

Children's Rights After Divorce under the Moroccan Family Code: Strengthening Judicial Protection in Family Court Decisions

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Abstract	<i>Divorce represents a profound disruption not only for spouses but also for children whose emotional, social, and developmental stability may be significantly affected. In Morocco, the Moroccan Family Code (Mudawwanat al-Usra) establishes a legal framework intended to safeguard the rights and welfare of children following the dissolution of marriage. Nevertheless, in judicial practice, the explicit integration of children's rights within divorce judgments is not always consistently articulated, which may weaken the legal protection available to children after divorce. This study aims to analyze the legal protection of children's rights in post-divorce proceedings under the Moroccan Family Code and to evaluate the role of family courts in ensuring the best interests of the child. The research employs a normative juridical approach, examining statutory provisions of the Moroccan Family Code, relevant legal doctrines, and conceptual frameworks related to child protection in Islamic family law. The findings indicate that although Moroccan legislation recognizes the principle of the best interests of the child, judicial decisions do not always explicitly formulate detailed provisions concerning children's welfare, including maintenance, education, and emotional protection. As a result, certain aspects of children's rights may remain insufficiently guaranteed in post-divorce situations. Strengthening judicial practice through the systematic inclusion of children's rights in family court decisions is therefore essential. Such an approach would provide a clearer legal foundation for safeguarding children's well-being, ensuring access to education, healthcare, and parental care, while minimizing the adverse consequences of parental conflict after divorce.</i>
Keywords	<i>Child Rights Protection; Moroccan Family Code; Best Interests of the Child; Divorce Decision</i>

Introduction

Marriage occupies a central place in Islamic societies as a social and legal institution designed to foster harmony, mutual support, and the well-being of family members. In Morocco, as in many Muslim-majority societies, marriage is not only a private contract between two individuals but also a social structure that contributes to the stability of the broader community. Within this institution, the protection of children



represents one of the most fundamental objectives of family law. Children are regarded as vulnerable members of society who require legal, social, and moral protection to ensure their proper development (Prettitore, 2015). However, when marital relationships deteriorate and eventually end in divorce, the stability of family life is disrupted, often placing children in a particularly vulnerable position. The dissolution of marriage can create emotional, economic, and social challenges that significantly affect the well-being of children (Sanz-Caballero, 2023).

In Morocco, the issue of divorce and its consequences for children has received increasing attention from both legal scholars and policymakers. Although divorce is permitted within Islamic legal tradition, it is generally considered a last resort after efforts at reconciliation have failed. The Moroccan legal system reflects this perspective through its comprehensive regulation of family matters within the Moroccan Family Code (*Mudawwanat al-Usra*), which was significantly reformed in 2004 (Catalano, 2010). The reform of the *Mudawwana* represented a major step in modernizing Moroccan family law by strengthening legal protections for women and children while maintaining its foundation in Islamic legal principles. One of the key objectives of this reform was to ensure that family law better reflects contemporary social realities while preserving the ethical values embedded in Islamic jurisprudence.

The Moroccan Family Code establishes various legal provisions aimed at safeguarding children's rights following divorce. These provisions regulate issues such as child custody (*ḥaḍāna*), financial maintenance (*nafaqa*), guardianship (*wilāya*), and the overall welfare of the child. In principle, these legal mechanisms are designed to ensure that children continue to receive adequate care and protection even after the dissolution of their parents' marriage. The concept of the best interests of the child plays an important role in guiding judicial decisions related to family disputes. Moroccan family courts are expected to consider this principle when determining custody arrangements, financial support obligations, and other matters affecting children. This approach reflects both international legal norms and Islamic legal traditions that emphasize the responsibility of parents and society to safeguard the welfare of children (Zoglin, 2009).

Despite the existence of a relatively comprehensive legal framework, challenges remain in the practical implementation of child protection within divorce proceedings. In many cases, the primary focus of divorce litigation tends to revolve around the rights and obligations of the spouses, while the interests of children may receive less explicit attention in judicial reasoning. Although the Moroccan Family Code provides mechanisms for protecting children's welfare, the extent to which these protections are explicitly articulated within judicial decisions may vary (Zoglin, 2009). As a result, the practical realization of children's rights may depend heavily on how judges interpret and apply the legal provisions of the *Mudawwana* in specific cases (Loudghiri and Houmine, 2025).

Children often experience the most profound consequences of divorce. The termination of the marital relationship between parents can lead to emotional distress, disruption of daily routines, and potential conflicts regarding custody and financial responsibilities. In some cases, children may become indirectly affected by parental disputes that extend beyond the legal proceedings themselves. These challenges highlight the importance of ensuring that judicial decisions in divorce cases clearly and comprehensively address the rights and welfare of children (Sona, 2023). By explicitly incorporating considerations related to children's needs, family court decisions can play a crucial role in minimizing the negative impacts of divorce on children's development.



In Morocco, family courts serve as the primary institutions responsible for resolving disputes related to marriage, divorce, custody, and family responsibilities. These courts operate within a legal framework that integrates elements of Islamic jurisprudence with modern legislative reforms. Judges in Moroccan family courts are therefore tasked with balancing legal principles derived from Islamic law, statutory provisions of the *Mudawwana*, and broader considerations of social justice and child welfare. This complex legal environment requires judges to exercise careful discretion when addressing issues that affect children's rights following divorce (Sportel, 2020).

Scholars of Islamic family law have long emphasized the importance of protecting children's welfare in situations of marital dissolution. Classical Islamic jurisprudence contains numerous principles designed to safeguard children from harm and ensure their continued care. These principles include the obligation of parents to provide financial support, the prioritization of maternal custody during the early stages of childhood, and the recognition of the child's right to a nurturing and stable environment. Contemporary reforms of family law in many Muslim-majority countries, including Morocco, have sought to reinterpret and strengthen these principles in order to address the evolving needs of modern societies (Lamara and Messaoudi, 2025).

The reform of the Moroccan Family Code in 2004 represents one of the most significant developments in the modernization of family law within the Muslim world. The *Mudawwana* introduced several important changes aimed at improving gender equality, enhancing the protection of children, and strengthening judicial oversight of family disputes. For example, the code established clearer procedures for divorce, expanded judicial authority in family matters, and emphasized the importance of protecting children's interests in custody and maintenance decisions. These reforms reflect Morocco's broader commitment to aligning its legal system with both Islamic principles and international human rights standards.

Nevertheless, the effectiveness of legal reforms ultimately depends on how they are implemented within judicial practice. While the Moroccan Family Code provides a normative framework for protecting children's rights, the extent to which these rights are systematically integrated into family court judgments remains an important area for examination. In some instances, court decisions may focus primarily on resolving the immediate legal dispute between spouses without fully elaborating on the long-term implications for children's welfare (Ferhane, 2025). This situation raises important questions about the role of judicial reasoning in reinforcing the legal protection of children in post-divorce contexts.

A growing body of legal scholarship highlights the importance of incorporating a child-centered perspective within family law adjudication. Such an approach requires courts to go beyond merely determining custody arrangements or financial obligations. Instead, judges should consider the broader social, emotional, and developmental needs of children affected by divorce. By adopting a more comprehensive perspective, family courts can contribute to creating legal outcomes that better support the long-term well-being of children.

Within the Moroccan context, strengthening the explicit recognition of children's rights within divorce judgments may help improve the effectiveness of existing legal protections. Clear judicial articulation of children's rights can provide greater legal certainty for families while also reinforcing the broader objectives of the Moroccan Family Code. Furthermore, emphasizing children's welfare within judicial decisions may



encourage parents to prioritize cooperative parenting arrangements that minimize conflict and promote the best interests of the child.

This study seeks to examine the protection of children's rights in post-divorce situations within the framework of the Moroccan Family Code. Specifically, the research focuses on the role of family courts in ensuring that children's welfare is adequately addressed in judicial decisions related to divorce. By analyzing the legal principles governing child protection and exploring the practical challenges associated with their implementation, this study aims to contribute to a deeper understanding of how Moroccan family law can more effectively safeguard the rights of children.

The significance of this research lies in its attempt to highlight the importance of integrating a child-centered perspective within family court judgments. While legislative reforms have established a strong legal foundation for protecting children's rights, judicial practice plays a decisive role in translating these legal norms into meaningful protections. Strengthening the integration of children's rights within divorce judgments may therefore represent an important step toward ensuring that the objectives of the Moroccan Family Code are fully realized.

Although numerous studies have examined the reform of the Moroccan Family Code and its implications for women's rights, comparatively limited attention has been devoted to the explicit integration of children's rights within judicial reasoning in post-divorce decisions. Existing scholarship generally focuses on custody arrangements, maintenance obligations, or broader family law reforms, yet insufficiently analyzes how family court judgments articulate and operationalize the principle of the best interests of the child within judicial practice. This study therefore offers a more specific contribution by examining not only the normative protection of children under the *Mudawwanat al-Usra*, but also the extent to which Moroccan family courts incorporate child-centered legal reasoning into divorce judgments. By focusing on judicial articulation and post-divorce child protection, this research seeks to bridge the gap between normative legal guarantees and their practical realization in family court decisions.

Research methods

The study applies a statute approach, conceptual approach, and comparative legal approach in order to evaluate the protection of children's rights within Moroccan family law. The statute approach is employed to analyze relevant provisions of the *Mudawwanat al-Usra* concerning custody, maintenance, guardianship, and judicial authority in divorce proceedings. The conceptual approach is used to examine the principle of the best interests of the child from both Islamic family law and contemporary child protection perspectives. Meanwhile, the comparative approach enables the study to assess the relationship between normative legal guarantees and their practical application within judicial decision-making. Data were analyzed qualitatively through legal interpretation and doctrinal analysis by identifying the consistency between statutory norms, judicial responsibilities, and child-centered legal principles in post-divorce contexts.

Results and Discussion

Legal Protection of Children in the Moroccan Family Code

The protection of children's rights occupies a central position within the Moroccan Family Code (*Mudawwanat al-Usra*), which was reformed in 2004 as part of Morocco's broader efforts to modernize family law while remaining rooted in Islamic legal principles. The reform of the *Mudawwana* introduced a more comprehensive framework for



regulating family relations, including marriage, divorce, custody, guardianship, and financial responsibilities toward children (Engelcke, 2018). One of the primary objectives of these reforms was to ensure that the welfare and rights of children receive stronger legal recognition in family law proceedings. In situations where marital relationships end in divorce, the Moroccan legal system seeks to ensure that children continue to receive adequate protection through a combination of statutory obligations imposed on parents and judicial oversight exercised by family courts.

Within the Moroccan Family Code, the protection of children is closely linked to the principle that parents bear primary responsibility for the upbringing and well-being of their children. Even after the dissolution of marriage, parental obligations toward children do not cease. Instead, the legal framework requires that both parents continue to fulfill their respective duties in a manner that safeguards the child's physical, emotional, and educational development. These obligations are reflected in several key legal provisions regulating custody (*ḥaḍāna*), guardianship (*wilāya*), and financial maintenance (*nafaqa*). Through these mechanisms, the Moroccan legal system attempts to ensure that children remain protected from the negative consequences that may arise from the breakdown of parental relationships (Hassan, 2026).

One of the most important aspects of child protection within the Moroccan Family Code concerns the regulation of child custody (*ḥaḍāna*). Custody refers to the responsibility for the daily care, upbringing, and supervision of the child following divorce. The Mudawwana establishes a clear hierarchy regarding who may exercise custody, generally prioritizing the mother as the primary custodian during the early stages of the child's life, provided that she meets the necessary legal and moral conditions. This approach reflects long-standing principles within Islamic jurisprudence, which emphasize the importance of maternal care during early childhood due to the mother's role in nurturing and emotional development. However, the law also allows for flexibility in determining custody arrangements when the best interests of the child require alternative solutions.

The Moroccan Family Code also recognizes the continuing role of the father through the concept of legal guardianship (*wilāya*). While the mother may typically assume physical custody, the father often retains legal guardianship responsibilities related to major decisions affecting the child's life, such as education, travel, and administrative matters. This dual structure reflects an attempt to balance parental roles while maintaining the child's connection with both parents. In practice, Moroccan family courts are expected to ensure that the exercise of guardianship does not undermine the stability of the child's living environment or the authority of the custodial parent. Judicial oversight is therefore essential to maintaining equilibrium between the rights and responsibilities of both parents.

Another essential component of child protection under the Moroccan Family Code is the obligation of financial maintenance (*nafaqa*). The law imposes a clear duty on parents, particularly fathers, to provide financial support for their children regardless of the marital status of the parents. Maintenance obligations typically include expenses related to food, clothing, housing, education, and healthcare. These financial responsibilities are intended to ensure that children do not suffer economic hardship as a result of their parents' divorce. In determining the amount of maintenance, family courts generally consider factors such as the financial capacity of the parent responsible for payment, the needs of the child, and the overall living conditions of the family prior to divorce.



In addition to regulating custody and financial support, the Moroccan Family Code emphasizes the importance of preserving the emotional and social well-being of children. Divorce can create significant psychological stress for children, particularly when parental conflicts remain unresolved. For this reason, Moroccan family courts are expected to consider the broader circumstances surrounding each case when issuing decisions that affect children. Judges may examine factors such as the stability of the child's living environment, the quality of parental relationships, and the potential impact of custody arrangements on the child's development (Sabbe *et al.*, 2013). By taking these factors into account, the legal system aims to promote outcomes that minimize the negative effects of divorce on children.

The principle of the best interests of the child has increasingly become a guiding concept within Moroccan family law. Although rooted in international child protection standards, this principle is also compatible with the ethical foundations of Islamic law, which emphasize compassion, justice, and the protection of vulnerable individuals. In the context of divorce proceedings, the best interests of the child require judges to prioritize the child's welfare above competing claims made by parents. This approach encourages courts to move beyond rigid legal formalism and instead adopt a more holistic perspective when evaluating family disputes involving children (Hanafi and Pratt, 2013).

The 2004 reform of the Mudawwana significantly strengthened judicial authority in matters related to family law. Family courts now play a more active role in supervising divorce procedures, approving custody arrangements, and ensuring that financial obligations toward children are properly fulfilled. Judges possess the authority to review agreements between parents and to intervene when such agreements fail to adequately protect the interests of the child. This expanded judicial role reflects the broader objective of transforming family law into a system that prioritizes social justice and child welfare (Foblets, 2007).

Despite these legal advancements, certain challenges remain in the effective implementation of child protection provisions within Moroccan family law. In some cases, judicial decisions may focus primarily on resolving disputes between spouses without explicitly articulating how children's rights will be safeguarded in the long term. While the legal framework itself provides strong normative protection, the degree to which children's rights are clearly integrated into judicial reasoning can vary across cases (March, 2019). This situation underscores the importance of strengthening judicial awareness and consistency in applying child-centered principles during divorce proceedings.

Another issue that has attracted attention among legal scholars concerns the enforcement of maintenance obligations. Although the Moroccan Family Code clearly establishes the duty of financial support, practical difficulties may arise when responsible parents fail to comply with court-ordered payments. In such situations, the lack of effective enforcement mechanisms may place children and custodial parents in vulnerable economic conditions (Ennaji and Sadiqi, 2012). Addressing these challenges requires not only legal reforms but also stronger institutional mechanisms capable of ensuring compliance with court decisions.

Furthermore, the changing social dynamics of Moroccan society have created new challenges for family law institutions. Urbanization, economic pressures, and evolving gender roles have influenced patterns of marriage and divorce, thereby increasing the complexity of family disputes. As a result, family courts must continually adapt their practices in order to respond to the needs of children living in diverse social environments



(Schlumpf, 2016). The integration of child-centered perspectives within judicial decision-making is therefore becoming increasingly important in ensuring that legal protections remain effective in a rapidly changing society.

From a broader perspective, the Moroccan Family Code represents a significant attempt to harmonize Islamic legal traditions with contemporary principles of child protection. By recognizing the importance of custody, guardianship, and financial support, the Mudawwana provides a comprehensive framework for safeguarding children’s welfare following divorce. However, the effectiveness of this framework ultimately depends on the extent to which its principles are consistently applied within judicial practice (Möller, 2015).

Strengthening the protection of children’s rights in post-divorce contexts therefore requires continued attention to the role of family courts in interpreting and implementing the provisions of the Moroccan Family Code. When judicial decisions explicitly address issues related to children’s welfare, they not only resolve individual disputes but also contribute to reinforcing broader legal norms that prioritize the well-being of children (Shiddieqy *et al.*, 2025). In this sense, family courts serve as key institutions in translating the normative ideals of the Mudawwana into practical protections for children affected by divorce.

Overall, the Moroccan Family Code establishes a robust legal foundation for protecting children’s rights within the family law system. Through the regulation of custody, guardianship, and maintenance, the law seeks to ensure that children remain supported and protected even when their parents’ marriage comes to an end. Nevertheless, the continuing challenge lies in ensuring that these legal protections are fully realized in judicial practice, thereby strengthening the capacity of Moroccan family law to safeguard the welfare and future of children.

Table 1. Legal Protection Mechanisms for Children under the Moroccan Family Code

Legal Aspect	Relevant Principle in the Mudawwanat al-Usra	Form of Protection for Children	Judicial Function
Child Custody (Ḥaḍāna)	Priority of child welfare and maternal care during early childhood	Ensures emotional stability, daily care, and nurturing environment for the child after divorce	Judges determine custody arrangements based on the best interests of the child
Guardianship (Wilāya)	Continued parental responsibility despite divorce	Protects the child’s legal identity, education, and major life decisions	Courts supervise the balance between custodial authority and parental rights
Financial Maintenance (Nafaqa)	Obligation of parents, particularly fathers, to support children financially	Guarantees access to food, housing, healthcare, and education	Courts determine maintenance obligations and financial responsibilities
Educational Protection	Preservation of the child’s developmental rights	Supports continuity of formal education and intellectual development	Judges may consider educational stability in custody



Legal Aspect	Relevant Principle in the Mudawwanat al-Usra	Form of Protection for Children	Judicial Function
Emotional and Social Welfare	Protection from harm and family conflict	Reduces psychological risks caused by parental disputes and divorce	and visitation decisions Courts evaluate family circumstances affecting child well-being
Best Interests of the Child Principle	Central normative standard in family law adjudication	Prioritizes child welfare above parental conflict and competing claims	Judges interpret divorce cases using child-centered legal reasoning

Judicial Practice and Challenges in Protecting Children’s Rights After Divorce in Morocco

Although the Moroccan Family Code (Mudawwanat al-Usra) provides a comprehensive legal framework for protecting children following divorce, the practical implementation of these provisions largely depends on the role of family courts and the interpretative approaches adopted by judges (Nour-Aissaoui, 2020). In Morocco, family courts function as the primary institutions responsible for resolving disputes related to marriage, divorce, custody, and parental responsibilities. Through their decisions, judges translate statutory provisions into practical legal outcomes that directly affect the lives of children and families. Consequently, the effectiveness of child protection within the Moroccan legal system is closely linked to judicial practice and the manner in which legal principles are applied during divorce proceedings.

One of the defining characteristics of Moroccan family law after the 2004 reform is the expansion of judicial authority in family matters. Unlike earlier legal frameworks in which divorce procedures could be conducted with limited judicial involvement, the Mudawwana requires that most forms of divorce be supervised and authorized by family courts. This reform was designed to ensure greater legal protection for vulnerable family members, particularly women and children. Judges are therefore expected not only to adjudicate disputes between spouses but also to assess the broader implications of divorce for children. By exercising this supervisory role, family courts play a crucial part in safeguarding children’s welfare and ensuring that parental responsibilities continue after marital dissolution (Sportel, 2016).

In practice, Moroccan family courts address several key issues affecting children during divorce proceedings. These include determining custody arrangements, establishing financial maintenance obligations, regulating visitation rights, and ensuring that children continue to receive appropriate care and education. Each of these matters requires careful judicial consideration, as the outcomes can significantly influence a child’s physical and emotional well-being. Judges must evaluate the circumstances of each case while balancing the rights and responsibilities of both parents (Escámez, 2014). In doing so, courts are expected to apply the principle of the best interests of the child as a guiding standard for decision-making.



However, despite the normative emphasis on child welfare within the Moroccan Family Code, the practical articulation of children's rights within judicial decisions is not always consistent. In some cases, court judgments may prioritize the resolution of disputes between spouses without providing detailed reasoning regarding the specific needs and rights of children affected by the divorce. This situation can limit the clarity of legal protections available to children, particularly when issues such as education, healthcare, and emotional well-being are not explicitly addressed within the court's ruling. As a result, the protection of children's rights may depend heavily on the discretion and awareness of individual judges (Sassi and Ahmad, 2025).

Another challenge relates to the implementation and enforcement of court-ordered financial maintenance. Although the Moroccan Family Code clearly establishes the obligation of parents to provide financial support for their children, practical difficulties often arise when responsible parents fail to comply with maintenance orders (Sabbe *et al.*, 2015). Economic constraints, unemployment, and informal employment structures can complicate the enforcement of financial obligations. In such situations, custodial parents—most often mothers—may face significant financial challenges in meeting the needs of their children. The inability to effectively enforce maintenance payments can therefore undermine the broader objectives of child protection within family law (Maktabi, 2013).

The issue of custody disputes also presents complex challenges within judicial practice. While the *Mudawwana* provides a hierarchical framework for determining custody, the realities of family life may require judges to adopt flexible approaches in order to protect the child's welfare. For instance, changes in the custodial parent's living conditions, relocation, or remarriage may affect custody arrangements and require judicial reconsideration (Buskens, 2003). Moroccan family courts must therefore continuously evaluate whether existing custody decisions remain consistent with the best interests of the child. This dynamic process underscores the importance of judicial sensitivity and careful case-by-case analysis.

In addition to legal considerations, judges often encounter broader social and psychological factors that influence the well-being of children after divorce. Parental conflict, emotional distress, and communication breakdowns between parents can create unstable environments that negatively affect children's development. Although courts can issue legal orders regarding custody and maintenance, addressing these deeper family dynamics remains a significant challenge (Sadiqi, 2013). The effectiveness of judicial decisions therefore depends not only on legal reasoning but also on the willingness of parents to cooperate in fulfilling their responsibilities toward their children.

Another challenge concerns the evolving social context within Moroccan society. Over the past few decades, Morocco has experienced significant social and economic transformations, including urbanization, increased female participation in the workforce, and changing family structures. These developments have influenced patterns of marriage and divorce, leading to a greater number of family disputes requiring judicial intervention. As a result, family courts are faced with increasingly complex cases that require balancing traditional legal principles with contemporary social realities (Yavuz-Altintacs, 2020). In such circumstances, ensuring the effective protection of children's rights becomes even more critical.

Legal scholars have also highlighted the importance of strengthening institutional mechanisms that support judicial decisions related to child protection (Dennerlein, 2001). For example, the involvement of social workers, psychologists, and child welfare specialists could assist family courts in better assessing the needs of children during



divorce proceedings. Such interdisciplinary approaches would allow judges to make more informed decisions that reflect the social and psychological dimensions of family disputes. By integrating professional expertise from different fields, the judicial process could more effectively address the challenges faced by children affected by divorce (Maktabi, 2024).

Furthermore, greater emphasis on the explicit articulation of children’s rights within judicial reasoning could enhance the overall effectiveness of legal protections. When court decisions clearly identify the rights and needs of children, they not only provide guidance for the parents involved but also contribute to the development of consistent legal standards within family law jurisprudence (Khazova and Mezmur, 2020). Explicit recognition of children’s rights in judicial decisions may also reinforce the broader objectives of the Moroccan Family Code by promoting a legal culture that prioritizes child welfare.

Another important aspect of strengthening child protection in judicial practice involves improving access to justice for families. Divorce proceedings can be emotionally and financially demanding, and some families may face difficulties navigating the legal system. Simplifying procedural requirements, providing legal assistance, and promoting mediation mechanisms could help reduce conflicts and encourage cooperative solutions between parents. Such measures would not only alleviate the burden on family courts but also contribute to creating more stable environments for children following divorce (Hursh, 2012).

Despite these challenges, Moroccan family courts continue to play a vital role in implementing the legal protections established by the Mudawwana. Through their decisions, judges shape the practical application of family law and influence how parental responsibilities are fulfilled after divorce. By prioritizing the welfare of children and carefully interpreting the provisions of the Moroccan Family Code, courts have the capacity to strengthen the legal safeguards available to children (Fakhria and Marpuah, 2022).

Ultimately, improving the protection of children’s rights in post-divorce contexts requires a combination of strong legal frameworks, consistent judicial practice, and supportive institutional mechanisms. While the Moroccan Family Code provides a solid normative foundation, the continued development of child-centered judicial approaches remains essential for ensuring that legal protections translate into meaningful outcomes for children. By addressing the challenges associated with enforcement, judicial reasoning, and institutional support, Morocco’s family law system can further enhance its ability to safeguard the well-being and future of children affected by divorce.

Table 2. Judicial Challenges and Child Protection Issues in Post-Divorce Cases in Morocco

Judicial Challenge	Practical Impact on Children	Limitation in Judicial Practice	Recommended Improvement
Inconsistent articulation of children’s rights in court decisions	Children’s welfare may not be comprehensively protected	Some judgments focus primarily on disputes between spouses	Strengthen child-centered judicial reasoning in family court decisions
Weak enforcement of maintenance obligations	Economic vulnerability of custodial families and children	Difficulty enforcing financial support orders	Improve enforcement mechanisms and judicial supervision



Judicial Challenge	Practical Impact on Children	Limitation in Judicial Practice	Recommended Improvement
Custody disputes and changing family conditions	Emotional instability and uncertainty for children	Courts face difficulties balancing parental rights and child welfare	Develop flexible and welfare-oriented custody evaluations
High parental conflict after divorce	Psychological stress and social insecurity for children	Judicial decisions cannot fully resolve family tensions	Expand mediation and family counseling mechanisms
Limited interdisciplinary support in family courts	Insufficient assessment of children's emotional and psychological needs	Lack of involvement of psychologists and social workers	Integrate child welfare experts into judicial processes
Rapid social transformation in Moroccan society	Increasing complexity of post-divorce family problems	Traditional legal approaches may not fully address contemporary realities	Encourage adaptive and context-sensitive judicial interpretation

The findings of this study contribute to contemporary discussions on Islamic family law reform by demonstrating that the effectiveness of child protection does not solely depend on the existence of statutory provisions, but also on the quality of judicial reasoning in family court practice. The Moroccan experience illustrates that legal modernization within Muslim family law systems requires not only normative reform but also the institutional internalization of child-centered legal principles within judicial interpretation. This perspective may provide a useful comparative framework for other Muslim-majority jurisdictions seeking to strengthen post-divorce child protection while maintaining the ethical foundations of Islamic family law.

Conclusion

The protection of children's rights following divorce represents a fundamental concern within the framework of Moroccan family law. The Moroccan Family Code (Mudawwanat al-Usra) provides a comprehensive legal foundation designed to safeguard the welfare of children through provisions regulating custody (*ḥaḍāna*), guardianship (*wilāya*), and financial maintenance (*nafaqa*). These mechanisms reflect both Islamic legal principles and contemporary approaches to child protection, emphasizing that parental responsibilities toward children continue even after the dissolution of marriage. In principle, the Mudawwana seeks to ensure that children remain protected from the social, emotional, and economic consequences that may arise from divorce. However, the effectiveness of these legal protections depends largely on how they are implemented within judicial practice. Moroccan family courts play a crucial role in translating the normative principles of the Family Code into concrete legal decisions that affect the lives of children and families. While judges are expected to apply the principle of the best interests of the child when resolving divorce disputes, the explicit integration of children's rights within judicial reasoning is not always consistently articulated. As a result, certain aspects of children's welfare—such as long-term educational needs, emotional stability,



and comprehensive financial support—may not always be fully addressed within court decisions.

The findings of this study indicate that strengthening the protection of children's rights in post-divorce contexts requires greater emphasis on child-centered judicial approaches. Family court decisions should explicitly recognize and elaborate on the rights and needs of children in order to provide clearer legal guidance for parents and ensure more effective protection. In addition, improving the enforcement of maintenance obligations and expanding institutional support mechanisms, including mediation services and social welfare assistance, could enhance the practical realization of children's rights within Moroccan family law. Ultimately, the Moroccan Family Code represents an important step toward harmonizing Islamic legal traditions with contemporary standards of child protection. Nevertheless, continued efforts are necessary to ensure that the legal principles embodied in the Mudawwana are consistently reflected in judicial practice. By strengthening the integration of children's rights within family court decisions, Morocco's legal system can further advance its commitment to safeguarding the welfare, dignity, and future development of children affected by divorce.

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