



**Bureau of Experts at the Council of Ministers
Official Translation Department**

Family Law

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Translation of Saudi Laws

NOTES:

1. This translation is provided for guidance. The governing text is the Arabic text.
2. The translation of Saudi laws takes the following into consideration:
 - Words used in the singular form include the plural and vice versa.
 - Words used in the masculine form include the feminine.
 - Words used in the present tense include the present as well as the future.
 - The word “person” or “persons” and their related pronouns (he, his, him, they, their, them, and who) refer to a natural and legal person.



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Family Law

Part 1: Marriage

Chapter 1: Betrothal

Article 1

Betrothal is a proposal and promise of marriage.

Article 2

A betrothal may be canceled by a fiancé or fiancée.

Article 3

Anything which a fiancé or fiancée offers to the other during the betrothal period shall be deemed a gift, unless the fiancé specifically declares that what he offers is part of the dowry or is deemed as such according to custom.

Article 4

If the fiancé or fiancée decides to cancel the betrothal, he or she may not recover the gifts offered thereby. In such case, the other party may recover the gifts offered to the canceling party if they still exist or, if they do not exist, their equivalent or the value thereof on the date of receipt, unless such gifts are of a consumable nature.

If the betrothal ends by reason of death, or for any other reason beyond the control of either party, the gifts may not be recovered.

Article 5

1. If the fiancé or fiancée decides not to conclude the marriage contract or dies prior to concluding said a to the fiancée as part of the dowry, the fiancé or his heirs may recover said property if it still exists, or, if it does not exist, its equivalent or the value thereof on the date of receipt.
2. If the fiancée uses the dowry or part thereof to buy items as part of the marriage expenses, according to custom, and the fiancé cancels the betrothal for reasons not attributable to the fiancée or the fiancée cancels the betrothal for reasons attributable to the fiancé, the fiancée may choose either to return to the fiancé the dowry or deliver to him the items she had purchased in their current condition.

Chapter 2: General Provisions for Marriage

Article 6

Marriage is a contract with terms and conditions; it entails the rights and duties of spouses. Its purpose is to preserve a person's chastity and to establish a stable family cared for by the spouses with affection and kindness.

Article 7

For the application of this Law, *khalwa* shall mean a married couple privately meeting at a place where no discerning person is present.

Article 8

1. A marriage contract must be registered in accordance with applicable provisions by the spouses or one of them.
2. A party with interest may request the establishment of an unregistered marriage contract.
3. The marriage contract of a non-Muslim shall be registered with a notary; the Regulations of this Law shall set forth the relevant provisions.

Article 9

The marriage contract of a person under the age of 18 may not be registered. However, the court may authorize the marriage of a person under such age if the person has reached the age of puberty and the marriage is in his or her interest. The Regulations of this Law shall set forth relevant rules and procedures.

Article 10

A person who gets married in accordance with the provisions of Article 9 of this Law shall acquire the capacity to litigate in all matters related to the marriage and its effects, provided such person is of sound mind.

Article 11

The court may authorize the marriage of a person who is an idiot or a lunatic at the request of the guardian responsible for such person's marriage, upon the satisfaction of the following conditions:

1. The guardian provides a certified medical report on the person's idiocy or lunacy.
2. The other party to the marriage contract consents to the marriage after becoming aware of the person's idiocy or lunacy.
3. The marriage is in the interest of the person who is an idiot or lunatic.

Chapter 3: Elements and Conditions of the Marriage Contract

Article 12

The elements of the marriage contract shall be as follows:

1. The spouses: a man and a woman.
2. Offer and acceptance.

Article 13

For a marriage contract to be valid, the following conditions must be satisfied:

1. Identification of the spouses.
2. Consent of the spouses.
3. Acceptance of the guardian.
4. Verification of two witnesses.
5. The woman shall not be temporarily or permanently prohibited from marrying the man.

Article 14

1. A man's eligibility to marry a woman shall be a condition for the enforceability of the marriage contract but not its validity.
2. A man's eligibility at the time of concluding the marriage contract shall be determined based on his righteousness and considerations of custom.
3. Any relative with interest, up to the third degree, who is affected by the lack of eligibility may object to the marriage contract and the court shall review the objection.

Article 15

Subject to the provisions of Article 13 of this Law, a marriage shall be concluded by the verbal offering of marriage by the guardian and the verbal acceptance of the marriage offer by the husband where the word "marry" is explicitly pronounced. Such offer and acceptance shall be made in writing in case of inability to speak or by using a discernible sign in case of inability to speak and write.

Article 16

Offer and acceptance must satisfy the following conditions:

1. The acceptance expressly meets the offer.
2. They shall be made at the same meeting, whether actually, or constructively in accordance with relevant statutory provisions.
3. They shall be unconditional; they shall not be suspensive nor resolutive.

Article 17

1. Guardianship in a marriage shall be in the following order: the father, the father's trustee,



the paternal grandfathers in ascending order, the son, the son's male patrilineal descendants, the full brother, agnate brother, the sons of the full brother in descending order, the sons of the agnate brother in descending order, the full paternal uncle, the half-brother uncle, and their sons respectively in descending order, the closest relatives in order of inheritance, and finally the judge.

2. If guardians are of equal degree, the one designated by the woman shall serve as guardian in the marriage contract. If she does not designate a guardian, the marriage may be concluded by any of them.
3. A guardian, including the father, may not conclude the marriage contract of a woman under his guardianship without her consent; the marriage contract must indicate her consent.

Article 18

A marriage guardian shall be a male adult who is of sound mind and of the same religion as the woman. If any condition is not satisfied, the guardian next in order shall conclude the marriage contract.

Article 19

If a woman's guardian is unable to attend the meeting or cannot be notified, the court shall, at the request of the woman, transfer the marriage guardianship to the guardian next in order.

Article 20

If a guardian, including the father, precludes the marriage of a woman under his guardianship to an eligible person she consents to marry, the court shall assume such responsibility at the woman's request or the request of a person with interest. However, the court may transfer guardianship to another guardian, to serve a certain interest, or assign a licensed person, in accordance with the law, to conclude the contract.

Article 21

A witness must be an adult male who is of sound mind and who is able to hear and comprehend the meaning of the offer and acceptance, and he must be Muslim if the husband is Muslim.

Article 22

On grounds of consanguinity, marriage to the following persons shall be permanently prohibited:

1. Ascendants.
2. Descendants.
3. Descendants of parents.
4. First line of descendants of grandfathers or grandmothers.



Article 23

1. On grounds of affinity, a man shall be permanently prohibited from marrying the following women:
 - a) Maternal ascendants of the wife.
 - b) Daughters of the wife with whom he consummated the marriage.
 - c) Wives of his ascendants or descendants.
2. Intercourse in an invalid marriage invokes the same prohibition on grounds of affinity in a valid marriage.

Article 24

A man shall be permanently prohibited from marrying a woman against whom he made an oath of *li'an* [*li'an* is an act of imprecation whereby the husband accuses his wife of adultery and the wife denies such accusation] before the court, even if he recants his oath.

Article 25

Prohibitions of marriage on grounds of consanguinity shall also apply to prohibitions of marriage due to breastfeeding, provided that the following conditions are satisfied:

1. Breastfeeding takes place in the first two years of birth.
2. Breastfeeding consists of five definite and separate feedings, even if they take place in a short span of time.

Article 26

Marriage shall be temporarily prohibited in the following cases:

1. The marriage of a man to a woman observing *iddah* [the period during which a widow or divorcee may not marry another man due to the death of or marital separation from the husband].
2. The marriage of a man to his divorcee, whom he has divorced in a major irrevocable divorce, subject to the provisions of Article 85 of this Law.
3. The marriage of a man to more than four women, even if one of the women is still observing *iddah* following a revocable or irrevocable divorce or a dissolution of marriage.
4. The marriage of a man to his wife's sister, or to his wife's paternal or maternal aunt.
5. The marriage of a man while in the state of *Ihram* for Hajj or Umrah before ending his *Ihram*.
6. The marriage of a Muslim man to a non-Muslim woman, unless she is of the People of the Book (*Kitabiyya*).
7. The marriage of a Muslim woman to a non-Muslim man.

Article 27

1. Spouses shall abide by the conditions they agree upon.
2. A condition shall not establish grounds for the dissolution of a marriage contract, unless



the condition is stated in the marriage contract or acknowledged by the spouses.

Article 28

If a spouse fails to fulfill the conditions of the other spouse in accordance with the provisions of Article 27 of this Law, the latter may request the dissolution of the marriage contract at any time, unless he or she explicitly forfeits such right.

In case of non-fulfillment by the husband, the dissolution shall be without compensation; in case of non-fulfillment by the wife, the compensation shall not exceed the dowry.

Article 29

1. If a marriage contract includes a condition that affects its continuity, or if its conclusion is conditional upon the conclusion of another marriage contract, the marriage contract shall be deemed void.
2. Subject to paragraph (1) of this Article, if a condition contradicts the purpose of the marriage contract, such condition shall be deemed void, but shall not affect the validity of the contract.

Article 30

Types of marriage:

1. A valid marriage.
2. An invalid marriage, which includes the following:
 - a) A void marriage.
 - b) A defective marriage.

Article 31

A marriage contract shall be deemed valid if its elements and conditions are satisfied, and shall become effective from the date of its conclusion.

Article 32

A marriage contract shall be deemed void if it fails to satisfy any of its elements or conditions, or if it includes any of the conditions specified in Article 29(1) of this Law.

Article 33

1. A void marriage shall have no effect prior to consummation.
2. A void marriage shall, following consummation, entail the following:
 - a) Observance of *iddah*.
 - b) Prohibition of affinity relationships.
 - c) Entitlement of the woman to a dowry similar to that of a woman of equal status, unless the dowry is specified, provided she is not aware that the marriage contract is void.



Article 34

1. A defective marriage contract shall be dissolved by the court. Such contract shall have no effect prior to consummation, except for a divorce effected by the husband; in such case, the divorce shall be deemed a minor irrevocable divorce.
2. A defective marriage shall, following consummation, entail the following:
 - a) Entitlement of the woman to the specified dowry.
 - b) Establishment of a child's paternity.
 - c) Observance of *iddah*.
 - d) Prohibition of affinity relationships.
 - e) Entitlement of the woman to alimony, unless she is aware that the marriage contract is defective.
 - f) A divorce effected by the husband shall be deemed a minor irrevocable divorce.
3. The effects of a defective marriage shall apply to a void marriage following consummation if the spouses are not aware that the marriage contract is void.

Article 35

Spouses may conclude a new marriage contract that satisfies the required elements and conditions without a judicial ruling to dissolve the previous defective or void contract, subject to applicable registration procedures.

Article 36

Dowry is the property or money paid by a man to a woman under the marriage contract.

Article 37

Any item deemed as property may be used as dowry.

Article 38

The dowry shall be the property of the woman, and she may not be compelled to dispose thereof in any manner.

Article 39

1. The marriage contract may provide for the deferral of the dowry in whole or in part.
2. If a marriage contract does not provide for the deferral of the dowry nor specifies a date for delivery thereof, the dowry shall be delivered upon request.
3. If a marriage contract provides for the deferral of the dowry, the following shall apply:
 - a) If a specified date is provided, the dowry shall be delivered on such date.
 - b) If no specified date is provided, the dowry shall be delivered expeditiously.
 - c) If no date is provided, the dowry shall be delivered in the case of irrevocable separation or upon the death of either spouse.



Article 40

1. A dowry shall be due under a valid marriage contract.
2. A woman shall be entitled to a specified dowry or a dowry similar to that of a woman of equal status by consummation, *khalwa*, or the death of either spouse.
3. A woman divorced prior to consummation shall be entitled to half the dowry if the dowry is specified; otherwise, she shall be entitled to not more than half of the dowry of a woman of equal status.

Article 41

A woman shall be entitled to a dowry similar to that of a woman of equal status in the following cases:

1. Failure to specify a dowry.
2. A stipulation in the marriage contract denying delivery of a dowry.
3. Invalidity of the specified dowry.

Chapter 4: Rights of Spouses

Article 42

The obligations of each spouse toward the other shall be as follows:

1. Good treatment and mutual respect, which result in affection and kindness between them.
2. Not inflicting physical or emotional harm.
3. Not abstaining from intercourse or having children without the consent of the other spouse.
4. Living together in the matrimonial home.
5. Protecting the family's interests, caring for their children, and raising them properly.

A husband shall provide for his family, and shall, in case of multiple wives, treat them equally in terms of financial support and stay. A wife shall reasonably obey her husband and shall breastfeed their children, unless she is unable to do so.

Article 43

1. A wife may refuse to consummate the marriage and move to the matrimonial home until she receives the due dowry and until the husband prepares a suitable home. The wife shall be entitled to financial support during said period.
2. If a wife agrees to consummate the marriage prior to receiving the due dowry, such dowry shall be deemed a debt for which the husband is liable and may be claimed by the wife at any time. The wife may not, following such agreement, refuse to engage in intercourse if the husband prepares a suitable home.

Part 2: Effects of the Marriage Contract

Chapter 1: Financial Support

Article 44

1. Each person shall be financially responsible for himself, except for a wife, who shall be supported by her husband, even if she is of good financial standing.
2. If a person of unknown parentage has no money and receives no financial support, the State shall provide such support.

Article 45

Financial support is one of the rights to which supported persons are entitled; it shall include food, clothing, and housing as well as basic necessities deemed as such according to custom and relevant statutory provisions.

Article 46

Financial support shall be determined in light of the supported person's circumstances and the supporter's financial ability.

Article 47

1. Financial support may be provided in the form of cash.
2. Financial support may take the form of an in-kind payment or a benefit.

Article 48

1. Subject to Article 46 of this Law, financial support may be increased or decreased according to changes in circumstances.
2. A claim to increase or decrease financial support may not be heard prior to the lapse of one year from the date on which the financial support judgment is issued, save for exceptional circumstances as determined by the court.
3. The increase or decrease of financial support shall take effect from the date the judgment is issued.

Article 49

The wife, children, and parents shall be entitled to permanent financial support as of the date of filing the claim. Said financial support shall be deemed a privileged debt with priority over all other debts; any previously unpaid financial support shall be subject to provisions governing other debts.

Article 50

A claim for financial support shall be filed in accordance with applicable provisions. The court



may, upon hearing a claim relating to permanent financial support, order the provision of temporary financial support for the beneficiary upon his request without requiring the appearance of the other party.

Article 51

Subject to Article 43 of this Law, a wife shall be entitled to financial support from her husband under a valid marriage contract if she enables him to consummate the marriage, whether actually or constructively.

Article 52

1. A wife's right to financial support shall be forfeited only by payment or acquittance.
2. A wife's claim for unpaid financial support shall not be heard for a period exceeding two years prior to the date of filing the claim.

Article 53

1. A woman observing *iddah* following a revocable divorce shall be entitled to financial support until the end of *iddah*.
2. A woman observing *iddah* following an irrevocable divorce shall not be entitled to financial support, unless she is pregnant. In such case, she shall be entitled to financial support until giving birth.

Article 54

1. A woman observing *iddah* following the death of her husband shall not be entitled to financial support, unless she is pregnant. In such case, she shall be entitled to financial support from the unborn child's share of the inheritance until she gives birth. If said child has no inheritance, the woman shall be entitled to financial support from the heirs of the child.
2. A woman observing *iddah* following the death of her husband shall be entitled to continue to reside at the matrimonial home during *iddah*.

Article 55

A wife's right to financial support shall be forfeited if she, without a legitimate excuse, abstains from intercourse with her husband or refuses to move to the matrimonial home or spend the night therein or travel with her husband.

Article 56

A wife shall reside with her husband at an appropriate matrimonial home, unless she stipulates otherwise in the marriage contract.

Article 57

1. A husband may allow his parents and his children from another marriage to live with his wife in the matrimonial home if he is required to financially support them, provided this does not result in any harm to the wife.



2. The wife's children from a previous marriage may live with her in the matrimonial home if they have no other custodian; if they would be harmed if separated from her; or if the husband explicitly or implicitly consents thereto, and the husband may withdraw his consent if he sustains harm therefrom.
3. If the spouses co-own or jointly rent or provide the matrimonial home, neither spouse shall accommodate any other person therein without the consent of the other spouse.

Article 58

1. A father shall be solely responsible for providing financial support to his children who have no financial resources, provided that the father is of good financial standing or is able to earn a living.
2. Without prejudice to paragraph (1) of this Article, financial support shall continue to be provided to a son until he reaches the age at which his peers are able to earn a living and to a daughter until she gets married.

Article 59

If a father is of good financial standing but fails to provide for his children or is absent and does not have financial resources to support them, the mother shall provide for the children if she is of good financial standing. If the mother is insolvent, financial support shall be provided by the person obligated to provide for the children if the father is destitute. Such person may, at the time of providing financial support, deem such support a debt for which the father is liable. A claim to recover the debt may not be heard for financial support provided more than one year prior to the date the claim is filed.

Article 60

Subject to Article 59 of this Law, the financial support of a child shall, upon his father's death, absence, or insolvency, be provided by the father's heirs, who are of good financial standing, according to their shares in the inheritance.

Article 61

A father of an infant child shall pay breastfeeding costs for two years if the mother is unable to breastfeed the child or if she is no longer married to the father; such costs shall be deemed part of the financial support.

Article 62

Full or supplementary financial support for parents who are not financially capable shall be borne by their children who are of good financial standing, each according to his share of the inheritance, irrespective of their age, even if the parents are capable of earning a living.

Article 63

If a son or daughter provides financial support to either parent or both and he or she does not intend to recover such support from his or her siblings, he or she may not file a claim therefor. However, he or she may file such claim if, at the time of providing financial support, he or she intends to recover such support from his or her siblings in an amount exceeding

his or her share of the financial support. Such claim may not be heard for financial support provided more than 180 days prior to the date the claim is filed.

Article 64

Without prejudice to the provisions provided in this Law relating to financial support of children and parents, any person who is entitled to financial support and is unable to earn a living shall be provided for by his heirs who are of good financial standing, according to their shares in the inheritance.

Article 65

If multiple persons are entitled to financial support and the person obligated to provide such support is unable to provide for all of them, priority in providing financial support shall be in the following order: the wife, children, parents, then other relatives according to closeness of kinship.

Article 66

Subject to Article 59 of this Law, a relative's financial support shall be forfeited upon the lapse of the stipulated period, unless the financial support is provided by a person who is not obligated to provide such support and who intends to recover it. A recovery claim may not be heard for financial support provided more than 180 days prior to the date the claim is filed.

Chapter 2: Paternity

Article 67

1. Subject to Article 34 of this Law, the paternity of a child shall only be established by birth under a valid marriage contract, by acknowledgement, or by evidence.
2. The maternity of a child shall be established by proof of birth.

Article 68

1. The paternity of a child shall be established if the child is born during a valid marriage contract or after its termination but prior to the lapse of the maximum gestation period, unless it is proven that it is impossible for the spouses to be together.
2. The maximum gestation period is ten months; the court may rule otherwise based on a certified medical report.

Article 69

For the establishment of paternity through acknowledgement, even during a fatal illness, the following conditions must be satisfied:

1. The acknowledging person is an adult who is of sound mind and acting out of his own volition.
2. The child is of unknown parentage.



3. The acknowledged child accepts the acknowledgment, if the child is an adult of sound mind.
4. The age difference between the acknowledging person and the acknowledged child makes the acknowledgement plausible.
5. It is established that the child is born under a valid or defective marriage contract, if the acknowledgement is made by the father.
6. Paternity is established by a DNA test.

Article 70

The court may, in exceptional cases, in disputes over establishing the paternity of a child, or at the request of a competent agency, order a DNA test in accordance with applicable rules. The court shall rule on the basis of the test results, provided that said ruling is issued upon verification of the following:

1. The child is of unknown parentage.
2. The age difference makes paternity of the child plausible.

Article 71

If the acknowledging person is a woman, the paternity of a child from her current or former husband may not be established unless the husband acknowledges the paternity pursuant to the conditions provided for in Article 69 of this Law, or if it is proven that the birth occurred under a valid or defective marriage contract.

Article 72

If paternity is established in accordance with the provisions of Article 67 of this Law, a claim denying paternity may not be heard.

Article 73

In cases in which the paternity of a child is established by birth under a marriage contract, a man may not deny the paternity of a child except by filing a *li'an* claim, provided that the following two conditions are satisfied:

1. The claim is filed within 15 days from the date he becomes aware of the birth.
2. The denial is not preceded by an explicit or implicit acknowledgement of his paternity of the child.

Article 74

1. If a *li'an* claim is filed to deny the paternity of a child, the court shall hear such claim after a DNA test is conducted based on its order, provided the woman agrees to the test.
2. If the woman does not agree to a DNA test, the court shall continue to hear the *li'an* claim without conducting the test.
3. A *li'an* to deny the paternity of a child before the court shall be made in accordance with Sharia-prescribed wording. If the man makes an oath of *li'an* and the woman refuses to do the same, the court shall issue its ruling without her oath.

Article 75

A *li'an* shall, subject to the results of the DNA test conducted in accordance with the provisions of Article 74 of this Law, entail negation of the paternity of a child. The paternity of a child shall be established even after a ruling of negation is made thereon if the man recants his oath; in such case, any recantation made thereafter shall not be accepted.

Part 3: Separation of Spouses

Chapter 1: General Provisions of Separation

Article 76

Separation of spouses shall occur in the following cases:

1. Divorce.
2. *Khul'* (divorce at the request of the wife).
3. Dissolution of the marriage contract.
4. Death of either spouse.
5. Oath of *li'an* made by the spouses.

Chapter 2: Divorce

Article 77

Divorce is the dissolution of a marriage contract at the will of the husband expressed by the wording which denotes divorce.

Article 78

The wording which denotes divorce is of two types:

1. Explicit, namely using the word "divorce" or a word derived therefrom.
2. Implicit, namely using wording that is likely to mean divorce if used by the husband with the intent of divorce.

Article 79

Divorce shall take effect if expressed verbally or in writing, or by a discernible sign in case of inability to speak or write.

Article 80

Divorce shall not take effect in the following cases:

1. Divorce by a person who is not of sound mind or a person under duress.



2. Divorce by a person who intentionally renders himself mentally incapacitated, even by using forbidden substances.
3. Divorce by a person who is in a state of anger where he cannot control his words.
4. Divorce during the menstruation period, postpartum period, or period of purity during which the wife has intercourse with the husband, provided the husband is aware of her condition.

Article 81

1. Divorce shall take effect if it is conditional upon the commission or omission of an act, unless such condition is intended only to encourage, discourage, prove, or disprove such an act, and not to effect the divorce.
2. Divorce shall not take effect by breaking an oath of divorce, unless it is meant to effect a divorce.

Article 82

The validity of divorce in the cases set out in Articles 80 and 81 of this Law may not be challenged if registered according to applicable statutory procedures.

Article 83

If a divorce is expressed in numbers either verbally or by a sign or if such expression is repeated in the same session, it shall be counted as a single divorce.

Article 84

1. A husband may delegate an agent, whether male or female, to effect the divorce.
2. A husband's revocation of a valid power of attorney after the divorce is effected by the agent shall not be accepted, unless the husband has registered such revocation before the divorce is effected.

Article 85

Divorce is of two types:

1. A revocable divorce which shall not terminate the marriage contract except upon the expiration of *iddah*.
2. An irrevocable divorce which shall terminate the marriage contract once effected; such divorce is of two parts:
 - a) A minor irrevocable divorce; in such divorce, the divorcée shall not be permitted to remarry her ex-husband except by a new contract and dowry and the number of previous instances of divorce shall be taken into account.
 - b) A major irrevocable divorce; in such divorce, the divorcée shall not be permitted to remarry her ex-husband except after she observes *iddah* following her divorce from another husband who consummated the marriage under a valid marriage contract established without the intention to render her remarriage to her ex-husband lawful.



Article 86

A divorce effected in a valid marriage shall be deemed revocable except for the following:

1. Divorce effected for the third time, which renders it a major irrevocable divorce.
2. Divorce effected prior to consummation or *khalwa*, which renders it a minor irrevocable divorce.

Article 87

In a revocable divorce, a husband may resume the marriage prior to the lapse of *iddah*; the right to resume the marriage may not be forfeited by waiving such right.

Article 88

Resumption of marriage may be effected explicitly, either verbally or in writing, or by a discernible sign in case of inability to speak or write. Marriage shall be deemed resumed if intercourse takes place during *iddah*.

Article 89

Resumption of marriage shall only be valid if effected unconditionally; it may not be suspensive nor resolutive.

Article 90

A husband shall register the divorce with the competent authority in accordance with applicable procedures within a period not exceeding 15 days from the date of the irrevocable divorce, without prejudice to the wife's right to file a claim to establish the divorce.

Article 91

If a husband fails to register the divorce as provided for in Article 90 of this Law and the wife is not aware of the divorce, she shall be entitled to compensation the amount of which shall not be less than the minimum amount of financial support from the date of divorce up to the date she becomes aware thereof.

Article 92

1. A husband shall, in a registered revocable divorce, register the resumption of marriage in accordance with applicable procedures within a period not exceeding 15 days from the date of such resumption.
2. If a husband fails to register the resumption of marriage as provided for in paragraph (1) of this Article and the divorcée is not aware of such resumption and marries another man, the resumption of marriage shall not be deemed valid.
3. Notwithstanding Article 52(2) of this Law, if a husband fails to register the resumption of marriage and the divorcée is not aware of such resumption, she may file a claim for financial support for the previous period.



Article 93

A wife's claim of divorce or resumption of marriage must be substantiated by evidence.

Article 94

A wife's claim of the lapse of *iddah* prior to resumption of marriage shall be accepted if the period following the divorce allows for the expiration of *iddah*.

Chapter 3: *Khul'*

Article 95

Khul' means separation of spouses at the request of the wife and with the consent of the husband in return for compensation paid by the wife or a third party.

Article 96

Khul' shall be deemed valid upon the agreement of competent spouses to terminate the marriage contract, without the need for a judicial ruling.

Article 97

Khul' shall be effected using any wording which denotes separation, whether made verbally or in writing, or by a discernible sign in case of inability to speak or write. *Khul'* shall result in the dissolution of the marriage contract, even if effected by the wording of divorce. *Khul'* shall be deemed a minor irrevocable divorce and shall not be counted towards the three instances of divorce.

Article 98

Khul' shall take effect in all cases, even during menstruation and postpartum periods, and the period of purity during which intercourse between the spouses occurred.

Article 99

Khul' may not take effect without compensation. If a husband agrees to *Khul'* without compensation, it shall be deemed a divorce and the provisions of divorce shall apply.

Article 100

Anything deemed as property may be used as compensation in *Khul'*. The waiving of any of the children's rights or the relinquishment of their custody may not constitute compensation.

Article 101

If the compensation for *Khul'* is the dowry, such compensation shall be limited to the received part thereof, and the remainder shall be forfeited, even if deferred.



Article 102

1. *Khul'* must be registered in accordance with applicable provisions by both spouses or either of them.
2. Any person with interest may request the establishment of *Khul'* by any means of proof.

Chapter 4: Dissolution of Marriage Contract

Article 103

Any court ruling which provides for the separation of spouses shall be deemed a dissolution of the marriage contract. Said separation shall be deemed a minor irrevocable divorce and shall not be counted toward the three instances of divorce.

Article 104

1. A spouse may request dissolution of the marriage contract if the other spouse has a harmful or repulsive defect that prevents intercourse, whether such defect exists prior to the conclusion of the marriage contract or occurs thereafter, unless the spouse seeking dissolution was aware of such defect prior to or after the conclusion of the contract but showed satisfaction with the defect whether verbally or otherwise.
2. The court may seek the assistance of experts to identify and assess the defect.

Article 105

If the marriage contract is dissolved due to a defect in either spouse, the court shall decide the following:

1. If a defect in either spouse occurs after consummation, the husband may not recover the paid portion of the dowry.
2. If a defect in either spouse occurs prior to the conclusion of the marriage contract and the dissolution is made prior to consummation or *khalwa*, the husband may recover the paid portion of the dowry, and the remainder shall be forfeited, even if deferred.
3. If a defect in the husband occurs prior to the conclusion of the marriage contract and the dissolution is made after consummation or *khalwa*, the wife shall be entitled to the dowry.
4. If a defect in the wife occurs prior to the conclusion of the marriage contract and the dissolution is made after consummation or *khalwa*, the wife shall be entitled to the dowry. The husband may claim the dowry from the person who deceived him.

Article 106

1. The court shall, upon the wife's request, dissolve a marriage contract prior to consummation if the husband fails to pay the due portion of the dowry upon the lapse of the period set by the court for payment, provided that such period does not exceed 30 days from the date of the request.
2. A marriage contract shall not be dissolved for non-payment of the dowry after consummation and shall remain a debt for which the husband is liable. The court shall



award the wife the due portion of the dowry upon the wife's request.

Article 107

1. The court shall dissolve a marriage contract upon the wife's request if the husband fails to provide for her or if financial support cannot be collected from him.
2. The court shall dissolve a marriage contract upon the wife's request if the husband claims insolvency with regard to financial support even if she is aware of such insolvency prior to the conclusion of the marriage contract. The wife may request the dissolution of the marriage contract take effect immediately or at a future time.

Article 108

The court shall dissolve a marriage contract upon the wife's request if the continuation of proper marital life is impossible due to harm inflicted by the husband, provided such harm is established.

Article 109

If the harm that renders the continuation of proper marital life impossible is not established, and the dispute between the spouses continues and reconciliation cannot be reached, the spouses shall designate two mediators, one from each of their families, within the period specified by the court. If the spouses fail to do so, the court shall appoint two mediators, one from among the relatives of each spouse, if possible, or from others. The reconciliation period shall not exceed 60 days from the date on which the mediators are appointed.

Article 110

The mediators shall hear the spouses, investigate the causes of the dispute, and seek to reconcile their differences. The refusal of either spouse to cooperate with the mediators shall not prejudice the reconciliation process.

Article 111

If the mediators fail to reconcile the differences between the spouses, they shall decide on their separation with or without compensation. In all cases, the compensation paid by the woman shall not exceed the amount of the dowry. The mediators shall submit a report to the court which includes their reconciliation efforts as well as their opinion in this regard and the grounds on which such opinion is based.

Article 112

1. The court shall dissolve the marriage contract if the wife requests such dissolution prior to consummation or *khalwa*, the husband refuses to divorce her or grant her *khul'*, the wife returns the dowry, and reconciliation cannot be reached.
2. If the wife's request to dissolve the marriage contract prior to consummation or *khalwa* is for a reason attributable to her, she shall return to the husband the dowry and any marriage expenses she requested therefrom if demanded by the husband.

Article 113

The court shall dissolve the marriage contract upon the wife's request in the following cases:

1. If the husband vows not to have intercourse with her for a period exceeding four months, unless he recants his vow prior to the lapse of said period.
2. If the husband refuses to have intercourse with her for a period exceeding four months without a legitimate excuse.

Article 114

Unless the absence is work-related, a wife may request the dissolution of the marriage contract due to the absence of the husband whose domicile or place of residence is known if the period of his absence is not less than four months, even if financial support is available. The marriage contract shall not be dissolved unless the husband is notified to rectify the situation by residing with his wife, relocating her to live with him, or divorcing her, provided that he is granted a period not exceeding 180 days from the date of notification for such rectification.

Article 115

A wife may request the dissolution of a marriage contract due to the husband's disappearance or absence and his domicile or place of residence is unknown. The court shall not dissolve the marriage contract prior to the lapse of the period specified thereby, provided that such period is not less than one year and not more than two years from the date of the husband's disappearance or absence.

Part 4: Effects of Separation of Spouses

Chapter 1: *Iddah*

Article 116

Iddah is the period during which a woman may not marry due to marital separation or the like.

Article 117

Subject to the provisions of Articles 33 and 34 of this Law, under a valid marriage contract, a wife shall observe *iddah* upon the death of her husband, even if the death occurs prior to consummation, and she shall observe *iddah* in case of separation, for reasons other than death, after *khalwa* or consummation.

Article 118

Iddah shall commence from the date of divorce, *khul'*, or death. In cases of separation due to the issuance of a judicial ruling, *iddah* shall commence from the date a ruling is issued rendering the marriage contract dissolved or void and from the date a divorce is established by the court in case of a disputed divorce; in such cases, a woman may not marry until after

the lapse of *iddah* or after the ruling becomes final, whichever occurs later.

Article 119

Subject to Article 120 of this Law, the *iddah* of a wife whose husband has died, even prior to consummation, shall be four months and ten days.

Article 120

The *iddah* of a pregnant wife separated from her husband due to death and due to other reasons shall end upon giving birth, provided that the gestation period exceeds 80 days.

Article 121

The *iddah* of a non-pregnant woman separated from her husband due to a reason other than death shall be:

1. three menstrual cycles for a menstruating woman; and
2. three months for a postmenopausal or premenstrual woman. If a woman menstruates before the lapse of *iddah*, *iddah* shall commence from the date of menstruation.

Article 122

If a woman's husband dies while observing *iddah* for a revocable divorce, she shall observe the *iddah* prescribed for death, and the *iddah* observed for the divorce shall not be counted.

Article 123

If a woman's husband dies while observing *iddah* due to *khul'*, dissolution of marriage, or irrevocable divorce, she shall complete her *iddah* and shall not observe the *iddah* prescribed for death, unless the divorce occurs during a fatal illness and such divorce is not made pursuant to the wife's request; in such case, she shall observe the longer of the two *iddah* periods.

Chapter 2: Custody

Article 124

Custody means providing care to a person who is incapable of taking care of himself, raising him, and looking after his interests, including education and medical treatment.

Article 125

Subject to Article 10 of this Law, a custodian shall satisfy the following requirements:

1. Competency.
2. Ability to raise and provide protection and care for the person subject of custody.
3. Being free from dangerous infectious diseases.



Article 126

Without prejudice to Article 125 of this Law, the following conditions shall be observed:

1. If the custodian is a woman, she must not be married to a man who is not a *mahram* to the person subject of custody, unless it is in the interest of said person.
2. If the custodian is a man and the person subject of custody is female, the custodian must be a *mahram* to said person and a woman capable of caring for her must reside with him.

Article 127

1. Custody is the responsibility of both parents as long as they remain married. In case of separation, custody shall be awarded to the mother, then to the person entitled thereto in the following order: the father, the maternal grandmother, the paternal grandmother, then the court shall decide what it deems to be in the interest of the person subject of custody, without prejudice to Article 126 of this Law.
2. The court may decide contrary to the order stipulated in paragraph (1) of this Article, based on the interest of the person subject of custody.

Article 128

Subject to the provisions of relevant laws, the right to custody shall be forfeited if:

1. one of the conditions stipulated in Articles 125 and 126 of this Law is not satisfied;
2. the custodian moves to a residence where the interest of the person subject of custody cannot be realized; or
3. the person entitled to custody fails to claim such custody for a period exceeding one year without justification, unless the interest of the person subject of custody requires otherwise.

Article 129

Subject to relevant statutory provisions, traveling with the person subject of custody outside the Kingdom shall be subject to the following:

1. If the custodian is a parent, said parent may not take the person subject of custody outside the Kingdom for a period exceeding 90 days per year without the consent of the other parent or the guardian of the person subject of custody if the father is deceased.
2. If the custodian is a person other than the parents, said person may not take the person subject of custody outside the Kingdom for a period exceeding 30 days per year without the consent of both parents or the consent of either of them if the other parent is deceased or the guardian of the person subject of custody if both parents are deceased.

Article 130

A person who loses the right to custody may reclaim it from the court if the grounds for forfeiture cease to exist.

Article 131

1. If the person subject of custody is under the age of two and custody is not claimed by a



person entitled thereto, the mother, if available, shall be ordered to take custody of the person subject of custody; otherwise, the father shall be ordered to do so.

2. If the person subject of custody is over the age of two and custody is not claimed by a person entitled thereto, the father, if available, shall be ordered to take custody of the person subject of custody; otherwise, the mother shall be ordered to do so.

Article 132

If the parents are not available, and the custody of the person subject of custody is not accepted by a person entitled thereto, the court shall select a person it deems appropriate from among the relatives of the person subject of custody or others, or an entity designated for such purpose.

Article 133

If the mother leaves the matrimonial home due to a dispute or otherwise, she shall not lose her right to custody, unless the interest of the person subject of custody requires otherwise.

Article 134

Subject to Article 129 of this Law:

1. If the person subject of custody is in the custody of either parent, the noncustodial parent shall be entitled to visitation rights and to accompany the person subject of custody, subject to the parents' agreement; in case of disagreement, the court shall decide the matter as it deems appropriate.
2. If either parent is deceased or absent, the court may designate a person from among the relatives of the deceased or absent parent who shall be entitled to visitation rights based on the interest of the person subject of custody.
3. If the person subject of custody is residing with a person other than his parents, the court may designate a person from among the relatives of the person subject of custody who shall be entitled to visitation rights based on the interest of the person subject of custody.

Article 135

1. Upon completing the age of 15, the person subject of custody may choose to reside with either parent, unless the interest of the person subject of custody requires otherwise.
2. Custody shall end when the person subject of custody completes the age of 18.
3. If the person subject of custody is an idiot or a lunatic or suffers from a debilitating illness, custody shall continue based on the order stipulated in Article 127 of this Law.

Part 5: Trusteeship and Guardianship

Chapter 1: General Provisions on Trusteeship and Guardianship

Article 136

Without prejudice to other laws, an incompetent person under this Law shall mean any person who has lost competency either totally or partially, and any person of similar status subject to governing provisions.

Article 137

1. A guardian is the father or any person designated by the court.
2. A trustee is the person designated by the father to assume trusteeship upon the father's incapacitation or death.

The guardian or trustee, as the case may be, shall represent and manage the affairs of the incompetent person.

Article 138

Guardianship is of two types:

1. Guardianship over person, which means the overall care of the incompetent person in a manner not inconsistent with the custodian's authority in managing the affairs of the person subject of custody.
2. Guardianship over the estate, which means managing all affairs related to the incompetent person's estate.

A sole person may assume both types of guardianship.

Article 139

Guardianship over the estate of an incompetent person shall be vested in the father, then the father's trustee, and then any person designated by the court.

Article 140

Guardianship over person or estate shall be vested in a person who is competent and trustworthy and is able to carry out the guardianship duties entrusted thereto. A guardian over person shall be Muslim if the person under guardianship is Muslim.

Article 141

Without prejudice to Article 140 of this Law, a designated trustee or guardian shall be a person who is unlikely to undermine the interests of the incompetent person. Such person shall not:

1. be convicted of a crime involving moral turpitude, unless his record is expunged;
2. be declared insolvent due to inability to manage his personal property;



3. be judicially dismissed from guardianship over another incompetent person for harming said person or mismanaging the estate thereof; or
4. have enmity with the incompetent person which may prejudice the interests of the incompetent person.

Article 142

Guardianship and trusteeship shall be assumed without consideration, unless the testator specifies a reasonable consideration. The court may, at the request of the guardian or the trustee, award such guardian or trustee a compensation for performing a specific task, or a consideration that commences from the date of the request.

Article 143

The court shall dismiss a trustee or guardian in the following cases:

1. If one of the conditions stipulated in Articles 140 and 141 of this Law is not satisfied.
2. If the trustee or guardian fails to perform his duties to the best of his ability or is unable to perform such duties.

Article 144

The provisions stipulated in Part 5 of this Law shall not prejudice the powers of the General Commission for Guardianship over Property of Minors and those of similar status.

Chapter 2: Trustee

Article 145

The father may appoint a trustee for his minor children, or children born after his death.

Article 146

A trustee shall abide by the duties assigned to him in the will, except for duties conflicting with the provisions of Sharia or law.

Article 147

Subject to the provisions of Articles 17 and 18 of this Law, a trustee or a guardian appointed by the court may be male or female, a natural or legal person, or a sole person or multiple persons.

Article 148

Unless the will stipulates otherwise, the order of trustees shall be as follows:

1. If the father designates multiple trustees in a single will, they shall all participate in the trusteeship. No trustee may act unilaterally, unless such trustee is authorized by the father or delegated by the other trustees.



2. If the father appoints multiple trustees in several undated wills and the last of which is unknown, they shall all participate in the trusteeship, unless the court decides otherwise based on the interest of the incompetent person.

3. If a father designates a trustee, then designates another trustee, only the latter shall assume trusteeship, unless a presumption of joint trusteeship exists.

If the father fails to determine the powers of each trustee, the court may determine such powers.

Article 149

1. The court may, upon its own motion or upon the request of a trustee, appoint additional trustees to assist the original trustee if he is unable to perform his duties or needs assistance, or if the interest of the incompetent person so dictates.

2. The court may dismiss all or any of the trustees if the interest of the incompetent person so dictates.

Article 150

1. Trusteeship shall take effect upon the trustee's acceptance, and his assumption of trusteeship duties shall be deemed an acceptance of trusteeship.

2. Any person with interest may petition the court to deliver a notice to the designated trustee to assume his trusteeship duties. The court may grant the trustee a grace period not exceeding 30 days from the notice date to assume said duties, and it may take any action it deems appropriate regarding the trusteeship.

Article 151

1. A father may dismiss a trustee at any time.

2. A trustee may relieve himself of trusteeship duties at any time during the life of the testator. If the testator is dead or incompetent, the trustee shall petition the court to relieve him of said duties.

Chapter 3: Court-appointed Guardian

Article 152

If the incompetent person has no trustee or if the trustee is dismissed, the court shall appoint a guardian over the incompetent person's estate in consultation with the mother, unless the court decides to appoint the mother as guardian over said estate.

Article 153

The court may appoint a guardian for a certain period or to perform a certain task if the interest of the incompetent person so dictates.



Article 154

1. The court may dismiss a guardian appointed thereby if the interest of the incompetent person so dictates.
2. A court-appointed guardian may petition the court at any time to relieve him of guardianship duties. The court may relieve the guardian or postpone such relief, taking into consideration the interest of the incompetent person.

Chapter 4: Actions of Trustee and Court-appointed Guardian

Article 155

A trustee and a court-appointed guardian shall manage and maintain the incompetent person's estate in a manner that serves his interests.

Article 156

Without prejudice to the powers of the General Commission for Guardianship over Property of Minors and those of Similar Status, a trustee or court-appointed guardian shall deposit the funds of the incompetent person in bank accounts in the name of the incompetent person.

Article 157

Trusteeship and guardianship shall terminate if:

1. the incompetent person attains the age of majority, provided said person is mentally competent;
2. interdiction is lifted;
3. the incompetent person dies;
4. the father of the incompetent person regains his legal capacity;
5. the trustee or guardian is dismissed or his petition for relief from his duties is accepted;
6. the trustee or guardian dies or becomes fully or partially incompetent;
7. the disappearance or absence of the trustee or guardian is established; or
8. the disappearance or absence of the ward ends.

Article 158

If the person who has reached the age of majority is partially incompetent or cannot be trusted to manage his own estate, the trustee or court-appointed guardian must petition the court for continuation of trusteeship or guardianship.

Article 159

A trustee or court-appointed guardian shall, upon completion of his task and under the supervision of the General Commission for Guardianship over Property of Minors and those of Similar Status, deliver to the concerned person the incompetent person's estate and all



related accounts and documents within a period not exceeding 30 days from the date the task is completed.

Article 160

Upon the death of the trustee or court-appointed guardian, the heirs thereof or any person taking control of all or part of the estate shall notify the competent authority to protect the rights of the incompetent person.

Chapter 5: Absent and Missing Persons

Article 161

1. An absent person is a person whose domicile or place of residence is unknown, and whose financial affairs cannot be managed whether by himself or by an agent for a period determined by the court, and such absence undermines the interests of the absent person or others.
2. A missing person is an absent person who is not known to be alive or dead.

Article 162

If an absent or missing person does not have an agent, the court may appoint a guardian to manage all or part of his estate.

Article 163

A court-appointed guardian shall prepare an inventory of the estate of an absent or missing person and shall manage the estate in accordance with the provisions governing the management of the estate of incompetent persons.

Article 164

A missing person status shall terminate if:

1. the missing person is confirmed to be alive or dead; or
2. a judicial ruling is issued deeming the missing person to be dead.

Article 165

The court shall, in all cases, take the measures necessary to know whether a missing person is alive or dead prior to issuing a ruling establishing his death.

Article 166

The court shall, pursuant to a petition by a person with interest, issue a ruling establishing the death of a missing person if evidence to this effect is presented. Otherwise, the court shall not issue such ruling except upon the lapse of the following prescribed periods which are determined based on the circumstances surrounding his disappearance:

1. The lapse of a four-year period from the date of notifying the competent authority of the



disappearance, if his death is not probable under the circumstances surrounding his disappearance.

2. The lapse of a one-year period from the date of disappearance, if his death is probable under the circumstances surrounding his disappearance.

Article 167

The date on which a ruling is issued on the death of a missing person shall be deemed the date of his death, unless the actual date of his death is later established.

Article 168

The appearance of a missing person following the issuance of a ruling establishing his death shall entail the following:

1. The missing person may claim the remainder of his estate from the heirs.
2. The missing person and his wife may resume their marital relationship, unless she is married to another person and such marriage is consummated.

Part 6: Will

Chapter 1: General Provisions for the Will

Article 169

A will is the disposition of an estate in the form of a donation that takes effect after the death of the testator.

Article 170

A will is valid whether absolute or conditional.

Article 171

Subject to Article 190 of this Law, a will shall be executed against the testator's estate after the deduction of funeral expenses and the payment of his debts.

Article 172

Any disposition by a fatally ill person resulting in the transfer of ownership of property shall be deemed a bequest if it is made as a donation; if such disposition is made as compensation involving favoritism, the amount intended for such favoritism shall be deemed a bequest.



Chapter 2: Elements and Conditions of the Will

Article 173

The elements of a will are the wording, testator, legatee, and legacy.

Article 174

A will shall take effect if it is expressed verbally or in writing, or by a discernible sign in case of inability to speak and write.

Article 175

A testator may modify or rescind his will in whole or in part verbally or by an action indicating the same.

Article 176

A testator must be an adult of sound mind.

Article 177

1. In case of multiple wills, a will shall not be deemed a rescission of a prior will, unless the rescission is declared by the testator. Any person with interest may establish such rescission.
2. Subject to Article 190 of this Law, in case of multiple unspecified bequests the value of which exceeds one-third of the estate's value, the shortage shall be incurred by all legatees in proportion to their shares. If the bequests are specified, the shortage shall equally affect all legatees, unless the testator provides otherwise.

Article 178

A will shall be deemed valid if the legatee is entitled to own the legacy, whether the legatee is a Muslim or a non-Muslim.

Article 179

1. A bequest may not be made in favor of an heir unless approved by the other heirs after the testator's death. If the bequest is approved by some heirs, the shares of the approving heirs shall be used to fulfill such bequest.
2. A legatee shall be deemed an heir after the testator's death.

Article 180

Subject to relevant statutory provisions, a bequest shall be deemed valid if it is made for:

1. a specified person who exists at the time the bequest is made or for an unborn child whose existence is known;
2. a specified or unspecified class;



3. a legal person the regulations of which permit the acceptance of bequests;
4. a mosque or an endowment; or
5. the sake of Allah or for charitable purposes, and is entirely dispensed for such purposes.

In all cases, bequests and acceptance thereof shall be subject to applicable provisions if the legatee resides outside the Kingdom.

Article 181

Fulfillment of a bequest, with regard to the legatee, shall be subject to the following:

1. If made for a specified natural person or a specified class, a bequest shall be fulfilled by acceptance following the testator's death; in such case, ownership of the bequest shall be transferred to the legatee from the date of acceptance.
2. If made for an incompetent person, a bequest shall be fulfilled by the guardian's acceptance.
3. If made for the sake of Allah, for charitable purposes, or for an unspecified class, a bequest shall be fulfilled without acceptance upon the testator's death.
4. If made for a legal person, a bequest shall be fulfilled by the acceptance of the person entitled to accept it in accordance with applicable provisions.
5. If made for a mosque, a bequest shall be fulfilled by the acceptance of the supervising entity, and if made for an endowment, it shall be fulfilled by the acceptance of its administrator.

Article 182

1. A bequest or part thereof may be rejected by a competent legatee after the testator's death.
2. A bequest or part thereof may be rejected by the guardian of an incompetent person with the permission of the court.
3. A bequest or part thereof that is bequeathed to a legal person may be rejected by the person entitled to reject it in accordance with applicable provisions.
4. A bequest made for a mosque or an endowment may be rejected in whole or in part by the mosque's supervising entity or the endowment's administrator.

Article 183

1. The acceptance or rejection of a bequest shall not necessarily be made immediately after a testator's death.
2. If a legatee fails to accept or reject a bequest, any person entitled to the inheritance or bequest or the execution thereof may petition the court to deliver a notice to this effect to the legatee. The court shall grant the legatee a grace period not exceeding 30 days from the date of said notice to accept the bequest. If the legatee fails to respond and does not provide the court with an acceptable justification, the legatee shall be deemed to have rejected the bequest. If the legatee is a legal person, the court shall determine the appropriate period for acceptance or rejection.

Article 184

If a legatee dies after the death of a testator prior to accepting or rejecting the bequest, the right to accept or reject the bequest shall transfer to his heirs, each according to his share in the bequest.

Article 185

If a testator makes a bequest to an unspecified class, a legal person, an endowment, or a specific charitable purpose, and such beneficiaries no longer exist prior to the acquisition, the bequest shall, upon the court's approval, be allocated to the most similar beneficiary.

Article 186

If a bequest is made to an unspecified class, the person responsible for the execution thereof may, at his discretion, distribute the bequest among the legatees, provided that priority is given to those in need without regard to equal distribution, unless the will stipulates otherwise.

Article 187

If multiple legatees of the same bequest, or of more than one bequest, exist and the share of each legatee is not specified, the bequest shall be distributed as follows:

1. If made for specified persons or class, each legatee shall have an equal share of the bequest.
2. If made for specified persons and an unspecified class, each specified person and the unspecified class shall have an equal share.

Article 188

A bequest must satisfy the following conditions:

1. It must be owned by the testator if it is specified.
2. It exists or is expected to exist.
3. It must be legitimate.

Article 189

1. A bequest may be in-kind, a usufruct, or a right, whether common or specific.
2. If the bequest is a common property, it must include the testator's entire estate at the time of his death, unless the heirs and the legatees agree otherwise.

Article 190

A bequest shall be executed if it does not exceed one-third of the estate. If it exceeds one-third, execution of the excess part shall be contingent upon the approval of the heirs and shall be executed against the shares of the approving heirs.



Article 191

1. A bequest in excess of one-third of the estate shall be deemed valid if made by a person with no heirs.
2. A bequest in excess of the share of a spouse shall be deemed valid in the absence of other heirs.

Article 192

If a bequest is a usufruct, it shall be deducted from the one-third of the estate as follows:

1. If the usufruct is bequeathed to be used permanently or absolutely or for the lifetime of the legatee, it shall be determined by the value of the related property at the time of the testator's death.
2. If the usufruct is bequeathed to be used temporarily, the usufruct shall be determined by its value during the period of use.

Article 193

1. A bequeathed usufruct shall be restored to the property owner, whether the owner is an heir or a legatee thereof, in the following cases:
 - a) If the period during which the usufruct is bequeathed expires.
 - b) If the legatee to whom the usufruct is bequeathed dies.
 - c) If the legatee, whether one or more, ceases to exist, and the bequest is made for a specified or unspecified class that is likely to cease to exist.
2. If the legatee of a bequeathed usufruct or its yield is a legal person or an unspecified class which is unlikely to cease to exist, and the usufruct is bequeathed to be used permanently or absolutely, it shall be subject to the provisions governing endowments.

Article 194

If a bequest is a common share in the estate and it includes uncollected debts or receivables, the legatee shall receive his share from the available portion of the estate and he shall continue to receive the remainder of his share from any collected debts or receivables, unless the heirs and the legatee agree otherwise.

Article 195

1. If a bequest is equal to the share of a specified heir of the testator, the legatee shall be entitled to a share equal to the share of the heir after being added to the total number of heirs, and the shortage shall be incurred by all heirs.
2. If a bequest is equal to the share of an unspecified heir of the testator, the legatee shall be entitled to a share equal to the heir with the least share among the heirs after being added to the total number of heirs, and the shortage shall be incurred by all heirs.



Chapter 3: Nullification of the Will

Article 196

A will shall be deemed null and void if:

1. the testator rescinds his will verbally or by action.
2. the testator outlives the specified legatee or if they die at the same time, or if it cannot be determined who predeceased the other, unless the will stipulates the payment of the legatee's debt;
3. the legatee rejects the bequest following the death of the testator and prior to accepting it;
4. the legatee kills the testator, and such killing precludes inheritance; or
5. the specified legacy is damaged or if it is owned by a person other than the testator.

Part 7: Estate and Inheritance

Chapter 1: General Provisions for Estate and Inheritance

Article 197

An estate is the property and financial rights that a person leaves after death.

Article 198

Estate-related rights shall be in the following order:

1. Payment of burial expenses.
2. Payment of debts, giving priority to debts related to a certain property of the estate.
3. Execution of the will.
4. Division of the remainder of the estate among the heirs.

Article 199

Entitlement to an inheritance shall be subject to the following conditions:

1. Death of the testator, whether actually or by virtue of a judicial ruling.
2. Actual or presumed survival of an heir after the death of the testator.
3. Existence of grounds for inheritance and absence of any impediments thereto.

Article 200

1. A person who maliciously or semi-deliberately kills the testator, whether he is the perpetrator or an accomplice, shall not inherit the testator.



2. A person who causes or orders the death of the testator, whether maliciously or semi-deliberately, shall not inherit the testator.
3. A person who wrongfully kills the testator shall be entitled to the inheritance, excluding the *diya* [blood money].

Article 201

Spouses who are separated may not inherit from each other except in the following cases:

1. In a revocable divorce, provided the woman is observing *iddah*.
2. If a fatally ill husband divorces his wife and such divorce is not made pursuant to the wife's request, unless she remarries before his death.

Article 202

Subject to the provisions of the will stipulated in this Law, and in particular Article 178, persons of different religions may not inherit one another.

Article 203

If persons die at the same time, or if it cannot be determined who predeceased the other, neither of them shall inherit the other.

Article 204

1. Inheritance shall be made by *fardh* [prescription], *ta'sib* [agnation], or by both, or by consanguinity.
2. *Fardh* refers to a share determined by Sharia for an heir.
3. *Ta'sib* refers to a share not determined by Sharia for an heir.

Article 205

Descendant heirs are the descendants of the deceased who are entitled to the inheritance wholly or partly; they include the son of the deceased and his descendants and the daughter of the deceased. Any person related to the deceased through a female shall not be deemed a descendant heir.

Article 206

Ascendant heirs are the ascendants of the deceased who are entitled to the inheritance wholly or partly; they include the father and his paternal ascendants and the mother and grandmothers of the deceased.

Chapter 2: Inheritance of Heirs by *Fardh*

Article 207

The shares of *fardh* are two-thirds, one-half, one-third, one-fourth, one-sixth, and one-eighth



of the inheritance.

Article 208

Heirs by *fardh* are the husband, wife, father, mother, paternal grandfather and his paternal ascendants, grandmother, daughter, daughter of a male descendant, full sister, consanguine sister, and uterine sibling.

Article 209

A husband shall inherit one-half of the wife's estate if she has no descendant heirs, and one-fourth if she does.

Article 210

1. A wife shall inherit one-fourth of the husband's estate if he has no descendant heirs, and one-eighth if he does.
2. If a husband has multiple wives, the share of *fardh* prescribed for a sole wife shall be distributed among them equally.

Article 211

1. A father shall, by *fardh*, inherit one-sixth of the estate if a male descendant heir exists.
2. A father shall, by *fardh*, inherit one-sixth of the estate and shall, by *ta'sib*, inherit the remainder if a female descendant heir exists and a male descendant heir does not exist.
3. A father shall, by *ta'sib*, inherit the remainder of the estate if a descendant heir does not exist.

Article 212

1. An inheriting grandfather is the paternal grandfather and his male ascendants.
2. A grandfather shall inherit in the absence of a father, and a great-grandfather shall be excluded if a closer inheriting grandfather exists.
3. A grandfather's inheritance shall be equal to that of the father and he shall exclude brothers. If the heirs are the spouse, the mother, and the grandfather, the grandfather shall, by *ta'sib*, inherit the remainder of the estate after the spouse takes his or her share, and the mother takes one-third of the estate.

Article 213

1. The mother shall inherit one-sixth of the estate in the following cases:
 - a) If the deceased has a descendant heir.
 - b) If the deceased has two or more siblings, whether full or half, male or female, or entitled to or excluded from inheritance.
2. Subject to paragraph (3) of this Article, the mother shall inherit one-third of the estate if the cases mentioned in paragraph (1) of this Article do not apply.
3. The mother shall inherit one-third of the remainder of the estate after the spouse inherits



his or her share of the *fardh*, if the parents and the spouse are the only heirs.

Article 214

1. The grandmother shall inherit only as the mother's mother and father's mother as well as the father's paternal grandmother and great-grandmothers. The father shall not exclude his mother or his paternal grandmother.
2. The grandmother shall inherit one-sixth of the estate in the absence of the mother. In case of multiple inheriting grandmothers, they shall jointly inherit one-sixth of the estate; a nearer grandmother shall exclude a more distant grandmother, regardless of the kinship side.

Article 215

1. If the deceased has no son, a sole daughter shall inherit one-half of the estate, and two daughters or more shall inherit two-thirds of the estate.
2. If the deceased has a son, a sole daughter or more shall inherit the remainder of the estate along with the son by *ta'sib-by-others*; the male shall inherit twice the share of the female.

Article 216

1. A sole daughter of a son shall inherit one-half of the estate and if the son has two or more daughters, they shall inherit two-thirds of the estate, subject to the following conditions:
 - a) The deceased has no descendant heir of a higher degree of kinship.
 - b) The son of the deceased has no son of the same degree of kinship as the daughter.
2. The daughters of a son, one or more, shall inherit one-sixth of the estate if:
 - a) a daughter who inherits one-half of the estate by *fardh* exists; or
 - b) the deceased's son has no son of the same degree of kinship.
3. The daughters of a son, one or more, shall inherit the remainder of the estate along with the son of the deceased's son who is of the same degree of kinship, or a son of a lower degree if necessary for inheritance, by *ta'sib-by-others*. The male shall inherit twice the share of the female, provided that there is no male descendant heir of a higher degree.

Article 217

1. A sole full sister shall inherit one-half of the estate and if the deceased has two or more full sisters, they shall inherit two-thirds of the estate, subject to the following conditions:
 - a) The deceased has no male ascendant heir.
 - b) The deceased has no descendant heir.
 - c) The deceased has no full brother.
2. Full sisters, one or more, shall inherit the remainder of the estate with the full brother by *ta'sib-by-others* with the male inheriting twice the share of the female, subject to the following conditions:
 - a) The deceased has no male ascendant heir.



- b) The deceased has no male descendant heir.
- 3. Full sisters, one or more, shall inherit the remainder of the estate by *ta'sib-by-others*, subject to the following conditions:
 - a) The deceased has no male ascendant heir.
 - b) The deceased has no male descendant heir.
 - c) The deceased has no full brother.
 - d) The deceased has a female descendant heir.

Article 218

- 1. Without prejudice to the provisions of Article 217(1) of this Law, a sole consanguine sister shall inherit one-half of the estate, and two or more consanguine sisters shall inherit two-thirds of the estate if the deceased has no full sister nor a consanguine brother.
- 2. Consanguine sisters, one or more, shall inherit one-sixth of the estate, if:
 - a) a full sister who inherits one-half of the estate by *fardh exists*; or
 - b) the deceased has no consanguine brother.
- 3. Consanguine sisters, one or more, shall inherit the remainder of the estate along with the consanguine brother by *ta'sib-by-others* with the male inheriting twice the share of the female, subject to the following conditions:
 - a) The deceased has no male ascendant heir.
 - b) The deceased has no male descendant heir.
 - c) The deceased has no full brother.
- 4. Consanguine sisters, one or more, shall inherit the remainder of the estate by *ta'sib-with-others*, subject to the following conditions:
 - a) The deceased has no male ascendant heir.
 - b) The deceased has no male descendant heir.
 - c) The deceased has a female descendant heir.
 - d) The deceased has no full sibling.
 - e) The deceased has no consanguine brother.

Article 219

A sole uterine sibling shall inherit one-sixth of the estate, and two or more uterine siblings shall inherit one-third of the estate, subject to the following conditions:

- 1. The deceased has no male ascendant heir.
- 2. The deceased has no descendant heir.

Article 220

If the deceased has multiple uterine siblings, they shall inherit one-third of the deceased's estate equally, regardless of gender.



Chapter 3: Exclusion, *Ta'sib*, Decrease (*'Awl*), and Redistribution (*Radd*)

Article 221

Exclusion shall mean excluding an heir from inheritance in whole or in part.

Article 222

1. A person who is excluded from inheritance as stipulated in Articles 200 and 201 of this Law shall not exclude other heirs.
2. A person who is wholly or partially excluded from inheritance shall exclude other heirs if grounds for exclusion exist.

Article 223

Inheritance by *ta'sib* shall be of three types:

1. *Ta'sib-by-self*.
2. *Ta'sib-by-others*.
3. *Ta'sib-with-others*.

Article 224

Ta'sib-by-self shall include inheriting male relatives, except for a uterine brother, and their kinship sides shall be in the following order:

1. Filiation: The sons of the deceased and their male descendants.
2. Paternity: The father of the deceased and the father's paternal male ascendants.
3. Brotherhood: The full or consanguine brothers of the deceased and their male descendants.
4. Uncleship: The full or consanguine paternal uncles of the deceased and of his paternal male ascendants as well as the male descendants of the full or consanguine paternal uncles.

Article 225

Ta'sib-by-others shall include:

1. A daughter, or more, along with a son.
2. A son's daughter, or more, along with a son's son of the same degree or of a lower degree if necessary for inheritance.
3. A full sister, or more, along with a full brother.
4. A consanguine sister, or more, along with a consanguine brother.

In such cases, a male shall inherit twice the share of a female.



Article 226

Ta'sib-with-others shall include full or consanguine sisters, one or more, along with one or more daughters or daughters of a son. In such case, the sister shall be treated in the same manner as the brother with respect to entitlement to the remainder of the estate and to the exclusion of other heirs who inherit by *ta'sib*.

Article 227

A person inheriting through *ta'sib-by-self* shall inherit the entire estate if he is the sole heir. If said person is with an heir by *fardh*, he shall inherit the remainder of the estate after the heir by *fardh* receives his share. The person inheriting through *ta'sib-by-self* shall be excluded from the inheritance if the entire estate is distributed among heirs by *fardh*, including a spouse, uterine brothers, one or more full brothers, and a mother or grandmother.

Article 228

1. In *ta'sib*, precedence shall be given to kinship sides as per the order stipulated in Article 224 of this Law, followed by relatives of the same kinship side who are closer in degree to the deceased, then by relatives of the same degree who are closer in kinship to the deceased.
2. Heirs by *ta'sib* shall be entitled to inherit the remainder of the estate if they are of the same kinship side and of the same degree and closeness.
3. A full relative shall have precedence over a consanguine relative of the same kinship side.

Article 229

A person inheriting through *ta'sib-by-others* or through *ta'sib-with-others* shall, if he is with an heir by *fardh*, inherit the remainder of the estate after such heir receives his share. Such person shall be excluded from the inheritance if the entire estate is distributed among heirs by *fardh*.

Article 230

If the prescribed shares of heirs by *fardh* cannot be satisfied by the estate, such shares shall be proportionally decreased to the extent that they can be satisfied by the estate.

Article 231

1. If the estate is not entirely distributed among the heirs by *fardh* and there are no heirs by *ta'sib*, the remainder of the estate shall be distributed among the heirs by *fardh*, excluding the spouses, in proportion to their shares.
2. In the absence of an heir by *fardh*, an heir by *ta'sib*, or a distant kindred, one of the spouses shall receive the remainder of the estate.



Chapter 4: Inheritance of Distant Kindred

Article 232

Distant kindred are relatives who do not inherit by *fardh* or by *ta'sib*.

Article 233

Distant kindred have three kinship sides, as follows:

1. The paternal side: Consanguine relatives of the deceased, including the following:
 - a) A non-inheriting grandfather, in accordance with the provision of Article 212(1) of this Law.
 - b) A non-inheriting grandmother, in accordance with the provision of Article 214(1) of this Law.
 - c) A father's uterine brother.
 - d) An aunt.
 - e) A female cousin.
 - f) A daughter of a consanguine brother.
 - g) A son of a consanguine sister.
 - h) Children of the above-mentioned relatives.
2. The maternal side: Uterine relatives of the deceased, including the following:
 - a) A non-inheriting grandfather, in accordance with the provision of Article 212(1) of this Law.
 - b) A non-inheriting grandmother, in accordance with the provision of Article 214(1) of this Law.
 - c) An uncle.
 - d) An aunt.
 - e) A son of a uterine brother or a uterine sister.
 - f) Children of the above-mentioned relatives.
3. The filial side: Descendants of the deceased, including the following:
 - a) A daughter's son.
 - b) A son of a son's daughter.
 - c) Children of the above-mentioned relatives.

Article 234

Distant kindred shall inherit in the following cases:

1. If there is no heir by *fardh* or by *ta'sib*.
2. If there is a spouse and there is no heir by *fardh* or by *ta'sib* with the spouse.



Article 235

Inheritance shall be distributed among distant kindred by assigning to each of them the shares of the heirs through whom they become entitled to inheritance or are excluded from inheritance; a male and a female shall inherit equally, regardless of gender.

Article 236

If the distant kindred belong to the same side of kinship and some of them are closer to the deceased, the more distant kindred shall be excluded. In case of different kinship sides, the more distant kindred shall inherit even in the presence of the closer ones.

Article 237

If there is no heir by *fardh* or by *ta'sib* or an inheriting distant kindred, the estate or the remainder thereof shall be treated as a property the owner of which is unknown.

Chapter 5: Inheritance of Missing Persons, Unborn Children, and Disavowed Children

Article 238

A missing person's share of the estate shall be preserved based on the assumption that he is alive. If he is found to be alive, he shall receive his share. If he is declared dead pursuant to a judicial ruling rendered prior to the death of the testator, his share shall be redistributed among the heirs who are entitled thereto at the time said judgment is rendered.

Article 239

If a missing person is found to be alive after he was declared dead pursuant to a judicial ruling and his estate was distributed among the heirs, the provisions of Article 168(1) of this Law shall apply.

Article 240

An unborn child shall be allocated the greater share of an estate for one male or female or more pursuant to a certified medical report specifying the number of fetuses, and the other heirs shall be given the lesser share. If, upon delivery, the status of the child or children, whether alive or dead, and the gender and number thereof is determined, the remainder of the estate shall be distributed among the heirs according to their respective shares.

Article 241

1. If any of the competent heirs acknowledge the presence of another person who is entitled to a share in the inheritance or who excludes any of them, and the other heirs deny the same or are incompetent and evidence is established to this effect, the acknowledged person shall be entitled to his share of the inheritance.
2. If evidence is not provided to establish the entitlement of another person to the inheritance, the heir who acknowledges such entitlement shall share his share in the



inheritance with such person.

Article 242

A child whose paternity is not established and whose mother is known as well as a disavowed child shall inherit from and be inherited by his mother and her relatives.

Chapter 6: Withdrawal from Estate

Article 243

1. Withdrawal is an agreement whereby an heir or a legatee relinquishes all or part of his share in the estate in return for a specific consideration, whether from the estate or otherwise.
2. A withdrawal agreement must be certified before the competent authority in accordance with applicable procedures.

Article 244

1. Heirs may agree on a withdrawal, whether with one another or with a legatee, if the estate is known to all withdrawing heirs, or if it is unknown and it cannot be identified in a usually short period of time. The court shall determine said period according to the nature, place, and value of the estate subject of the withdrawal agreement.
2. If an unknown estate can usually be identified in a short period of time, and the withdrawal is made before the estate becomes known to the withdrawing heirs, the parties who have no knowledge that the estate can be identified in a short period may seek to invalidate the withdrawal.

Article 245

1. If an heir enters into a withdrawal agreement with another heir, he shall be entitled to the share of the withdrawing heir and shall replace him in the estate.
2. If an heir enters into a withdrawal agreement with other heirs in return for a consideration from the estate, the share of the withdrawing heir shall be distributed among the heirs according to their respective shares in the estate.
3. If an heir enters into a withdrawal agreement with other heirs in return for a specific consideration from other than the estate, the share of the withdrawing heir shall be distributed among the heirs in proportion to the amount each heir paid for such consideration, unless they agree otherwise.

If the consideration paid by each heir is unknown and the manner of distributing the share of the withdrawing heir is not provided for in the withdrawal agreement, his share shall be distributed among the heirs according to their respective shares in the estate.



Part 8: Concluding Provisions

Article 246

Persons in charge of enforcing the provisions of this Law shall maintain the confidentiality of information they become privy to in the course of carrying out their duties in order to protect family privacy.

Article 247

The Hijri calendar shall be used in calculating the time periods stipulated in this Law.

Article 248

The provisions of this Law shall apply to all lawsuits in which no final judgments are rendered prior to this Law's entry into force.

Article 249

All judgments and decisions duly issued prior to this Law's entry into force shall be deemed valid.

Article 250

The Minister of Justice shall prepare the necessary regulations for this Law; said regulations shall be issued pursuant to an order by the Prime Minister.

Article 251

Absent a specific provision in this Law, the provisions of Sharia that are most consistent with this Law shall apply.

Article 252

This Law shall enter into force 90 days from the date of its publication and it shall repeal any provisions conflicting therewith.