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## The Role and Impact of Islamic Jurisprudence in the Legal Framework of Morocco

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**Abstract**

This article demonstrates how Islamic law influences Morocco's legal system and continues to shape the country's modern legal framework. Rooted in the Maliki school of jurisprudence, Islamic law has historically governed key aspects of Moroccan life, particularly in areas of personal status such as marriage, divorce, and inheritance. However, Morocco's colonial past, exposure to global legal standards, and internal calls for reform have significantly transformed its legal structure. The 2004 Family Code (Moudawana) and the 2011 Constitution mark essential milestones, reflecting Morocco's efforts to balance its Islamic heritage with modern values, including human rights, gender equality, and judicial independence. These legal reforms play a critical role in the evolution of Morocco's legal system. The study also examines ongoing challenges, including societal resistance to reform, the complexities of judicial discretion, and disparities in legal implementation between urban and rural communities. It highlights the intricate balance that Morocco's legal system maintains between tradition and modernity, resulting in a rich and multifaceted legal landscape. This balance, often characterized by tension, is driven by a central goal of progress. By analyzing Morocco's trajectory, this paper illustrates how Islamic law can adapt to the evolving needs of a rapidly changing society while preserving its cultural and religious identity. The Moroccan experience is a compelling case study for other nations facing similar challenges in reconciling tradition with the demands of a contemporary legal framework.

**Keywords**

Islamic Law, Morocco, Maliki, Religious context, legal system.

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## 1. Introduction

Morocco stands out as a country where Islamic law, or Sharia, continues to play a central role in shaping its legal and societal framework. With a rich history of Islamic governance, Morocco has developed a legal system that reflects its religious values while adapting to the demands of modern management. This balance between tradition and modernity is particularly evident in how Islamic principles are embedded in family law and inheritance, while secular principles guide other aspects of the legal system. The foundation of Morocco's Islamic legal tradition lies in the Maliki school of thought, one of the four leading Sunni jurisprudential schools. Its emphasis on local customs and practical reasoning has allowed Islamic law in Morocco to remain relevant and responsive to societal needs. However, integrating these aspects has been challenging. Issues such as gender equality, individual freedoms, and compliance with international human rights standards have raised important questions about how Islamic law can evolve within a modern constitutional framework. This paper examines the role of Islamic law in Morocco's legal system and its implications for governance and societal values. It analyzes the system's historical roots, explores its current application, and evaluates its capacity to address contemporary challenges. Ultimately, this study aims to understand how Morocco navigates the complex relationship between religious tradition and the demands of an increasingly interconnected world.

This study also investigates the intersection of Islamic law and Morocco's legal framework, highlighting its implications for governance and societal values. As a nation where Sharia law "deeply embeds" in its legal system, Morocco showcases a unique blend of religious tradition and modern governance. Rooted in the Maliki school of thought, Morocco's approach to Islamic law emphasizes practical reasoning and local customs, enabling it to adapt to contemporary societal needs. However, this integration presents significant challenges, including gender equality, individual freedoms, and adherence to international human rights standards. By examining the historical foundations of Islamic law in Morocco, analyzing its current applications, and evaluating its ability to address modern challenges, this research seeks to illuminate how Morocco manages the delicate balance between preserving its rich Islamic traditions and responding to the demands of an increasingly globalized world.

## 2. A Historical Overview of Islamic Law in Morocco

The historical evolution of Islamic law in Morocco reflects the nation's intricate political and cultural development, firmly grounded in a commitment to Islamic values since the 7th century, coinciding with the Arab-Islamic conquests. As Islam firmly established itself, Sharia became the foundational legal and social order<sup>1</sup> framework, notably by incorporating the Maliki school of thought during the 8th century. This integration allowed for the accommodation of local customs and the assimilation of pre-Islamic tribal traditions into Islamic jurisprudence, culminating in a unique interpretation of the law. Subsequent dynasties, such as the Almoravids and Almohads, significantly enhanced this legal structure by underscoring the governing role of Islamic law and depending on religious scholars (ulama) for their legitimacy. The Marinid period marked a notable advancement in the institutionalization of Islamic law, characterized by the founding of madrasas, including the prestigious Al-Qarawiyy in University, which played a crucial role in training jurists and disseminating legal knowledge, thus cementing Morocco's reputation as a hub of Islamic scholarship. In conclusion, the interaction between Islamic law and Morocco's historical context demonstrates how religious commitment and the evolving socio-political landscape of the region shaped its legal traditions.

Furthermore, Morocco plays a crucial role in Islamic history, particularly regarding the spread of Islam throughout North Africa and serving as a gateway into Spain and Europe. The conquest of North Africa spanned 53 years. During the reign of Walid I bin Abdul Malik from 705 to 715, the sixth Caliph of the Umayyah II dynasty<sup>2</sup>, Musa bin Nusair, appointed Tariq bin Ziyad to lead the newly conquered Morocco. (Dasuki, 1994). From there, they crossed the strait to Europe and landed at a mountain later known as Jabal Tariq. Morocco acted as a buffer zone during the Spanish conquests, with all European expansion efforts originating from this region.

## Colonial Influence and Law Hybridization

The French and Spanish occupation of Morocco in the early 20th century created significant challenges to implementing Islamic law. Between 1912 and 1956, under the French protectorate, a dual legal system was established, wherein Islamic law predominantly governs personal status matters such as marriage, divorce, and inheritance. Influenced by French civil law, lawmakers established secular courts to adjudicate criminal and

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<sup>1</sup>Baderin, M.A. (Ed.). (2014). *Islamic Legal Theory: Volume I* (1st ed.). Routledge <https://doi.org/10.4324/9781315251721>

<sup>2</sup>Dasuki, H. 1994. *Ensiklopedia Islam, Jilid III*, Jakarta: Ikhtiar Baru Van Hoeve.

commercial cases. This transformation indicated a notable departure from Morocco's historical dependence on Islamic law as its primary legal framework. Although Sharia continued to govern family and religious affairs, its influence in other legal domains diminished, reflecting the colonial authorities' aims to modernize and secularize Morocco's legal system.

Presently, the Kingdom of Morocco, as an Islamic State, exhibits a significant influence from Alal al-Malikki's principles. It functions as a democratic constitutional monarchy, wherein sovereignty resides with the people and is exercised through constitutional entities. The King, recognized as Amirul Mukminin and Caliph of Allah, presides over the government, exerting authority within the bounds delineated by the constitution<sup>3</sup>. Citizens elect the House of Representatives (Majlis an-Nuwab) through general elections, and this legislative assembly depends on an advisory council known as the Majlis al-Mushtashar for guidance. The government instituted the constitution on June 2, 1961, delineating the "Basic Laws of the Kingdom of Morocco." While it encompasses Islamic values, the document does not explicitly articulate them. Significant articles include:

Article 1: Morocco is a constitutional, democratic, and social Kingdom;

Article 2: Sovereignty resides with the nation, exercised by referendum or constitutional mechanisms;

Article 3: Political parties are required to facilitate state organization, prohibiting single-party governance;

Article 4: The law (Qanun) embodies the people's will.

### Post-Independence Revival

Following independence in 1956, Morocco sought to reclaim its Islamic identity while embracing elements of modern statehood. The monarchy played a pivotal role in this process, with King Mohammed V and later his successors emphasizing the importance of Sharia as a cornerstone of Moroccan governance. The Constitution of 1962 recognized Islam as the religion of the state, reaffirming the role of Islamic law in national identity and legal practice.

Over time, Morocco has continued to refine its legal system, balancing Islamic principles with modern constitutional frameworks. The introduction of the Family Code (Moudawana) in 2004, which reformed aspects of family law to promote gender equality, exemplifies this effort to modernize Islamic law while respecting its core values.

## 3. Contemporary Legal System in Morocco

Morocco's contemporary legal system reflects a dynamic interplay between Islamic law (Sharia) and modern legal principles. It showcases the country's efforts to harmonize its religious heritage with contemporary governance. This dual legal framework is rooted in the 20th-century colonial legacy but has been significantly shaped by post-independence reforms.

### a. Structure of the Moroccan Legal System

The Moroccan legal system is characterized by a hybrid structure incorporating Islamic law, French civil law, and customary practices. It operates under the framework of the Moroccan constitution, which explicitly recognizes Islam as the state religion while affirming the principles of democracy, human rights, and the rule of law.

### Sharia and Secular Law

Islamic law primarily governs personal status issues, such as marriage, divorce, inheritance, and child custody. The secular legal system, mainly influenced by French civil law, addresses criminal, commercial, and administrative matters. This division reflects the historical compromise between maintaining Morocco's Islamic identity and modernizing its legal framework to address contemporary societal needs.

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<sup>3</sup>See generally MOROCCO CONST., July 2011, ch. IV, art. 11 (stipulating that the primacy of the international conventions duly ratified by the Kingdom over domestic laws).

## Role of the King

The King of Morocco holds a unique position within the legal system as a political and spiritual leader. As the "Commander of the Faithful" (Amir al-Mu'minin)<sup>4</sup>, the King is tasked with safeguarding Islamic principles and ensuring their alignment with national governance. This dual role allows the monarchy to mediate between traditional Islamic values and modern legal principles, often stabilizing in social and legal debates.

## b. The 2011 Constitution and Legal Reforms

Adopting the 2011 Constitution marked a turning point in Morocco's legal development. Drafted in response to the Arab Spring protests, the new constitution reaffirmed the country's Islamic identity while introducing several reforms to promote democracy, individual freedoms, and gender equality.

- **Recognition of Human Rights:** The Constitution incorporates international human rights standards, committing Morocco to uphold equality, dignity, and freedom for all its citizens. This commitment extends to provisions protecting the rights of women, children, and minority groups, though these reforms often require navigating tensions with traditional interpretations of Islamic law.
- **Separation of Powers:** The Constitution emphasizes the separation of legislative, executive, and judicial powers, reinforcing judicial independence while maintaining the King's role as a spiritual and political leader.
- **Role of Islam:** Article 3 of the Constitution declares Islam the state religion, and Sharia principles continue to influence legislation, particularly in family law and inheritance matters. However, the constitution also guarantees freedom of religion and conscience within certain boundaries, reflecting Morocco's pluralistic society.

## c. The Family Code (Moudawana)

One of Morocco's most significant contemporary applications of Islamic law is the Family Code (Moudawana)<sup>5</sup>. Enacted in 2004, this landmark reform modernized family law by introducing measures to promote gender equality while retaining its foundation in Sharia principles.

### Key Features of the Moudawana

- **Marriage:** The reform raised the minimum age of marriage for women to 18 (from 15), though judges can still authorize exceptions under specific circumstances.
- **Polygamy:** While polygamy remains legal under Islamic law, the Moudawana imposes stricter conditions. A husband must obtain judicial approval and the consent of his first wife to marry a second wife.
- **Divorce:** The reform granted women more rights to initiate divorce (khula), making men and women more equal in marital disputes.
- **Mothers gained expanded rights in child custody cases, while traditional Islamic principles continue to favor male heirs in inheritance laws.**

These reforms represent Morocco's efforts to balance its Islamic identity with international calls for gender equality and human rights. However, debates persist, particularly regarding the application of inheritance laws and the persistence of judicial discretion in matters like child marriage.

## d. Sharia's Influence on Criminal and Commercial Law

In contrast to family law, the influence of Sharia on criminal and commercial law in Morocco has diminished over time.

- **Criminal Law:** Morocco's penal code is predominantly secular, drawing heavily from the French legal tradition. While some Sharia-based provisions, such as those addressing alcohol consumption or public morality, remain in place, the broader criminal justice system operates under modern legal principles.

<sup>4</sup>Mojuetan, B. A. (1975). Myth and legend as functional political instruments: the establishment of the 'Alawi Dynasty in Morocco. *The Journal of African History*, 16(1), 17–27. doi:10.1017/S0021853700014080

<sup>5</sup>Biagi, F. (2014). The 2011 constitutional reform in Morocco: More flaws than merits.

- **Commercial Law:** Morocco's commercial laws are entirely secular, designed to facilitate business and trade in a globalized economy. This secular approach reflects the state's efforts to attract foreign investment and integrate into international markets.

#### e. The Judiciary and Islamic Law

The Moroccan judiciary plays a crucial role in interpreting and applying both Islamic and secular laws. Courts are organized into two broad categories:

- **Personal Status Courts:** These courts apply Islamic law in marriage, divorce, and inheritance, often relying on interpretations of the Maliki school of jurisprudence.
- **Secular Courts:** These courts handle criminal, civil, and administrative cases, relying on the penal code, commercial laws, and constitutional provisions.

Judges are trained in Islamic and secular legal traditions, ensuring they can navigate the complexities of Morocco's dual legal system. However, this duality sometimes leads to inconsistencies, particularly in cases where modern laws conflict with traditional values.

#### f. Challenges and Ongoing Debates

Morocco's contemporary legal system grapples with several challenges as it seeks to balance tradition and modernity.

- **Gender Equality:** While the Moudawana (المودونة) represents progress, activists continue to push for further reforms, particularly in areas like inheritance laws, which disproportionately favor men.
- **Judicial Independence:** Despite constitutional guarantees, critics argue that the judiciary remains vulnerable to political and religious pressures.
- **Religious Freedom:** The Constitution's recognition of Islam as the state religion has restricted conversions from Islam and public expressions of other faiths, raising concerns about the limits of religious freedom.
- **Globalization:** Morocco's integration into international markets and human rights frameworks has increased pressure to modernize its legal system further, particularly in areas where Sharia-based laws conflict with global norms.

#### Challenges and Critiques

Despite its efforts to balance tradition and modernity, Morocco's legal system faces challenges that reflect broader societal tensions. These challenges stem from the complexities of integrating Islamic law with secular legal principles while addressing Moroccan society's evolving needs.

##### 1. Gender Equality and Women's Rights

Gender equality remains a central issue in Morocco's legal system, particularly in areas governed by Islamic law. While the 2004 Family Code (Moudawana) introduced significant reforms, it only addressed a few underlying inequalities.

- **Inheritance Laws:** Under Islamic law, male heirs typically inherit double the share of female heirs. This principle, rooted in Quranic injunctions, remains a legal<sup>6</sup> standard in Morocco. Critics argue that this perpetuates gender-based economic inequality, especially in a society where women increasingly contribute to household incomes. Attempts to reform inheritance laws have faced strong resistance from conservative religious groups, underscoring the difficulty of reconciling tradition with modern ideals.
- **Child Marriage:** Although the Moudawana raised the minimum legal age of marriage to 18, judges can grant exceptions for minors under "exceptional circumstances." This loophole has been widely criticized for enabling child marriages, particularly in rural areas where traditional norms dominate. Data shows that thousands of such marriages are still authorized annually, highlighting the gap between legal reforms and their implementation.

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<sup>6</sup>Ouguir, A. (2013). Female Religious Agents in Morocco: Old Practices and New Perspectives. PhD thesis, Universiteit van Amsterdam.

- **Polygamy:** The Family Code<sup>7</sup> imposes restrictions on polygamy, requiring judicial approval and the consent of the first wife. However, critics argue that polygamy itself is inherently discriminatory, and the continued legal recognition of the practice undermines the principles of equality. Feminist movements have called for a complete ban on polygamy, though such proposals face opposition from religious conservatives.

## 2. Human Rights and International Standards

Morocco's integration into global economic and political systems has scrutinized its legal framework internationally. Many Islamic legal principles, particularly personal freedoms and criminal law, have been criticized for being inconsistent with human rights norms.

- **Religious Freedom:** Morocco's Constitution guarantees freedom of religion, which is limited in practice. Apostasy (leaving Islam) and proselytizing by non-Muslims are often treated as criminal acts, reflecting the dominance of Islamic principles in public life. While non-Muslims are allowed to worship privately, public expressions of other faiths are restricted. These policies have drawn criticism from international human rights organizations.
- **Personal Freedoms:** Laws criminalizing same-sex relationships, extramarital sexual activity, and public expressions of affection are influenced by traditional Islamic values. Although authorities rarely enforce such laws in urban areas, their existence raises concerns about individual privacy and Morocco's adherence to international human rights standards.
- **Judicial Independence:** Morocco's judiciary is often criticized for lacking independence in politically sensitive cases. For instance, human rights activists and political dissenters frequently face prosecution under vaguely defined charges such as "undermining public morality" or "threatening state security." These cases highlight the challenges of ensuring a fair and impartial legal system in a politically centralized state.

## 3. Conflicts in Judicial Interpretation

Morocco's legal system is dual, so its interpretation and application of laws often need to be more consistent.

- **Personal Status Courts:** Judges handling cases in personal status courts must balance Islamic principles with modern legal reforms. Their rulings often depend on their interpretations of Sharia, leading to unequal outcomes. For example, rulings on child custody or spousal support may vary significantly depending on the judge's understanding of Islamic texts and willingness to apply reformist principles.
- **Secular vs. Religious Legislation:** Conflicts arise between secular and religiously inspired legislation. For example, Morocco's penal code incorporates Sharia-based moral standards, such as prohibitions on alcohol consumption and public indecency, which can clash with modern legal concepts like personal autonomy and freedom of expression.

## 4. Societal Tensions and Resistance to Reform

Morocco's legal system is deeply influenced by societal values, which often complicate reform efforts.

- **Urban vs. Rural Divide:** Legal reforms are typically more readily accepted in urban areas, with greater exposure to global ideas and modern lifestyles. In contrast, rural communities often adhere to traditional norms and practices, creating a gap in implementing and accepting progressive legal changes. For example, rural judges are more likely to authorize child marriages or dismiss claims of domestic abuse.
- **Generational Shifts:** Younger Moroccans, particularly those with access to education and social media, are increasingly advocating for greater personal freedoms and gender equality. However, their views often conflict with the more conservative attitudes of older generations, creating a generational divide over legal and social norms.
- **Religious Conservatism:** Conservative religious groups play a significant role in shaping public opinion and resisting legal reforms that they perceive as undermining Islamic values. Debates over issues like inheritance equality and LGBTQ+ rights often trigger fierce opposition from these groups, limiting the scope of progressive legal changes.

## 5. Globalization and Legal Harmonization

As Morocco seeks to strengthen its integration into the global economy, it faces pressure to align its legal system with international norms.

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<sup>7</sup>Law No. 65-99 of Sept. 11, 2003 (Morocco) Bulletin Officiel [Official Bulletin], available at [http://www.justice.gov.ma/ar/legislation/legislation.aspx?ty=2&id\\_1=57](http://www.justice.gov.ma/ar/legislation/legislation.aspx?ty=2&id_1=57) (last visited Mar. 14, 2012).



- Human Rights Agreements: Morocco's ratification of various international human rights treaties has increased scrutiny of its laws. For instance, the persistence of laws discriminating against women and LGBTQ+ individuals has drawn criticism from bodies like the United Nations Human Rights Council.
- Economic Development: Foreign investors and international organizations often emphasize the need for a transparent and predictable legal system. Balancing these demands with the country's religious<sup>8</sup> and cultural identity poses an ongoing challenge for Moroccan policymakers

## 1. Legal Systems in the Middle East and North Africa (MENA)

### Tunisia

Tunisia, Morocco's neighbor, has pursued a more progressive approach<sup>9</sup> to integrating Islamic law with secular reforms, particularly in the realm of gender equality. The Tunisian Personal Status Code abolished polygamy outright and granted men and women equal divorce rights. Tunisia recently enacted laws granting women<sup>10</sup> equal inheritance rights, challenging the traditional Islamic inheritance model. These reforms illustrate a more aggressive approach to modernizing Islamic law than Morocco, where such changes remain contentious.

### Egypt

Egypt's legal system blends Islamic and secular principles like Morocco's. However, the constitution explicitly cites Sharia as the primary source of legislation. Islamic jurisprudence heavily influences family law, with limited child marriage and inheritance reforms. Unlike Morocco, where the monarchy mediates reform efforts, Egypt relies more on its legislative<sup>11</sup> body and judiciary, often leading to slower progress on social issues.

## 2. Gulf States: Conservatism vs. Modernization

### Saudi Arabia

Saudi Arabia's legal system starkly contrasts with Morocco's hybrid legal model. It is based almost entirely on Sharia, with no codified family law, and judges exercise significant discretion in interpreting Islamic principles. Recent reforms under Vision 2030, such as allowing women to drive and travel without a male guardian, signal a shift toward modernization but still need to be more extensive than Morocco's 2004 Family Code.

### United Arab Emirates (UAE)

The UAE presents a unique example of a dual legal system tailored to a globalized society. While personal status laws for Muslims remain rooted in Sharia, the UAE has introduced parallel civil laws for non-Muslims and expatriates. This allows the country to cater to its diverse population while preserving Islamic values for its citizens. Morocco, by contrast, applies Islamic principles more uniformly across its population, creating fewer distinctions between citizens and expatriates.

## 3. Non-Muslim Majority Countries with Islamic Influence

### Indonesia

Indonesia, the world's largest Muslim-majority country, has a pluralistic legal system where Islamic law operates alongside customary and national laws. Like Morocco, Islamic law in Indonesia is primarily applied to matters of personal status, though its influence varies by region. For example, the province of Aceh enforces strict Sharia laws, while other areas adopt more secular approaches. This regional variation contrasts with Morocco's centralized application of Islamic law, highlighting the diversity of approaches within the Islamic world.

<sup>8</sup>Zehra Kabasakal Arat. 'Economic Rights and Justice in the Qur'an,' *Human Rights Quarterly* 42, no. 1 (February 2020): 85–118.

<sup>9</sup>Pelzman, J. (2012). *The Economics of the Middle East and North Africa (MENA)*.

<sup>10</sup>Moha Ennaji, 'Women's Activism in North Africa: A Historical and Socio-Political Approach,' in *Double-Edged Politics on Women's Rights in the MENA Region*, H. Darhour. and D. Dahlrup (New York: Palgrave Macmillan, 2020), 157–204.

<sup>11</sup>AUF, Y. (2016). Islam and Sharia Law: Historical, Constitutional, and Political Context in Egypt. <https://www.jstor.org/stable/resrep03458>

## India

India's legal system allows for personal laws based on religion, including Islamic law, for its Muslim population. Issues such as triple talaq (instant divorce) and polygamy have sparked debates, with recent judicial interventions outlawing triple talaq to promote gender equality. This contrasts with Morocco's proactive legislative approach through the Moudawana, where reforms are mediated through the monarchy and religious authorities.

## 4. Secular Legal Systems and the Role of Religion

### Turkey

Turkey serves as a model for a largely secular legal system in a Muslim-majority country. Since the early 20th century, Turkey has abolished Sharia courts and replaced Islamic family laws with civil codes modeled after European systems. While this secularization has effectively created a unified legal framework, it has led to a disconnect between state laws and the religious identity of some segments of Turkish society. In contrast, Morocco's legal system seeks to bridge the gap by retaining Sharia in personal matters while selectively modernizing.

### France

As Morocco's former colonial ruler, France's secular legal system (*laïcité*) has influenced the country's civil and criminal laws. However, France's strict separation of religion and state starkly contrasts with Morocco's legal framework, where Islamic law remains integral. France's model underscores the challenges countries like Morocco face in integrating religious and secular legal traditions.

## Key Insights from a Comparative Perspective

1. Incremental Reform vs. Rapid Secularization: Countries like Tunisia and Turkey have implemented sweeping legal changes that distance their systems from traditional Islamic jurisprudence. Morocco, by contrast, has adopted a gradualist approach, preserving its Islamic identity while introducing reforms through negotiation and consensus.
2. Centralized vs. Decentralized Legal Systems: Morocco's centralized legal framework allows for a more uniform application of Islamic law than countries like Indonesia or India, where regional or religious diversity leads to varying interpretations and implementations.
3. Monarchical Mediation: Morocco's monarchy plays a pivotal role in mediating between religious conservatism and progressive reform, a mechanism absent in many other systems. This unique feature provides stability but limits the scope of change when reforms conflict with traditional values.
4. Globalization and Legal Adaptation: Morocco is pressured to modernize its laws to align with international norms, like the UAE's. However, Morocco's stronger emphasis on Islamic principles in family law distinguishes it from Gulf states that cater to expatriate populations with secular alternatives.

## Conclusion

Morocco's legal framework is an intriguing blend of Islamic traditions and contemporary legal principles, illustrating the complexities of legal pluralism. This dynamic system is deeply rooted in Maliki jurisprudence and reflects the country's historical context, religious values, and aspirations for global engagement. It is inspiring to see how Morocco has made remarkable strides in harmonizing Sharia with modern legal standards, continually adapting to meet its society's evolving needs and aspirations.

Upon closer examination, we can observe how Morocco's legal framework balances a strict adherence to Islamic law with a more secular approach. While significant progress has been made, particularly in personal status laws, the nation seeks a delicate equilibrium between honoring tradition and embracing modernity. The development of Islamic law within this framework is profoundly shaped by cultural, political, and historical factors, making Morocco an intriguing case study for hybrid legal models.

This research highlights the challenges and opportunities related to critical discussions about gender equality, judicial independence, and broader societal changes. Morocco is a promising example of how tradition and progress coexist within legal frameworks.

The Kingdom of Morocco exemplifies the modernization of Islamic law through its significant Family Code (Moudawana). This reform underscores Morocco's commitment to enhancing the rights of women and children while



remaining aligned with Islamic principles (Alami, 2016). Additionally, the 2011 Constitution marked a crucial development in Morocco's legal landscape by establishing principles of human rights, equality, and the rule of law (Charrad, 2020). These milestones illustrate Morocco's ability to implement gradual yet substantial reforms driven by monarchical leadership, religious influences, and societal pressures.

While preserving its cultural and religious identity, Morocco blends Islamic law with secular ideals and embraces modernization (Cavatorta & Durac, 2016). This careful balance has positioned the country as a leader among Muslim-majority states, demonstrating the feasibility of merging tradition with progress.

Despite these advancements, Morocco continues to face challenges within its legal system. The conflict between Islamic law and international legal standards is particularly evident in issues such as inheritance disparities, child marriage, and restrictions on personal freedoms (El Hajjami, 2019). These factors highlight the significant limitations of Morocco's reform initiatives, where societal norms and religious conservatism obstruct progress.

Judicial independence poses another challenge, as variations in judicial decisions and the influence of religious and political entities undermine the system's integrity (Benabdallah & Mahdi, 2017). Furthermore, the disparity between urban and rural populations exacerbates the uneven implementation and acceptance of legal reforms, illustrating the complex challenges of instigating progressive change in a diverse society (Sadiqi, 2014).

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See generally MOROCCO CONST., July 2011, ch. IV, art. 11 (stipulating that the primacy of the international conventions duly ratified by the Kingdom over domestic laws).

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