.reconciliation

be entirely If reconciliation between the two spouses is impossible, and should the offense -2
by both the husband and the wife, on the husband's part and separation is sought by the wife or
by irrevocable divorce with an appropriate the two arbitrators shall recommend separation
without prejudice to the marital rights owed as a result of amount to be paid by the husband to
.divorce marriage or

on the wife's If reconciliation between the two spouses is impossible, the offense is entirely -3
husband and the wife, the two part, and separation sought by the husband or by both the
appropriate amount estimated by them to be paid arbitrators shall recommend separation with an
holds on to her. The court shall take into account the interest of by the wife unless the husband
.this respect the family in

participated in the if reconciliation between the two spouses is impossible, and both parties -4
any amount to be paid by any of the offense, the arbitrators shall recommend separation without
.proportion to each one's share in the offense parties, or with an amount to be paid in
clear as to who If reconciliation between the two spouses is impossible, and the case is not -5
arbitrators shall recommend is the offender and if separation is sought by the husband, the
by the wife or by both parties, the arbitrators dismissal of his case; but if separation is sought
between them without any amount to be paid, or refuse separating may choose either to separate
.deem appropriate for the interest of the family and the children them, as they

121 Article

provisions of Article 121 have been replaced by virtue of Article 1 of The :follows Decree-Law No. 8 dated 2019/08/29, to read as Federal

include the The two arbitrators shall submit to the judge their reasoned decision that shall -1
.other extent to which each of the spouses offended the
shall rule Subject to the provisions of Clause (1) of Article (120) of this Law, the judge -2
reached the same opinion; according to the recommendation of the two arbitrators, if they
or add a third whose opinion shall prevail. ,otherwise, the judge shall appoint other arbitrators
arbitrator or the umpire to take an oath that he will perform his The court shall ask the new
.honesty equity and duties with

violates of the The judge shall amend the recommendation of the two arbitrators where it -3
.provisions of this Law

122 Article

legal means of the case of divorce due to prejudice, the prejudice shall be established by the In
.spouses proof and by the court judgments rendered against one of the
from his hearsay testimony is accepted if the witness explained, or it was understood The
environment as decided by the statement that the prejudice is widespread in the spouses' life
.court
.hearsay testimony to negate the prejudice is not accepted A
against a testimony of a male or female witness, except the testimony of an ascendant The
the conditions set forth by law descendant or vice-versa, shall be accepted if the witness fulfills
.for testimonial evidence

123 Article

she the wife asks for divorce, before consummation of marriage or legal privacy, and Where
spent by the husband deposited the amount received as dowry, the gifts obtained and the amount
so and in case the judge did not because of marriage, but the husband abstained from doing
.separation against consideration (Khul') succeed in reconciling them, he shall order

Four Chapter

For Abstention From Support Separation

124 Article

apparent If the present husband abstains from supporting his wife and he does not have -1
.wife may ask separation funds from which he can pay, within a short time, the due alimony, the
judge shall Should he allege to be insolvent but with no evidence as to his allegation, the -2
or insolvent and insists on order immediate divorce. If he keeps silent as to his being solvent
insolvency, the judge shall grant him a respite of non-support, even if there is evidence of his
which, if he does not comply with his duty of support, the judge not more than a month after
.divorce shall order

125 Article

:In case the husband is absent in a known place -1
.funds he has apparent funds, the alimony judgment shall be enforced on these If
in he has no apparent funds, the judge shall warn him and grant him a respite not Where
and, in case he excess of one month to which shall be added the prescribed period of distance
alimony, the judge shall order divorce does not execute his duty of support or does not bring the
.after expiry of the respite

and there is also If he is absent in an unknown place, in a place difficult to reach or missing -2
withdrawn, the judge shall order evidence that he has no funds from which alimony could be
.divorce

126 Article

to pay husband may avoid divorce by submitting evidence of his solvency and his ability The
prescribed in Article 125 of this the alimony. In this case, the judge shall grant him the respite
.Law

127 Article

there is evidence husband may retrieve his wife, while she still is in her waiting period, if The
by paying the usual alimony, of his solvency and he shows his readiness to support his wife
.otherwise the retrieval is not valid

128 Article

established to the the lawsuit for non-support is brought to court more than twice and it is If
non-support, the judge shall order a court the non-support in each and the wife asks divorce for
.non-retractable divorce

Five Chapter

Due To Absence And Disappearance Separation

129 Article

who has a wife is entitled to claim a judicial divorce due to the absence of her husband The
alimony can be drawn. She known domicile or residence even though he has funds from which
after warning him: either to reside with her will get a judgment in satisfaction of her claim only
or divorce her and provided he is given a delay of not more or have her move to live with him
.than one year

130 Article

judicial wife of the disappeared, whose residence is unknown, is entitled to ask for a The
search for him and the lapse of divorce and she will be granted relief only after investigation and
.claim one year as of the date of filing the

Six Chapter

For Imprisonment Separation

131 Article

penalty The wife of the incarcerated, who is condemned by a decisive judgment to a -1
entitled to ask the court, after the restraining his liberty for a period of three years or above, is

divorce him irreversibly even though he has funds lapse of one year of his imprisonment, to
.spend from which she can
separation, Where the wife is also incarcerated but has been freed alone, she may ask for -2
conditions mentioned in Clause 1 of after the lapse of one year of her release, under the same
.this Article
non-release In both the preceding instances, judgment for the wife is conditioned upon the -3
remaining period of his of the husband during the examination of the case and that the
.incarceration be not less than six months

Seven Chapter

”For “Ila” And “Zihar Separation

132 Article

relations with wife is entitled to ask for divorce if her husband swore not to have sexual The
the expiry of the four months. her for four months or more, unless he has such relations before
.Divorce in this case is non-retractable

133 Article

.”wife is entitled to divorce on grounds of “Zihar The

134 Article

months from taking the judge shall warn the husband to expiate from “Zihar” within four The
.shall order a non-retractable divorce oath. Should he refuse without giving a reason, the judge

135 Article

deems examining the divorce case, the judge shall decide which provisional measures he In
children and all what relates appropriate to take in order to secure alimony for the wife and the
.request of any of the spouses to the fostering and visiting of children upon

Four Title

Of Separation Effects

One Chapter

Waiting Period (Al Idda) The

136 Article

without marriage, as a Idda” is an obligatory waiting period during which the wife remains“
.result of separation

137 Article

.The waiting period starts as of the occurrence of separation -1
.intercourse The waiting period, in case of doubtful copulation, starts as of the last sexual -2
death of the husband Waiting period in marriage shall begin from the date of separation, divorce or -3
husband
judicial In case of ruling divorce, separation, rescission, nullity of the contract or -4
of the time the judgment declaration of death of the disappeared, the waiting period starts as
.becomes final

138 Article

marriage The duration of the waiting period, for the woman whose husband from a valid -1
days unless she is died, even before consummation of the marriage, is four months and ten
.pregnant
.The waiting period for a pregnant woman ends upon delivery or miscarriage -2
husband In a consummated marriage resulting from a void or suspected contract, if the -3
.to clear her uterus dies, the woman shall have to undergo the waiting period of the divorcee

139 Article

.privacy There is no waiting period prior to consummation of marriage and valid -1
:The waiting period for the non pregnant divorcee -2
believed at the expiry a- Three purities for those who have their menstruation and she is to be
.of this period within a reasonable time
who have b- Three months for those who did not have at all their menstruation or those
see menstruation prior reached the menopause and their menstruation stopped. Should the latter
.resumed for three purities to the expiry of the period, the waiting period shall be
cycles c- Three months for extended blood secretion if the woman has no known menstrual
.waiting period but if she recalls having such cycle it shall follow it in computing the
for those d- The shorter period between three purities and one year without menstruation
.whose menstruation stopped before reaching the age of menopause

140 Article

unilateral case the husband divorces his wife from a valid consummated marriage by his In
other than the alimony paid will without a request from her, she is entitled to a compensation
status of the husband provided it does not during the waiting period depending on the financial
those in similar condition. The judge may order that it be exceed a one-year alimony payable to
depending on the degree of solvency or insolvency of the husband. In paid by installments
the amount thereof, the prejudice sustained by the wife shall be taken into assessing
.consideration

141 Article

period, she passes Should the husband die and the wife is in her retractable divorce waiting -1
 .not be taken into account to the widowhood waiting period and the lapsed period shall
 or Should the husband die while the woman is in her waiting period for repudiation -2
 period unless repudiation rescission, she shall complete it and is not bound by the death waiting
 .of the two periods shall be taken into account took place during the last illness, then the longest

Two Chapter

Fostering

142 Article

is to safekeeping the child, educate and ward him in a manner that does not Fostering
 .child contradict the tutor's right of tutelage over the person of the

143 Article

:fosterer must satisfy the following conditions The

;Sound judgment -1

;having attained the age of maturity -2

;fidelity -3

;care ability to raise the fostered child and provide for his maintenance and -4

safety from dangerous contagious diseases; and -5

.not previously condemned for a crime against honor -6

144 Article

:must addition to the conditions mentioned in the above Article, the fosterer In

:If a woman -1

child, unless a- Not married, in a consummated marriage, to a man not related to the fostered
 .the court decides otherwise in the interest of the child

Article 145 of this b- Be of the same religion as the fostered child, with due compliance with
 .Law

:If a man - 2

.a- He must have around him a woman able to be a fosterer

.marry her b- Be related to the fostered girl with such close kinship prohibiting him to

.c- Be of the same religion as the fostered child

145 Article

child, her the fosterer be a mother of a different religion than that of the fostered Should
 interest of the fostered child fosterage shall be forfeited unless the judge deems otherwise in the

completing the age of five whether he child is a provided the period of fosterage ends upon his .boy or a girl

146 Article

prohibited Fosterage of the child is a right to the mother, then to the females, within the -1
mother's side over these from the degrees of kinship, giving preference to those from the
consideration the closest degree from both sides, with the exception of father's side taking into
fostered child. In father, and the judge shall in his decision consider the interest of the the
:observed deciding who is the fosterer, the following order shall be

- .The mother -a
- .The father -b
- .The grandmother, from the mother's side, and upwards -c
- .The grandmother, from the father's side and upwards -d
- the mother's side, The sisters, giving preference to the full sister, then to the stepsister from -e
.then the stepsister from the father's side
- .The daughter of the full sister -f
- .The daughter of the stepsister from the mother's side -g
- .The aunts from the mother's side, in the same order as the sisters -h
- .The daughter of the stepsister from the father's side -i
- .The daughters of the brother in the same order as the sisters -j
- .The aunts from the father's side, in the above order -k
- .The mother's aunts from the maternal side, in the above order -l
- .The father's aunts from the maternal side, in the above order -m
- .The mother's aunts from the paternal side, in the above order -n
- .The father's aunts from the paternal side, in the above order -o

fosterage shall ,Where no fosterer is found among the above women, or if none is qualified -2
inheritance, giving preference to the pass to the male agnates, in the same order followed in
(provided the sequence is not interrupted by a female paternal grandfather and his ascendants
.brothers ascendant) over the

the prohibited If none of the above exist, the right to fosterage passes to the males, within -3
following order: the maternal degrees of kinship with the child other than the agnates, in the
mother's side, the son of the maternal stepbrother, the grandfather, the stepbrother from the
the from the father's side, then the maternal uncles by giving preference to unilineal uncle
from his father's side, then consanguineous, then the unilineal uncle (his mother's stepbrother)
.stepbrother)from his mother's side the unilineal uncle (his mother's

to the next Should fosterage be refused by those entitled, male or female, the right passes -4
refuses or keeps silent for fifteen entitled who shall be notified thereof by the judge and if he
.rank days, the right passes to the next in

sex, whoever is Under all circumstances, is not entitled to fosterage, in case of difference in -5
.whether male or female ,not within the prohibited degree of kinship with the child

case of litigation, Unless the judge deems in the interest of the fostered child, the mother, in -6
.is entitled to fosterage

conjugal In case of difference between the spouses and where the mother leaves the -7
mother or the father may domicile, even if the bond of marriage has not been dissolved, the
shall decide in accordance with the apply to have the children join him/her and the judge
.children's best interest

147 Article

those entitled to the absence of the two parents and in case the fosterage is not accepted by In
relatives of the fostered child or it, the judge shall chose the adequate person from among the
.for this purpose others or one of the institutions qualified

148 Article

affairs, discipline, The father or else another tutor of the fostered child must look after his -1
.orientation and education

of a dwelling Whoever is in charge of the fostered child's alimony must provide the rent -2
she resides or affected for this for a woman fosterer unless the latter owns a dwelling in which
.purpose

fostered child's The female fosterer is not entitled to remuneration if she is the wife of the -3
.entitled to alimony from him father or is in her waiting period during which she is

149 Article

the written fosterer may not travel with the fostered child outside the State except with The
the matter shall be submitted to ,approval of his tutor. Should the tutor refuse to give his consent
.the judge

150 Article

retractable The mother, during her wedlock or during her waiting period after a a -1
conjugal domicile without the repudiation, may not travel with her child or move him from the
.written approval of his father

the State in The mother may, after the waiting period, take the child to another city within -2
the father and does not cost case this move does not affect his education, is not prejudicial to
.the fostered child's condition him unusual effort and expense to be informed about

151 Article

without a Should the fosterer be other than the mother, she may not travel with the child -1
.written authorization from his tutor

during fosterage The tutor, whoever he is, or another person, may not travel with the child -2
.without a written authorization of the fosterer

father moved The fosterage of the repudiated mother may not be forfeited just because the -3
move is for the purpose of to a city other than that in which the fosterer resides, unless the

distance between the two cities does not allow settling, is not prejudicial to the mother and the child and return the same day by the usual transportation means the mother to see the fostered

152 Article

:instances fosterer's right to fosterage is forfeited in the following The
.Derogation to one of the conditions stated in Articles 143 and 144 -1
for the tutor to In case the fosterer elects a domicile in another city thus making it difficult -2
.attend to his duties
for a period of Should the person entitled to fosterage keep silent and do not claim this right -3
.six months without excuse
a reason Should the new fosterer live with the one whose fosterage has been forfeited for -4
.other than physical disability

153 Article

it shall be reinstated to the one from whom it was forfeited whenever the cause of Fosterage
.has disappeared

154 Article

is entitled to Where the fostered child is under the fosterage of one of his parents, the other -1
decided by the judge provided he visit and be visited by the child and accompany him wherever
.charge to bring the fostered child fixes the place and time and the person in
fostered child's Should one of the parents of the fostered child pass away or be absent, the -2
.him as decided by the judge relatives, to a degree prohibiting marriage, may visit
the person If the fostered child is with other than his parents, the judge shall designate -3
.entitled to visit him from among his close relatives
fostered child The judgment shall be enforced coercively should the person with whom the -4
.lives refuse to execute it
determining the The Minister of Justice, Islamic affairs and Wakfs shall issue a regulation -5
these do not take place in police procedures to see, deliver and visit the fostered child provided
.stations or prisons

155 Article

same degree, case the persons entitled to fostering are more than one and they are all of the In
.the judge shall choose the one that is best for the child

156 Article

of eleven The right of women to fosterage of a child shall end upon his reaching the age -1
deems that extending this age to years, if a male, and thirteen years, if a female, unless the court
her marriage, for the female, is in his/her best the age of maturity, for the male, and up to
.interest

shall Unless the interest of the fostered child otherwise require, the women fosterage -2
.illness continue in case the child is of unsound mind or suffering of a disabling

157 Article

keep with him Without prejudice to the provisions of Article 149 of this Law, the tutor may -1
where he should hand it over to the ,the passport of the fostered child, except in case of travel
.woman fosterer

he notice The judge may order to maintain the passport in the hands of the fosterer should -2
.to the fosterer in case of necessity an obstinateness from the tutor's part to refuse delivering it
certificate The woman fosterer may keep the originals, or true official copies of the birth -3
.child, as well as his identity card and any other evidential documents, pertaining to the fostered

158 Article

him to a decisions concerning the affiliation and protection of the child and delivering Court
pertaining to personal custodian as well as the separation between spouses and like matters
of force and forced entry of homes. status, shall be enforced coercively even through the use
in this respect, follow the instructions given to him by ,The official in charge of execution shall
in the court of the place of execution. The judgment, whenever required, the judge of execution
.be re-executed shall
.coercively judgment rendered against the wife to follow her husband may not be executed The

Three Book

And Tutorship Capacity

One Title

Capacity

One Chapter

Provisions General

159 Article

a law person has capacity to contract unless this capacity is withdrawn or limited by Every
.provision

160 Article

:considered as a minor Is
.The fetus -1

- .The insane, the imbecile and the prodigal -2
- .The missing person and the absentee -3

161 Article

- :considered devoid of capacity Is
- .The undiscerning minor -1
- .The insane and the imbecile -2

162 Article

- :considered lacking capacity Is
- .The discerning minor -1
- .The prodigal -2

163 Article

Tutor, ,affairs shall be attended to by his representative called, as the case may be Minor's judge) or curator on Guardian (which includes the named guardian and the one appointed by the .the minor's property

Two Chapter

Relating To The Minor Provisions

164 Article

.minor is discerning or undiscerning A complete undiscerning minor, according to this Law provisions, is the one who did not The .seven years of age .discerning minor is the one who has completed seven years of age The

165 Article

:prejudice to the provisions of Articles 30 and 31 of this Law Without .void The verbal acts of disposition of an undiscerning minor are absolutely null and -1 purely beneficial The verbal financial acts of disposition of a discerning minor are valid, if -2 .to him; void if absolutely detrimental vacillating between The verbal financial acts of disposition of a discerning minor that are -3 .authorization being beneficial or detrimental depend on

166 Article

take The tutor shall authorize the minor who has completed eighteen years of age to -1 .possession of the whole or part of his property to manage it

eighteen The court may, after hearing the guardian, authorize the minor who has completed -2
.manage it years of age to take possession of the whole or part of his property to

167 Article

one who authorized minor, whose acts are included in the authorization, is considered as The
.has the attained the legal age of maturity

168 Article

capable of case the discerning minor completes eighteen years of age and finds himself In
the management of part sound judgment but the guardian refused to authorize him to take over
.judge of his property, he may submit the matter to the

169 Article

accounts of minor authorized by his guardian shall have to submit to the judge periodical The
.his acts

170 Article

limit the the interest of the minor so require, the judge and the guardian may cancel or Should
.authorization

Three Chapter

Majority

171 Article

interdicted person attaining the age of majority, enjoying his mental abilities and not Every
.Law has full capacity to exercise his rights provided for in this

172 Article

.of age person shall attain the age of majority when he completes twenty one lunar years A

173 Article

account for his attaining the age of majority, the minor is entitled to ask the guardian to After
.acts during the period of guardianship

Four Chapter

Impediments Capacity

174 Article

:impediments are Capacity

or at Insanity: The insane is a person who has lost his mental faculties continuously -1

.insanity intermittent intervals. Imbecility is treated the same way as

.Prodigality: The prodigal is a spendthrift person -2

continuing his Illness leading to death: It is the illness which impairs the human being from -3

year. Should he remain in the same usual activities and death is most likely to occur within one

deterioration, his acts are similar to those of a sound condition for one year or more, without

.person

person is Shall be considered as an illness leading to death circumstances where the -4

circumstances even surrounded by danger of death and where perishing is prevalent in such

.though he is not ill

175 Article

after putting Financial acts of the insane are valid if in a state of consciousness and void -1

.him under guardianship

provisions Acts of the imbecile subsequent to his interdiction shall be governed by the -2

.applied to the acts of the discerning minor

result of illicit Acts of the imbecile prior to his interdiction are valid unless they are the -3

.exploitation or connivance

176 Article

the Islamic performed by a person on his deathbed, or in a similar state, are governed by Acts

.doctrine as provided for by Article 2 of this Law

177 Article

.interdiction interdicted is entitled to file in person a lawsuit to remove the The

Two Title

Tutelage

One Chapter

Provisions General

178 Article

.Tutorship: It is tutelage on the person and on property -1

:Tutelage on the person - A

protection, ,is the care of whatever is related to the person of the minor, his supervision It

.consent to his marriage education, teaching, orientation and proper raising; this includes

:Tutelage on property - B

management and ,is the care of all what concerns the property of the minor, its safe keeping It
.investment

.Tutelage includes: guardianship, curatorship and judicial procuration -2

179 Article

in Article due compliance with the provisions relating to the marriage of a female stated With
reaches the age of majority, as well 39 of this Law, shall be subject to tutelage the minor until he
.age as the insane and imbecile of full

Two Chapter

Conditions Tutor

180 Article

able to The tutor must be of sound mind having attained the full legal age, trustworthy -1

.perform the tutelage requirements

attend to his The tutor on the person must be trustworthy on the person of the minor, able to -2

.affairs and of the same religion as the minor

Three Chapter

On The Person Tutelage

181 Article

father's side by order Tutelage on the person is for the father, then to the magnates from the -1
.of their inheritance

same strength In case several persons are entitled and they are all in the same degree, of the -2

the eldest; and if they are different of kinship and they are equal in maturity, tutelage shall be to
.the best among them in maturity then the court shall choose

from among the Where there is no one entitled, the court shall appoint a tutor on the person -3

.among others minor's relatives, if any is qualified, otherwise from

Four Chapter

Of Tutelage On The Person Withdrawal

182 Article

:must be withdrawn from the tutor on the person in the following instances Tutelage

.Law If he satisfies no more some of the tutelage conditions provided for in this -1

of rape or If he perpetrates with the person under his tutelage, or with others, the crime -2
.offense ravishment or has led him to prostitution or any similar criminal
misdemeanor or If the tutor has been condemned though a final judgment in an intentional -3
.his tutelage, or a lesser offense felony perpetrated by him, or by others, against the person under
.If the tutor is condemned to detention for a period in excess of one year -4

183 Article

permanently or Tutelage may be withdrawn from the tutor on the person, totally or partially -1
:provisionally, in the following instances
.a year or less a- In case the tutor has been sentenced to a penalty restricting his freedom for
safety, health, b- Should the person under tutelage become exposed to severe danger to his
bad example, because of the honor, morality or education due to mistreatment by the tutor or
.or narcotics, or absence of care tutor's bad reputation, addiction to alcohol
of what is is not necessary, in this case that the tutor be sentenced to a penalty because It
.mentioned above
the minor to The court may, instead of withdrawing tutelage, in the above instances, entrust -2
.the tutor's tutelage a specialized social institution together with the continuity of

184 Article

own motion, the cases mentioned in Articles 182 and 183 of this Law, the court may on its In
provisionally to a trustee or to or upon request of the investigation Authority, entrust the minor
.until the tutelage matter is settled one of the specialized social associations

185 Article

should be case the tutelage is withdrawn as concerns some of those under his tutorship, it In
.withdrawn from the others as well

186 Article

to limit ,the court decide to withdraw tutelage from the tutor on the person of his ward Should
.is qualified it or stop it, tutelage shall pass to the one following in rank if he
it deems case he refuses or is not qualified, the court may entrust tutelage to whomever In
of the specialized social qualified, even if he is not related to the minor, or entrust it to one
.associations

187 Article

reinstate, in whole cases other than those where tutelage must be withdrawn, the court may In
upon his request and provided six or in part, tutelage to the tutor on the person of the minor
.the cause of withdrawal months have elapsed since the disappearance of

Five Chapter

On Property Tutelage

188 Article

then to ,on property is for the father alone then to the guardian named by him, if any Tutelage him, if any, then to the the grandfather from among the agnates, then to the guardian named by .without authorization of the court judge. None of these may renounce to his tutorship

189 Article

should the Property donated as a gift to the minor shall not be included in the tutelage The .donator so provide

190 Article

otherwise such acts minor's property and its accessories may not be leased or donated The .shall be void and shall entail liability and guaranty

191 Article

transfer title tutor may not dispose of a real estate owned by the minor in such a way as to The authorization of the court and for reasons of thereto or establish a real right thereon without the .estimated by it necessity or evident interest as

192 Article

authorized by the tutor may not borrow money to the benefit of the minor unless he is so The .Shari'a court and without prejudice to the provisions of the Islamic

193 Article

property owned by tutor may not, without the court's authorization, lease an immovable The .attaining the age of majority the minor for a period extending beyond one year after

194 Article

authorization of the tutor may not continue a trade that devolved to the minor without the The .court and within the limits thereof

195 Article

will for the tutor may not, without the authorization of the court, accept a donation or a The .minor if they are charged with obligations

196 Article

to him, and shall The tutor shall make a list of the minor's property owned by, or devolving -1 of his domicile within two months from the deposit this list with the Clerks' Office of the court .acquiring title by the minor of the property beginning of the tutelage or from

it as The court may consider the non submission of the list or the delay in submitting -2
.exposing the minor's property to danger

197 Article

minor's funds, if the tutor, by authorization of the court, may spend on himself from the The
He may also spend from these funds on those .latter has a duty to provide alimony for the former
.supported by the minor

Six Chapter

Of Tutelage On Property Withdrawal

198 Article

misdealing or for the property of the minor be exposed to danger because of the tutor's Should
.tutelage any other cause, the court has to withdraw or limit the

199 Article

absent or court shall order the cessation of tutelage should the tutor be considered The
restricting his freedom for a incarcerated by virtue of a judgment sentencing him to a penalty
.period of one year or less

200 Article

forfeiture or judgment withdrawing tutelage on the person of the minor shall result in its The
.cessation as concerns his property

201 Article

judgment tutelage is withdrawn, limited or stopped, it shall not be reinstated except by Where
.to exist of the court after ascertaining that the reasons therefore have ceased

202 Article

not be request for reinstatement of tutelage, that had previously been rejected, shall The
.judgment of rejection accepted unless after the expiry of one year from the date of the final

Seven Chapter

Of The Father And Grandfather Dealings

203 Article

safekeeping, of the father on his minor son's property shall be for the purpose of Tutelage
.administration and investment

204 Article

.interdicted of the father includes his minor grandsons in case their father is Tutelage

205 Article

:of the father are supposed to be valid, namely in the following instances Dealings

- .Contracting in the name of his son and disposing of his property -1
- except in case of Trading for the account of his son but he shall not persevere in this trade -2
- .evident benefit
- any prejudicial Acceptance of the licit donations for his son’s benefit if it is devoid of -3
- .obligations
- .support Spending from his son’s funds on those his son is obligated to -4

206 Article

following of the father are contingent upon the authorization of the court in the Dealings

:instances

- other In case he purchases the property of his son for himself, his wife or any of his -1
- .children
- .sons If he sells to his son his property, the property of his wife or of his other -2
- .account If he sells his son’s property to invest the proceeds for his own -3

207 Article

them or if they are The father’s dealings are void if it is established that he miscarried -1

.devoid of any interest to the minor

caused prejudice The father is considered liable, in his funds, in case of gross mistake that -2

.to his son

208 Article

the of the father shall be withdrawn from him if it is established to the judge that Tutelage

.father’s dealings minor’s property have been exposed to danger as a result of his

209 Article

.grandfather provisions of this section, applicable on the father, shall apply to the The

Eight Chapter

Of Tutelage Termination

210 Article

to ends when the minor attains the legal age of majority unless the court decides Tutelage
.continue tutorship on him

211 Article

exists one of the case the tutelage on the person ends, it shall not be reinstated unless there In
.causes of interdiction

212 Article

the minor to termination of tutelage, the tutor, or his heirs, has to return the property of Upon
.him through the competent court

Nine Chapter

Guardian The

213 Article

in gestation The father may appoint a guardian of his choice on his minor son, on the fetus -1
possible for the donor, in the case or on the minor children of his interdicted son. This is also
.guardianship shall be submitted to the Court for confirmation provided for in Article 189. The
.The father or the donor may, at any time, relinquish his choice -2
.informal paper The choice as well as the relinquishment must be established by a formal or -3
from among Should the minor or the fetus on gestation have no guardian or a grandfather -4
.the agnates, the court shall appoint a guardian
its birth alive at The guardian shall not dispose of the property of the fetus in gestation until -5
.tutor which time he will deliver the property to his legal

214 Article

provisional the minor's interest so require, the judge shall appoint an ad hoc or a Whenever
.guardian

215 Article

,guardian, whether chosen or appointed by the judge, must be equitable, capable The
his custody and able trustworthy, enjoying full capacity, of the same religion as the person under
persons, namely, may not be appointed to discharge the duties of guardianship. The following
:guardians
nomination as long The person whom the father decided, prior to his death, to deprive from -1
court, after investigation, deems that it as this deprivation is based on strong reasons which the
.shall be established by a formal or informal paper justifies this decision. Privation
judicial The person who, himself, one of his ascendants, descendants or spouse, is in -2
with the minor or his litigation with the minor; or the person who is in a state of animosity
.minor family should this be detrimental to the interest of the

against The person sentenced to a penalty limiting his freedom for one of the crimes -3
years may lead, in case of morality, honor or honesty. Nevertheless, the lapse of a period of five
.prejudice, to disregard this condition

.The person who has no legitimate means of living -4
guardianship The person whose tutelage on another minor has been withdrawn or his -5
.revoked

216 Article

him in the guardian shall be bound to observe the conditions and the duties entrusted to The
.guardianship deed, unless they are in violation of the law

217 Article

independent .guardian may be a male or female, physical or juristic person, one or several The
.or in conjunction with a supervisor

218 Article

unless the In case the guardians are several, none of them may unilaterally take any action -1
for a number of guardians testator has defined to each his competence. So, if guardianship is
of the others. Nevertheless, any of them jointly, none of them may dispose without the approval
measures or those exclusively to the interest of the minor, may take the necessary or urgent
is exposed to perishing if action is delayed, or dispose of undisputed items dispose of whatever
.such as restitution of deposits that unquestionably belong to the minor
.the court In case of difference between the guardians, the matter shall be submitted to -2

219 Article

is binding when expressly or impliedly accepted and the guardian may not Guardianship
.it if accepted expressly or impliedly except through the competent court abandon

220 Article

supervisor must the father appoint a supervisor to control the acts of the guardian, the Should
.accountable to the court act accordingly in the minor's interest and he shall be

221 Article

.guardian conditions required from the supervisor are the same as those required from the The

222 Article

accepting his ,The provisions applicable on the supervisor as to his appointment, removal -1
.as those governing the guardian resignation, remuneration and liability for default are the same
thereto ceased The court shall decide the termination of supervision whenever the reasons -2
.to exist

223 Article

and shall, to this guardian has to administer, to upkeep and to invest the minor's property The
.end, deploy the necessary care

224 Article

obligation to acts of the guardian shall be under the control of the court; he is under The
administration of the property of the submit to it periodical accounts for his acts concerning the
.condition minor and of those who are in his

225 Article

:court guardian may not perform the following acts without the authorization of the The
partnership, pledge ,Disposal of the minor's property by means of selling, buying, bartering -1
.establishing a real right or any other act of disposition transferring title or
or those Disposal of the bonds and shares or part thereof, as well as valuable movables -2
.which are not perishable unless they are of trifle value
.indebted Transfer of the minor's debts or accept the transfer on him if he is -3
.Investing the minor's property for his account -4
.Borrowing money in favor of the minor -5
.Renting the minor's real estate -6
.Acceptance or rejection of conditional grants -7
unless such Spending from the minor's funds on those whose alimony is due on the minor -8
.alimony is established by an enforceable judgment
.Payment of the matured obligations on the estate or on the minor -9
.Acknowledging a right against the minor -10
.Compromise and arbitration - 11
results in the Filing a lawsuit if the delay in filing it is not prejudicial to the minor or -12
.forfeiture of one of his rights
.Withdrawal of a suit and waiver of legal means of appeal -13
their ascendants Selling or leasing the minor's property for himself, his spouse or one of -14
.representative or descendants or to one whom the guardian is his
according to the The amount spent for the minor's marriage such as dowry or the like -15
.regulations in force
.Education of the minor if he is in need to alimony -16
.Expenditures required by the minor to start a specific profession -17

226 Article

official therein to is forbidden to the Body in charge of the minor's affairs or any competent It
ascendants or descendants, any of the purchase or lease, for himself, his spouse or one of his

to sell to the minor any property owned by the said properties owned by the minor; as well as
.his spouse or any of his ascendants or descendants ,Body or its representative

227 Article

court shall be without remuneration unless, upon the guardian's request, the Guardianship
work to which the decides to fix him a salary or compensation in consideration of a specific
.remuneration guardian asked to be paid a customarily accepted

Ten Chapter

Of Guardianship Termination

228 Article

:duties of the guardian shall terminate in the following instances The
.His death, total or partial incapacity -1
.Upon evidence that he is missing or absent -2
.therefrom Acceptance of his request to abandon his mission or if he has been discharged -3
.Impossibility to discharge the guardianship's duties -4
.majority Considering the minor of full capacity or upon his attaining the age of -5
.Removal of interdiction from the interdicted -6
.Recovering capacity by the minor's father -7
.Death of the minor or the interdicted -8
expiry of the Termination of the duty for which the guardian was appointed to discharge or -9
.period of his appointment

229 Article

property, the the minor reaches the age of majority insane or not apt to be entrusted his Where
extending guardianship after his guardian has the obligation to inform the court to consider
.becoming of full age

230 Article

:of the guardian shall be decided by the court in case Discharge
when he was any cause of disqualification for guardianship arises even if this cause existed -1
appointed; or
danger to of mismanagement or negligence or if his maintenance as a guardian constitutes a -2
.the interests of the minor

231 Article

properties and all Upon termination of his task, the guardian has to deliver the minor's -1
the supervision of the court, related accounts and documents to the concerned person, under
therefrom. Moreover, he has to deposit with the within a period not exceeding thirty days
competent court, within the said period, a copy of the accounts and the Clerks' Office at the
shall observe, evidencing the delivery receipt of the properties. In this respect, the court report
when necessary, the provisions concerning criminal liability
from the Shall be void, any undertaking, clearance or discharge obtained by the guardian -2
of ratification of the minor who has reached the age of majority within one year from the date
.accounts by the court

232 Article

legal the guardian pass away or be interdicted or declared absent, his heirs, his Should
may be, must forthwith substitute or the person taking possession of the property, as the case
measures to protect the minor's rights and inform the court thereof in order to take the necessary
.property and submit the relative accounts hand over the minor's

Three Title

Absent And The Missing The

233 Article

.The absent is the person whose domicile or residence is unknown -1
.dead The missing is the person of whom it is not known whether he is alive or -2

234 Article

to case the absent or the missing has no proxy, a judicial proxy shall be appointed In
.administer his property

235 Article

inventory shall be made of the property of the absent or the missing person upon An
accordance with the appointing the judicial proxy and the property shall be administered in
.administration of the minor's property

236 Article

:status of the missing ends The
.If the life or death of the missing person is established -1
.If a judgment is rendered declaring the death of the missing person -2

237 Article

person in Under all circumstances, the judge must search, by all means, for the missing -1
.death order to ascertain whether he is alive or dead before adjudicating his
.his death The judge shall declare the death of the missing person if there is evidence of -2
declared The judge shall adjudicate the death of the missing person, one year after he is -3
is prevalent, or four missing upon request of the concerned persons, in cases were perishing
.years in ordinary circumstances
allocated The properties of the missing person who has been declared dead shall not be -4
.missing unless after the lapse of fifteen years from the date he is declared

238 Article

be day on which the judgment, declaring the missing person dead, is rendered shall The
.considered the date of his death

239 Article

:the missing person be declared dead then appears alive Should
:His wife returns to him in the following instances -1
;a- If her second marriage is not consummated
.b- In case her second husband knows that her first husband is alive
.c- If the second husband married her during her waiting period
.He can claim his estate from his heirs except the portion that perished -2

Four Book

Testament The

One Title

Provisions General

240 Article

.testator testament is an act of disposition of the succession after death of the A

241 Article

precedent or testament can be absolute, at term after death, subject to a valid condition A
.subsequent

242 Article

provisions of the will be subject to a condition contrary to the Shari'a aims or to the Should
.this Law, the condition is void but the will is valid

243 Article

testator's estate, after paying the of one-third of the limit the enforceable within will is The
this third, within the limits of the share of the major heir who rights thereon and is valid beyond
.it accepted

244 Article

governed by act of disposition taken in articulo mortis as a gift or by favoritism shall be Any
.characterization given to it the provisions applicable to wills regardless of the

Two Title

Elements And Conditions Of A Will Basic

One Chapter

Elements Basic

245 Article

bequeathed basic elements of a will are: The wording, the testator, the legatee and the The
.property

246 Article

express himself then will is formed by words or in writing and if the testator is unable to so A
.by a recognizable sign

247 Article

be heard a will is denied, the lawsuit concerning a will or revocation thereof shall not Where
.except through the means of proof admitted by law

248 Article

done in A will is valid if made by a person having the capacity to donate, even if it is -1
.and 176 of this Law articulo mortis, with due compliance with the provisions of Articles 174
good deeds The will of an interdicted for prodigality or carelessness is valid if made for -2
.with authorization of the court
.The testator may amend or revoke a will totally or partially -3
.of the will Disposal of the bequeathed property by the testator is considered a revocation -4

249 Article

if he is of will is valid if made to a person qualified to own the object of the legacy even The
.different religion

250 Article

then will may not be made to an heir unless approved by all other major heirs; it is A
.executable on the share of the one who consented

Two Chapter

Of Validity Of A Will Conditions

251 Article

- .A will is valid if made to a living specific person or to a fetus -1
- .A will is valid if made to a limited or unlimited class of people -2
- .A will is valid if made for charity purposes admitted by law -3

252 Article

death of the A will made to a specific person must be accepted by the beneficiary, after the -1
.after his death testator or during his life provided this acceptance continues
will has to be Should the beneficiary be a fetus, a minor or an interdicted, acceptance of the -2
may reject it after securing the made by the one who has the curatorship on his property, as he
.judge's authorization
.one A will to an unspecified person does not need acceptance or rejection by any -3
their legal Acceptance on behalf of Bodies, institutions and foundations shall be given by -4
.of the judge representatives who may reject the will after securing the approval

253 Article

.testator Acceptance of the will has not to be given immediately after the death of the -1
knowledge of the Silence of the beneficiary for a period of thirty days subsequent to his -2
.will shall be considered as an approval thereof
extended to fifty if the testament is charged with an imposition, the above period shall be ,So
.waiver days unless there is an acceptable reason for its

254 Article

.partially testator has the complete capacity to revoke the will totally or The

255 Article

the rejecting or accepting the beneficiary die prior to the death of the testator without Should
.his heirs unless it is charged with impositions will, it shall devolve to

256 Article

death of the The specified beneficiary shall own the object of the legacy as of the date of -1
.testator provided he accepts the will
.him The heir of the beneficiary, who died prior to partition, shall substitute -2
equally In case there is more than one beneficiary, the object of the legacy shall be -3
.testator apportioned between them, unless otherwise provided by the
.dead The living of the twins shall take the entire legacy should the other be born -4

257 Article

those among A will bequeathed to a class of people, undeterminable in future, shall include -1
.exist in future them who exist upon the death of the testator and those who shall
fathers or there is The number of the unspecified class shall be limited by the death of their -2
.off-springs no hope left for the living among them to have
return to the In case it is hopeless for any of the beneficiaries to exist, the legacy shall -3
.succession

258 Article

shares existing persons of the unspecified class shall benefit of the legacy and their The
.therein shall change on each birth or death
who proceeds of the legacy shall be divided among the existing of the undetermined The
.cannot be restrictively enumerated

259 Article

be lost or object of the legacy shall be sold to the undetermined if it is feared that it The
be of benefit to the devaluated and the sale proceeds shall be used to purchase what can
.beneficiaries

260 Article

spent to the The subject matter of the will, for legally admitted charity purposes, shall be -1
.benefit thereof
the most The proceeds of the legated property to expected institutions shall be paid to -2
.similar one until it legally comes into existence

261 Article

.legitimate legacy must be the property of the testator and the object of the will be The

262 Article

.The legacy may be general or specific -1
.future The general legacy shall include all the assets of the testator, present and -2

263 Article

.general will shall be executed up to one- third of the succession The

264 Article

fungible, naked The specified legacy may be a real estate or a movable, fungible or non -1
.or unspecified period property, interest, usufruct in land or chattels for a definite
shall be divided Whoever legates a specified thing to a person then legates it to another, it -2
.will made to the first between them unless there is evidence that meant to revoke the

Three Chapter

Legacy Of Usufruct And Loaning The

265 Article

legated, is less Where the value of the specified legacy, whose usufruct or use of it has been -1
to the beneficiary to benefit from it than one-third of the succession, the land shall be delivered
.according to the will
and if the If the value of the specified property which usufruct or use has been bequeathed -2
one-third the succession, the consideration for the usufruct for the specified period is more than
will or to give the beneficiary the equivalent of heirs shall have the choice either to ratify the
.succession one-third the
shall be assessed If the legacy is for usufruct for the whole life of the beneficiary, the will -3
.as per the value of the corpus of property
shall not be A will is valid if made as a loan of a fixed sum granted to the beneficiary and -4
of the loan except with the enforceable for the portion of this amount in excess of one-third
.consent of the heirs

266 Article

entitled to use it beneficiary of a will granted the usufruct of a specified property shall be The
will provided it does not adversely or exploit it even contrary to the purpose specified in the
.affect the corpus of the property

Four Chapter

Equal To The Share Of An Heir Legacy

267 Article

testator's heirs, the the legacy is equal to the share of a specified heir from among the If
.this heir plus his share in the estate beneficiary shall be entitled to the same share of

268 Article

or equal to his, the the legacy is the share of an undetermined heir among the testator's heirs If
heirs over and above his share in the beneficiary shall be entitled to the share of one of the
shares, and the share of the heir who has the smallest share estate, in case the heirs have equal
.share in the estate, if they have not equal shares over and above his

269 Article

be entitled to beneficiary of a share equal to that of an heir, whether male or female, shall The
one-third shall be taken from the share his share up to one-third and the portion in excess of this
.will of the major heir who consented to the

Five Chapter

Of The Will Voidance

270 Article

:will is void in the following instances A
.Express or implied revocation of the will by the testator -1
.Death of the beneficiary during the life of the testator -2
.after his death Rejection of the will by the beneficiary during the life of the testator or -3
accomplice or ,Murder of the testator by the beneficiary whether the latter is the author -4
he was of sound mind having ,accessory of the crime provided that, upon perpetrating the crime
regardless of whether the killing took place reached the capacity required for criminal liability
.will prior or subsequent to the
.third person Perishing of the specified subject matter of the bequest or its entitlement by a -5
.it Apostasy from Islam of the testator or the beneficiary unless he returns to -6

271 Article

shall be the beneficiary become an heir to the testator, his entitlement to the will Should
.conditional upon the approval of the other heirs

Six Chapter

Mandatory Will The

272 Article

from his Whoever dies or is considered dead by decision of the court and has grandsons -1
the grandsons shall be entitled ,son or his daughter and this latter died before or with the testator
:within the following limits and conditions to a mandatory will for one third of the estate

their father would a- The mandatory will for these grandsons shall be equal to their share that
it does not exceed one-third of the have inherited from his father had he survived him, provided
.estate

they inherit b- The above-mentioned grandsons shall not be entitled to a mandatory will if
did not bequeath to them or their ascendant, grandfather or grandmother, or if this ascendant
an amount equal to their entitlement under the ,grant them in his life time, without consideration
bequeathed to them below this amount it must be completed and if mandatory will. In case he
said amount, the excess shall be considered a voluntary will. Should he bequeath more than the
according to his to some of them only, the others shall be entitled to the mandatory will, each
.share

daughter or their c- The right to the mandatory will shall be to the children of the son or the
number, the male's share shall be twice descendants, without limitation and regardless of their
ascendant shall disinherit his own descendants only and the the share of a female. The
.only be entitled to the share of his ascendant descendant shall
the one-third of The mandatory will is prevalent to the voluntary wills as to its execution on -2
.the estate

mandatory will, in The murderer and the defector shall be deprived from the benefit of the -3
.Testaments accordance with the provisions of this Law on

Seven Chapter

In Competition Wills

273 Article

did not the one-third be short of satisfying the wills of equal rank and the major heirs Should
apportioned in equal shares between approve the portion in excess thereof, the one-third shall be
matter of a will is a specific thing it will be set-off against the beneficiaries. In case the subject
and the that the deserving beneficiary shall take his share from the specified object its price so
.others shall take their share from the balance of the whole third

Five Book

And Inheritance Succession

One Title

Successions

One Chapter

Provisions General

274 Article

.is what the decedent leaves, assets and financial rights Succession

275 Article

the are attached to succession; some have precedence over the others according to Rights
:following order

.Burial expenditures -1

.Payment of the decedent's debts due to God or to human beings -2

.Execution of wills -3

.Distribution of the balance of the succession on the heirs -4

276 Article

:of death and succession Ascertainment

application The person who claims ascertainment of death and succession has to submit an -1
statements concerning the date of in this respect to the competent court which shall include
names of the heirs and their domicile, the legatees and ,death, the last domicile of the decedent
.entire movable and immovable properties of the estate their domicile and the
appear before the court The Clerks' Office shall give notice to the heirs and the legatees to -2
shall examine the testimony of those he trusts at the date to be fixed for this purpose. The judge
.administrative investigations, as he sees fit and may add to this the

The ascertainment of death and succession stands as a conclusive evidence unless -3
court shall issue a otherwise adjudicated or if the court decides to stay its conclusiveness. The
.the shares of each in the succession certificate of inheritance limiting the heirs and indicating

277 Article

:procedures for liquidation of the estate are the following The

concerned In case the decedent did not appoint an administrator for his estate, any of the -1
chosen by the heirs from persons may ask the judge to appoint an administrator unanimously
reach such an agreement, the judge shall among them or from others and in case they fail to
.heirs' statements chose one after hearing the

fetus, a Special provisions shall be complied with if there is among the heirs an unborn -2

.fully incapacitated or a heir lacking capacity or an absentee

278 Article

request of the decedent appoint an administrator for his estate, the judge must, upon Should
administrator may ask to be one of the concerned persons, ratify this appointment but the
.excused from such nomination

279 Article

without of the public prosecution or even request of one of the concerned persons or Upon
whenever there is a any request, the judge may dismiss the administrator and appoint another
.justification for this decision

280 Article

ratification of The court shall enter in a special register the orders of appointment or of -1
.their dismissal or withdrawal administrators, in case they are appointed by the decedent, or
the real This entry shall produce its effect on those who deal with the heirs as concerns -2
.estates of the succession

281 Article

the estate's The administrator of the estate shall, after his appointment, take delivery of -1
supervision of the judge. He may claim a assets that he shall undertake to liquidate under the
.judge remuneration to be fixed by the
given to judicial The estate shall bear the liquidation expenses which shall have the priority -2
.expenses

282 Article

and order judge shall, when necessary, take whatever is necessary to preserve the estate The
the Treasury of the court in the deposit of cash money and financial securities and valuables at
totally or the largest part of it, is located until ,whose jurisdiction the estate's property
.completed liquidation is

283 Article

:administrator of the estate shall spend from the estate's funds The
.The burial expenses -1
completed and A sufficient and reasonable alimony to the needy heir until liquidation is -2
alimony obtained by each heir after obtaining an order of payment from the judge, provided the
.estate shall be deducted from his share in the
.The judge shall settle all litigations arising in this respect -3

284 Article

neither take any As from the appointment of the estate's administrator, the creditors may -1
initiated except against the measure against the estate nor continue any measure already
.administrator of he estate
decedent Whenever so requested by the concerned persons, all measures taken against the -2
.debts shall be stayed until the settlement of all the estate's

285 Article

succession, the heir to receiving an attestation showing his share in the net assets of the Prior
the debts due by the estate or may not dispose of the estate, as he may not take any of
.estate compensate a debt on him with one on the

286 Article

and perform The administrator of the estate has to take all measures to preserve its assets -1
lawsuits and recover the debts in the necessary administration acts and represent the estate in the
.its favor

proxy, even if The administrator shall assume the same liability as that of the remunerated -2
.administration at fixed intervals he is not salaried, and the court may ask him to account for his

287 Article

a statement of The administrator of the estate shall invite its creditors and debtors to submit -1
two months as of the date of their rights and of the debts owed by them, within a period of
.publishing this notice

domicile of the The notice must be affixed on the bulletin board, of the court of the last -2
most of the estate's assets are decedent as well as the court within whose jurisdiction all or
.paper located, and be published in a daily

288 Article

appointment, administrator of the estate has to deposit with the court which ordered his The
statement of all the rights within three months from the date of his appointment, an inventory
the value thereof and notify the concerned and dues of the estate as well as an assessment of
.registered mail with acknowledgment of receipt persons of such deposit through
justification for administrator may ask the court to extend this period should he have a The
.such request

289 Article

administrator of the the purpose of assessing and inventorying the estate's assets, the For
record all what the decedent's estate may seek the assistance of an expert and he must
inform him of all the debts and rights of the estate that documents may reveal. The heirs have to
.knowledge came to their

290 Article

whoever ,be sentenced to the penalty provided for in the penal law, for embezzlement Shall
.is an heir fraudulently appropriated any of the estate's property even if he

291 Article

lawsuit, to the dispute over the accuracy of the inventory shall be submitted, through a Any
.the inventory statement competent court within thirty days as of the date of depositing

Two Chapter

Of The Estate's Debts Settlement

292 Article

statement, the Subsequent to the expiry of the delay fixed for contesting the inventory -1
.pay the undisputed debts ,administrator shall, after securing the permission of the court
.decisive judgment The disputed debts shall be settled after deciding on their accuracy by a -2

293 Article

administrator shall stop case the estate is declared bankrupt or likely to be declared so, the In
litigations concerning the debts of the estate settling any debt, even if undisputed, until all the
.are finally settled

294 Article

the cash money ,The administrator of the estate shall pay its debts from the rights collected -1
case they fall short, then from the included, the price of the chattels comprised therein and, in
.price of the real estates
in Chattels of the estate and its immovable properties shall be sold by auction and -2
sales in the Law of accordance with the procedures and within the delays provided for forced
case the estate is bankrupted, the Civil Transactions, unless the heirs agree otherwise. In
on the manner agreed upon by the heirs who have, in approval of all creditors should be secured
.participate in the auction any case, the right to

295 Article

judge, unsecured by real mortgage shall mature upon the death of the decedent and the Debts
mortgage have fallen due upon request of all heirs, shall decide that the debts secured by real
.creditor and shall determine the amount due to the

296 Article

his allocating the undue debts that are secured by real mortgage, each heir may pay After
.share of the debt prior to maturity

297 Article

inventory who have not been paid their dues because their rights do not figure in the Debtors
not have a claim against those statement, and who have no mortgages on the estate's assets, may
these assets but they may have a claim against who have acquired in good faith a real right on
.they received from the estate the heirs to the extent of what

298 Article

decedent's wills to the settlement of its debts, the administrator shall execute the Subsequent
.and other charges

Three Chapter

And Partition Of The Estate's Assets Delivery

299 Article

shall devolve to the fulfillment of the estate's obligations, the balance of its assets Subsequent
.to the heirs, each according to his legal share

300 Article

devolved to them The administrator of the estate shall deliver to the heirs the property that -1
.from the estate
the estate, Upon the expiry of the period fixed for the disputes concerning the inventory of -2
cash money that are not required the heirs may claim delivery of all or part of the objects and the
.or without it for liquidation against submitting a guarantee

301 Article

share in the heir is entitled to ask the administrator of the estate to deliver to him his Every
joint ownership either by estate parceled out unless the said heir is bound to remain in
.agreement or according to a law provision

302 Article

payment of The estate that is not over covered with debts may be partitioned prior to the -1
the payment of the debts debts due on it provided a portion of this estate is allocated for
.including these secured by a real mortgage
estate shall make In case the application for partition is accepted, the administrator of the -2
.accepted by all heirs the partition provided it shall not become final unless
of the estate Should the heirs do not unanimously agree to the partition, the administrator - 3
provisions and the expenses of the shall request the court to proceed with it according to the law
.shares of the heirs partition lawsuit shall be deducted from the

303 Article

in general and partition of the estate shall be governed by the rules applicable to partition The
.by the provisions of the following Articles

304 Article

there be among the assets of the estate a property that may be exploited for Should
if the heirs do agriculture, industry or commerce and considered as an independent entity, and
encumbered with any third-party not agree to continue the exploitation and the property is not

allocated to the heir who claims it if he is the most apt to rights, the property as a whole shall be provided its value is determined and deducted from his share in the estate. In take care of it and heir among them case all the heirs have equal aptitudes, the property shall be allocated to the .paid for a similar property who gives the highest price provided it is not below the price

305 Article

on the otherwise agreed, should one of the heirs be allocated, upon partition, a debt Unless declared bankrupt after the estate, the other heirs shall not guarantee the debt in case he is .partition

306 Article

that the share of will allocating the assets of the estate between the heirs of the testator so The .valid each heir, or some of them, is determined, shall be .this case it shall be treated as a will to an heir In

307 Article

of to take effect after death may be revoked but it becomes binding upon the death Partition .the testator

308 Article

property not included partition not include all the decedent's assets upon his death, the Should heirs in accordance with the rules on in the partition shall devolve as joint property to the .succession

309 Article

before one or more of the prospective heirs who have participated in the partition die Should devolve in joint property the decedent, the parcelled out share allotted to the deceased heir shall governing successions, without prejudice to the to the other heirs, in accordance with the rules .mandatory will provisions applicable to the

310 Article

partition in partition to take effect after death shall be subject to the rules governing The .contracts general, except the provisions concerning burdensome

311 Article

but the partition was case the partition does not include all the estate's debts or included it In disagreement with the creditors, may request not approved by the creditors, any heir, in case of settle the debts provided that the partition mentioned in the the court to do the partition and .consideration will and the reasons therefore be taken, as much as possible, into decedent's

Four Chapter

Successions Non-Liquidated

312 Article

ordinary creditors the succession is not liquidated according to the preceding provisions, the If bequeathed to them on the real of the estate may implement their rights or what has been disposed of or has been encumbered with real rights to properties of the succession that has been lay an attachment on these properties in consideration of their rights prior to third parties, if they .registration of these transactions

Two Title

Inheritance

One Chapter

Provisions General

313 Article

of is the imperative devolution of the property and financial rights upon the death Inheritance .their owner to those deserving

314 Article

:main elements of inheritance are The
.The decedent -1
.The heir -2
.The succession -3

315 Article

.causes of inheritance are: marriage and kinship The

316 Article

to succession is subject to the following conditions: Death of the decedent in Entitlement death of the reality or by judgment; the presence of the heir alive upon the real or assumed .decedent; knowledge of the whereabouts of the succession

317 Article

the causes of debarment from succession, the deliberate murder of the decedent Among caused the death. whether the murderer is the principal offender, an accomplice or the one who must be of sound mind enjoying The killing should be without right or excuse and the murderer .full capacity

318 Article

.is no inheritance between persons of different religions There

319 Article

known who case of death of two or more persons who inherit from each other and it is not In
.died first, no one is entitled to the succession of the other

320 Article

.may be forced, agnatic or both then cognatic Inheritance

Two Chapter

Inheritance And Heirs (Fouroud) Forced

321 Article

.Forced inheritance: is a fixed share for an heir in the estate -1
one sixth, ,The fixed shares are: one-half, one quarter, one-eighth, two- thirds, one third -2
.and one-third of the balance
agnate The forced heirs are: The two parents, the spouses, paternal grandfather or his -3
heir, daughters, the ascendants, the grandmother who is not related to the decedent by an
.absolute, and the cognate brother daughters of the son or of his descendants, sisters in the

322 Article

:who receive one-half of the estate Those
.The husband provided that the wife has no succeeding descendant -1
.The daughter provided the decedent has no other child, male or female -2
or grand The daughter of the son or of his descendants provided the decedent has no child -3
.child equal or higher in degree with her
descendant to the The germane sister, if she has no brother, other sisters, a succeeding -4
.decedent, father or paternal grandfather
germane brother ,The consanguine sister, if she is one and there is no consanguine brother -5
.a paternal grandfather or sister, a succeeding descendant to the decedent, a father or

323 Article

:who receive one-quarter of the estate Those
.The husband in case the wife has a succeeding descendant -1
.descendant The wife, even if several, should the husband have no succeeding -2

324 Article

:who receive one-eighth of the estate Those
.wife, even if several, should the husband have a succeeding descendant The

325 Article

:who receive two-thirds of the estate Those
.Two or more daughters, if the decedent has no sons -1
direct son, Two or more daughters of the son, or of his descendants, if the decedent has no -2
.grandchild of a higher degree grandson of the same degree as the son's daughters or a
succeeding The two or more germane sisters in the absence of a germane brother, a -3
.descendant of the decedent, father or paternal grandfather
germane The two or more consanguine sisters, in the absence of a consanguine brother, a -4
.paternal grandfather brother or sister, a succeeding descendant of the decedent, father or

326 Article

:who receive one-third of the estate Those
absolutely none of The mother, if the decedent has no succeeding descendant, or if there is -1
spouses and the father restrictively, the brothers and sisters, unless she inherits with one of the
.remainder then she is entitled to one-third of the
descendant of the Two or more of the mother's children in the absence of a succeeding -2
be equally divided between them, decedent, a father, a paternal grandfather. This third shall
.male and female
or both, The paternal grandfather, if he concurs with the germane or consanguine brothers -3
the absence of forced if they are more than two, or a corresponding number of sisters, and in
.heirs

327 Article

:who receive one-sixth of the estate Those
.The father in concurrence with a succeeding descendant -1
:The paternal grandfather, in the following instances -2
.a- If the decedent has a succeeding descendant
one-sixth or one b- In the presence with him of forced heirs and where his share is less than
.taken their forced shares third of the remainder or if nothing is left after they have
number of sisters, c- If he has with him a forced heir and more than two brothers or an equal
better to him than the two-thirds whether germane or consanguine, and his share of one-sixth is
.of the remainder
the The mother with the succeeding descendant of the decedent or with two or more of -3
.brothers or sisters, in the absolute
.inheritance One or more grandmother and her ascendants provided she is not debarred from -4

single One or more daughter of the son or of his descendents if she inherits with a -5
in degree, provided there is consanguine daughter or with a single son's daughter who is higher
.degree compared to her no son or grandson in a higher or in an equal
no One or more consanguine sister with a single germane sister if the decedent has -6
.brother succeeding descendant, or father, paternal grandfather brother or consanguine
the decedent, A single uterine brother or sister in the absence of a succeeding descendant of -7
.of this Law 347 a father or paternal grandfather; with due observance of Article

328 Article

:who receive one-third of the remainder Those
succeeding The mother with one of the spouses and the father, if the decedent has no -1
.absolute descendant or two or more of the brothers or sisters, in the
or an equal The paternal grandfather if he is with a forced heir and more than two brothers -2
the remainder is better for number of germane or consanguine sisters, provided the one-third of
.him than the one-sixth

Three Chapter

Agnates (Asaba) Male

329 Article

.Agnates are entitled to an undetermined share in the estate -1
:Agnates are of three kinds -2
.a- Agnates per se
.b- Agnates by others
.c- Agnates with others

330 Article

following per se are of four directions, one preferred on the others according to the Agnates
:order
.descendants including sons and grandsons of the son and of his **:Descendants** -1
.ascendants including the father and the paternal grandfather and his **:Fatherhood** -2
.descendants including germane or consanguine brothers and their **:Brotherhood** -3
germane or including the paternal uncles of the deceased, whether **:Paternal Uncles** -4
consanguine paternal uncles consanguine, paternal uncles of his father, paternal uncles of the
or the germane or consanguine sons of the ,and his ascendants, whether germane or consanguine
.descendants paternal uncles and their

331 Article

entitled to the agnate per se is entitled to the estate if there are no forced heirs and is The
the forced heirs exhaust the whole remainder, if any, and shall receive nothing if the shares of
.succession

332 Article

order stated Shall have precedence among the agnates the preferred class according to the -1
in case of equality in class, ,in Article 330 of this Law, then the nearer degree to the deceased
.degrees then the closest relative in case of equal
succession in case they The agnates shall participate in their entitlement to their share in the -2
.of kinship are of the same class and of equal degrees and strength

333 Article

consanguine the paternal grandfather participate in the succession with the germane or Should
are with them forced heirs, brothers or both, male or female or mixed, and whether or not there
being considered as another brother to the ,the grandfather shall inherit as an agnatic heir
one-third of the remainder is better for him; with due deceased, unless the one-sixth or the
.of Article 346 of this Law regard to the provision

334 Article

:Agnates by others - 1
.a- One or more daughter with one or more son
one or more b- One or more daughter of the son or of his descendants, however remote, with
if she needs him, and he will ,grandson, whether he be of the same or of a lower degree than her
.debar her if he is of a higher degree
.c- One or more germane sister with one or more germane brother
.d- One or more consanguine sister with one or more consanguine brother
.heir In these instances the male shall inherit double the share of a female -2

335 Article

daughter One or more germane or consanguine sister with one or more :with others Agnates
the brother in the entitlement to the or the son's daughter. In this case she shall be considered as
.agnates remainder and in excluding the other

Four Chapter

And Agnatic Heirs Forced

336 Article

:succeeding as both forced and agnates are Heirs
daughter and his The father or the paternal grandfather with the daughter or the son's -1
.descendants

receive his share as The husband, if he is the son of the paternal uncle of the deceased, shall -2
.a forced heir and his entitlement as an agnate
deceased, he shall One or more uterine brother, if he is the son of the paternal uncle of the -3
.agnate receive his share as a forced heir and his entitlement as an

Five Chapter

And Debarment Exclusion

337 Article

of the Exclusion: is the debarment of an heir of all or part of the succession because -1
.presence of another more entitled heir
.Exclusion is of two kinds: Debarring exclusion and decreasing exclusion -2
.The excluded from inheritance may exclude an heir other than himself -3
.The prohibited from inheritance does not debar an heir other than himself -4

338 Article

grandfather from The paternal grandfather is excluded by the father and by every agnatic -1
.whom he originated
father's The nearest grandmother excludes the remote unless the parenthood is from the -2
mother's side. The mother excludes the side then she does not exclude the more remote from the
absolute, and the father excludes the paternal grandmother. The agnatic grandmother, in the
.grandfather excludes the grandmother if she is his ascendant agnatic

339 Article

ascendants, uterine brothers are excluded by the father, the agnatic grandfather and his The
.the son, the grandson and his descendants

340 Article

in degree than son, grandson and his descendants exclude the son's daughter who is lower The
granddaughters of a higher degree unless him and she is also excluded by two daughters or two
.agnate she is with one with whom she becomes

341 Article

germane of the father, son, grandson and his descendants exclude the brothers and the Each
.sisters

342 Article

she is also of the father, son, grandson and his descendants exclude the agnatic sister and Each
others in accordance with excluded by the germane brother and sister, if she is an agnate with

excluded by two germane sisters in the the provisions of Article 335 of this Law. She is also consanguine brothers are excluded by each of the father, absence of a consanguine brother. The descendants, the germane brother and sister if the latter is an agnate with son, grandson and his .others

Six Chapter

By Increase Or Decrease Of Shares Reallocation

343 Article

heirs in by increase of shares (Rad'): is the increase in the share of the forced Reallocation .the total shares proportion of their original shares, in case the estate is larger than

344 Article

agnatic the shares of the forced heirs do not exhaust all of the estate and there are no If spouses, in proportion of their relatives, the excess shall revert to the forced heirs, other than the to one of the spouses in case there are no agnate shares. The balance of the estate shall revert .relatives other than the forced heirs and the agnates relatives or forced heirs or

345 Article

heirs, in Reallocation by decrease of shares: is the decrease in the shares of the forced -1 .denominator of the estate proportion to their shares, in case the shares exceed the common .divided The new common denominator shall become the base on which the estate shall be -2

Seven Chapter

Problems Special

One Section

Akdarieh Al

346 Article

they presence of the grandfather makes the germane or consanguine sisters agnates and The case of the spouse with a do not inherit with him as forced heirs except in Akdarieh which is the .sister mother, grandfather, germane or consanguine sister has a father receives one-half, the mother one-third, the grandfather one sixth; the The which is the share of the forced share of one-half which shall be added to the one-sixth two, the male receiving the share of two grandfather and the total to be divided between the .females

Two Section

Mushtaraka Al

347 Article

a germane brother inherits as agnates except in Al Mushtaraka which is the case of The germane brother or spouse, mother or grandmother, a number of uterine brothers and sisters, a .more shall be spouse receives one-half, the mother or grandmother one sixth and the one-third The takes the share of two divided between the uterine and germane brothers and sisters, the male .females

Three Section

Malikiya And Quasi-Malikiya Al

348 Article

Malikiya grandfather does not exclude the germane or consanguine brother except in Al The :and quasi-Malikiya brother: the a husband, mother, grandfather, uterine brothers, consanguine :**Malikiya Al** .grandfather being an agnate husband receives one-half, the mother one=sixth and the rest to the a husband, mother, grandfather uterine brothers, germane brother: the :**Quasi-Malikiya** .being an agnate husband receives one-half, the mother one-sixth and the rest to the grandfather

Eight Chapter

Cognates

(Al Arham Zawi)

349 Article

:cognates are of four kinds The :Kind First .descendants daughters' sons and the granddaughters' sons and their The :Kind Second .grandfathers and grandmothers and their ascendants Maternal :Kind Third .The uterine brothers' sons and their descendants -1 .Children of the sisters, in the absolute, and their descendants -2 .The sons' daughters, in the absolute, their sons and descendants -3 .their descendants The daughters of the brothers' sons, in the absolute, however remote and -4 :Kind Fourth :includes six groups It absolute, and his Uterine uncles, from the paternal side, of the deceased, his aunts, in the -1 .absolute uncles and aunts from the maternal side, in the

female cousins, The sons of those mentioned in the above clause and their descendants, the -2 daughters and their descendants as well 'germane or consanguineous, of the deceased, their sons .descendants as the sons of those mentioned and their side, uncles and The uterine uncles of the deceased's father, his aunts from the paternal -3 and aunts, in the absolute, of the aunts from the maternal side (relatives of the father); Uncles .(mother deceased's mother (relatives of the cousins of the The sons of those mentioned in the above clause and their descendants, the -4 their sons' daughters and their ;deceased's father (germane, consanguineous or uterine) .descendants without limitation uncles of the Paternal uterine uncles of the deceased's paternal grandfather; paternal -5 aunts of the deceased's parents (both deceased's grandmother (mother of his father); paternal aunts, in the absolute, (relatives of the father); paternal sides) and their maternal uncles and the the grandparents of the deceased's mother; maternal uncles and aunts of uncles and aunts of .deceased's mother, in the absolute, (relatives of the mother) deceased's The sons of those mentioned in the preceding clause and their descendants; the -6 their sons' daughters and their paternal uncles of the germane or consanguine grandfather and .mentioned and their descendants descendants; the children of those

350 Article

precedence In the first kind of cognates, those closer in degree to the deceased shall have -1 have precedence over the child and if they are equal in degree, the child of the forced heir shall forced heir or if none is so, then they shall participate of the cognate. If they are all children of a .estate equally in the have In the second kind of cognates, those closer in degree to the deceased shall -2 forced heir shall have precedence and if they are equal in degree, the one from whom descends a a forced heir among their descendants, precedence. In case they are all of equal degree without descendants, and if all are of paternal descent or of maternal or all of them have forced heirs two ,shall participate equally and if they are not all of the same parental descent descent, they .maternal descent thirds shall be given to those of paternal descent and one third to those of precedence In the third kind of cognates, those closer in degree to the deceased shall have -3 heirs and the others are and if they are equal in degree and among them some are entitled otherwise the closest relative. So, ,latter cognates, the former shall have precedence over the are preferred to those descending from either one; those those who descend from both parents father are preferred to those descending from the mother; and if they are who descend from the .estate equal in degree and strength of kinship they shall participate equally in the all

351 Article

of this 349 In case all members of the first group of the fourth kind, as stated in Article -1 or his aunts, in the absolute; or Law, are of paternal descent; i.e. Maternal uncles of the deceased of the deceased or his aunts, in the absolute, the are of maternal descent; i.e. uterine uncles precedence. So, the germane shall be preferred to the consanguine or the closest kin shall have they are and who descends from the father is preferred to the one of maternal descent. If uterine estate. In case they are of of the same strength of kinship they shall participate equally in the

those of paternal kinship and one third for those different descents, two-thirds shall be given to .of each group shall be divided in the aforementioned manner of maternal kinship. The share and fifth provisions of the preceding paragraph shall apply to the members of the third The .groups

the more In the second group, the closest degree among them shall have precedence over -2 degrees and same descent, remote even if he is from a different line of descent. In case of equal descendants of an agnate or a cognate, and if they the closest shall be preferred, if they are all ,shall be preferred to the cognate. In case of different sides of kinship are different, the agnate maternal descent. two-thirds shall be given to those of paternal descent and one third to those of .aforementioned manner The share of each group shall be divided between them in the and sixth provisions of the preceding paragraph shall apply to the members of the fourth The .groups

except where No consideration shall be given in case of multiple kinship of a cognate heir -3 .the line of descent is different

352 Article

except the male heir shall have the share of two females in the inheritance of cognates A .heirs maternal brothers who shall receive equal shares with the female

Nine Chapter

By Assumption Succession

353 Article

share of the missing person in the succession of his decedent shall be frozen on The is declared dead his assumption that he is alive, so if he appears alive he shall take it and if he .the judgment share shall devolve to his entitled heirs on the date of

354 Article

to be conceived child shall be entitled to a share in the succession of his decedent The females, whichever is larger, reserved for it. This share shall be the shares of two males or two The rest of the heirs shall receive the smaller of .on the assumption that the conceived are twins distribution of the estate shall be adjusted after birth according to the shares the two shares. The .provided for in the law

355 Article

difference the share reserved for the conceived child be less than his entitlement, the Should Where the share reserved is .shall be taken from the heir in whose share this difference accrued .the entitled heir more than its entitlement, the excess shall go to

Ten Chapter

Of A Share Alienation

356 Article

the estate, Alienation is an agreement of the heirs that some of them abandon their share in -1
.consideration of which they have knowledge, to the other heirs against a specific
this share and Should one of the heirs alienate his share to another, the latter is entitled to -2
.shall replace him in the succession
consideration has Where alienation by one of the heirs to the others takes place and if the -3
shall be deducted from the total been paid to him from the estate, the shares of the alienator
remain unchanged. In case the consideration is paid shares and the shares of the others shall
alienation agreement did not provide for the mode of partitioning from their own funds and the
amount paid by each alienator's share, it shall be divided among them on pro rata of the of the
.be divided equally between them of them and, if it could not be determined, his share shall

Eleven Chapter

Matters Miscellaneous

357 Article

relation between Should the deceased, while alive, acknowledge the existence of a kinship -1
unless it fulfills the someone and himself, his acknowledgment does not bind the heirs
.conditions of its validity
not In case his acknowledgment concerns someone else and the kinship relation was -2
retract his established, in accordance with Article 93 of this Law, and he did not
whole estate of the acknowledgment, the beneficiary thereof shall be entitled to the
.acknowledging decedent unless the latter has an heir
relation If some of the heirs acknowledge to another person the existence of a kinship -3
acknowledgment shall share between the latter and the decedent, the beneficiary of such
entitlement in the estate of the decedent unless he is exclusively with the acknowledging heir his
.excluded by him

358 Article

her adulterous child shall inherit from his mother and her relatives; his mother and The
.relatives shall inherit him; likewise for the incestuous child

359 Article

masculinity and ambiguous bisexual shall be entitled to half of the two shares considering The
.feminineness

360 Article

the vacant estate shall be a mortmain (Wakf) in his name for the poor, the needy and The
.students in the Administration of the Public Organization of Wakfs

361 Article

of sale, be considered void, every fraud to the provisions governing inheritance by way Shall
.donation, testament or other dispositions

Provisions Final

362 Article

.abrogated provision violating or contradicting the provision of this Law shall be Each

363 Article

as of the present Law shall be published in the Official Gazette and shall come into force The
.date of its publication
by Us at the Promulgated
Presidential Palace at Abu Dhabi
.H on 17 Shawal 1426
Corresponding to 19th of
November 2005

**Zayed Al Nahyan Khalifah Bin
United Arab President of the
State Emirates**

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