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English Lecture

Law Department

Specialty: Master 1 Family Law

Content

- ❖ Dissolution of Marriage انحلال الزواج

1 - The Divorce ways: صور الطلاق

- Upon request by the wife in return of payment of an amount of money (KHOL) الخلع
- Upon request by the wife for other reasons التطلیق
- By mutual consent of the spouses الطلاق بالتراضي
- By will of the spouses: الطلاق بالإرادة المنفردة Judicial repudiation: الطلاق بالتقاضي

Dissolution of marriage

1- The Divorce ways

As per articles 48, 53 and 54 of the Algerian Family Code (AFC), divorce can be declared (art.48):

1-1- Upon request by the wife in return of payment of an amount of money (Khol)

Compensation of terminating the marital bond, the amount cannot exceed the value of the parity dowry. Khol is a right for a wife and does not require the husband's agreement.

1-2- Upon request by the wife for the following reasons (art.53 of the AFC):

1. Failure to pay alimony decided by judgment unless the wife has lived in poverty with her husband when entering into marriage.
2. For a disability preventing the achievement of the marriage purpose, in other words, sterility or impotence of the husband.
3. In case of the husband's refusal to share the bed with the wife for more than four months.

4. If the husband is sentenced further to an offence likely to dishonour the family and render living together impossible.
5. In case of absence for more than one year with no valid excuse or without alimony.
6. For breaching the provisions concerning a polygamy marriage application (art.8 of the A F C).
7. For any seriously reprehensible immoral fault (E.g. A buse).
8. For persisting disagreement between the spouses.
9. For violating the clauses set forth in the marriage agreement.
10. For any legally recognised prejudice.

1-3 – By mutual consent of the spouses: there are two types:

Divorced based on a joint petition and divorce requested by one and accepted by the other.

1-4 – By will of the spouses: It is called judicial repudiation

The husband is entitled to dissolve the marriage without justifying his request. The wife can obtain financial compensation if the husband has misused his capacity to divorce (art.52 of the A F C).

Æ Procedure:

- The divorce petition must be addressed to the clerk of the tribunal personal status' section in the area of residence of the spouses or of the marriage registration place.
- Divorce is established by judgment after several conciliation attempts during a period that does not exceed three months starting from the petition filing date (art.49 of the AFC).
- The mother and the child are kept in the marital house during the divorce procedure (art.72 of the AFC). Once the divorce is pronounced, the father has to provide decent housing or rental costs.
- The transcription of the divorce on the registry office books is made at the diligence of the prosecutor.

- Judgments delivered on divorce cases are not subject to appeal except on their material aspects or in terms of child custody.

Questions

I-Reading comprehension:

1-Suggest a title to the text?

2- Define in the text the ways of divorce declaration?

3-Which of the following is not listed in the text as a reason of divorce dissolution:

- a) The spouse infertility.
- b) If the husband has committed a serious misconduct that put his family in a state of a shame.
- c) For non-violating or committing any indecent action.
- d) For persisting disputes between the spouses.

4-Find a synonymous for the term " appeasement"

5- The tone of the text is: a) emotional b) informative c) enthusiastic d) reactionary

6- Define in the text when one of the spouses has the right to appeal the judge declaration of divorce?

II-Grammar and Language:

1- Give the verbs of the following nouns:

| Noun | Verb |
|---------------|------|
| repudiation | |
| transcription | |
| compensation | |

2- Give the adjectives of the following nouns: agreement, request, failure.

III- Terminology and Translation:

1- Translate into Arabic the underlined terms and expressions in the text.

2- In few lines, try to summarize the text using the underlined terms and expressions

The Correction of the text:

I- Reading comprehension:

1- The Title of the text is: dissolution of marriage/ the ways of divorce and its procedures.

2- The ways of divorce declaration are:

* (K H O L), * Upon request by the wife for other reasons,

* By mutual consent of the spouses, * By will of the spouses: Judicial repudiation.

3- The reason of marriage dissolution that is not listed in the text is: c) For non-violating or committing any indecent action.

4- The synonymous of the term " appeasement" = òconciliationó.

5- The tone of the text is: b) informative

6- One of the spouses has the right to appeal the judge declaration of divorce only in terms of material aspects or in terms of child custody.

II- Grammar and Language:

1- Give the verbs of the following nouns:

Repudiation: to repudiate. Transcription: to transcribe. Compensation: to compensate.

2- Give the adjectives of the following nouns:

Agreement: agreeable. Request: requisite. Failure: fallacious.

III- Terminology and Translation:

1- Translating into Arabic the underlined terms and expressions in the text.

| English | Arabic |
|-------------------------|---------------|
| Dissolution of Marriage | انحلال الزواج |

| | |
|---|--|
| The Divorce ways | صور الطلاق |
| KHOL | الخلع |
| Upon request by the wife for other reasons | التطليق |
| By mutual consent of the spouses | الطلاق بالتراضي |
| By will of the spouses | الطلاق بإرادة المنفردة |
| Judicial repudiation | الطلاق بالتقاضي |
| alimony | الانفاق / النفقة |
| Sterility or impotence of the husband | عقم الزوج |
| offence | جريمة |
| For violating the clauses set forth in the marriage agreement. | مخالفة الشروط المتفق عليها في عقد الزواج |
| capacity to divorce | أهلية التقاضي |
| The divorce petition | عريضة الطلاق |
| The tribunal personal status' section | محكمة قسم شؤون الأسرة |
| conciliation attempts | محاولات الصلح |
| divorce procedure | إجراءات الطلاق |
| decent housing | مسكن ملائم / لائق |
| rental costs | دفع بدل الإيجار |
| the prosecutor | النائب العام |
| appeal | الاستئناف |
| child custody | حضانة الطفل |

The wife can obtain financial compensation if the husband has misused his capacity to divorce (art.52 of the AFC).

المادة 52

: "إذا تبين للقساضي تعسف الزوج في الطلاق حكم للمطلقة بالتعويض عن الضرر اللاحق به."