



TUNISIA'S ONE-TO-ONE INHERITANCE PHENOMENON: THE ROLE OF PUBLIC SPACE BEHIND THE FAILURE OF MASHRŪ' AĦKĀM TATA'ALLAQU BI AT TASĀWIY FĪ AL MĪRĀŚ

Auliya Ghazna Nizami

Universitas Islam Negeri (UIN) Sunan Ampel Surabaya

Email: aulyanizami@uinsa.ac.id

Muhammad Haidar

University of Ez-Zoutunah Tunis

Email: mhaida2793@gmail.com

Hayyun Ulfah Mutmainnah

Université de Tunis, Faculté des Sciences Humaines et Sociales de Tunis

Email: hayyunulfah9258@gmail.com

Submitted	Accepted	Published
30 th of Januari 2024	2 nd of May 2024	1 st of June 2024

ABSTRACT

Tunisia is known as a Muslim country with a progressive Islamic family law order. Progressiveness is shown by efforts to change the rules of the male and female inheritance sections. The standard concept of Islamic inheritance in the division of inheritance between men and women is 2:1, in this case Tunisia seeks to change it to be equal between men and women. This research discusses the Inconsistency of Islamic Family Law in Muslim Countries: A One to One Inheritance Study in Tunisia. This research is a normative-empirical legal research that combines the nature of normative law accompanied by empirical data. The findings of this study suggest at least two main findings as answers to the two problem formulations stated at the outset. First, Islamic family law in Tunisia which is manifested in the form of Majallah al Aĥwāl Asy Syakhṣiyyah (MAS) often gets changes along with changes in the political forces in power in the country. One of the major parts of MAS

How to Cite: Nizami, A., Haidar, M., & Mutmainnah, H. (2024). TUNISIA'S ONE-TO-ONE INHERITANCE PHENOMENON: THE ROLE OF PUBLIC SPACE BEHIND THE FAILURE OF MASHRŪ' AĦKĀM TATA'ALLAQU BI AT TASĀWIY FĪ AL MĪRĀŚ. *Jurnal Al-Dustur*, 7(1). doi:<https://doi.org/10.30863/aldustur.v7i1.6070>

*is the provision for inheritance distribution between men and women as stipulated in article 146, which is considered by one political camp to be unfriendly to women's rights. Second, the potential power of public space legislation is widely used to provide changes to certain regulations, in this case regarding the provisions of inheritance rights for men and women. The feminist camp with the help of public voice succeeded in drafting *Aḥkām Tata'allaqu bi at Tasāwiy fī al Mīrās* which is addressed to article 146 of the MAS.*

Keywords: Majallah al Aḥwāl Asy Syakhṣiyyah, Aḥkām Tata'allaqu bi at Tasāwiy fī al Mīrās, Equal Inheritance.

INTRODUCTION

Those who study Islamic inheritance law should be aware that when it comes to inheritance distribution, men and women have fundamentally different needs. It appears that Islam is attempting to clarify that both have their unique responsibilities and purposes, and that these components cannot be compared in terms of numerous religious duties and rights in general, and in terms of inheritance in particular.¹

Men and women in the face of the basic concept of Islamic inheritance get the first fundamental difference, which states that the ratio of the equal parts of men and women is 2:1. Which causes the share of male heirs, with all background conditions, to be greater than the share received by equal female heirs. Then it was accepted by some circles as a form of discrediting Islam against the value of a woman, as well as her role and function in society, and the appreciation received by women would not be as great as that received by men.²

The first major distinction between men and women in the context of Islamic inheritance is that the ratio of the equal shares of men and women is 2:1. It results in the percentage of male heirs being

¹ David S Powers, "The Islamic Inheritance System: A Socio-Historical Approach," *Arab Law Quarterly* 8, no. 1 (1993): 13–29.

² Al Robin, "PROBLEMATIKA HUKUM PEMBAGIAN WARIS 2:1 DALAM PENDEKATAN TEORI QATH'I ZHANNI," *Sangaji Jurnal Pemikiran Syariah Dan Hukum* 2, no. Nomor 1 (2018): 108–33.



higher than the share obtained by equal female heirs under all background conditions. Then it was embraced by some groups as a means of criticizing Islam against the value of a woman and her place in society, implying that women would not be as well-appreciated as men.³

In society, various notions emerge in response to problems caused by inescapable social circumstances. The fact that Indonesian women have shared public spaces with males across a range of social classes only emphasizes how urgent it is to update the relevant legislative framework. The Qur'anic verses on inheritance must be revived in order to address the numerous legal requirements of inheritance practices in society. They cannot be left alone with interpretations and understandings derived from the social context of society centuries ago.⁴

Considering how gender equality functions in this nation, it is even more intriguing to evaluate the contemporary Tunisian setting in terms of efforts to equalize the rights of men and women. Since the beginning of the legalization of *Majallah al Ahwāl Asy Syakhṣiyyah (MAS)*, which is known for its progressive legal system compared to other Islamic countries' legal systems, polygamy has been prohibited. Tunisia has continued to add new dimensions to its legal system and legislation. The status and position of men and women in Islamic inheritance law must be observed for gender equality to take place.⁵

The goal of this study is to present the various reactions of the Tunisian community, as represented by two opposing factions, feminists and Zaituna clerics, to the proposed draft amendment to Article 146 MAS, which broadly seeks to change the initial provisions on Islamic inheritance that state that experts male heirs have greater

³ Mukhtar Zamzami, "Kajian Hukum Terhadap Kedudukan Dan Hak Perempuan Dalam Sistem Hukum Kewarisan Indonesia Dikaitkan Dengan Asas Keadilan Dalam Rangka Menuju Pembangunan Hukum Kewarisan Islam" (Universitas Padjadjaran, 2012).

⁴ Endang Sriani, "Fiqh Mawaris Kontemporer: Pembagian Waris Berkeadilan Gender," *TAWAZUN: Journal of Sharia Economic Law* 1, no. 2 (2018): 133–47.

⁵ Amel Grami, "Women, Feminism and Politics in Post-Revolution Tunisia: Framings, Accountability and Agency on Shifting Grounds," *Feminist Dissent*, no. 3 (2018): 23–56.



Tunisia's one-to-one Inheritance Phenomenon:

inheritance rights over female equal heirs, with a ratio of 2:1. The reasons and motivations behind these replies are then stated after these responses have been examined utilizing historical and political methodologies.

In Tunisian society, reactions to the information that 1:1 inheritance is a possibility frequently occupy public areas. According to Jürgen Habermas, religion, together with its moral standards and cultural practices, must be taken into account in order for it to exist in the public arena. Religious argumentation is thought to have the epistemic power to affect how people view public spaces. To accommodate the dialectic of two significant factors in social life, the pattern of a tug-of-war connection between the state's public space and religion needs to be allowed appropriate space. The state must demonstrate its democratic aspect, and religion requires room to develop its political potential.

The ultimate goal of a deliberative democracy is to have a constituency that directly oversees the executive branch. Democracy's primary objective is to enable citizens to participate directly in legislative processes. According to James S. Fishkin, democracy allows for citizens to channel their desires in order to jointly discover a solution to a problem with the state because the core of democracy is community involvement. The policy owners' facilitation of the community with a platform in the form of a public communication space is only natural. The legislative process and direct popular oversight of constituents in the public sphere are further manifestations of the ambitions and voices of the people.

Lathifah in her article talking about the reform of Islamic family law in Tunisia, stated that Tahir Haddad had a strong influence in all policies taken by the Tunisian government. Efforts to reform Islamic family law in Tunisia are known to be friendly to women's rights. In line with Tahir's thoughts that embrace the rights of minorities and vulnerable. In her writing, Lathifah focuses the object of her study on the status of women, not specifically discussing the renewal of women's rights in terms of inheritance. The author also has not emphasized legal protection efforts by the Tunisian government, especially in terms of



inheritance.⁶

While Muzaki in his writings that speak specifically on Tunisian inheritance law, explains the history of the development of inheritance law regulation in Tunisia. Muzaki explained how much the Maliki Madhhab influenced the inheritance arrangements in Tunisia. Although classified as dominant, not all regulations outlined are in accordance with the guidance of inheritance regulations in the Maliki Madzhab. In terms of the concept of *'ashabah* for example, Tunisian inheritance law breaks out of the Maliki Madzhab provisions by including husband and wife, daughters and granddaughters in the class of heirs who can inherit through the concept of *'ashabah*.⁷

Muzaki's writing, written in 2021, has specifically discussed the development of Tunisian inheritance law. Even so, Muzaki's writings did not touch on the evolution of Tunisian inheritance law until the time when the idea of equalizing the parts of men and women was set forth in a draft law as an amendment to article 146 of the MAS. This study examines at how Tunisian culture, which includes feminists and Zaituna religious leaders, responded to the rise of *Aḥkām Tata'allaqu bi at Tasāwiy fī al Mīrās*, an individual who seeks to alter the 2:1 inheritance rules that are commonly followed in many Islamic nations.

METHODS

This research is a normative-empirical legal research that combines the nature of normative law accompanied by empirical data. The normative element is represented by the legal material that is the spirit of this study, while the empirical element is with the facts of Tunisian field conditions. A comparative approach was used in this study to see the extent of influence of the response of Zaituna scholars and the response of feminists, by listing several important figures from each group. A historical approach is used to trace the history of the

⁶ Lathifah Munawaroh, "REFLECTIONS ON TAHIR HADDAD'S THOUGHTS AND HIS INFLUENCE ON THE STATUS OF WOMEN AND FAMILY LAW REFORM IN TUNISIA," Moderation | Journal of Islamic Studies Review 2, no. 2 (2022): 37–48.

⁷ Kiki Adnan Muzaki, Asep Saepudin Jahar, and Muhammad Amin Suma, "Reform of the Law of Inheritance in Turkey and Tunisia," *Al-'Adalah* 17, no. 2 (2021): 249–68.



formation of *Majallah al Ahwāl Asy Shakhshiyah* (MAS), the factors driving the birth of MAS, and what inspired it.

The Primary Law material in the study is *Majallah al Ahwāl Asy Syakhshiyah* (MAS) as the main guide to Islamic Family Law in Tunisia and *Masyrū' Ahkām Tata'allaqu bi at Tasāwiy fī al Mīrās*, as a draft proposed amendment to article 146 MAS related to inheritance law

RESULTS AND DISCUSSION

Development of Islamic Family Law in Tunisia

Studying MAS historically means the same as studying the Tunisian state from the beginning of gaining its independence from French colonialism, because the age of MAS is not much different from the age of the Tunisian state itself. In civil affairs, Tunisia applies legal unification to all of its residents, even though not all of its residents are Muslims, all of its residents must follow each of the contents of the MAS article.⁸

Tunisia gained its independence from the French state after a population duration of 75 years, starting from 1881 until the proclamation of its independence on March 20, 1956. Like other victimized countries of colonialism, even though they had gained their independence, the colonial countries still participated in the statehood process after the proclamation independence. This is also what the French state is doing, which is still playing a role in the affairs of the Tunisian state.⁹

The renewal of Islamic law in Tunisia was marked by the emergence of *Majallah al-Akhwāl Ash-Shakhshiyah* in 1956. This activity was carried out in order to carry out some unification of personal status codes and many more. Sensitive in terms of modernity and human needs, because traditional Islamic legal formulations are unable to answer contemporary issues. Then, the personal status code

⁸ Abou Yaareb Marzouki, "Individual Freedoms and Equality Committee Forced 'Clash of Civilisations,'" 2015, <https://www.middleeastmonitor.com/20180716-tunisia-marzouki-individual-freedoms-and-equality-committee-forced-clash-of-civilisations/>.

⁹ Janine A Clark and Samah Krichah, "Secular Feminism in Tunisia: A Political Generations Approach," *Globalizations*, 2021, 1–17.



factually sparked and gave rise to several debates and controversies at a round table of Islamic scholars, because they were considered contradictory in the verses of the Qur'an and hadith. Among the controversial issues are; the prohibition of polygamous marriages, the abolition of *ijbar* rights, the determination of the age limit for marriage, the formulation of procedures for divorce, the determination of the code of *nafaqah* (conjugal relations), the formulation of procedures for *alaq ba'in* (three divorces) and the determination of procedures for adoption. All of the above issues become articles of the Constitution in Tunisia. It is necessary to inform that all topics are inspired and adopted from the opinions of modern Islamic scholars such as Muhammad 'Abduh, Tāhir Haddād and others, apart from the secular approach promoted by Tunisian president Habib Borghuiba. Thus, encouraging the reform and renewal of Islamic law regarding the personal status code in Tunisian social life, which is considered by the majority of Islamic Scholars to be more modern and progressive in the Arab world.

Included in the preparation of the MAS, which actually had been drafted years before the proclamation of independence, France played its political role by providing some suggestions and influences, so that they felt they could still leave a positive legacy on their former colony. The legacy can still be found in the current MAS and is included in the changes. Adaptation of European countries' regulatory systems - especially France- which has a friendly tendency towards vulnerable people.¹⁰

Strengthened by the confession of Ḥabīb Borguiba who stated that he was much inspired by the thoughts of Ṭāhir Ḥaddād (1899-1935) and the ideas of other modernists.¹¹ In its application, women in the Tunisian context, who are considered vulnerable when compared to men, want to be totally equalized in their rights and obligations with men.¹² Tunisian Muslims as followers of the largest religion in Tunisia,

¹⁰ Ratih Lusiana Bacin, "Hukum Keluarga Islam Di Tunisia," *Penelitian Medan Agama* 9, no. 2 (2018): 283–308.

¹¹ James N D Anderson, "The Tunisian Law of Personal Status," *International & Comparative Law Quarterly* 7, no. 2 (1958): 262–79.

¹² Ṭāhir Ḥaddād, *Imroatuna Fi Ash- Sharī'ah Wa Al-Mujtama'* (Tunis: Dār Muhammad Ali Li An-Nashr Sfax, n.d.).



the majority of fiqh oriented to the opinions of the Imam Malik school of thought, at the beginning of the preparation of MAS believed in their government that MAS would be arranged in accordance with their fiqh orientation. This was reinforced by the appointment of Shaikh Muhammad Azīz Ju'aiṭ in 1948 as chairman of the MAS drafting committee, which at that time was known as *Lā'ikhat Al-Ahkām Ash-Shar'iyyah*.¹³

It was quite controversial for the Tunisian people at the time of ratification of the MAS, it was found that several things were not in accordance with the draft prepared by the drafting committee. Bourguiba made several modifications which included; prohibition of polygamy, abolition of *ijbār* rights, and *ṭalāq* procedures. August 13, 1956 is the date when MAS was ratified as the main reference for Tunisian family law, and at the same time a lesson for other Islamic countries where there are Muslim-majority countries that have since banned the practice of polygamy.¹⁴

Addressing another controversial issue in MAS that is closer to today's times, in 2017 Beji Caid Essebsi freed Tunisian Muslim women to marry non-Muslim men and obtain legal status as husband and wife in Tunisia's legal standing. Previously, if a Tunisian Muslim woman wanted to marry a non-Muslim man, she was required to obtain a recommendation and approval from the Tunisian Fatwa Agency that the groom had embraced Islam and was allowed to continue the marriage process.¹⁵

In contrast to the regulation of polygamous marriages, Tunisia in implementing the law prohibiting polygamy cannot be separated from social politics. The factor is the many husbands who torture their wives and children. This is one of the reasons that the law prohibiting polygamy came into effect. Because of the injustice committed by the

¹³ Jyhene Keksi, "From Bourguiba to Ben Ali: The Failures of State Feminism in Tunisia," 2022.

¹⁴ Komarudin, "Hukum Keluarga Di Tunisia Dan Indonesia (Studi Syariah Dalam Konteks Negara-Negara Modern Di Dunia Islam)," *Kordinat* XVIII, no. No 1 (2019): 194–225.

¹⁵ "The Controversy over the Marriage of a Tunisian Woman to a Non-Muslim," n.d., <https://www.alaraby.co.uk/عودة-الجدل-حول-زواج-التونسية-بغير-المسلم>.



husband against his wife. However, in reality the regulations on the prohibition of polygamy are still not running optimally. This is because there is no common will between the government and the people.

The political role of Islamic family law in Tunisia was seen after they separated from the Ottoman Turks. Several Tunisian jurists thought of codifying law based on the Maliki school of thought. Apart from that, the political domination by the Ottoman Turks and France has given color to the legal culture in Tunisia, even influencing the law even more. Marzuki conveyed several things related to the dynamics of Islamic family law in Tunisia, including: First, Tunisia in carrying out family law politics was influenced by the Maliki and Hanafi schools of thought (intra-doctrinal reform). Second, Islamic family law politics in Tunisia also contains rules that are not found in Sunni schools of thought (extra-doctrinal reforms). Third, Islamic family law politics in Tunisia also uses a pattern of amendments and modifications to laws. Fourth, Tunisia has also carried out codification which can be seen from efforts to codify Islamic law in *al-Majallah fil Ahwal al-Syakhsiyyah lil Jumhuriyyah al-Tunisiyyah*. As a result, in 2013 alone, there were more than 200 non-Muslim youths who embraced Islam in several mosques in Tunisia, the majority of whom have Italian, German, Belgian and Swiss ancestry, just so they can marry Tunisian Muslim women. According to the confessions of several couples who have married with these regulations, their husbands are only Muslim in legal terms, do not practice Islamic teachings or other practices or are referred to as non-practicing Moslems.¹⁶

Not long after the interfaith marriage controversy, Tunisia, which was still under the leadership of Beji Caid Essebsi¹⁷ again creating controversy with the draft *Aḥkām Tata'allaqu bi at Tasāwiyy fī al Mīrās* who wants to change the standard concept of inheritance distribution in Islamic inheritance law (including Maliki jurisprudence) regarding the

¹⁶ "Tunisian Marriage to a Non-Muslim between Acceptance of the Law and Rejection of Religion," n.d., <https://www.independentarabia.com/node/134536/> سياسة/تقارير/زواج-التونسية-من-غير-مسلم-بين-قبول-القانون-ورفض-الدين

¹⁷ "Beji Caid Essebsi 'The Shadow of Bourguiba,'" n.d., <https://www.alquds.co.uk/الباجي-قايد-السيسي-ظل-بورقيبة-الذي-زا/>.



amount of distribution of inheritance to male heirs and female heirs.

Alluding to the process of formulating and structuring Islamic family law in Tunisia, it is not only an attempt to codify the Maliki school of thought, but also takes progressive and revolutionary steps in an effort to legalize and manage the field of law, especially family rules. This is evidenced by the entry into force of the Tunisian Personal Status Code. From a historical perspective, the formation of the CPST was heavily influenced by France. In addition, the Nationalists also had a secular educational background. The legal reforms carried out by the Tunisian government, in terms of existing matters, do not intend to deviate and abandon the principles of Islamic law, but rather because of the government's desire to guarantee the welfare, peace and benefit of the people and people of Tunisia.

Aḥkām Tata'allaqu bi at Tasāwiy fī al Mīrās's proposal is addressed to article 146 of MAS which still adopts the Maliki school of law with a 2:1 distribution between male and female heirs. In other words, article 146 MAS is still not in line with the spirit of defending women which Essebsi echoes a lot. In the Maliki fiqh, which has become a reference for many Tunisian Muslims, it is not much different from the fiqh of other schools of thought, which states that the ratio of the share of inheritance to male and female heirs is two to one.¹⁸ However, it's not absolute. Which means it can only be applied to cases of male and female heirs with close kinship to equal heirs. Among them are; sons and daughters, sons and granddaughters, siblings and sisters, male and female father's siblings, fathers and mothers.¹⁹

Even so, as is the case with the interfaith marriage controversy which at this time has returned to the 1973 ministry regulation which required a recommendation from the Tunisian Fatwa Institute, the one to one inheritance distribution in the draft *Aḥkām Tata'allaqu bi at Tasāwiy fī al Mīrās* promoted by Essebsi was hindered by various groups whose explanation would then be set forth in the dialectical

¹⁸ التفریع فی فقه الإمام مالك بن عبید الله بن الحسين بن الحسن أبو القاسم ابن الجلاب المالكي الطبعة: ال (بيروت - لبنان: دار الكتب العلمية، بيروت - لبنان، 2008)، -أنس - رحمه الله

¹⁹ Isnān Anshori, "Dua Banding Satu: Hikmah Dan Alternatifnya," n.d., <https://rumahfiqh.com/y.php?id=254>.



communication between the feminists and the Zaituna clerics.

Islamic inheritance law is one of the objects discussed in the study of Islamic law. However, the application of Islamic law in the field of inheritance is not always the same as that applied in Muslim countries. Muslim countries such as Tunisia, Syria, Egypt and Indonesia apply Islamic inheritance law but they do not have the same understanding of the application of Islamic inheritance law. The difference lies in who is entitled to receive the inheritance of the deceased and how much property can be inherited; and who is entitled to inherit from the deceased, including the questions discussed in this article about the application of Islamic inheritance law in four Muslim countries.

In practice, the implementation of MAS in Tunisian society as a whole regardless of ethnicity and religion, brings criticism from various elements of society, especially from the clergy, because its articles which deviate far from Islamic law are considered to be detrimental to the younger generation and backfire on the family life order. Rejection of MAS was also conveyed by various groups in the Islamic world, one of which was Sheikh Abdul Aziz bin Baz, who urged Bourguiba to repent immediately. As the Saudi Mufti, Sheikh Abdul Aziz stated that MAS is evil and disbelief which clearly deviates from the Qur'an.²⁰

Some of the practical problems of MAS implementation in Tunisian society are: *First*, In terms of the prohibition of polygamy. This article does not bring benefit to Muslims in Tunisia. What happened was just the opposite; various social problems. *Second*, popping up. For example, the trend of infidelity, underhand marriage, divorce and the phenomenon of the increasing number of old maids. *Third*, about the wife's obligation to provide for the family. Even though the husband remains the main backbone in the family, the enactment of the article on wife equality in terms of earning a living for the family has sparked the enthusiasm of Tunisian women to have careers in various fields and even put aside their nature as women. *Fourth*, Other articles in the MAS

²⁰ Ahmad Bahauddin, "Tinjauan Sosio-Politik Terhadap Larangan Poligami (Pembaharuan Hukum Keluarga Tunisia)," *Familia: Jurnal Hukum Keluarga* 1, no. 2 (2020): 163–73.



which discuss the abolition of *ijbar* rights, divorce fines, and third divorces which cannot be reconciled, have sparked anxiety in society, especially after being implemented and it was felt that they did not provide much benefit.

The spirit of progressivity and legal renewal does not stop with various implementation problems that arise, as evidenced by the inception of the draft *Aḥkām Tata'allaqu bi at Tasāwiy fī al Mīrās* which is addressed to article 146 MAS. The proposed draft is to amend the provisions on the division of inheritance between men and women. The first amendment proposed in the draft is in Article 146.2 which outlines the section on girls. If the daughter becomes the heir without a son, then the inheritance is the right of the daughter as a whole, even if there are other heirs from the line of the heir's siblings and the heir's parents. As written:

"الفصل 146 مكرر: البنت انفردت أو تعددت ترث جميع المال أو ما بقي عن أصحاب الفروض عند وجودهم. ولا يرث معها الأب أو الجد إلا السدس دون أن ينتظر شيئاً آخر. ولا يرث معها الإخوة والأخوات مهما كانوا ولا الأعمام مهما كانوا ولا صندوق الدولة."

In article 146.3, it is explained about the absolute equality of shares between male and female heirs. In the provisions of Islamic inheritance law contained in classical *fiqh*, it is stated that the ratio of equal distribution of inheritance rights for men and women is 2:1, so that girls get a smaller share than sons as heirs. Article 146.3 offers a different concept by providing a 1:1 ratio for boys and girls. As written;

"الفصل 146 ثالثاً: البنت مع الابن يرثان بالتساوي جميع المال أو ما بقي عن أصحاب الفروض عند وجودهم"

After finishing with an explanation of the share of daughters, it is continued with the share of the grandsons and daughters of the heirs, which in principle are divided the same as the distribution of sons and daughters. The share of inheritance is divided equally between sons and daughters.



الفصل 146 رابعا: الأحفاد إناثا وذكرًا كما كانت طبقتهن يرثون مثل ما كان سيرجع لأصلهم المباشر كما لو كان حيا في تاريخ وفاة سلفه. ويوزع نصيب الأحفاد بينهم بالتساوي.

In parts of article 146.5 and 146.6 it is discussed about the division of the inheritance of parents and husband or wife. If the inheritor's parents are still categorized as heirs according to Islamic inheritance law (faraid), then inherit equally between father and mother. As for the husband/wife, he will get half the share if he has no children from his marriage relationship with the heir and a quarter if he has children. And for the couple left behind, legally entitled to a residence with three conditions; *First*, does not have a residence other than the house occupied during marriage. *Second*, the house is not allowed to be divided as an inheritance. *Third*, have children from the heir and live together for at least four years in the house you want to live in.

الفصل 146 سادسا: للزوج أو الزوجة النصف عند انعدام الفرع الوارث والربع عند وجوده.

Feminist and Zaituna Ulama in the Amendments to Article *Majallah al Aḥwāl Asy Syakhṣiyyah (MAS)*

Feminists in this case are represented by Tunisian figures who have always been active in voicing feminist ideas and ideas in cases that intersect with women's interests. While the Zaituna scholars in this study are academics and important figures affiliated with Zaituna University. An important figure of Tunisian feminists in this study is Bochra Belhaj Hamida, currently a lawyer at the Tunisian Court of Cassation, born in Zaghuan, 67 years ago. Active in various political alliances including being a member of the Executive Board of the Nidā movement, one of the founders of the Association of Democratic Women of Tunisia, and chairing it for several early terms. It is important to present Bochra as a feminist representation because her actions are



not far from voicing women's rights.²¹

Judging from a historical perspective on her actions, Bochra is eligible to represent the voices of Tunisian feminists. In addition to her membership in parliament which makes her part of the government, Bochra also represents feminist voices outside the government, marked by her efforts to establish a forum for the struggle of feminists with private status.

Apart from being active as a member of parliament - part of the government - Bochra is also active as president of the Individual Freedom and Equality Committee which was initiated by Essebsi on 13 August 2017, apart from being a pioneer in the struggle for equal rights for men and women in general, Essebsi also assigned this committee to can formulate regulations relating to individual freedom and equality, originating from the constitutional provisions of 27 January 2014, international human rights standards, and current trends in the field of freedom and equality.²²

Essebsi's appointment of Bochra was strengthened by his educational background which focused on legal matters. Which is the realm of law which is essential to perpetuate Essebsi's political interests which tend to make Tunisia split into two big blocs, modernists and muḥāfiẓ. Marzouki stated that the products of the committee chaired by Bochra actually created a clash of civilization.²³

With regard to MAS, Bochra expressed his pride which at the same time represents the pride of Tunisian women for the progressiveness contained in it since its ratification as the main rule of Tunisian family law and its development from time to time. The values contained in MAS should be kept alive, especially the values of modernity which tend to continue to update according to the times. Meanwhile, in the context of Aḥkām Tata'allaqu bi at Tasāwiy fī al Mīrās,

²¹ "Bochra Belhaj," n.d., <https://majles.marsad.tn/ar/person/bochra-belhaj-hamida>.

²² "Tunisia: Pact for Equality, Individual Freedom," n.d., <https://www.hrw.org/news/2018/07/24/tunisia-pact-equality-individual-freedom>.

²³ Marzouki, "Individual Freedoms and Equality Committee Forced 'Clash of Civilisations.'"



he stated that this effort was a positive signal that Tunisian women's rights were getting more attention and accommodation by the state. The state guarantees the rights of all its citizens, including Tunisian women's rights to inheritance as heirs.²⁴

On another occasion, 'Ādel 'Ilmi, a Zaituna scholar stated -as a response to Bochra's statement- that the verses of the Qur'an concerning inheritance are the main verses (*qaṭ'iyyāt and tafṣīliyyāt*) it is not permissible for anyone to try to change them, textual changes or substance change. In this way, the concept of equality that was tried to be promoted by the committee formed by Essebsi, which tried to apply total equality between men and women in inheritance rights, was cancelled. This effort, according to 'Ādel, has violated the main matters in Islamic law.²⁵

In line with what was conveyed by 'Ādel 'Ilmi, who is also active as chairman of the *Zaitūna al Islāmiy* party, the Shura Council of the *an-Nahḍa at-Tūnisiyya* movement said that efforts to total equality between men and women in inheritance rights as heirs are efforts that have been contrary to religious *qaṭ'iyyāt* elements, law texts and MAS content. In addition, if *Aḥkām Tata'allaqu bi at Tasāwiyy fī al Mīrās* is passed as an amendment to Article 146 MAS, it is feared that there will be a lot of disruption to the continuity of family life and the social life of the Tunisian people.²⁶

In an interview with Reuters, a Tunisian human rights (HAM) activist named Kawthar Bolila said that it is true that Tunisian women are in an advantageous position, compared to the position of Arab women other than Tunisia. Tunisian women's rights have received more attention than Muslim countries outside of Tunisia. Even so, Kawthar added that Tunisian women are not complacent about the achievements of their country, or those of other countries. According

²⁴ “Wawancara Bochra Belhaj,” n.d., <https://www.mcdoualiya.com/chronicles/-الميراث-في-المساواة-قانون-حميدة-بشرى-بالحاج-مقابلة/20190814> دليل-على-أن-حقوق-المرأة-تطورت-في-تونس

²⁵ n.d., “اقتراح تعديلات قانونية تنص على المساواة التامة بين الرجل والمرأة في تونس,” <https://www.youtube.com/watch?v=WLsgKegkiPI>.

²⁶ “An-Nahḍa at-Tūnisiyya,” n.d., <https://www.aljazeera.net/news/arabic/2018/8/27/النهضة-هذا-موقفنا-من-قضية-المساواة>.



to him, women's rights must always be guarded and cared for, so that the distribution process to those who are truly entitled is achieved.²⁷

Jamila Ksiksi, from the Ennahda party, said the president should focus on other issues (besides the issue of equal inheritance rights for men and women), such as high unemployment and rising living costs. "I think there are other issues that are much more important than this [equality], problems that require more energy, effort and time, and that need to be addressed urgently."²⁸

The former minister of public health, Abdellatif Mekki and the former minister of religious affairs of the Ennahda party, Nouredine Khademi, along with a number of Imams and clerics from Zaitouna University also criticized the reforms. Khademi said Tunisians were "shocked" since the president's speech. "I told the president I hope you will reconsider this initiative." Mekki said the law on inheritance had become a "perfect system" so that it could no longer be changed.²⁹ Essebsi's discourse also drew criticism from Abbas Shuman, deputy high priest Ahmad Al-Tayyib from the Egyptian religious authority Al-Azhar. For Shuman, the potential for inheritance reform is "unfair for women and not in line with Islamic law," and the legalization of interfaith marriages will hinder marital stability.³⁰

In 2016, when it coincided with the 60th anniversary of the birth of Majallat al-Aḥkām asy-Syar'iyyah (1956-2016) and coincided with the feeling of freedom that was getting stronger in Tunisia after the Arab Spring, it was pointed out as the right moment to bring the progressive spirit of Tunisian inheritance law into space. public. The 60th anniversary of MAS, namely August 13, 2016, was used as a

²⁷ "مسيرة نسوية بتونس تطالب بالمساواة في الميراث" n.d., <https://www.aljazeera.net/news/arabic/2018/3/10/-تطالب-بالمساواة-في-مسيرة-نسوية-بتونس>

²⁸ Ismail Marzuki and Lathifah Munawaroh, "Politik Hukum Keluarga Islam Di Tunisia," *Al-'Adl* 12, no. 1 (2019): 76–93.

²⁹ Muhammad Muhajir, "REFORMASI HUKUM KELUARGA ISLAM TUNISIA PASCA ARAB SPRING: Antara Liberalisme Dan Konservatisme," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 14, no. 1 (2021): 26–39.

³⁰ Muhajir.



momentum. Thinkers like Ulfah Yusuf are again voicing the 1:1 inheritance discourse to the public.³¹

Ulfah Yusuf, an activist and observer of Tunisian women's rights, is aware that this momentum must be utilized. Prior to August Ulfah had brought this proposal to parliament with the support of the Tunisian public. On May 9 2016 a press conference was held which stated that the proposed 1:1 inheritance equality was supported by many legal experts and sociologists, and was based on survey results which stated that 80% of respondents agreed with 1:1 equality of inheritance. The conclusion from the survey is that the 2:1 inheritance distribution is no longer relevant in the current context.³²

In the news published in The Guardian September 4 2017 Rym Mahjoub, member of parliament from the liberal Afek Tounes party, said the President's move was a progressive and revolutionary step. Rym Mahjoub added that as a woman she is proud that this problem has received attention from the government, it does not mean that there are no social and economic problems or other problems, but this problem is very important to see that some women have been deprived of their rights in inheritance as stipulated in religious texts.³³

Amna Guellali, a Tunisian human rights activist also supports the discourse presented by President Essebsi. Amna said Essebsi's discourse was the beginning of a healthy debate on how we can understand the Koran and the current context. The phenomenon of interfaith marriage and equal inheritance rights between men and women is not only a debate that occurs in Tunisia, but occurs in all Islamic countries.³⁴

Feminist scholar and activist Dalenda Larguenche of the University of Manouba Tunis, said the President's initiative was what he expected from Tunisia after the Arab Spring. Dalenda has been criticizing the injustice that happens to women. He said "why can a (Tunisian) man marry a non-Muslim woman, but why not a Tunisian woman?". On the issue of inheritance, Dalenda is pleased that the

³¹ Muhajir.

³² Muhajir.

³³ "<https://www.theguardian.com/global-development/2017/sep/04/we-are-an-example-to-the-arab-world-tunisias-radical-marriage-proposals>," n.d.

³⁴ Norma Salem, "Islam and the Status of Women in Tunisia," in *Muslim Women (RLE Women and Religion)* (Routledge, 2020), 141–68.



President made the decision pushing all steps forward to advance equality. Dalenda said Tunisia could be an example for the Arab world and an example for women and other Muslim countries as countries that have progressive family laws.³⁵

Form of Inconsistency of Islamic Family Law in Tunisia Related to the Practice of One Inheritance

Tunisia has a dynamic regulation of Islamic family law. This is in line with the fact that the people of Tunisia are a pluralistic social society, consisting of various races, ethnicities, ethnicities and religions. The pluralism that exists in Tunisian society with all kinds of problems that arise, in terms of family law, is regulated by one single provision, namely the Code of Personal Status or *Majallah al Ahwāl Asy Syakhṣiyyah (MAS)*. That is what sometimes makes the outside world wonder how it is possible for the unification of family law in Tunisia to be implemented.³⁶

Dynamic legal regulations do not always have a positive connotation. Especially if the dynamics that occur are movements driven by political power, and directed by the passion for power struggles. Often the dynamics that occur actually lead a government to an unstable government and legal inconsistency. In the end, losses are not only felt by policy makers but also by constituents.³⁷

Tunisia's legal inconsistency is reflected in its political inconsistency.³⁸ In the midst of the onslaught of the corona virus outbreak, the Tunisian government was hit by the issue of a coup carried out by President Kaies Saied against Prime Minister Hicham Mechichi, because the dismissal carried out by the president was

³⁵ Muhajir, "REFORMASI HUKUM KELUARGA ISLAM TUNISIA PASCA ARAB SPRING: Antara Liberalisme Dan Konservatisme."

³⁶ Lia Noviana, "Status Wanita Di Negara Muslim Modern: Studi Terhadap Hukum Keluarga Di Tunisia Dan Indonesia," *Kodifikasi* 13, no. 2 (2019): 197–214.

³⁷ Abdus Salam, "Pengaruh Politik Dalam Pembentukan Hukum Di Indonesia," *Mazahib*, 2015.

³⁸ Abdollah Payrow Shabani, "Habermas' Between Facts and Norms: Legitimizing Power?," in *The Paideia Archive: Twentieth World Congress of Philosophy*, vol. 41, 1998, 226–31.



allegedly unconstitutional. The dismissal carried out by Saied was assisted by the new prime minister of his choice and he said his actions were in accordance with article 80 of the Tunisian Constitution, taking into account the force majeure of the corona outbreak and the predictable damage that would occur at any time if the dismissal was not carried out.³⁹

Saied's coup-smelling dismissal divided the Tunisian people into two large camps, the camp that regretted and condemned his actions and the camp that celebrated the president's big decision. The camp that condemned Saied's decision was none other than the An-Nahḍa at-Tūnisiyya party which carried Hicham Mechichi as prime minister.⁴⁰ Even though it is classified as a coalition party, ideological differences also affect decision making. The conservative ideology of the An-Nahḍa at-Tūnisiyya party often becomes a barrier for them to enter into a coalition with the government.⁴¹ The other faction is the Nidā Tūnis party whose militants tend to have a liberal, progressive ideology and uphold feminist views.⁴² The party's militant uproar was seen on the streets of Tunisia when president Saied announced Mechichi's dismissal. The militants of this party saw what was happening as a patriotic act of representing their political voice in the government and it was a decision that should have been taken.

The decision of the two parties to form a coalition in the Tunisian government, even though the ideological differences as the gap is very clear, is due to political interests. Officials of the two parties are aware that both are major parties and it is very easy to control political and government seats if they form a coalition. This forced coalition has been going on for a long time since President Ben Ali's concept of dictatorship

³⁹ "Https://Www.Dw.Com/Id/Presiden-Tunisia-Pecat-Pm-Mechichi/a-58638391," n.d.

⁴⁰ Ariyo Pancala Trihandono, "KEBIJAKAN AMERIKA SERIKAT TERHADAP TUNISIA PASCA KEMENANGAN PARTAI ENNAHDA PADA PEMILU TAHUN 2011" (UPN Veteran" Yogyakarta, 2013).

⁴¹ Ali Hasemi, "Perubahan Strategi Politik Partai Ennahda Di Tunisia Tahun 2016" (Jurusan Ilmu Hubungan Internasional Fakultas Ilmu Sosial dan Ilmu Politik ..., 2019).

⁴² Budi Juliandi, *Wakaf Dan Politik Di Tunisia* (Syarif Hidayatullah State Islamic University Jakarta, 2015).



was overthrown by the Tunisian people. With a different composition of thought and ideology of human resources, there are many dynamics and dialectics between the two parties.

The Role of The Public Sphere In Changes In One To One Inheritance Regulations

The concept of public space according to Jürgen Habermas refers to an arena where citizens gather to discuss, discuss public issues, and form joint opinions freely and rationally. In the context of Tunisia, this concept can be applied to analyze how public space plays a role in shaping changes in the one-to-one inheritance distribution regulations. The choice of this concept refers to Habermas' views in his book "Between Facts and Norms,"⁴³ where he highlights the importance of citizen participation in the formation of social and legal norms.⁴⁴

During the leadership of Qaed Essebsi, Tunisia experienced important changes in the regulation of inheritance distribution. This process actively involves the public space in the form of various media, women's organizations, and gender advocacy groups. Open and public discussions on gender equality, women's rights, and Islamic values that value equality are an integral part of this process. Mass media, public debate, and wider access to information help shape public opinion and support changes in inheritance laws.⁴⁵

Under Kais Saied's leadership, the influence of the public space on changes in inheritance distribution regulations continues. Public participation and open discussion are maintained, although with different dynamics. The involvement of social media and online forums provides a platform for Tunisians to talk about changes to one-to-one inheritance regulations. Public scrutiny and community debate

⁴³ Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (John Wiley & Sons, 2015).

⁴⁴ Fransiskus Kardiman PAERA, "Politik Identitas Dalam Ruang Publik (Idealisme Peran Agama Dalam Ruang Publik Berdasarkan Pandangan Jurgen Habermas)," 2022.

⁴⁵ Khedija Arfaoui, "The Development of the Feminist Movement in Tunisia 1920s-2000s," *The International Journal of the Humanities* 4, no. 8 (2007): 53–60.



continue to push the government to nurture reforms and face potential resistance or criticism.

Public space plays an important role in highlighting the need for gender equality in inheritance distribution in Tunisia.⁴⁶ Open discussion and debate sparked awareness of the importance of overcoming gender discrimination in inheritance law. Citizens' active participation in public space helps create social pressure for change and reduces stigmatization of women who fight for their rights.

Deliberative democracy also includes monitoring and evaluating policies taken by the government.⁴⁷ Public space in Tunisia can function as a mechanism to oversee the implementation of the policy of equal inheritance rights and its impact on society. Civil society organizations, research institutions and advocacy groups can play a role in analyzing whether the policies taken have achieved their goals and provided the expected benefits.

Public space can be used to strengthen women's role in decision-making and promote gender equality. Open discussions about equal inheritance rights can inspire women to be more actively involved in politics and government, as well as help change social norms that support equality. Through deliberative democratic practices in the public sphere, Tunisia can create an environment that supports checks and balances against the government on the issue of equal inheritance rights for men and women.⁴⁸ Citizen participation, open discussion, participation in policy making, and policy monitoring can ensure that the policies adopted reflect the interests and aspirations of the wider community.

CONCLUSION

⁴⁶ Clark and Krichah, "Secular Feminism in Tunisia: A Political Generations Approach."

⁴⁷ James S Fishkin, *Democracy When the People Are Thinking: Revitalizing Our Politics through Public Deliberation* (Oxford University Press, 2018).

⁴⁸ F Budi Hardiman, *Demokrasi Deliberatif* (PT Kanisius, 2009).



Based on several communications between feminists, Tunisian human rights activists, an-Nahḍa at-Tūnisiyya activists and the Zaituna cleric indicated that the Tunisian inheritance system will always have challenges to be answered. The articles in MAS that talk about the inheritance system are still adopting the classical jurisprudence of the Maliki school. The challenge she is currently facing is the need for Tunisian society for a more female-friendly inheritance system regulation.

Reflecting on the problem of interfaith marriage, during Essebsi's time it was specifically permitted for Tunisian Muslim women to marry non-Muslim men without having to seek approval from the Tunisian Fatwa Institute. This is based on the state's obligation to accommodate interfaith marriages that are already mushrooming in Tunisia, especially Tunisian Muslim women with men of European descent (Italy, Germany, Belgium and Switzerland).

The fact that an-Nahḍa at-Tūnisiyya is a political bloc with the greatest support in Tunisia, and still insists on the concept of Islamic inheritance referring to religious qaṭ'iyyāt elements, the struggle of feminists and Essebsi with their Nidā party in parliament cannot stop at this point .

REFERENCES

- Anderson, James N D. "The Tunisian Law of Personal Status." *International & Comparative Law Quarterly* 7, no. 2 (1958): 262–79.
- "An-Nahḍa at-Tūnisiyya," n.d.
<https://www.aljazeera.net/news/arabic/2018/8/27/النهضة-هذا-موقفنا-من-قضية-المساواة>
- Anshori, Isnani. "Dua Banding Satu: Hikmah Dan Alternatifnya," n.d.
<https://rumahfiqih.com/y.php?id=254>.
- Arfaoui, Khedija. "The Development of the Feminist Movement in Tunisia 1920s-2000s." *The International Journal of the Humanities* 4, no. 8 (2007): 53–60.
- Bahauddin, Ahmad. "Tinjauan Sosio-Politik Terhadap Larangan Poligami (Pembaharuan Hukum Keluarga Tunisia)." *Familia: Jurnal Hukum Keluarga* 1, no. 2 (2020): 163–73.



- “Beji Caid Essebsi ‘The Shadow of Bourguiba,’” n.d. <https://www.alquds.co.uk/الباقي-قايد-السبسي-ظل-بورقيبة-الذي-زا/>.
- “Bochra Belhaj,” n.d. <https://majles.marsad.tn/ar/person/bochra-belhaj-hamida>.
- Clark, Janine A, and Samah Krichah. “Secular Feminism in Tunisia: A Political Generations Approach.” *Globalizations*, 2021, 1–17.
- Fishkin, James S. *Democracy When the People Are Thinking: Revitalizing Our Politics through Public Deliberation*. Oxford University Press, 2018.
- Grami, Amel. “Women, Feminism and Politics in Post-Revolution Tunisia: Framings, Accountability and Agency on Shifting Grounds.” *Feminist Dissent*, no. 3 (2018): 23–56.
- Habermas, Jürgen. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. John Wiley & Sons, 2015.
- Hardiman, F Budi. *Demokrasi Deliberatif*. PT Kanisius, 2009.
- Hasemi, Ali. “Perubahan Strategi Politik Partai Ennahda Di Tunisia Tahun 2016.” Jurusan Ilmu Hubungan Internasional Fakultas Ilmu Sosial dan Ilmu Politik ..., 2019.
- “<https://www.Dw.Com/Id/Presiden-Tunisia-Pecat-Pm-Mechichi/a-58638391>,” n.d.
- “<https://www.Theguardian.Com/Global-Development/2017/Sep/04/We-Are-an-Example-to-the-Arab-World-Tunisia-Radical-Marriage-Proposals>,” n.d.
- Juliandi, Budi. *Wakaf Dan Politik Di Tunisia*. Syarif Hidayatullah State Islamic University Jakarta, 2015.
- Kebsi, Jyhene. “From Bourguiba to Ben Ali: The Failures of State Feminism in Tunisia,” 2022.
- Komarudin. “Hukum Keluarga Di Tunisia Dan Indonesia (Studi Syariah Dalam Konteks Negara-Negara Modern Di Dunia Islam).” *Kordinat* XVIII, no. No 1 (2019): 194–225.
- Marzouki, Abou Yaareb. “Individual Freedoms and Equality Committee Forced ‘Clash of Civilisations,’” 2015. <https://www.middleeastmonitor.com/20180716-tunisia-marzouki-individual-freedoms-and-equality-committee-forced-clash-of-civilisations/>.



- Marzuki, Ismail, and Lathifah Munawaroh. "Politik Hukum Keluarga Islam Di Tunisia." *Al-'Adl* 12, no. 1 (2019): 76–93.
- Muhajir, Muhammad. "REFORMASI HUKUM KELUARGA ISLAM TUNISIA PASCA ARAB SPRING: Antara Liberalisme Dan Konservatisme." *Al-Ahwal: Jurnal Hukum Keluarga Islam* 14, no. 1 (2021): 26–39.
- Mukhtar Zamzami. "Kajian Hukum Terhadap Kedudukan Dan Hak Perempuan Dalam Sistem Hukum Kewarisan Indonesia Dikaitkan Dengan Asas Keadilan Dalam Rangka Menuju Pembangunan Hukum Kewarisan Islam." Universitas Padjadjaran, 2012.
- Munawaroh, Lathifah. "REFLEKSI PEMIKIRAN TAHIR HADDAD DAN PANGARUHNYA PADA STATUS WANITA DAN PEMBARUAN HUKUM KELUARGA DI TUNISIA." *Moderation| Journal of Islamic Studies Review* 2, no. 2 (2022): 37–48.
- Muzaki, Kiki Adnan, Asep Saepudin Jahar, and Muhammad Amin Suma. "Reform of the Law of Inheritance in Turkey and Tunisia." *Al-'Adalah* 17, no. 2 (2021): 249–68.
- Noviana, Lia. "Status Wanita Di Negara Muslim Modern: Studi Terhadap Hukum Keluarga Di Tunisia Dan Indonesia." *Kodifikasi* 13, no. 2 (2019): 197–214.
- PAERA, Fransiskus Kardiman. "Politik Identitas Dalam Ruang Publik (Idealisme Peran Agama Dalam Ruang Publik Berdasarkan Pandangan Jürgen Habermas)," 2022.
- Pancala Trihandono, Ariyo. "KEBIJAKAN AMERIKA SERIKAT TERHADAP TUNISIA PASCA KEMENANGAN PARTAI ENNAHDA PADA PEMILU TAHUN 2011." UPN" Veteran" Yogyakarta, 2013.
- Powers, David S. "The Islamic Inheritance System: A Socio-Historical Approach." *Arab Law Quarterly* 8, no. 1 (1993): 13–29.
- Ratih Lusiana Bancin. "Hukum Keluarga Islam Di Tunisia." *Penelitian Medan Agama* 9, no. 2 (2018): 283–308.
- Robin, Al. "PROBLEMATIKA HUKUM PEMBAGIAN WARIS 2:1 DALAM PENDEKATAN TEORI QATH'I ZHANNI." *Sangaji Jurnal Pemikiran Syariah Dan Hukum* 2, no. Nomor 1 (2018): 108–33.
- Salam, Abdus. "Pengaruh Politik Dalam Pembentukan Hukum Di Indonesia." *Mazahib*, 2015.
- Salem, Norma. "Islam and the Status of Women in Tunisia." In *Muslim Women (RLE Women and Religion)*, 141–68. Routledge, 2020.



- Shabani, Abdollah Payrow. "Habermas' Between Facts and Norms: Legitimizing Power?" In *The Paideia Archive: Twentieth World Congress of Philosophy*, 41:226–31, 1998.
- Sriani, Endang. "Fiqh Mawaris Kontemporer: Pembagian Waris Berkeadilan Gender." *TAWAZUN: Journal of Sharia Economic Law* 1, no. 2 (2018): 133–47.
- Tāhir Ḥaddād. *Imroatuna Fi Ash- Shari'ah Wa Al-Mujtama'*. Tunis: Dār Muhammad Ali Li An-Nashr Sfax, n.d.
- "The Controversy over the Marriage of a Tunisian Woman to a Non-Muslim," n.d. <https://www.alaraby.co.uk/عودة-الجدل-حول-زواج-التونسية-بغير-المسلم>.
- "Tunisia: Pact for Equality, Individual Freedom," n.d. <https://www.hrw.org/news/2018/07/24/tunisia-pact-equality-individual-freedom>.
- "Tunisian Marriage to a Non-Muslim between Acceptance of the Law and Rejection of Religion," n.d. <https://www.independentarabia.com/node/134536/سياسة-تقارير/زواج-التونسية-من-غير-مسلم-بين-قبول-القانون-ورفض-الدين>.
- "Wawancara Bochra Belhaj," n.d. <https://www.mcdoualiya.com/chronicles/مقابلة/20190814-بشرى-بالحاج-حميدة-قانون-المساواة-في-الميراث-دليل-على-أن-حقوق-المرأة-تطورت-في-تونس>.
- التفريع في فقه الإمام مالك بن عبيد الله بن الحسين بن الحسن أبو القاسم ابن الجلاب المالكي*. الطبعة: ال. بيروت - لبنان: دار الكتب العلمية، بيروت - لبنان، 2008. - أنس - رحمه الله
- "قناة الحرة." "اقتراح تعديلات قانونية تنص على المساواة التامة بين الرجل والمرأة في تونس" n.d. <https://www.youtube.com/watch?v=WLsgKegkiPI>.
- "مسيرة نسوية بتونس تطالب بالمساواة في الميراث" n.d. <https://www.aljazeera.net/news/arabic/2018/3/10/مسيرة-نسوية-بتونس-تطالب-بالمساواة-في>.

