

1418

Federal Law No. 28 For The Year 2005, Regarding Personal Status

We Khalifa Ben Zayed Al Nahian, the President of the United Arab Emirates,
Following perusal of the constitution,
Federal Law No. 1 for the year 1972, regarding the competencies of the ministries, the authentication of the Ministers and laws amending it,
Federal Law No. 10 for the year 1973, regarding the supreme federal court, and laws amending it,
Federal law No. 6 for the year 1978, regarding the establishment of federal courts and the transfer of the local judiciary organization's jurisdiction in some of the emirates to it, and laws amending it,
Federal law No. 17 for the year 1978, regarding cases and objection for cassation before the federal Supreme Court and laws amending it,
Federal law No. 3 for the year 1983 regarding the federal judiciary authority and laws amending it,
The penal code issued by federal law No. 3 for the year 1987,
The law for civil dealings issued by federal law No. 5 for the year 1985 and laws amending it,
Federal law No. 22, for the year 1991, regarding the registrar and laws amending it,
The law of proof regarding civil and commercial dealings issued by federal law No. 1 for the year 1992,
The law for civil proceedings issued by federal law No. 11 for the year 1992,
Federal law No. 21 for the year 1997 regarding deciding the dowry in the marriage contract and its expenses,
Upon, the proposal of the minister of Justice, Islamic Affairs and Endowment, the endorsement of the Cabinet and the authentication of the of the Supreme Federation Council,
We issue the following law:-

General Regulations

Article -1-

- 1- The regulations of this law shall govern all facts that occurred following the enforcement of its regulations. It shall retroactively govern the divorce certificates and divorce cases for which a decisive judgement has not been ruled.
- 2- The regulations of this law shall govern the citizens of the United Arab Emirates State unless the non-Muslims of them have special regulations relating to their sect and religion. Also its regulations shall govern non-citizens unless one of them shall hold to the application of his law.

Article -2-

1- It shall be referred for the understanding of the legislative provisions of this law, its interpretation and explanation to the Islamic juristic principles and rules.

2- It shall be applied the provisions of this law on all issues that it dealt with in its wording or its purport. It shall be referred in its interpretation and completion of its regulations to the juristic doctrine from which it was taken.

3- If there is no provision in this law, it shall be adjudged according to the renown of Malek doctrine, then Ahmed's doctrine, then Al Shafai 's doctrine then Abou Hanifa's doctrine.

Article -3-

It shall be depended on the lunar computation regarding periods stipulated in this law unless otherwise is provisioned for.

Article -4-

It shall be applied on what is not provisioned regarding its procedures herein, the regulations of the civil proceedings law, and the proof law in respect of civil and commercial dealings.

The Jurisdiction Competency Of The Courts

Article -5-

The state's courts shall have the jurisdiction competency to view cases related to personal status that are raised against the citizens and foreigners who have a domicile, or a place of residence or a place of work in the state.

Article -6-

The state's courts shall have the jurisdiction of viewing cases relating to personal status that are raised against the foreigner who has no domicile, no residence location, or work place in the state in the following cases

1- If the case is contesting a marriage contract that is required to be concluded in the state.

2- If the case is relating to a request to revoke marriage contracts, their voidance, divorce, or to divorce, and the case was raised by a wife who is a citizen or a wife who lost the nationality of the state, whenever any of them has a domicile or a place of residence in the state. Also, if its raised from a wife who has a domicile or a place of residence in the state against her husband who had a domicile, or a place of residence or work, when the husband abandoned his wife, and made his domicile or his work or residence place abroad, or he was deported from the state.

3- If the case is related to a provision request for the parents or the wife or the minor when they have a domicile or a place or residence or work in the state.

4- If the case is relating to a child's lineage who has a domicile or a place of residence

in the state, or if it was relating to an issue of the guardianship over soul or money, whenever the minor or the person to be interdicted has a domicile or a place of residence in the state, or it was in it the last domicile or the place of residence of the place of work of the absent.

5- If the case is related to an issue of the personal status issues, and the plaintiff is a citizen or a foreigner who has a domicile or a place of residence or work in the state. This is unless the defendant has a domicile or a known place of residence abroad or the national law is the applicable law in the state.

6- If there is a multiplicity of defendants and one of them has a domicile or a place of residence or work in the state.

7- If he has a selected abode in the state.

Article -7-

In cases when the jurisdiction competency is for the state's courts according to the regulations of article 6 of this law, the jurisdiction competency shall be for the court in whose circuit is located the plaintiff's domicile or his place of residence or work, otherwise the jurisdiction shall be for the capital's court.

Article -8-

1- The first instance summary court that is constituted of one judge shall have the jurisdiction competency of adjudging personal status issues.

2- The authentication's judge shall have the competency of authentication the certificates issued by the court.

The ministry of justice, Islamic Affairs, and Endowments shall issue a rule for the attestations procedures and their authentication.

Article -9-

1- The court in whose circuit is the domicile of the defendant, or his place of residence or work shall have the competent jurisdiction. In case of the multiplicity of the defendants, the competent jurisdiction shall be for the court in whose circuit is located the domicile of one of them or his place of residence or work.

2- The court in whose circuit is located the domicile or the place of residence or work of the plaintiff or the defendant, or the conjugal home shall have the competent jurisdiction to view the cases raised by the children or the wife or the parents or the female custodian, according to cases. This shall be in the following issues:-

V

a. Expenses, wages and what are ruled as equivalent.

b. Nursing, visitation , and issues relating to them.

c. The dowry, the house furnishing, the gifts, and what are ruled as equivalent.

d. Divorcing, divorce (of wife) against an offset (payable by the wife- Al Kal'e) acquittal, annulment, separation between the spouses in all its kinds.

3- The court in whose circuit is the last domicile or the place or residence of work of

the diseased in the state, shall have the competent jurisdiction of investigating the establishment of inheritance, the wills, the liquidation of the legacies. In case the deceased did not have a domicile or a place or residence or work in the state the jurisdiction shall be for the court in whose circuit is located one of the estate's properties.

4- The local jurisdiction regarding guardianship issued shall be decided as follows:-

V

a- In the issues of guardianship in a domicile or the place of residence of the guardian or the minor and in the guardianship issues at the last domicile or the residence place of the deceased or the minor.

b- In the issues of interdiction, at the domicile or the place of residence of the person required to be interdicted.

c- In issues of absence at the last domicile or the place or residence or work of the absentee.

d- If any person of the aforementioned in items A, B, and C, has no domicile or a place of residence in the state, the jurisdiction competency shall be for the court in whose circuit is the domicile of the applicant or his place of residence or the court in whose circuit is the money of the person who is required to be protected.

e- The court which, issued a custodial judgement or ordered the stripping of the guardianship or its stoppage shall have to refer the case to the court in whose district shall be the domicile or the place of residence of the minor to appoint a guardian or a curator to supervise him if the minor's or the interdicted person's domicile or his place of residence changes.

f- In case the defendant has no domicile or a place of residence or work in the state, and it was impossible to decide the court of jurisdiction according to the aforementioned regulations in the previous paragraphs, the jurisdiction competency shall be for the court in whose circuit is the domicile of the plaintiff or his place of residence or work; otherwise the jurisdiction competency shall be for the capital's court.

Article -10-

1- In cases in which, the law obligates the obtainment of the court's permission or its approval or the law requires to have the issue brought before the judge, the application shall be submitted to the court in whose circuit is the domicile or the place of residence of the applicant. This shall be according to an order on a petition unless otherwise is provisioned by the law.

2- Every person concerned shall have the right to submit a grievance against this order within one week from the date of being notified by it. The court shall issue its judgement in the grievance by supporting or altering or annulling it. This judgement

shall be contestable through the decided contest methods in the law.

3- The application for the appointment of a guardian shall be by an order on a petition, and the public prosecution shall inform the probable inheritors by the application.

Article -11-

It shall not entail the contest against execution of the judgement or expedition and temporary decisions, or the minutes that are drafted and authenticated, or the reconciliation minutes which are authenticated and relating to alimony or tutelage, or their appeal, the stay of execution unless otherwise is decided by the court.

Article -12-

The litigation shall be addressed, in case of requesting judgement that a person is missing, to the probable inheritors of the missing person and his agent or who is appointed his agent and the public prosecution.

Article -13-

If the cassation court revoked all or some of the contested judgement, it shall have to set out to adjudge the issue.

It shall be exempted from the regulation of the previous paragraph

1- If the contested judgement was revoked for its voidness, and this voidness was due to a reason relating to the notification of the case's document. The court shall judge the voidness together with the remanding of the case to the court of first instance to view it after notifying the litigants. This is provided that the lifting of the contest is considered as the notification of the requests displayed in the case.

2- If the judgement which is contested was a judgement of non jurisdiction, or the acceptance of a sub-rebuttal that entails the non-proceession of the case, or the support of the appealed judgement in both these two issues, and the cssation court revoked the contested judgement, it shall have to remand the case to the court which, issued the contested judgement. This is unless it considers its viewing before a circuit constituted of other judges or it shall refer it to the court of jurisdiction to judge it anew. The court to which is referred the case shall be committed with the cassation judgement regarding the issues it adjudged, unless the contest is for the second time. The cassation court shall have to set on adjudging the issue if it revoked the contested judgement.

Article -14-

1- The plaintiff or the person who is intended to be notified shall be notified in person with a copy of the notification at his domicile or the place of his residence or work or his selected abode or wherever he is found. If it is impossible to notify him it shall be permissible for the court to notify him by fax, or by electronic mail, or by registered mail with receipt, or what substitutes it.

2- If the person undertaking the notification did not find the required person in his domicile or his place of residence he shall have to deliver the copy of the notification

to any of those who are residing with him of wife, or relatives, or in-laws. If he does not find the person required to be notified in his place of work he shall have to deliver the notification to his manager at work, or who shall decide that he is one of his managers. In all cases the notifications shall not be delivered except to a person whose appearance indicates that he has completed eighteen years of age, and he has not or who represents him an apparent interest that is in conflict with the interest of the notified person.

3- If the person undertaking the notification did not find who is appropriate to deliver the copy to him, or whom he found of the said persons refrained from signing on the original for delivery, or from receiving the copy after verification of his personality, or if the place is closed, he shall have to deliver it on the same day to the responsible of the police station, or who substitutes him, in whose circuit is the domicile, or the place of residence or work of the notified person according to cases. He shall have within the twenty four hours from delivering the copy to the police station, to send to the notified person in his domicile or the place of his residence or work or his selected abode a registered letter by mail informing him that the copy was delivered to the police station.

4- It shall be permissible for the court, in exemption of the previous paragraph, to order the posting of a copy of the notification on the advertisements board, and on the door of the place where the person that is requested to be notified resides or on the door of the place he resided in, or to publish it in two daily newspapers, which are issued in the state or abroad in Arabic language or in English language according to cases, if the issue necessitates it.

5- If the court realized that the person to be notified has not domicile or a place or residence or work or a fax or an electronic mail or a mail address, it shall notify him by publishing it in two daily newspapers which, are issued in the state or abroad in Arabic language or in English language according to cases. The publication date shall be considered the date of undertaking the notification.

6- What is related to persons who have a domicile, or a residence or a place of work known abroad, the copy of the notification shall be delivered to the undersecretary of the ministry of justice to notify them by diplomatic channels, or they shall be notified by registered mail with receipt.

7- The notification shall be considered as producing its effects as from the time of notifying the copy or from the date of sending the fax, or the electronic mail, or the date of arriving the registered mail with receipt, or as from the date of publication according to the previous regulations.

Article -15-

1- The judgement shall be notified to the condemned in person or at his domicile or the place of his or work or residence. If it is impossible he shall be notified by the methods decided in article 14 of this law upon the order of the court which issued the judgement and following the request of the court beneficiary.

2- The date to contest the judgement shall start as from the day following the date of its issuance if it is in presence and as from the following day of the date of notifying the condemned person if it was likewise presence

3- The contest date at the appeal and cassation is thirty days for each of them.

4- The person who receives a judgement for divorce, or separation or annulment or voidance of the contract or the death of the lost person's judgement, shall have the notify the condemned person or against whom was issued the judgement, if it was likewise present so that the dates in respect shall take effect.

Article -16-

1- The case shall not be accepted before the court in personal status issued except after bringing it before the committee for family guidance. It shall be excepted from this, the testimony and inheritance issues and what are likewise, the expeditious and provisional cases, the expeditious and provisional orders relating to alimony, custody, and guardianship and cases, which cannot be imagined reconciliation in their respect such as those for establishing marriage and divorce.

2- If reconciliation is effected between the parties before the committee for familial guidance, this reconciliation shall be established in a minute on which shall sign the parties and the concerned member of the committee. This minute shall be authenticated by the competent judge and shall have the power of the writ of execution. It shall not be permissible to contest it by any method of contest methods except if it violates the regulations of this law.

3- The minister of Justice, Islamic Affairs, and Endowments shall issue the executive regulations that organize the work of the committee for familial guidance.

Book 1

Marriage

Part 1

The Engagement

Article -17-

1- The engagement is a proposal to marry and a promise of it and this is not considered a marriage.

2- It shall be prevented the engagement of the prohibited woman even if it is a temporary proscription. It shall be permissible to implicit the engagement of a woman

in the waiting period (Al Ida't) for the death of her husband.

Article -18-

- 1- Each of the two parties shall have the right to renounce the engagement. If the renouncement of the engagement by one of the parties entails harm without exigency, the other party shall have the right to claim indemnity for harm inflicted on him. The party causing the renouncement shall receive the fair judgement.
- 2- If one of the two parties renounced the engagement or he dies, he shall retrieve the dowry he paid in kind or its value at the time of receipt if it is impossible to retrieve it in kind.
- 3- If the fiancée bought with the total or some of her dowry's amount furnishings then the fiancé renounced the engagement, she shall select between returning the dowry or delivering its equitable of the furnishing at the time of purchase.
- 4- It shall be considered of the dowry the presents, which are customarily considered of it.
- 5- If one of the two parties renounces the engagement and there is no condition or custom, and it was without reason he shall not have the right to retrieve anything of what he offered to the other party. However, the other party shall have the right to retrieve what he offered.
- 6- If the renouncement was due to a reason he shall have to take back what he offered if it is still existing or its value on the day of receipt if it is perishable or consumable and the other party shall not have the right to retrieve.
- 7- If the engagement ends with the relinquishment of the two parties, each of them shall retrieve what he offered the other if it is still existing.
- 8- If the engagement ends with death, or due to a reason for which non of the parties caused it or an obstacle that shall prevent marriage, he shall not retrieve any of the gifts.

Part Two

The General Regulations For Marriage

Article -19-

Marriage is a contract that means the legitimate permission that one of the married spouses enjoys the other, whose aim is virtuousness and the establishment of a stable family under the care of the husband on basis that shall guarantee to them the bearing of its responsibility cordially and compassionately.

Article -20-

- 1- The spouses shall be obliged with their conditions except a condition that legalizes what is prohibited or prohibits what is lawful.
- 2- If it is conditioned in the marriage contract a condition that is in contradiction to its origin the contract shall be void.

3- If it is conditioned in the marriage contract a condition that does not contradict its origin but it contradicts its prerequisites or it was legally prohibited the condition shall be void and the contract shall be valid.

4- If it is conditioned a condition that does not contradict its origin or its prerequisites, and is not legally prohibited the condition shall be valid and shall have to be met. In case the person upon whom is imposed the condition violates it; the person who imposed the condition shall have the right to require the annulment of the marriage whether this is from the side of the wife or the side of the husband. The husband shall be exempted from Idat's* alimony (the period during which a widow or a divorcee may not remarry) if the violation is on the part of the wife.

5- If one of the married spouses imposed a condition that a certain description is found in the other, and it is revealed the contrary, the one who imposes shall have the right to require the revocation of the marriage.

6- It shall not be taken into consideration any condition when denying except if it is provisioned in writing in the authenticated marriage contract.

7- It shall abate the right to annul with the abatement on the part of its owner or his expressed or implicit acceptance of the contrary. It shall be considered in the rule of implicit satisfaction the elapsement of one year since the occurrence of the violation with the knowledge of it and also the irrevocable divorce.

Article -21-

1- It shall be condition in the marriage requirements that the man is suitable to the woman at the time of the contract only. Each of the woman and her guardian shall have the right to require the annulment at the compatibility's loss. The cessation of adequacy after the contract shall not affect it.

2- In case the two engaged parties are incompatible in respect of age and the fiancé's age is double the fiancé's age or more, the marriage shall not be concluded except with the approval of the two engaged persons and their knowledge and after the permission of the judge. The judge shall have the right not to permit it unless there is an interest in this marriage.

Article -22-

The decisive in compatibility is the religion righteousness of the husband. However, customs shall be taken in consideration when deciding compatibility in other than religion.

Article -23-

1- Compatibility is a right for every woman and her guardian who is of full capacity.

2- The furthest from the guardians shall not have the right to object to incompatibility except when the non-existence of the nearest or his incapacity.

Article -24-

If a man alleges his compatibility or simulated what he can mislead with it, or compatibility was conditioned in the contract then it appeared following this that he is unsuitable, both of the wife and her guardian shall have the right to request annulment.

Article -25-

It shall abate the right to require annulment for incompatibility if the wife becomes pregnant or a year elapsed after knowing with the marriage, or the precedence acceptance of the person who has the right to request annulment.

Article -26-

The guardian shall not have the right to require annulment for the decrease of the dowry from the equivalent's dowry.

Article -27-

1- The marriage shall be officially authenticated. It shall be permissible for a certain fact to prove marriage with a legislative proof.

2- It shall be a condition to conclude a marriage contract to submit a report from a competent medical committee that shall be formed by the Minister of Health, that indicates freedom of diseases due to which the separation request is stipulated by this law.

3- The marriage contract shall be authenticated by the marriage officers (Maazouns), and the minister of Justice, Islamic Affairs and Endowments shall issue their special regulations.

Article -28-

1- A guardian shall not conclude the marriage of an insane, or imbecile or who are likewise them except with a permission from the judge and meeting the following conditions

V

a- The acceptance of the other party to marry him after viewing his condition

b- His illness shall not pass from him to his descendents.

c- There is an interest for him in his marriage.

2- Both conditions A and B shall be ascertained by the report of the committee of those concerned, which shall be formed by the Minister of Justice, Islamic Affairs and endowments in coordination with the Minister of Health.

Article -29-

Squanderer males who reach adulthood age or who become profligate shall have the right to marry himself. The guardian over money shall have the right to object to what exceeds the equivalent dowry. It shall be exempted from this the waiving of the financial rights entailed by the marriage.

Article -30-

1- It shall be completed the capacity for marriage by intellect and adulthood. The adulthood age is eighteen years of age exactly for those who have not reached puberty before this.

2- The person who reached puberty but has not completed eighteen years of age shall not marry except with the permission from the judge and after verifying the interest.

3- If the person who completes eighteen years of age requires marrying and his guardian refrained from marrying him, it shall be permissible for him to bring the matter before the judge.

4- The judge shall decide a period for the attendance of the guardian after notifying him to declare during it his statement. If the guardian does not actually attend or his objection is not admissible the judge shall marry him.

Article -31-

The person who marries according to the regulations of Article 30 of this law shall gain the capacity in respect of all that is related to the marriage and its effects. It shall be exempted from this the abatement of the financial rights entailed by the marriage.

Article -32-

The guardian in marriage is the father then the agnation himself according to inheritance order, the son, the brother then an uncle (the father's brother). If two guardians are equal in nearness it shall be permissible that either of them conduct the marriage according to his conditions, and the designated shall be the person whom was authorized by the fiancée.

Article -33-

It shall be a condition that the guardian is a male, sane and adult, who is not prohibited in a pilgrimage or in an Omra (small pilgrimage), and Muslim if the guardianship is over a Muslim.

Article -34-

If the nearest custodian is absent a decisive absence or his location is ignored, or he could not be contacted, the guardianship shall move to who follows him according to permission from the judge. In case of detainment it moves to the judge.

Article -35-

The judge is the guardian of the person who has no guardian.

Article -36-

The judge shall not have the right to marry to himself the person, over whom he has the guardianship, nor to his ascendant, nor to his descendent.

Article -37-

1- The proxy shall be permissible in a marriage contract.

2- The agent shall not have the right to marry his mandator to himself except if this is stipulated in the proxy.

3- If the agent exceeds his proxy's limits in the marriage the contract shall be stopped.

Part 3

The Basis and The Conditions

Article -38-

The bases of the marriage contract are

- 1- The two contracting persons (the husband and the custodian).
- 2- The location.
- 3- The offer (Ijab) and acceptance.

Chapter 1

The Spouses

Article -39-

The guardian of the adult woman shall undertake her marriage contract with her acceptance, and the marriage officer (maazoun) shall sign on the contract. The contract shall be void without a guardian. If he copulated with her they shall be separated, and the born infant's lineage shall be established.

Article -40-

It is conditioned for the conclusion of a marriage that the woman is not perpetually or temporarily prohibited to the man.

Chapter 2

The Contract's Form

Article -41-

It shall be a condition for the offer and acceptance that

- 1- They are with the words of giving in marriage or marrying off.
- 2- They are executive and not indicating timing. The marriage pending on a condition not realized shall not be concluded neither the executory marriage nor the marriage for enjoyment or the temporary marriage.
- 3- The acceptances of the offer expressly or implicitly together with the staying of the two contracting persons with their capacities till the conclusion of the contract.
- 4- The uniform of the contract session between the attendees verbally, and the occurrence of the acceptance immediately after the offer (Ijab). As regards the absentees it shall be with the occurrence of the acceptance during the session of reciting the book before the witnesses or making them hear its content or informing the messenger. The acceptance shall not be considered slacking from acceptance if they are not separated by what is indicative of relinquishment.
- 5- The offer (Ijab) shall remain valid till acceptance is given, and the offerer shall have the right to retract prior to its pronouncement.
- 6- Both contracting attendees shall hear the other's versation, and shall know that it is

meant by it marriage even if he does not understand the meanings of the words.
In case of incapacity of pronunciation, writing shall substitute it. If it is impossible then it will be understandable signs.

Chapter 3

Forbidden Issues

Topic 1

Permanently Forbidden Issues

Article -42-

A person shall be forbidden to marry due to agnation

- 1- His ancestors in line.
- 2- His descendants in line.
- 3- The descendants of one of his parents or both of them in line.
- 4- The first level of one of his grandfathers or grandmothers descendants.

Article -43-

A person shall be forbidden, due to affinity, to marry

- 1- A woman who was married to one of his ancestors in line, or the husband of one of his lineal descendents in line.
- 2- The woman's ascendants in line.
- 3- The descendants of his wife with whom he consumed his marriage in line.

Article -44-

It shall be forbidden for a person his lineal descendant from adultery in line and his denied daughter for anathema.

Article -45-

It shall be forbidden for a man to marry whom he anathemized after the completion of the anathema.

Article -46-

It shall be forbidden for lactation what is forbidden due to lineage or affinity except what is legislatively exempted and this is according to two conditions:-

- 1- That suckling occurred during the two first years.
- 2- That suckling reached five separated suckles.

Topic Two

The Temporarily Forbidden Relations

Article -47-

The temporarily forbidden relations are:-

- 1- To combine, even during the Ida't (the period during which a divorced woman or a widow cannot marry) between two women if any of them is the next of kin of the

other, he shall have to refrain from marrying the other.

2- To combine between more than four women.

3-The wife of another man.

4- The wife of the other man during her waiting time (Ida't).

5- The woman who was divorced three times of a final separation. Her divorcee cannot marry her except after the elapsement of her Ida't (the period of waiting) from another husband that actually consummated marriage with her in a true marriage.

6- The forbidden woman for pilgrimage or the small pilgrimage (Omra).

7- The non-Moslem woman except if she is adherent of a revealed religion (Christian, Judaism).

8- The marriage of the Muslim woman with a non Muslim.

Chapter 4

The Contract's Conditions

Article -48-

1- It shall be conditioned for the soundness of the marriage the attendance of two men-witnesses, who are sane, who hears the statements of the contracting parties, and understanding that marriage is meant by them.

2- It shall be conditioned that the witnesses are Muslims. It shall suffice when necessary the testimony of two who are adherent of revealed religions for the marriage of the Muslim with a woman adherent to a revealed religion.

Chapter Five

The Dowry

Article -49-

The dowry is what the husband offers of valued money for the intention of marriage. Its minimum is of no limit, and its maximum is governed by the law for deciding dowries.

Article -50-

The dowry is the woman's ownership. She shall dispose of it as she wishes, and it shall not be taken into consideration any contradicting condition.

Article -51-

1- If the dowry is properly named in the contract it shall be due to the woman this nomination.

2- If its not named to her in the contract a dowry or is named an untrue name or it is originally negated, it shall be due to her the equivalent dowry.

Article -52-

- 1- It shall be permissible to expedite the dowry or to postpone it all or part of it till the time of the contract.
- 2- The dowry is due with the sound contract, and this is ascertained with consummation or the proper marital seclusion, or death. The deferred of it shall be due for death or for separation.
- 3- The divorced woman shall be due prior to consummation of marriage half the dowry if it is enumerated, otherwise the judge shall rule a compensation that shall not exceed half the equivalent dowry.

Article -53-

- 1- The wife shall be entitled to refrain from consummating the marriage till her dowry is immediately paid to her.
- 2- If the wife accepts to consummate the marriage prior to receiving her dowry from the husband it is a debt on him.

Chapter 6

The Joint Rights

Article 54-

The rights and duties exchanged between the spouses are

- 1- The lawful enjoyment of each of the spouses with the other in respect of what legislation allowed.
- 2- The legal cohabitation.
- 3- Good association, exchanged respect and compassion, and to safeguard the wellbeing of the family.
- 4- Taking care of the children, and raising with what shall guarantee their sound upbringing.

Article -55-

The rights of the wife on the part of the husband

- 1- The alimony.
- 2- Not to prevent her from completing her education.
- 3- Not to prevent her from visiting her ascendants, her descendants, and her sisters, and receives them with compassion.
- 4- Not to interfere with her private money.
- 5- Not to harm her materially or morally.
- 6- Justice between her and the remaining wives if the husband has more than one wife.

Article -56-

The rights of the husband on the wife

- 1- To obey him with courtesy.
- 2- To supervise the house and safeguard its contents.
- 3- To suckle her children from him except if there was an obstacle.

Part Four

The Kinds of Marriage

Article -57-

The marriage is either the true or the unsound, and the unsound includes the corrupt and the void.

Article -58-

- 1- The true marriage is the one in which the basis and conditions are met and its deterrents are not existent.
- 2- The true marriage shall entail its effects as from its conclusion.

Article -59-

- 1- The corrupt marriage is the one with faultiness of some of its conditions.
- 2- The corrupt marriage shall not entail any effect prior to consummation.

Article -60-

The following effects shall be entailed by the corrupt marriage after consummation:-

- 1- The minimum of the determined dowry and the equivalent dowry.
- 2- Lineage establishment.
- 3- Affinity's inviolability.
- 4- Al Ida't (the period of waiting for the divorced or widowed woman)
- 5- The Alimony so long as the woman ignores the corruption of the contract.

Article -61-

- 1- The corrupt marriage is the one that has some of its conditions defective.
- 2- The void marriage shall not entail any effect unless this law provides otherwise.

Part 5

Effects of Marriage

General Regulations

Article -62-

- 1- The adult woman is free to dispose of her monies. It shall not be permissible for the husband to dispose of her monies without her consent, as each of them has an independent financial status, If one of them participates with the other in increasing money, or building a house or else, he shall have the right to claim his share in it from the other on divorce or death.

2- The donation and what is ruled as likewise shall be equalized between the children and the wives unless there is an interest, which the judge shall estimate. If it is not equalized, the judge shall equate between them and take it out from the legacy.

Chapter 1

The Alimony

Article -63-

1- Alimony shall include food, clothing, residence, medical treatment and service for the wife if she is the one that is serviced in her family and what the marital companionship necessitates of compassion.

2- It shall be considered when estimating alimony the opulence of the spender, the status of the person disbursed on, the economic position at the time and place, provided it shall not be less than the minimum subsistence level.

3- It shall be sufficient the inspection certificate to judge all kinds of expenses, the nursery fee, the residence rent, and the conditions on which depend the ruling of anything of the aforementioned.

Article -64-

1- It shall be permissible the increase or decrease of alimony according to the circumstances' changes.

2- It shall not be heard the case for increase or decrease prior to the elapement of one year since imposing the alimony save the exceptional cases.

3- It shall be computed the increase or decrease of the alimony as from the date of the judicial claim.

Article -65-

The continued alimony shall have a privilege over the other debts.

Topic 1

The Matrimonial Alimony

Article -66-

The alimony shall be an obligation to the wife on the part of her husband according to the true contract if she gave herself to him even implicitly.

Article -67-

The wife's alimony shall be decided as from the date of abstainment from its provision. This is together with being an obligatory debt on the husband without depending on judiciary or mutual agreement. It shall not abate except by settlement or acquittal.

It shall not be heard a case for it in respect of a previous period that exceeds three years as from the date of raising the case unless it is imposed by mutual consent.

Article -68-

The judge shall have the right to decide upon the request of the wife a temporary alimony for her. His judgement shall be summary self-executing by the force of the law.

Article -69-

The alimony and residence are due to the divorced woman by a revocable divorce or an irrevocable divorce and she is pregnant. It is also due to the divorced woman by an irrevocable divorce and she is not pregnant but for residence only.

Article -70-

There is no alimony for the widowed woman but she is entitled residence in the conjugal home during the period of Ida't (the waiting period).

Article -71-

The alimony of the wife shall abate in the following cases

- 1- If she denies herself to her husband or abstained from moving to the legal conjugal home without a legal excuse.
- 2- If she leaves the conjugal home without a legal excuse.
- 3- If she prevents the husband from entering the conjugal home without a legal excuse.
- 4- If she refrained from travelling with her husband without a legal excuse.
- 5- If it is passed a judgement or a rule from the court that is custodial in respect of a right not belonging to the husband and it is being executed.

Article -72-

- 1- It shall be permissible for the wife to go out of the house in cases when it is legally or customarily, or to allow her to go out or according to necessity. This shall not be considered a violation to due obedience.
- 2- It shall not be considered a violation of due obedience, going out for work if he married her while she was working, or approved her work after marriage or she set this as a condition in the contract. The marriage officer (maazoun) shall have to verify this condition when concluding the contract. This is unless something occurs which renders the execution of the condition in contradiction to the family's interest.

Article -73-

The obligation with the wife's alimony shall abate with

- 1- Settlement.
- 2- Acquittal.
- 3- The death of one of the spouses unless a judicial rule was passed for it.

Article -74-

The husband shall have to prepare for his wife at his location an appropriate residence that is compatible with their conditions.

Article -75-

The wife shall reside with her husband in the house that he prepared, and shall move from it when he moves, unless she sets an otherwise condition in the contract, or it is meant by moving inflicting harm on her.

Article -76-

1- The husband shall have the right to bring to reside with his wife in the conjugal home his parents and his sons from another woman when he is obligated to provide for them, provided the wife shall not be harmed from this.

2- The wife shall not be entitled to have her children from another man residing with her in the conjugal home, unless they have no other custodian but her, or they will be harmed from being separated from her, or the husband shall expressly or implicitly consent to this. He shall have the right to retract if this harms him.

Article -77-

The husband shall not have the right to bring a second wife to live with his wife in the same residence except if she agrees to it. She shall have the right to retract if she is harmed from this.

Topic 2

The Kinship Provision

Article -78-

1- The provision for the young child who has no money shall be on his father. This is till the girl marries, and the boy reaches the level where his similar earns their livings. This is unless he is a student who is continuing his studies with usual success.

2- The provision of the older boy who is unable to earn his living due to incapacity or others shall be on his father, unless he has money from which he can spend.

3- The female's provision revert to the father if she is divorced or her husband died, unless she has money or someone else is obligated to provide for her.

4- If the child's money does not meet his expenses, his father is obligated with what completes it among the previous conditions.

Article -79-

The father is obligated with the suckling costs of his child if it is impossible for the mother to suckle him, and this shall be considered as of the alimony.

Article -80-

The provision of the child shall be on his rich mother if he loses the father and he has no money or he is incapable of providing. She shall have the right to claim from the father what she spent if he becomes wealthy and the disbursement was with his or the judge's permission.

Article -81-

1- The wealthy child, whether male or female, old or young shall be obligated with his parent's provision if they do not possess money from which they can spend.

2- If the parent's money does not meet the expenses, the wealthy children shall be obligated with what completes it.

Article -82-

1- The provision of the parents shall be distributed on their children according to the wealth of each of them.

2- If one of the children provides his parents with his approval he cannot claim it from his brothers.

3- If the agreement is after passing a judgement against them with the provision, he can reclaim from each one of them according to the judgement, if he provided them with the intention of reverting on them.

Article -83-

If the earning of the child does not exceed his, his wife's and children's requirements, he shall be obligated to join his parents who are due the provision to his family.

Article -84-

The provision shall be entitled by every person who is due it from those who inherits him of his wealthy relatives according to their orders and their inheritance shares. If the inheritor is insolvent it shall be imposed on who follows him in inheritance. This is together with taking into consideration the regulations of both articles 80 and 81 of this law.

Article -85-

If there are several persons who are due the provision, and the person who is obligated to provide them is incapable of spending on all of them, the wife's alimony shall precede then the children's provision, followed by the parent's' provision and the relatives' provision.

Article -86-

1- It shall be imposed the relatives' provision other than the children as from the date of the judicial claim.

2- It shall not be heard the claim for the children provision from their father for a previous period that shall exceed one year as from the judicial claim's date.

Topic 3

The Provision of The Person Who Has No Provider

Article -87-

The state shall undertake the provision of the person who has no provider.

Article -88-

The provision of the foundling of anonymous parents shall be of his money if it found that he has money. If he has no money and no one voluntarily contributes to his provision, his provision shall be on the state.

Chapter 2

Lineage

Article -89-

Lineage is established with matrimonial bed, or the statement or the proof or through scientific methods if it is established with the matrimonial bed.

Article -90-

1- The child is attributed to the matrimonial bed if it elapsed on the true marriage contract the least period of pregnancy and it could not be established the impossibility of meeting between the two spouses.

2- The lineage of the born shall be established by the copulation with doubt, if he is born following the least pregnancy period as from the date of copulation.

3- The lineage of every born infant shall be established to his mother immediately on the establishment of birth.

4- If the lineage is legally proven it shall not be heard the case for its denial.

Article -91-

The minimum pregnancy period is one hundred and eighty days and the maximum period is three hundred and sixty five days unless otherwise is decided by a medical committee formed for this purpose.

Article -92-

1- The filiation statement, even in death sickness shall establish lineage unless the recognized is from adultery, and this shall be according to the following conditions

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a- The recognized is of anonymous lineage.

b- The confessor is a sane and a free will adult.

c- The age difference between the confessor and the recognized can bear the soundness of the statement.

d- The recognized who is a sane adult believes the confessor.

2- The attachment is a filiation confirmation issued by a father to a recognized person that is not from adultery, and it shall not be sound to attach to the grandfather.

Article -93-

If the confessor is a married woman or in the waiting period (Al Ida't), the lineage of the child shall not be established to her husband except if he believes her or she established proof for this.