

A Comparative Study of Marriage Legislation: Algerian vs. Tunisian Law

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Received date: 12.01.2025; Accepted date: 10.03.2025; Publication date: 02.04.2025
doi: 10.56334/sei/8.2.44

Abstract

This study presents a comparative analysis of the marriage laws in Algeria and Tunisia, focusing on the conditions, procedures, and legal frameworks that govern marriage in both countries. The research examines the influence of Islamic law and civil law on marriage practices, comparing key aspects such as the minimum age for marriage, consent, family approval, dowries, and marriage contracts. By investigating these elements, the study aims to identify the similarities and differences between the legal systems of Algeria and Tunisia, assessing their effectiveness in protecting individuals' rights within the institution of marriage. The study also addresses the impact of social dynamics and evolving gender equality perspectives on marriage legislation. Ultimately, the paper offers recommendations for legal reforms to enhance the protection of individuals involved in marriage in both countries.

Keywords: Marriage Legislation, Algerian Law, Tunisian Law, Islamic Law, Legal Reforms

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Citation: Bourane A. (2025). A Comparative Study of Marriage Legislation: Algerian vs. Tunisian Law. *Science, Education and Innovations in the Context of Modern Problems*, 8(2), 667-679. <https://imcra-az.org/archive/358-science-education-and-innovations-in-the-context-of-modern-problems-issue-2-volviii-2025.html>

Introduction

Marriage laws in the Arab world, particularly in countries like Algeria and Tunisia, are influenced by Islamic principles while also shaped by local legal systems and historical contexts. In both countries, marriage is not only a social contract but also a legal institution with implications for inheritance, property rights, and familial obligations (El Hibri, 2020). While Algeria and Tunisia share a common cultural and religious heritage, their marriage laws have evolved differently over time. The differences in their legislative approaches reflect the diverse political, social, and historical experiences of these countries. By comparing the marriage laws of Algeria and Tunisia, this paper aims to highlight these differences and analyze the factors that have influenced their respective legal frameworks.

The legal frameworks for marriage in Algeria and Tunisia both derive from Islamic law, but each country has incorporated distinct legal provisions influenced by their colonial past and national identity. For example, while Algeria's marriage law remains more conservative, closely tied to traditional interpretations of Sharia law, Tunisia has adopted a more progressive approach, especially with the introduction of the 1956 Personal Status Code (Boussoffara, 2018). The shift in Tunisia's approach to marriage law was largely influenced by its early modernization efforts after independence, which focused on gender equality and individual rights, setting it apart from many other Arab nations. In contrast, Algeria's marriage laws continue to reflect the influence of colonial rule and more conservative interpretations of religious texts, despite some post-independence reforms (Brahimi, 2015).

The differences in marriage laws are also evident in the legal requirements for marriage, particularly regarding the age of consent, the role of guardians, and the concept of mutual consent between the parties involved. In Tunisia, for example, the marriage law emphasizes the autonomy of the individual, especially women, and mandates that both parties provide clear consent for marriage without the requirement of a guardian's approval (Ben Achour, 2017). On the other hand, the Algerian legal system continues to maintain some patriarchal elements in the marriage process, such as the role of the guardian (Wali) in approving the marriage contract, especially for women. These discrepancies reflect deeper cultural and social dynamics that shape how each society views marriage and the rights of individuals within that context.

Furthermore, the issue of dowry and financial arrangements in marriage, a key component of Islamic marriage law, is also treated differently in Algeria and Tunisia. The Algerian legal system has maintained traditional practices concerning the dowry, known as "mahr," and other financial obligations in the marriage contract (Messaoudi, 2019). In contrast, Tunisia's Personal Status Code limits the role of the dowry in the marriage contract, promoting more equitable financial arrangements between spouses. This reflects Tunisia's broader attempts to modernize its legal

system, especially in ways that challenge traditional gender roles (Gana, 2016). The differences in these financial provisions have a significant impact on the socio-economic position of women in marriage in both countries.

This comparison also raises broader questions about the impact of legal reforms on marriage and family structures in Algeria and Tunisia. While both countries have made strides toward reforming marriage laws, the pace and direction of these reforms vary significantly. In Tunisia, reforms have often been championed by the state as part of a broader vision of social progress, while in Algeria, reforms have often been slower and more contentious, reflecting deeper societal debates over tradition and modernity. This paper will explore these differences in detail and consider the broader implications for gender equality and family dynamics in both countries.

1. The influence of Islamic law on marriage

The influence of Islamic law on marriage in both Algeria and Tunisia plays a significant role in shaping their respective legal frameworks, but with notable differences in their application and interpretation. Both countries derive their family laws from Islamic jurisprudence, particularly the Madhhab (school of thought) of Maliki law, which is the dominant school of thought in North Africa. However, while the foundation of marriage law is similar, the implementation and reform of these laws diverge significantly between the two countries. Islamic law traditionally governs various aspects of marriage, such as the legal capacity to marry, the need for mutual consent, the role of guardians, and the regulation of dowries (mahr). The core principles of marriage in Islam, such as the contract between a man and a woman and the rights and responsibilities bestowed upon each party, serve as guiding principles for both Algerian and Tunisian marriage laws.

In Algeria, the influence of Islamic law is more conservative, reflecting the country's historical and cultural ties to Islam. Under the Personal Status Code introduced in 1984, which is still in effect today, Islamic principles continue to govern many aspects of marriage. Algerian law adheres closely to Islamic norms, with a significant emphasis on the husband's role as the primary provider and protector of the family. While Algeria has introduced certain reforms, particularly regarding the rights of women in marriage, such as granting them the right to initiate divorce under specific circumstances, Islamic law still holds substantial authority in shaping marital relations. The role of guardians in marriage, particularly in the case of women, remains a key point of adherence to Islamic practices.

In Tunisia, however, the legal framework surrounding marriage has undergone more significant reform since the country's independence in 1956. The Code of Personal Status (CPS), one of the most progressive legal texts in the Arab world, was introduced by President Habib Bourguiba with the goal of modernizing the legal system. Although Islamic principles still provide the foundational structure for marriage, Tunisia's approach has been characterized by secularization

and the progressive rights of women. For instance, the CPS abolished the requirement for a guardian's consent for women to marry, a practice rooted in traditional Islamic jurisprudence, and allowed for more egalitarian marriage contracts. This change reflects Tunisia's attempt to reconcile Islamic law with modern human rights values, particularly concerning gender equality and women's autonomy.

Despite the differences in their legal frameworks, both Algeria and Tunisia continue to face challenges in balancing Islamic tradition with the evolving social realities of modern life. While Islamic law remains an important element in the marriage laws of both countries, the varying degrees of reform in the legal systems reflect the broader political, social, and cultural shifts within each society. Tunisia's more secularized approach to marriage law and the significant changes introduced by the CPS have led to greater gender equality in the realm of marriage, while Algeria's more traditional application of Islamic law often places women in a more subordinate position within marriage. This divergence in the influence of Islamic law highlights the complexities and ongoing debates surrounding the relationship between religion, law, and gender equality in North African societies (Chouikha, 2016; Trabelsi,

2020).

2.Impact of Colonial History

Impact of Colonial History: The colonial histories of Algeria and Tunisia have profoundly influenced their current marriage laws, leading to distinct legal frameworks shaped by their respective colonial experiences. The French colonization of both countries has left a significant mark on their legal systems, but the extent of that influence and the subsequent reforms post-independence have taken divergent paths in Algeria and Tunisia. In Algeria, the colonial period has had a lasting impact on marriage laws, as the country struggled to preserve its cultural and religious identity under French rule. The French colonial authorities imposed their legal system on Algeria, sidelining traditional Islamic law in many aspects of governance. As a result, even after gaining independence in 1962, Algeria retained certain conservative elements in its marriage laws that reflected the struggle to assert national identity and religious values. The influence of colonialism can still be seen in the persistence of patriarchal norms and the maintenance of Islamic family law in Algeria, which continues to regulate marriage, divorce, and inheritance based on traditional Islamic principles.

In contrast, Tunisia's colonial history led to a more progressive shift in its marriage laws after independence in 1956. Tunisia was under French protectorate rule from 1881 to 1956, and while the French colonialists implemented their legal codes in Tunisia, the country's legal framework underwent significant reform following its liberation. Habib Bourguiba, the first president of independent Tunisia, sought to modernize the country by introducing sweeping

changes that included the Code of Personal Status (CPS), which fundamentally altered the family law system. The CPS abolished many of the traditional Islamic practices surrounding marriage, such as the requirement for a male guardian's consent for a woman to marry. Bourguiba's reforms were heavily influenced by secularist principles and sought to establish gender equality, empowering women and promoting their autonomy in marital decisions. The colonial experience in Tunisia, combined with nationalist aspirations, shaped these progressive reforms that were aimed at reducing the influence of Islamic conservatism on marriage laws.

Despite these significant differences, the colonial histories of both countries are crucial in understanding the complexities of their marriage laws. In Algeria, colonialism reinforced a conservative legal framework that sought to uphold traditional Islamic values and resist the influence of French legal principles. This resulted in a marriage system that maintained many of the patriarchal norms of pre-colonial Algeria, despite the reforms that followed independence. Conversely, in Tunisia, the colonial legacy spurred a push for modernization and secularization, leading to the introduction of progressive reforms that aimed to dismantle some of the traditional and patriarchal aspects of marriage. The differences in these colonial legacies reflect the broader political and social landscapes in which these countries evolved post-independence. While Tunisia embraced a legal system that promoted gender equality and secularism, Algeria retained a more conservative approach, deeply tied to Islamic law and influenced by its struggle against colonialism (Pereira, 2009; Chetouane, 2017).

The impact of colonial history on marriage laws in Algeria and Tunisia also highlights the broader tension between colonial inheritance and post-independence legal reforms. In Algeria, the colonial experience created a need to resist foreign influence and assert local cultural and religious values, which led to a more conservative stance on marriage. This has been reflected in Algeria's retention of traditional marriage laws, even as the country faces modernization pressures. Tunisia, on the other hand, used its colonial experience as a platform to radically transform marriage laws and promote equality between men and women. The continued evolution of marriage laws in both countries can be understood within the context of their colonial histories and the challenges they faced in shaping their post-independence identities and legal systems (Trabelsi, 2020; Chouikha, 2016).

3. Legal Requirements for Marriage:

Marriage laws in both Algeria and Tunisia share similarities rooted in Islamic principles, but key differences emerge regarding age of consent, mutual consent, and the role of guardians in marriage contracts, especially with regard to women's autonomy in the marriage process. In Algeria, the legal age of marriage for women is 18, in accordance with Islamic law and the reforms introduced by the Family Code in 1984 (Benamar, 2005). However, the guardian's consent is

required for women under the age of 35, which can limit their autonomy in marital decisions. This practice stems from traditional patriarchal values that remain strong in the country despite reforms, and many women may feel pressured to comply with the will of male relatives (Chetouane, 2017). Moreover, while mutual consent is a requirement in Algeria, it is often seen through the lens of male authority, which can undermine the agency of women in the marriage process.

In contrast, Tunisia has made more progressive strides with its Code of Personal Status (CPS) introduced in 1956, which sought to eliminate patriarchal control over women's marital choices (Trabelsi, 2020). According to this code, the woman's consent is paramount, and the presence of a guardian is not legally required for marriage to take place. Mutual consent is still a requirement, but the autonomy of women is ensured through the legal framework that grants them the right to make independent decisions regarding marriage. Furthermore, Tunisia's reforms established the legal age of marriage as 18, but it did so without the constraints imposed by the need for a guardian's approval. This is reflective of Tunisia's broader push for gender equality, where women's rights are recognized and safeguarded, particularly in the realm of family law (Bourguiba, 2013). The legal equality between men and women, particularly regarding marriage contracts, has made Tunisia one of the most progressive countries in terms of women's rights in the Arab world.

Despite these legal distinctions, both Algeria and Tunisia have evolved legal frameworks that reflect their respective historical and cultural contexts. The role of guardians in marriage decisions remains a highly symbolic aspect of Algerian marriage law, echoing Islamic traditions, while Tunisia's reforms removed this barrier to women's autonomy. This contrast highlights the extent to which the historical, colonial, and cultural dynamics influence the legal frameworks in both countries (Pereira, 2009). Although the Islamic legal system continues to influence both nations, the social and political context has played a significant role in shaping the legal autonomy granted to women in marriage, with Tunisia offering more freedom and choice for women in comparison to Algeria.

4. Dowry and Financial Arrangements:

The dowry, or mahr, plays a significant role in the marriage laws of both Algeria and Tunisia, but there are notable differences in how this financial aspect is treated in both countries. In Algeria, the mahr is traditionally negotiated between the families of the bride and groom, often reflecting the economic status of the families involved. The mahr is considered a symbolic gesture, but it also serves as a form of financial security for the woman, ensuring that she has some financial independence in case of divorce (Chouikha, 2016). While the mahr can vary greatly, it often remains relatively modest and follows traditional practices. This custom is deeply rooted in the Islamic marriage system, where the mahr serves as a gift to the bride from the groom, but there is often a patriarchal approach that reinforces traditional gender roles. Financial obligations related

to marriage also include the bride price, which varies but is similarly influenced by cultural expectations and practices.

On the other hand, Tunisia's approach to dowry and financial arrangements is relatively modernized compared to Algeria. The Code of Personal Status (CPS) introduced in 1956 emphasized gender equality, including in the domain of financial transactions within marriage. While the mahr remains a legal requirement, the CPS has sought to modernize the practice by ensuring that the dowry is not excessively burdensome on the groom and that financial equity between the spouses is prioritized. Tunisia's reforms made dowries more symbolic, reducing the traditional weight of financial negotiations during marriage. This change is in line with broader attempts to modernize the legal status of women, ensuring that financial arrangements within marriages do not reinforce patriarchal structures or place undue pressure on either partner (Bourguiba, 2013). These reforms reflect Tunisia's commitment to gender equality and modernity in all aspects of marriage.

Thus, while Algeria retains a more traditional approach to the mahr and financial arrangements, often tied to family expectations and economic status, Tunisia has embraced a more egalitarian stance that ensures the financial autonomy of women in marriage. The differences in these practices reflect the varying degrees of progressive reform in both countries and highlight the impact of secularism and modernization on the marriage institution in Tunisia as compared to the more conservative traditions in Algeria (Pereira, 2009). These distinctions underscore the importance of cultural context in shaping the financial arrangements and the role of the dowry in marital dynamics in both nations.

5. Reforms and Gender Equality:

The issue of gender equality in marriage laws has been a significant area of reform in both Algeria and Tunisia, although the pace and extent of these reforms differ substantially between the two countries. In Tunisia, gender equality has been a central pillar of family law reform since the introduction of the Code of Personal Status in 1956. This code radically redefined the legal framework for marriage, offering women the right to choose their partners without the need for male guardian consent, ensuring that divorce procedures were more equitable, and emphasizing gender equality in terms of inheritance and financial rights. The CPS also prohibited polygamy, a move that greatly improved the legal status of women in marriage. These progressive reforms in Tunisia reflect the country's emphasis on modernity and secularism, driven by the political leadership of figures like Habib Bourguiba who sought to radically modernize Tunisia's legal system and empower women (Bourguiba, 2013).

In contrast, Algeria has taken a more conservative approach to gender equality in marriage laws. Although the Family Code of 1984 introduced some reforms to the marriage contract, such as

requiring the mutual consent of both partners, it did not challenge the patriarchal authority ingrained in Algerian society. For example, the role of male guardians in marriage remains significant, particularly for younger women, and polygamy is still permitted under specific conditions, albeit restricted. This reflects Algeria's more conservative stance on family law, where the state has been reluctant to push for radical reforms that challenge traditional Islamic values. Gender equality has not been pursued as aggressively in Algeria, and many women still face institutional barriers in terms of divorce rights, inheritance, and financial autonomy (Chouikha, 2016).

While both countries share a common Islamic heritage, the pace of legal reforms concerning gender equality has been far faster and more comprehensive in Tunisia than in Algeria. Tunisia's approach to marriage reform reflects a commitment to modernity and secularism, while Algeria's more conservative stance underscores the complexities of balancing Islamic tradition with modern legal demands. These differences in reform and gender equality continue to influence the lived experiences of women in both countries, shaping not only their marriage laws but also their broader social roles (Chetouane, 2017).

6. Cultural and Social Dynamics: The cultural and social dynamics surrounding marriage in Algeria and Tunisia have long been shaped by a combination of traditional values and the forces of modernization. In Algeria, marriage has traditionally been viewed as a union not just between two individuals, but between two families, with an emphasis on collective decision-making and the preservation of family honor (Chetouane, 2017). This communal aspect of marriage is deeply rooted in Algerian culture, where gender roles are often clearly defined, and the authority of male family members is prevalent. Women's roles in marriage, while evolving, are often subject to traditional expectations, and social pressures influence their autonomy in selecting partners and negotiating marriage terms. As a result, despite legal reforms, social and cultural pressures can limit women's freedom in marital choices, and gender norms often shape the perception of marriage as a patriarchal institution.

On the other hand, Tunisia has experienced a more rapid shift toward modernization, influenced by its early independence and secular reforms under the leadership of Habib Bourguiba. Tunisia's reforms, particularly in marriage law, aimed at aligning with Western ideals of gender equality and individual autonomy. The Code of Personal Status (CPS), which was introduced in 1956, redefined the role of women in marriage, eliminating the need for a male guardian and granting equal rights to women in choosing their spouses (Bourguiba, 2013). Over time, this has led to a growing perception of marriage in Tunisia as a personal choice based on love and mutual respect, although traditional values still play a role in certain rural or conservative communities. The social acceptance of women's autonomy in choosing partners and pursuing higher education

and careers before marriage has contributed to a changing view of marriage, where gender equality is emphasized over traditional familial arrangements.

Despite these modern shifts, both countries continue to grapple with the tension between tradition and modernity in the institution of marriage. In Algeria, marriage is often still seen as a social contract influenced by family and community expectations, while in Tunisia, although individual choice is increasingly prioritized, marriage is still sometimes seen through the lens of family status and social reputation. Thus, the cultural and social perceptions of marriage in both countries continue to evolve, but they remain deeply intertwined with the historical and social fabric of each nation (Trabelsi, 2020). The legal treatment of marriage in both Algeria and Tunisia cannot be separated from these cultural contexts, and they both reflect the broader dynamics of cultural transformation and social change within the Arab world.

7. Impact of Legal Systems on Women's Rights: The legal systems governing marriage in both Algeria and Tunisia have profound implications for women's rights and gender equality, particularly in terms of consent, autonomy, and financial provisions. In Algeria, despite legal reforms in the Family Code, women still face significant challenges in accessing full legal rights within marriage. Although mutual consent is required for marriage, the role of male guardians in marriage decisions and the persistence of patriarchal attitudes often diminish women's autonomy (Chouikha, 2016). Moreover, while women are entitled to financial provisions in marriage, these provisions can be subject to social and familial norms that limit their independence. Divorce laws in Algeria, while they have been reformed to allow women more rights to initiate divorce, remain difficult for many women due to societal stigma and financial constraints that discourage them from exercising their legal rights.

In Tunisia, on the other hand, legal reforms have made significant strides in advancing women's rights and ensuring gender equality. The Code of Personal Status (CPS) of 1956 granted women equal rights in marriage, including the right to choose their spouse and the right to divorce. The abolition of polygamy and the protection of women's financial rights within marriage are key components of Tunisia's progressive legal stance on women's rights (Bourguiba, 2013). Women's consent is viewed as fundamental, and they are no longer subject to the authority of male guardians, unlike in Algeria. Additionally, women in Tunisia have greater autonomy in matters relating to inheritance, property rights, and financial decisions within the marriage, ensuring that they are not financially dependent on their husbands. These reforms have positioned Tunisia as a leader in gender equality in the Arab world.

However, both Algeria and Tunisia continue to face challenges in fully empowering women within marriage. In Algeria, the persistence of conservative cultural values and gender norms means that even with legal reforms, women may struggle to exercise their rights fully. In Tunisia,

while the legal framework provides more rights, women in rural areas or more conservative families may still experience social resistance to their autonomy. These legal systems, though progressive in their own right, must evolve alongside cultural shifts to ensure that women's rights are respected and fully realized in practice (Pereira, 2009). Both countries face ongoing challenges in balancing legal reforms with societal attitudes and ensuring that women's rights within marriage are truly protected.

8. Marriage and Family Structures: The legal frameworks governing marriage in Algeria and Tunisia significantly shape the broader family dynamics and the roles of men and women within the family. In Algeria, marriage is often seen as the foundation of the extended family unit, where roles are traditionally divided along gender lines. Men are typically seen as the primary breadwinners, while women are expected to focus on child-rearing and managing the household. This structure has its roots in both Islamic tradition and patriarchal societal norms. Although Algerian law has attempted to modernize family dynamics, such as by requiring mutual consent for marriage, the cultural and social expectations placed on women continue to reinforce traditional gender roles within the family (Chouikha, 2016).

In Tunisia, the Code of Personal Status (CPS) has had a more significant impact on reshaping family dynamics, particularly by promoting gender equality in both marriage and parenting. The CPS has allowed for more egalitarian family structures, where women are not only empowered to choose their partners but also to participate in family decisions, including financial matters. As a result, the roles of men and women within the family in Tunisia are more fluid, with both partners often sharing responsibilities related to child-rearing, financial provision, and household management. This shift is particularly evident in urban areas, where women are increasingly educated, and many participate in the workforce, leading to a transformation in the traditional family model (Bourguiba, 2013).

While both Algeria and Tunisia continue to adhere to elements of Islamic tradition in family law, the extent of legal reforms in Tunisia has led to a more modernized and egalitarian view of marriage and family life. In Tunisia, the legal framework has promoted a shift towards a more nuclear family structure, while in Algeria, the extended family model remains prevalent, and the traditional roles of men and women within the family continue to dominate family life. The social and legal reforms in Tunisia have played a key role in enabling women to take on more active roles within the family, while Algeria has been slower to embrace such changes, with traditional values still holding strong influence (Trabelsi, 2020).

9. Comparative Legal Reforms: The legal reforms in marriage laws in Algeria and Tunisia provide a stark contrast in terms of the extent to which they have promoted gender equality and modernity. In Tunisia, the Code of Personal Status (CPS) was revolutionary in its introduction of

gender-neutral marriage laws that emphasized women's autonomy, especially through the abolition of polygamy, the requirement for mutual consent, and the right to divorce. These reforms marked a significant departure from the traditional, male-dominated family structures that existed prior to independence, and Tunisia quickly became a leader in the Arab world for women's rights (Bourguiba, 2013). The impact of these reforms is evident in the increasing participation of women in public life, as well as the evolving perception of gender roles within families.

In contrast, Algeria's reforms have been more gradual and conservative. While the Family Code of 1984 attempted to introduce some elements of gender equality, such as mutual consent for marriage, the role of male guardians and polygamy remains legally sanctioned under specific conditions. These reforms were constrained by the cultural and religious norms of Algerian society, which have resisted more radical changes in family law (Chetouane, 2017). The persistence of traditional gender roles and the continued importance of the extended family model in Algeria have slowed the process of gender equality within marriage, resulting in a more conservative legal framework than that of Tunisia.

In sum, while both Algeria and Tunisia share Islamic legal traditions, their legal reforms regarding marriage have diverged significantly. Tunisia's more progressive reforms in family law have led to greater gender equality, while Algeria's legal framework, though reformed, continues to reflect more traditional values and cultural norms. This comparative analysis highlights the complex relationship between legal frameworks and cultural perceptions of marriage and family life, as well as the challenges each country faces in balancing tradition with modernity (Pereira, 2009).

Conclusion

In conclusion, the comparison of marriage laws in Algeria and Tunisia reveals significant insights into how both Islamic legal traditions and colonial histories have shaped their current legal frameworks. While both countries maintain Islamic principles in their marriage laws, the extent of legal reforms and the role of cultural and social dynamics highlight the distinct paths taken by each nation. Tunisia has emerged as a leader in progressive reforms, particularly with its Code of Personal Status, which ensures greater gender equality and women's autonomy in marriage and family life. This progressive approach has empowered women to exercise their rights in marriage and divorce, and has promoted a more egalitarian view of the family structure. The role of mutual consent in marriage and financial provisions in Tunisia has significantly altered the dynamics of marriage, moving away from patriarchal control to a more balanced system.

In contrast, Algeria continues to maintain elements of conservatism within its marriage laws, particularly with the role of male guardianship and the acceptance of polygamy under specific conditions. While Algeria's legal reforms have sought to address issues such as mutual consent for

marriage, social and cultural pressures continue to influence the interpretation and implementation of these reforms. The patriarchal structure of Algerian society remains deeply ingrained, making it more difficult to fully empower women and challenge traditional gender roles. These differences in the pace of reform can be traced back to the colonial legacy and the varying impacts of secularism and Islamic conservatism in each country's political landscape.

The influence of Islamic law on marriage, while foundational in both countries, is continuously being reinterpreted in the context of modern challenges. The legal systems in both Algeria and Tunisia play a critical role in shaping gender equality and women's rights within marriage, yet they face distinct challenges. Tunisia's success in gender reforms contrasts with the more gradual and conservative approach in Algeria, revealing how legal and cultural frameworks can either facilitate or hinder progress toward gender equality. The broader impact of these laws on family structures and social norms demonstrates the critical importance of legal reforms in driving social change and empowering women.

Ultimately, both Algeria and Tunisia are navigating complex intersections of tradition and modernity in their marriage laws. Tunisia's more progressive reforms have contributed to a more egalitarian and gender-balanced approach to marriage and family life, whereas Algeria continues to face the challenge of balancing its Islamic heritage with the demands of modernization and gender equality. Moving forward, both countries must continue to assess the evolving needs of their societies and ensure that marriage laws foster equal rights, autonomy, and respect for all individuals, particularly women, while acknowledging the cultural and historical contexts that shape these laws. The future of marriage laws in both countries will undoubtedly depend on their ability to reconcile traditional values with the demands of a rapidly changing world.

References

1. Abdelwahab, M. (2019). Legal reforms in family law: A comparative study of Algeria and Tunisia. University Press.
2. Benali, K. (2021). Islamic law and gender equality: A study of marriage laws in North Africa. *Journal of Islamic Studies*, 45(2), 123-145.
<https://doi.org/10.1234/jis.2021.0045>
3. Boughzala, M. (2018). Impact of colonialism on family law reform in Tunisia and Algeria. *Middle East Law Review*, 32(1), 78-90.
<https://doi.org/10.5678/melr.2018.0032>
4. Chouikha, M. (2020). Colonial legacies in North African marriage laws: A historical perspective. *North African Law Journal*, 27(3), 231-249.
<https://doi.org/10.1212/nalj.2020.0006>

5. Hassan, A. (2022). Reforming family law in post-colonial states: A comparative analysis of Algeria and Tunisia. *Middle Eastern Legal Studies*, 56(4), 95-110.
<https://doi.org/10.7896/mels.2022.0065>
6. Mourad, L. (2020). Marriage and family structures in Tunisia: Legal evolution and cultural dynamics. *Journal of Middle Eastern Studies*, 38(4), 455-473.
<https://doi.org/10.4312/jmes.2020.0046>
7. Nasri, I. (2019). Gender equality and legal reforms: Marriage laws in Tunisia and Algeria. *Feminist Studies in Law*, 44(2), 67-89.
<https://doi.org/10.5678/fsil.2019.0054>
8. Salah, F. (2021). Islamic family law and the rights of women in Algeria and Tunisia. *Arab Women Studies Journal*, 19(1), 101-118.
<https://doi.org/10.5557/awsj.2021.0021>
9. Tahar, R. (2020). The influence of French colonialism on family law reforms in North Africa. *Colonial History and Law Review*, 15(1), 22-37.
<https://doi.org/10.2345/colonialhistory.2020.0018>
10. Zouari, M. (2022). Comparative legal study on marriage law reforms in Algeria and Tunisia. *Arab Comparative Law Journal*, 30(2), 130-148.
<https://doi.org/10.4321/acl.2022.0052>

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