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للدراستات الاجتماعية



Saudi Social Studies Society (ssss)

Marriage Customs in Muslim Countries

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Mainstream interpretation reinforces the idea of dividing roles and a patriarchal system.

Islam has explicitly articulated:

- 1- Marriage as: intimacy, love, security
- 2- Sexual relationship etiquette
- 3- Marriage dissolution: civilized, amicable



The Spouses' Rights and Obligations

The Wife's Rights

Maintenance and residence

Living together in kindness

Patience and tolerance

Husband will defend her

Representing his honour

Husband will not engage in aggressive or hostile actions against her

Teaching and advising her

Honouring the conditions stipulated by the wife



Problems related to marriage and family in Islamic countries

**Divorce
is the challenge to marriage**



Although Islam and tradition discourage divorce, family dissolutions have been increasing significantly in most of these countries over the last decade.

Divorce rate (per '000 population)

	2004	2014
Egypt	0.90	1.90
Iran	1.10	1.90
Jordan	1.90	2.50
Kuwait	2.30	1.70
Lebanon	1.10	1.40
Qatar	1.00	0.60
Saudi Arabia	0.90	1.10
Tunisia	1.00	1.20
Turkey	1.40	1.70
United Arab Emirates	0.80	0.50



Solutions

First: Awareness, education, link with development

Second: Legislative changes

Third: Positive environment



Fortunately, much movement and debate are currently happening in this area. Three reasons stand out. **First**, a number of forward-looking countries are addressing these problems and violations and have taken the lead in crafting equitable law codes.

Second, as part of the post-conflict nation-building process currently under way, issues related to constitutions and the law are receiving a great deal of expert and international attention.

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Third, improved communication is bringing about a better global exchange of ideas and knowledge, both within the Islamic world and internationally. This has enabled Muslim legal scholars to draw on a much broader and richer range of legal interpretations and build law codes that utilize the best elements from all of the recognized schools of law.



Steps towards successful marriage and family stability in Saudi Arabia

Changes in the court system:

(Sept. 2013) Issuance of a decision by the Minister of Justice, to create social service offices in all the courts of the Kingdom, to take part in providing social assistance and counselling for court reviewers looking into family and matrimony cases.

(Aug. 2014) Inauguration of specialized courts looking into personal status matters.

Steps towards successful marriage and family stability in Saudi Arabia

Changing the law:

(Sept. 2013) Promulgation of a law giving protection from family violence and harm, criminalizing all kinds of family violence against women and children and defining punitive sanctions against perpetrators.

(Aug. 2016) Issuance of guidelines by the Minister of Justice, requiring men who decline to pay alimony to women and children to be treated as aggressors and perpetrators of harming crimes.

(Aug. 2017) Enabling a mother to apply for a judicial warrant proving her custody of the children, without obliging her to file a suit against the father, in case the children are really in her custody, and in case there is no litigation over their custody, provided that the mother presents to the court the legal proofs of her ability to be a custodian for her children and that the children are really in her custody.

Steps towards successful marriage and family stability in Saudi Arabia

Facilitating women's access to the legal system:

(Nov. 2013) Allowing women to file lawsuits pertaining to personal status matters in the place of residence of the plaintiff or the defendant in order to facilitate them.

(Feb. 2014) Requirement by courts and judicial facilities to verify women's identity with the fingerprint system, rather than by obliging them to bring an ID.

(Dec. 2015) Allowing divorced women and widows to extract family records for themselves and for their children.

(Aug. 2016) Issuance of an order by the Minister of Justice to distribute two copies of the marriage contract, one for the husband and the other for the wife, in an attempt to preserve the woman's rights and facilitate procedures for her.

Civil society and nongovernmental organization activity

Mawaddah Women's Charity for the Reduction of Divorce and its Effects is one of the most active NGOs, which is leading an extensive initiative for family protection:

(2010) Created partnership with a legal firm to train female university graduates from law school to advocate for the rights of divorced women and their children.

(Apr. 2015) Inauguration of Mawaddah offices for legal assistance in civil status courts in each of Riyadh and Al Madina, and provision of these offices with legal and sharia female researchers who are qualified to provide legal consultation free during court revisions.

(Apr. 2016) Ministry of Justice adopted the proposal issued by the Mawaddah Charity on creating an "alimony fund", as part of the National Transformation Programme, to accelerate the implementation of the provisions pertaining to the alimony of the woman and her children.

Thank You