



لجنة التعريف بالإسلام
ISLAM PRESENTATION COMMITTEE
جمعية النجاة الخيرية



Ministry of Justice

Marriage in Kuwait

43 facts define Rights and Duties

The rights and duties of spouses under Kuwaiti Personal Status Law

1. The marriage is not valid without the consent of the wife or guardian.
2. There is no marriage without a dowry.
3. The girl's marriage is not documented unless she is fifteen and the boy is seventeen years old at the time of documentation.
4. Forceful marriage of a girl by the guardian is not allowed. In such event, the matter shall be brought to a judge to allow or not allow the marriage.
5. Worthy is a man that is worthy to the woman at the time of contract, and the measure of being worthy is goodness in religion.

6. Compatibility in age between spouses is the right of the wife alone.

7. In the event of inequality, the wife or her guardian have the right to annul the marriage contract.

8. The right of the annulment is forfeited by pregnancy, consent, or the lapse of one year of the contract.

9. The marriage contract is declared null and void if there is a condition for the completion of the marriage that contradicts the Sharia.

10. The dowry must be identified correctly in the marriage contract.

11. If the dowry is not identified, the dowry shall be same as the other dowries in similar marriages (which is the dowry of the peers in the same country) (the "Methel Dowry").

12. The wife is entitled to the dowry as soon as the correct contract is made and is not waived in the case of proper consummation or seclusion.

13. The whole dowry or al-Mut`ah (the conciliatory gift) is abated in case of separation between the spouses because of the wife, and that it was before consummation or proper seclusion.

14. The wife must be given half of the identified dowry in case of divorce before consummation or proper seclusion, if the divorce was from the husband without the wife's request.

15. The woman shall receive al-Mut`ah (the conciliatory gift) which the judge shall value, this amount shall not exceed half of the amount of the Methel Dowry.

16. The husband bears the responsibility of preparing the marriage house.

17. The wife avoids payment of the alimony for her husband according to the valid contract. Alimony (or spousal support) payment covers the expenses for food, clothing, medication, and others according to custom.

18. It is permissible to increase or decrease the alimony if the husband's condition changes or the prices of the country change.

19. The wife's alimony (or spousal support) shall be considered from the date of non-expenditure and shall be a debt to the husband and shall not be forfeited except by performance or acquittal.

20. The husband must accommodate his wife in a dwelling similar to his.

21. The husband does not have the right to let his second wife live with his first wife in one house.

22. The wife is permitted to travel with a mahram to perform Hajj, even if the husband does not give her his permission and the alimony shall continue.

23. Divorce does not take place if the man is insane, a lunatic, shy, drunk, dumbfounded, or angry.

24. Divorce does not take place if the marriage is an invalid marriage or it occurs during the waiting period.

25. Divorce occurs with the explicit saying of "I divorce you, you are forbidden to me".

26. The husband can divorce his wife three times, but it may not occur at the same time.

27. Where the occurrence of harm leads to divorce, the divorce is clear.

28. Where the reason for divorce is a lack of spending, the divorce is revocable.

29. Where the reason for divorce is lack of agreement, the divorce is revocable.

30. Where a divorce splits into a semi-clear divorce, it can be returned.

31. A very clear divorce results in not allowing the husband to return to his wife as it equals the three divorces.

32. Where the husband refuses to support his wife financially the wife has the right to a divorce due to lack of financial support.

33. The couple must order separation due to the harm resulting from a word or an act; and such act or word requires to be proven by a testimony of 2 men or 1 man and 2 women.

34. If the husband is absent for a year or more, without an acceptable excuse, then the wife has the right to ask for a divorce. Additionally, in the case of a missing person for four years (in the case of countries where wars or natural disasters occurs) the husband shall be declared dead after the court ruling. Upon the issuance of the court ruling the wife shall begin the waiting period.

35. Where a judgment stating three years of imprisonment is issued towards the husband, the wife has the right to ask for divorce after a year of imprisonment.

36. The couple has the right to ask to terminate the marriage contract if a flaw, either before or after the marriage, exists.

37. The husband has the right to return his wife as long as she is in the waiting period after divorce by word or doing so.

38. The reunification must be certified by testimony or official publication, known by the wife.

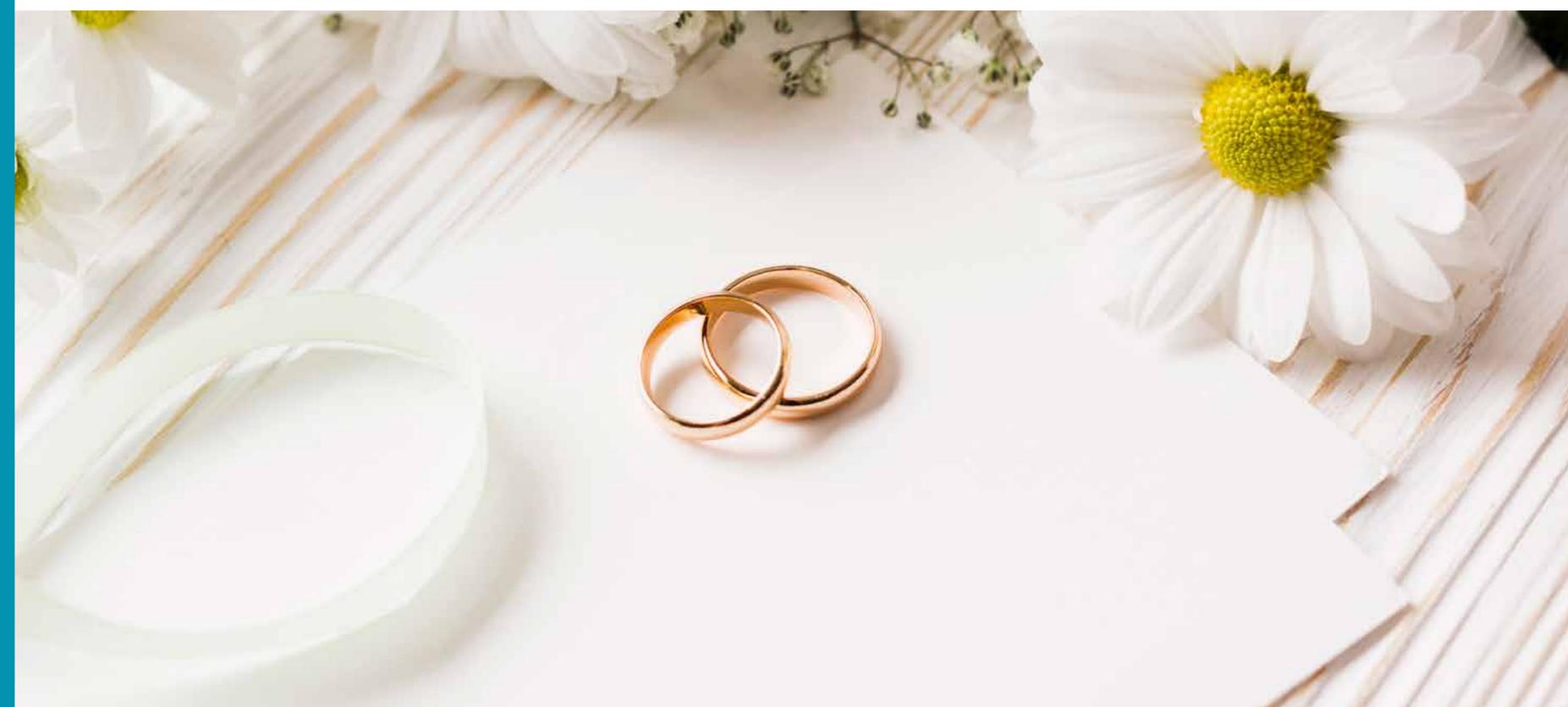
39. The bloodline of the child is proved by consummation in rightful marriage, or in case of entrance in a tainted or deceitful marriage and the man may deny the bloodline of the child within 7 days from the child's birth or from his knowledge of the child's birth, and court shall determine if the bloodline is rightful or not.

40. The mother possesses the right of custody, or her mother, or the aunt, or the mother's aunt etc. if they are all equal of handling the custody. The judge would then decide who is more responsible for custody.

41. The custody ends for the son with puberty and for the daughter with marriage.

42. The mother's custody is forfeited by marriage and the husband's consummation.

43. Only grandparents and the parents have the right to see the daughter/son.



Important Terms

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