



Amendments to the Personal Status Law in Egypt

A reading of the new "Family Law" draft and the controversy surrounding it



The personal status system in Egypt is witnessing, during the current year 2026, one of the most important stations of legislative development for more than a century, as the Egyptian government referred to the House of Representatives a draft unified family law that includes about 355 substantive articles, and aims to integrate and unify the various legislations that regulate matters of marriage, divorce, custody, alimony and visitation, which were distributed over successive texts, the oldest of which dates back to 1920. No sooner had the project reached Parliament than it sparked widespread controversy in legal, religious and societal circles, extending to social media platforms, between supporters who consider it a necessary step to modernize a legislative system that has become outdated, and opponents who demand a review of a number of its essential texts.

This article reviews the most prominent features of the new draft law from a legal perspective, and analyzes the most important axes of the controversy surrounding it, while placing these amendments in their historical, constitutional and comparative context, based on the circulating texts of the draft law, the explanatory memorandum issued by the government, and the positions of the relevant official authorities and religious institutions.

First: The general framework of the draft law and the legislative background

The roots of current personal status legislation in Egypt go back to 1920, when Law No. 25 of 1920 was issued regarding alimony and some personal status matters, followed by Law No. 25 of 1929 regarding divorce provisions, then its successive amendments, most notably Law No. 100 of 1985, as well as Law No. 1 of 2000 regulating some procedures and situations of litigation in personal status matters, and Law No. 10 of 2004 establishing family courts. This legislative fragmentation over more than a century has led to conflicting judicial applications, difficulties for non-specialists to understand, and a backlog of Supreme Constitutional Court rulings that have amended or overturned a number of texts without finding their way to comprehensive codification.

In this context, and under presidential directives to form a specialized technical committee to prepare a balanced and precise personal status law, the government prepared a unified draft law called the "Family Law Draft." The draft law was approved by the Council of Ministers in late April 2026, with the aim of referring it to Parliament. This step was described by the government as the most comprehensive in the history of personal status legislation in Egypt, spanning more than a century. The project came in the form of a three-dimensional legislative package that includes: a draft personal status law for Muslims, a draft personal



status law for Christians, and a draft law for the Family Support Fund that has not been officially announced to date.

The project for Muslims consists of six publication articles, in addition to the publication article, in addition to 355 thematic articles divided into three main sections, each of which includes a number of chapters, according to a classification that takes into account formal and logical considerations in order to achieve an integrated organization of family provisions. The draft explanatory note indicates that it builds on the established judicial work, while simplifying legal formulations to enable non-specialists to understand them.

Second: The most prominent fundamental developments in the draft law

1. Provisions on Engagement and Its Legal Effects

For the first time in this detail, the draft law regulates the engagement stage as a promise of marriage that does not have the legal effects of a marriage contract. In the event of the annulment or death of either party, the suitor or his heirs have the right to recover the dowry if it was paid before the conclusion of the contract, or to recover its value at the time of receipt if it is not possible to return it in kind, while the engagement ring is considered a gift unless otherwise agreed upon. These provisions represent a legislative innovation that puts an end to the disparate judicial jurisprudence that governed "premarital" disputes.



2. Age requirement, eligibility for marriage, and financial insurance mechanism

The draft law requires that both sexes reach the full age of eighteen in order for marriage eligibility to be established, while explicitly stipulating that the marriage of a forced or drunkard shall not be established. In a remarkable development, the project requires those about to get married to submit an insurance policy that guarantees the wife a sum of money or monthly alimony in the event of a final divorce or annulment, provided that the contract includes an appendix that is part of the policy and has the force of an executive document, allowing the spouses to agree in advance on expenses, authorizing the wife to divorce herself, and stipulating that the husband not marry another woman except with her written permission.

3. The wife's right to terminate the marriage contract for deception

One of the most controversial articles is Paragraph B of Article 7 of the draft law, which grants a wife the right to request the annulment of her marriage contract if it is determined that she has been deceived or deceived by her husband, such as by him claiming a social or professional position that he does not own, or by concealing a shameful history or a fundamental illness. This is subject to two cumulative conditions:

- The wife must not be pregnant or have given birth



- This license must be exercised within a period not exceeding six months from the date of concluding the contract.

This text is the creation of a new form of termination of the marriage contract due to a defect in consent, distinguishing it from traditional defect separation claims stipulated in existing legislation.

4. Regulation of Custody and Educational Guardianship

Article 115 of the draft law specifies the order of the holders of the right of custody as follows: mother, then father, then mother's mother, (and upward), then father's mother, (and upward), then sisters, then sisters' mother, then sisters' father, followed by successive degrees of kinship according to a detailed order that takes into account the precedence of those who provide evidence of the mother over those who provide evidence of the father. It is noted that giving priority to the father over the rest of the women incubators after the mother represents an evolution from the prevailing traditional arrangement, which used to give priority to a number of the mother's and father's relatives over the father himself. The law also requires the father to bear the costs of the child's education until the end of university.

Regarding the issue of visitation, Article 140 regulates the right of non-custodial parents, grandparents, and grandmothers to see the child in custody, provided that the visitation takes place by agreement between the custodian and the person with the right to see. The draft has introduced alternative mechanisms for visitation, including " Al-Istizara



(child hosting arrangement)" and remote electronic sighting, in addition to imposing penalties on those who refrain from implementing the provisions of sighting, in response to what practical practice has revealed of fundamental difficulties in implementing this type of provisions.

5. Divorce and khul' (Wife-Initiated Divorce) rulings

The draft includes a controversial text in Article 84 that requires, during the first three years of marriage, a return to the judge before documenting the divorce, without this condition waiving the right to divorce itself, but rather restricting the timing of documenting it in an attempt to reconcile or verify the seriousness of the will. The last paragraph of the Wife-Initiated Divorce texts also stipulates that the Wife-Initiated Divorce ruling is in all cases not subject to appeal by any means of appeal, as an exception to the text of Article 221 of the Civil and Commercial Procedure Code, in a way that achieves legal stability for these rulings and prevents the prolongation of the family dispute.

6. Facilitating alimony claims procedures

In response to what practice has revealed about the failure of alimony claims for many years before family courts, the project includes articles aimed at simplifying and accelerating legal procedures related to marital alimony claims, divorcee alimony, and child support and education expenses, in a way that reduces the burden on custodians who bear the responsibility of support alone during the litigation

period. However, some experts note that the project did not include a clear indication of the expected role of the Family Support Fund in financing temporary alimony.

Third: The topics of controversy surrounding the project

1. Controversy over the role of Al-Azhar Al-Sharif in formulating the project

The statement issued by the Al-Azhar Media Center constituted a major turning point in the public debate, as Al-Azhar confirmed that the draft law in circulation was not presented to it in its current form, and that it did not participate in its drafting in any way, explaining that it had submitted an independent proposal for a personal status law that reflects its legitimate vision since April 2019 through a committee from the Council of Senior Scholars, without being informed of the extent to which this proposal is compatible with the current government project. A member of Al-Azhar's Council of Senior Scholars responded that the statement came to clarify the nature of the constitutional procedures governing Al-Azhar's intervention, stressing that the institution does not participate in drafting or discussing any draft law before it is officially referred to it by the House of Representatives, and that its final position will be determined only after fully reviewing the text.

This difference in positions raised fundamental legal questions about the extent of the executive authority's commitment to the path of institutional consultation with religious authorities in drafting personal



status legislation, given what Article Two of the Egyptian Constitution requires of considering the principles of Islamic Sharia as the main source of legislation.

2. Jurisprudential reservations about restricting the right to annulment of marriage by a period of time

A number of specialists in Islamic law have expressed reservations about linking the wife's right to terminate the marriage contract for deception to the six-month period stipulated in Article Seven, considering that the principles of Islamic law allow the right to terminate immediately after fraud is discovered without linking it to a specific deadline, and that restricting it to a time period may empty it of its content in cases where the discovery of fraud is delayed beyond the six months. In contrast, some legal experts believe that the current wording of the article grants the wife the right to annulment without a corresponding right for the husband in the event that he is harmed by the deception of the other party. This raises questions about the extent to which the project achieves the principle of equality in legal positions between spouses with regard to defects of consent when contracting.

3. The legal debate over the extent of innovation in the draft's philosophy

In contrast to conservative jurisprudential reservations, some human rights organizations and women's rights activists have argued that the improvements contained in the project amount to only minor



procedural and regulatory amendments, while substantive texts continue to adopt traditional visions of the family separate from current social and economic transformations. From this perspective, this is evidenced by the continuation of traditional formulations regarding the dowry and the husband's financial obligations, while maintaining a traditional structure for distributing roles and burdens between spouses. According to this view, this places additional financial and procedural burdens on the legal system without fundamentally changing the balance of family rights and duties.

4. Parliamentary debate and legislative path of the draft

The debate escalated within the House of Representatives itself, as a number of representatives, through more than a tenth of the House members, submitted a parallel draft personal status law that reflects a different vision of some of the provisions contained in the government's draft, an indication of the lack of complete political consensus on the proposed formula. The government's draft was referred to a joint committee of legislative, constitutional, religious and social committees for study, without a date yet being set for its presentation to the plenary session for a vote. Amid the circulation of unofficial news about the intention to withdraw the project from Parliament, the Ministry of Parliamentary Affairs issued a statement denying any retreat or intention to withdraw, stressing that the project is still in the possession of Parliament under its original legislative mandate, and



that the government is open to all opinions and proposals put forward during the discussion sessions.

Fourth: Legal evaluation of the draft in light of its legislative methodology

From a purely technical standpoint, the draft family law represents an important step towards achieving legislative unity and ending the state of dispersion that the personal status system has suffered from for more than a century, in order to achieve tangible practical advantages in facilitating reference to legal texts, reducing the chances of conflict in judicial interpretation, and simplifying Drafting to make it more understandable for non-specialists. The project is also credited with adopting a number of stable judicial and constitutional trends and transforming them into explicit legislative texts, which consolidates legal security and reduces reliance on individual judicial jurisprudence on delicate issues such as educational guardianship and the implementation of the visitation's provisions .

On the other hand, the biggest challenge facing the project remains a challenge related to the legitimacy of the institutional consultative procedure, and not just the content of the texts; The absence of prior consensus with Al-Azhar Al-Sharif, coupled with the submission of a parallel parliamentary project, reveals that the drafting process has not yet met a sufficient degree of societal and institutional consensus, which is an essential condition for the consolidation of any legislation



related to the family, as it is one of the most sensitive areas of legislation and linked to public order and societal values. The final word remains, from a legal and constitutional standpoint, for Parliament after completing the discussion stages in the relevant committees and the plenary session, and any amendments that may occur to the current texts before the law is issued in its final form .

The new draft family law places Egypt before a turning point in the history of personal status legislation, as it represents a real opportunity to unify a scattered system that has lasted for more than a century, and at the same time accompanies a legitimate debate about the adequacy of the institutional and societal consensus necessary to issue legislation of this sensitivity. The coming months are expected to witness further deliberations within the relevant parliamentary committees, and Al-Azhar Al-Sharif will officially express its legal opinion after the project is referred to it, which may lead to fundamental amendments to the current texts before the law is issued in its final form.

ICG Personal Status Services:

Given the successive legislative developments in this phase in the field of personal status, the ICG Group affirms its keenness to closely monitor this file and provide all legal and training services related to personal status issues in all their forms, through:



- Providing specialized legal advice on issues of marriage, divorce, khul', alimony, custody, and visitation, in accordance with the latest legislative and judicial developments
- Representing clients before Egyptian family courts at all levels of litigation, and drafting marriage contracts, related agreements and their financial annexes in a way that preserves the rights of all parties.
- Preparing comparative legal research and studies on personal status legislation in Egypt and relevant foreign laws, to serve researchers and specialists.
- Organizing training programs, conferences and specialized seminars to qualify lawyers and legal advisors to deal with new developments in family law when it is issued.
- Publishing analytical articles and periodic news updates to follow up on the legislative progress of the draft law until its final issuance.

ICG invites all individuals and institutions interested in this file to contact it to inquire about its legal and specialized training services in the field of personal status through the following means:

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