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**Paving the Road towards Gender Justice in Sudan**

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**Comparison between the Sudanese Personal Status law and some of the Family  
Laws in Arab Countries and its Impact on the Stability of the Family**

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## **Introduction**

Families constitute the core of a society. Thus, it is vital to establish a basis of equal partnership and social justice in the family and consequently the society as a whole. Since changes are inevitable in a society so should the law be viewed; as constantly in need of alterations and reform. This paper illustrates and compares some of the articles in the Sudanese personal law with similar articles in some of the Arabic family laws.

### **1. Definition of marriage**

Sudan Marriage is a contract between a man and a woman based on an internal intention, whereby both can sexually enjoy each other legitimately. In the Sudanese law, it is not necessary to register a marriage in a legal document.

Mauritania Marriage is a legal contract between a man and a woman for the sake of continuity with the purpose of chastity and childbirth in order to establish a family under the guardianship of the husband on strong basis that guarantee for the couple to perform their marital duties with respect and amiability.

The Mauritanian law states that a marriage needs to be registered with a legal contract unlike the Sudanese law.

Morocco Marriage is a document of mutual consent between a man and a woman for the sake of intention with the purpose of chastity and the establishment of a stable family under the care of the couples in accordance to the regulations of this code.

The Moroccan law states that all Moroccans have to register their marriage in a period of 3 months from the time of the marriage.

United Arab Emirates (UAE) Marriage is a contract whereby a couple can enjoy the other sexually with the purpose of chastity and the establishment of a stable family under the care of the husband on basis that ensures their tolerance of family duties with amiability and kindness.

The law states that all marriages must be registered officially.

The Sudanese personal status law concurs with the other laws in defining marriage as a contract based on an internal intention for the sake of sexual enjoyment. However, the other legislations have a broader definition of marriage that includes the stability of the family and the importance of amiability and kindness. Moreover, the Sudanese law doesn't include registering as marriage as a requirement. This creates many problems especially when it comes to establishment of descent and is therefore unjust for women.

### **2. Age of marriage**

The age of marriage is one of the most important and controversial issues. Early marriage is considered to be violence against children and women in general and has a deep negative psychological impact on children who are denied their right to a childhood, education in addition to the immense health issues that could occur.

Sudan The Sudanese personal status law did not clearly determine any age of marriage for a contract to be legal. Nonetheless, when it comes to tutelage, the maturity age is determined to be 10 years of age. This means that the Sudanese law allows child marriage.

Mauritania, UAE, Morocco, Jordan The age of marriage is 18 years.

### **3. Tutelage**

The Sudanese law states that tutelage is necessary for the validity of a marriage contract. It concurs with the Mauritanian law that tutelage is for the benefit of the woman and that a mature woman cannot be married against her will or without tutelage. The Emirati legislator states that a guardian is in charge of a mature woman's contract with her consent. In the Emirati law a contract is not legal without tutelage. The Moroccan legislator states that a mature woman has the right to marry herself or delegate her father or relative if she so desires.

The principle of tutelage reinforces the masculine mentality and robs women of their rights.

### **4. Custody**

The Sudanese legislator defines child custody as the protection of a child and its upbringing, education and nurture in a way that is not in contrast with the benefit of the guardian and the child. The Sudanese law agrees with the Emirati law when it comes to the definition of custody and the terms of custody that requires sanity and maturity as well as the ability to raise the child and ensure its safety from diseases as conditions of custody. However, the Emirati law has a broader definition since it states that the eligible person should not have criminal record. Custody is the right of the mother, and other female members and this is agreed upon in the Arabic laws. Nevertheless, there are cases when this is not applicable. In the Emirati law, mothers have the right to custody of a boy until he reaches the age of 10 and 13 years for girls. The court can increase this period if it is for the benefit of the child. The period may continue further if the child is mentally or physically diseased.

The Sudanese law states that mothers have the right to custody until the age of 7 for boys and 9 for girls.

### **5. Establishment of Divorce**

Establishment of divorce suits are the most common suits in Sudanese courts since the law does not require the husband to register the divorce in a court of law compared with other Arabic laws. The Egyptian and Jordanian law states that for divorce to be legal, it has to be registered with the presence of judge.

It is essential for the Sudanese legislator to reform this article and make registration of divorce a requirement with the presence of witnesses in order to ensure the rights of wives and their legal status.

## **Conclusion**

This comparison between the Sudanese law and the rest of the Arabic laws, clearly shows that the Sudanese law needs to be revised and reformed in order to reinforce the role of women in the family in a way that ensure their dignity and justice.

## **References**

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