



## The Crime of Infringement upon a Wife's Financial Resources under Algerian Legislation

Zoulikha Rouahna <sup>1\*</sup>, Amina Ouazani <sup>2</sup>

<sup>1</sup> University of Biskra, Algeria, Zoulikha.rouahna@univ-biskra.dz

 <https://orcid.org/0009-0007-7297-8840>

<sup>2</sup> University of Tipaza, Algeria, ouazani.amina@cu-tipaza.dz

 <https://orcid.org/0009-0000-2216-4151>

*Received: 06/02/2026*

| *Accepted: 05/05/2026*

| *Published: 20/06/2026*

### **Abstract:**

Methods of coercion or intimidation aimed at compelling a wife to dispose of her property or financial resources constitute one of the most prominent forms of contemporary marital violence, as they represent a flagrant violation of the principle of the independence of financial patrimony, which signifies the wife's absolute freedom to manage and dispose of her assets and property. In order to protect this right, the Algerian legislator intervened through the provisions of Law No. 15-19 amending and supplementing the Penal Code, introducing mechanisms to protect the wife from this form of economic violence. This paper seeks, on the one hand, to elucidate the constituent elements of the offense of coercion or intimidation to dispose of the wife's property or financial resources, and, on the other hand, to examine the repression of this offense.

**Keywords:** Marital; Violence; Coercion; Wife's Property; Penal Code.

---

*\* Corresponding author*

---

This is an open access article under the terms of [the Creative Commons Attribution-NonCommercial License](#), which permits use, distribution and reproduction in any medium, provided the original work is properly cited and is not used for commercial purposes.

## **1. INTRODUCTION**

The family constitutes the fundamental unit and primary building block of society, serving as an indicator of its strength or weakness. When the family is characterized by cohesion, effectiveness, and the capacity to fulfill its functions, its structure remains sound and stable, and consequently the structure of society as a whole is preserved and balanced. Conversely, if the family fails to perform its role or if its conditions deteriorate, this will inevitably be reflected in the condition of society in its entirety. Islam has laid down a sound and upright framework for both women and men within marital relationships, drawing upon Qur'anic verses that regulate the relationship between spouses. Almighty God states in His clear revelation: "And of His signs is that He created for you from yourselves mates that you may find tranquillity in them; and He placed between your affection and mercy. Indeed in that are signs for a people who give thought"<sup>1</sup>.

This concern is manifested in the regulation of the relationship between husband and wife through the delineation of their reciprocal rights and obligations. Among these rights and duties are financial rights, whereby Islam has established the separation of the wife's financial<sup>2</sup> estate from that of the husband and granted her the freedom to dispose of it independently, a principle known as the independence of the financial estate.<sup>3</sup>

With the evolution of daily life, manifestations of domestic violence have also evolved, particularly marital violence, which constitutes one of the most prominent and widespread forms of violence within societies, as it targets women within the family, which is supposed to be a source of safety and stability. The forms of marital violence are manifold, including physical violence, which is among the most prevalent types, as well as repeated psychological and verbal violence. They also include sexual violence, manifested in compelling a woman to engage in sexual acts against her will, in addition to economic violence,<sup>4</sup> which entails the use of coercion or intimidation to seize the wife's property or financial resources.

As a result of contemporary developments and the spread of various ideas and behaviors, the phenomenon of criminality has intensified, along with an increase in cases of economic violence inflicted upon wives. This

issue has become a pressing contemporary concern that attracts considerable attention at both the international and national levels. This has prompted the criminal legislator to intervene in order to protect the substantive rules set forth in the Family Code, particularly those relating to the wife's property, through the introduction of a set of offenses connected to the property of spouses. Among these is the crime of economic violence against the wife, stipulated in Article 330 bis of Law No. 15-19 of 30 December 2015, amending and supplementing the Penal Code, with the aim of safeguarding the wife's financial rights.

In light of the foregoing, the following problem arises: to what extent has the Algerian legislator succeeded in imposing legal protection for the wife against economic violence? In order to address this issue, it is necessary to clarify and elucidate the constituent elements of the crime of coercing or intimidating the wife for the purpose of seizing her property or financial resources (first), followed by an examination of the legislator's approach to repressing this crime (second).

## **2. Constituent Elements of the Offence of Coercing or Intimidating the Wife into Disposing of Her Property or Financial Resources**

The offence of coercing or intimidating the wife into disposing of her property or financial resources is constituted by three fundamental elements, as derived from an analytical reading of Article 330 bis of the Penal Code.<sup>5</sup> This provision was enacted to protect the wife and to reaffirm the principle set out in Article 37 of the Family Code,<sup>6</sup> which stipulates the independence of the spouses' financial patrimonies. Accordingly, no act may be deemed criminal or contrary to the law unless its commission has been explicitly criminalized and its perpetrator subjected to punishment through a provision of the Penal Code, namely by defining the prohibited conduct and the corresponding penalty, which constitutes the legal element (first). In addition, the offence requires the perpetration of conduct involving coercion or intimidation as specified in the criminal provision, thereby fulfilling the material element (second). Furthermore, a person cannot be regarded as criminally liable unless their will and intent are directed toward the

commission of the criminal act and the realization of its result, which constitutes the mental element (third).

### **2.1 The legal element of the offense of coercing or intimidating the wife to dispose of her property or financial resources**

The legal element of any criminal offense requires the existence of a statutory provision that criminalizes the act prior to its commission and determines the appropriate penalty, in affirmation and implementation of the principle of criminal legality enshrined in Article 1 of the Penal Code: "There shall be no crime, no punishment, and no security measure except by law."<sup>7</sup> This provision must take the form of written legislation, in order to protect individuals' rights and freedoms from infringement. Accordingly, a husband's act of coercion or intimidation was not criminalized until the introduction of Article 330 bis of the Penal Code, as amended by Law No. 15-19.

The legal element refers to the legal text that criminalizes a specific act; the general rule is permissibility of conduct, while criminalization constitutes the exception. Article 330 bis of the Algerian Penal Code provides as follows: "Any person who exercises against his wife any form of coercion or intimidation to compel her to dispose of her property or financial resources shall be punished by imprisonment for a term ranging from six (6) months to two (2) years ..."

This provision was enacted in line with the requirements of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>8</sup> and reflects the legislator's tendency to harmonize national legislation with international conventions through the introduction of certain amendments to the Penal Code. This legislative development is attributable to the social transformations witnessed in Algerian society, where women have increasingly assumed employment positions and acquired independent financial estates, a circumstance that may prompt husbands to attempt to appropriate their wives' property and financial resources.

## **2.2 The material element of the offense of coercing or intimidating the wife into disposing of her property or financial resources**

The material element of a criminal offense refers to every act, omission, or criminal conduct committed by a rational human being, whether positive or negative, that results in an outcome infringing upon a right protected constitutionally or legally<sup>9</sup> and entails an encroachment upon the physical integrity of the individual. Accordingly, this element is composed of several components: the criminal conduct, the criminal result, and the causal link or relationship between the act and the result.

### **2.2.1 Criminal conduct in the offense of coercing or intimidating the wife into disposing of her property or financial resources**

This refers to the external material activity of the offense, or “the voluntary movement of the perpetrator that brings about a change in the external world.” Conduct is of two types: positive and negative. If the conduct is positive, the offense is described as a positive offense; if the conduct is negative, the offense is characterized as a negative offense,<sup>10</sup> or an offense of omission.

In the offense of economic violence, the material act is realized when the husband engages in any form of conduct by exploiting his marital authority, thereby contravening the proper understanding of marital guardianship, and by employing methods of violence as specified by the legislator in Article 330 bis of the Penal Code, as follows:

#### **A. Coercion:**

Definitions of coercion are diverse; therefore, both its linguistic and terminological meanings will be addressed.

**Linguistically**, coercion derives from the verb *akraha*<sup>11</sup> and is associated with meanings such as compelling, forcing, constraining, subduing, obliging,<sup>12</sup> seizing by force, and overpowering. It denotes the act of compelling someone to perform an action unwillingly and under duress and domination. Coercion is said to “invalidate a contract,” as it involves forcing a person to act against his or her will, compelling them to undertake an act, as reflected in the expression “There is no compulsion in religion,” or performing an act under coercion.<sup>13</sup>

**Terminologically**, coercion refers to forcing another person to do something to which they do not consent, or exerting pressure on an individual through harmful means or by threatening such means in order to compel them to act or refrain from acting.<sup>14</sup> It is also defined as the pressure exercised by a husband upon his wife that affects her free will and drives her to relinquish her financial estate. Such coercion is carried out through means that threaten imminent and serious danger and instill fear in the wife, compelling her to abandon and surrender her property and financial resources without her consent.<sup>15</sup>

Coercion is divided into two types: material coercion and moral coercion.

- *Material coercion* consists of physical violence exercised against the victim in order to induce them to conclude a legal act or perform a certain action in a manner that they are unable to resist or repel. This results in the complete and absolute nullification of the victim's will, depriving them of freedom of choice in both positive and negative acts.<sup>16</sup>
- *Moral coercion* arises through threats of serious harm or the use of violence, whereby such threats or violence influence the person subjected to them, leaving no means of escape from the danger except by committing the act in question. Thus, coercion is an act that compels a person to perform an act or utter words without their consent.<sup>17</sup>

### **B. Definition of Intimidation**

Intimidation has several definitions, including the following:

*Linguistically*, it derives from *khawf* (fear)<sup>18</sup> and signifies instilling fear in the heart, filling the chest with terror, frightening and horrifying, such as “frightening a youth” or “instilling fear in a student through his teacher.” Intimidation denotes causing alarm and casting confusion and disturbance into the soul, as in “intimidating a student.”<sup>19</sup>

*Terminologically*, intimidation is considered a form of moral coercion and falls within the meaning of threat.<sup>20</sup> It is defined as engaging in conduct of intimidation against the wife with the aim of compelling her to relinquish and surrender her property and funds, thereby generating a genuine state of

fear in her psyche, such as threatening to kill her children or to divorce her. The objective of engaging in such conduct, whether through coercion or intimidation, is to seize control of the wife's financial estate and dispose of it.

It may be stated that the Algerian legislator did not require that the act of coercion reach a specific degree of violence, nor did it define the acts that may constitute intimidation of the wife, instead leaving room for judicial interpretation by the criminal judge within the scope of his discretionary authority.

### **2.2.2 The Criminal Result in the Offence of Coercing or Intimidating the Wife into Disposing of Her Property or Financial Resources**

The result constitutes the second element of the material component in offences for which the legislator requires its existence in the committed act. It represents the material effect arising from the criminal conduct that brings about a tangible change in the external world, such as the taking of life in the offence of homicide or the transfer of possession in the offence of theft.

In the offence of coercing or intimidating the wife into disposing of her property or financial resources, the material effect consists in the infringement committed by the husband against the wife's property and financial resources, through their seizure or disposition in any manner whatsoever. The wife's property includes all assets owned by her that can be valued in monetary terms, whether immovable or movable, of minor or substantial value. These may be outlined as follows:

**A. Property Acquired Independently of Marriage:** This includes various assets that enter into the wife's ownership and that she has acquired through means other than marriage, namely:

- **Employment:** The wife may acquire income resulting from her engagement in a particular occupation, her involvement in commercial activity, or the practice of a trade or craft.
- **Inheritance:** Kinship and marriage constitute grounds for inheritance. A woman is entitled to inherit from her family prior to the conclusion of the marriage contract, and she may also inherit after the conclusion of the marriage by virtue of her status as a wife.

- **Gratuitous Transfers:** These are contracts or financial dispositions carried out by individuals voluntarily and without consideration. Through them, the wife may acquire assets either from her relatives or from third parties, such as gifts, wills, endowments, and similar dispositions. She possesses full legal capacity to acquire such assets without the need for her husband's consent, whether for acceptance or refusal.<sup>21</sup>

**B. Property acquired by reason of marriage:**

this refers to assets that become the wife's property and are acquired through marriage, that is, on the occasion of the conclusion of the marriage contract. These include the following:

- **Gifts:** these are items bestowed by the suitor upon his fiancée and include money and all objects of financial value, such as jewelry and real estate. They become the wife's property once they leave the husband's possession, and he may not resort to coercion or intimidation to reclaim them after the conclusion of the marriage, unless she relinquishes them of her own free will and with her full consent.
- **Dower (ṣadāq):** the sum of money that is granted and paid, both religiously and legally, to the wife by the husband. It constitutes one of the conditions of the marriage contract under the Family Code and becomes part of the wife's property upon the conclusion of the contract and the specification of the dower. This right is fully established upon consummation of the marriage, and the wife enjoys complete freedom to dispose of it, in accordance with Article 15 of the Family Code.<sup>22</sup>
- **Maintenance (nafaqa):** pursuant to Article 74 of the Family Code, the husband is obligated to provide maintenance for his wife even if she is financially well-off or wealthy. Maintenance includes food, clothing, medical care, housing or its rent, and whatever is deemed necessary according to custom and practice, as stipulated in Article 78 of the Family Code.

From the wording of Article 330 bis of the Penal Code, it is apparent that the Algerian legislator did not require the occurrence of a specific result for this offense; rather, it suffices that the offending husband employs one of the

methods of coercion or intimidation against his wife with the aim of appropriating her property or financial resources. In other words, the mere commission by the husband of an act of coercion or intimidation against his wife is sufficient, regardless of whether the intended result—namely, the appropriation of the wife’s property or financial resources—actually occurs.

**C. The causal relationship between conduct and result in the offense of coercing or intimidating the wife to dispose of her property or financial resources**

For the material element of the offense to be established and for its unity to be realized, a causal relationship must exist between the conduct and the result.<sup>23</sup> It is not sufficient, for the material element upon which the offense is based, that a person merely commits an act and that a criminal result ensues; rather, there must be a causal link between the conduct and the result, meaning that the act committed by the person must be the direct cause that led to that result.

In the offense of coercing or intimidating the wife to dispose of her property or financial resources, the coercion or intimidation must be connected to the acquisition of the wife’s property or financial resources, whether prior to or contemporaneous with the husband’s commission of this criminal act for the purpose of usurping the wife’s financial rights. Such coercion may take any form whatsoever;<sup>24</sup> that is, the coercion or intimidation exercised by the husband must constitute the direct cause that leads the wife to relinquish her property or financial resources without her consent.

**2.2.3 The mental element of the offense of coercing or intimidating the wife into disposing of her property or financial resources**

The mental element refers to the psychological aspect of the perpetrator. As a general rule, criminal offenses are founded on criminal intent, whereby the husband’s will and intention are directed toward committing the criminal conduct and bringing about the prohibited result.

**2.3 General criminal intent:**

General criminal intent denotes the direction of the perpetrator's will toward performing an act while being aware that the law prohibits it.<sup>25</sup> It consists of two elements: knowledge and will.

- The element of knowledge: The perpetrator must be aware of all the elements required by law for the material element of the offense<sup>26</sup> (the subject matter of the offense, the causal relationship, the result, and the presumed elements of the offense), such as the wife's legal status, for the purpose of seizing her property or financial resources.
- The element of will: This refers to a psychological force or mental activity that directs all or part of the bodily organs toward achieving a criminal result. Accordingly, the perpetrator's will must be directed toward both the conduct and the result if the law requires the occurrence of a specific result for the offense.<sup>27</sup>

In order to establish criminal liability against the husband for this offense, it is necessary that he be aware that engaging in any form of coercion or intimidation is punishable by law, and nevertheless that his will be directed toward exerting all forms of pressure that enable him to appropriate the wife's funds, whether her salary or other financial resources.<sup>28</sup> However, if the husband is acting under coercion or if his will is vitiated by a defect affecting consent, this leads to the absence of criminal intent and, consequently, to the negation of criminal liability.

### **2.3.1 Specific Criminal Intent**

In addition to general criminal intent, the legislator may, in certain offenses, require the presence of specific intent, as is the case with the offense of economic violence against the wife. For this crime to be established, specific intent must be present, namely the husband's intention to appropriate the wife's property, dispose of it, and deprive her thereof without her consent, through the use of coercion or intimidation.

## **3. Suppression of the Crime of Coercing or Intimidating the Wife to Dispose of Her Property or Financial Resources**

The offense of coercing or intimidating the wife to dispose of her property or financial resources is classified as a property crime. The legislator has prescribed a specific penalty for it in Article 330 of the Penal Code (First).

In view of the difficulty of proving economic violence, paragraph two of Article 299 bis 1 provides that: “The state of marital violence may be proven by all means...” (Second). Furthermore, given the particular nature of certain offenses, the Algerian legislator has adopted the principle of pardon in the crime of economic violence against the wife, as stipulated in the final paragraph of Article 330 bis of the Penal Code, in consideration of protecting the private interests of the family (Third).

### **3.1 The Penalty for the Offence of Coercing or Intimidating the Wife into Disposing of Her Property or Financial Resources**

A penalty is defined as “the sanction prescribed by law and imposed by the judge in the name of society, in execution of a judicial ruling, upon a person whose responsibility for a crime has been established, and which entails pain inflicted upon the offender as a consequence of violating the commands and prohibitions of the law.”<sup>29</sup> It is also defined as “a criminal sanction involving deliberate infliction of pain, prescribed by law and imposed by the judge on a person who has committed criminal conduct and whose responsibility for the offence has been established, where the pain of the penalty is embodied in harm affecting a legal right of the convicted person, whether to their body, property, rights, honor, or reputation.”<sup>30</sup>

The offence of economic violence is considered among property-related crimes occurring between spouses. The legislator has classified it as a misdemeanor and prescribed for it a penalty ranging from six months to two years’ imprisonment pursuant to Article 330 bis of the Penal Code, which provides that: “Any person who exercises against his wife any form of coercion or intimidation in order to compel her to dispose of her property or financial resources shall be punished by imprisonment for a period ranging from six (06) months to two (02) years.”

### **3.2 Proof of the Offence of Coercing or Intimidating the Wife into Disposing of Her Property or Financial Resources**

This section addresses the principle of freedom of proof and then the conditions that the judge must observe when examining the case.

- **The Principle of Freedom of Proof:** The general rule in criminal evidence is freedom of proof, while restriction constitutes the exception.

According to Article 212 of the Algerian Code of Criminal Procedure, which provides that: “Crimes may be proven by any means of proof, except in cases where the law provides otherwise. The judge may issue his ruling according to his personal conviction, and the judge may not base his decision except on evidence submitted to him during the pleadings and discussed adversarially in his presence.”<sup>31</sup> Accordingly, the judge enjoys full discretion to accept one piece of evidence and disregard another, since all evidence is subject to the judge’s discretionary authority. In the pursuit of uncovering the truth, and in order to form his decision and conviction, the judge must analyze, scrutinize, weigh the evidence against one another, and discuss them adversarially, so as to be able either to convict the accused or to declare his acquittal.

- **Conditions to be observed when examining the case** The legislator has bound the judge by certain conditions that must be taken into account when examining the case, namely:
  - The judicial conviction must be based on valid and lawful evidence.
  - The evidence and facts upon which the judge bases his conviction must exist and be real; it is impermissible to base such conviction on evidence that has not been obtained or on imaginary, non-existent facts.
  - The evidence upon which the judge bases his conviction must have been presented at the hearing for discussion.
  - The judge’s conviction must be founded on certainty and decisiveness, not on conjecture or probability.

### **3.3 Pardon in the offense of coercing or intimidating the wife to dispose of her property or financial resources**

The legislator did not provide a definition of pardon, but merely referred to it in several provisions of the Penal Code, including paragraph 2 of Article 330 of the Penal Code, which states: “The victim’s pardon brings an end to the criminal prosecution.”

#### **3.3.1 Definition of pardon:**

Pardon is defined as a legal act effected by the unilateral will of the wife as the victim, aimed at terminating the criminal prosecution or mitigating the punishment imposed on the offending husband in certain specified offenses. It thus constitutes a form of forgiveness granted by the wife in the offense of coercion or intimidation in favor of the husband.<sup>32</sup> Pardon does not apply to all offenses; rather, its scope is limited to specific crimes exhaustively enumerated by law.

### **3.3.2 Holder of the right to pardon:**

Pursuant to paragraph 2 of Article 330 bis of the Penal Code, which provides that “the victim’s pardon puts an end to the criminal prosecution,” the holder of the right to pardon is the person entitled to lodge the complaint, namely the wife. In the event of multiple accused persons (the husband, his mother, his sister, and others), the issuance of a pardon with respect to any one of them extends to the others, as pardon is indivisible. Since pardon is a personal right intrinsically attached to its holder, it is extinguished by the death of the injured wife and does not pass to her heirs, that is, the wife’s heirs.<sup>33</sup>

### **3.3.3 Conditions for Granting Pardon:**

Pardon may be explicit or implicit, written or oral; however, it must entail an expression of the wife’s will not to proceed with the litigation. Where the pardon is explicit and unambiguous, clearly reflecting the wife’s intention, the judge is bound by her wish and must comply with and give effect to it. Where the pardon is implicit, it is left to the judge’s discretion, to be inferred from the wife’s conduct and statements.<sup>34</sup> A further condition is that the pardon must be granted before the issuance of a final and definitive judgment in the case in order to produce its legal effects; accordingly, prosecution is halted at any stage of the proceedings, including the trial phase. It is also required that the pardon be declared before the competent authorities, whether the public prosecution, judicial police, investigative body, or judicial authorities.<sup>35</sup> However, the cessation of criminal proceedings does not preclude the wife from claiming compensation for the harm she has suffered before the civil court, since the criminal action is separate from the civil

action. Thus, the civil action remains pending unless it is expressly waived by the wife together with the criminal action.

Accordingly, a pardon granted in this manner is definitive and irrevocable; the wife may not subsequently file a second complaint regarding the offense that was the subject of the pardon, and the public action is thereby extinguished in a final manner. The purpose of this provision is to promote reconciliation, tolerance, and stability within the family.<sup>36</sup>

By contrast, a pardon granted by the wife after the issuance of a final judgment has no legal effect under Algerian legislation, as it does not result in the suspension of the execution of the sentence, given that the criminal judgment has become final and has acquired the force of *res judicata*, in application of the principle of the stability of judicial decisions.

It may therefore be concluded that the victim's pardon in the offense of economic violence against the wife brings an end to criminal prosecution and leads to the extinction of the public action, thereby allowing the wife to forgive her husband in order to preserve the marital relationship and ensure its continuation.

#### **4. CONCLUSION**

It may be concluded that the Algerian legislator has accorded considerable importance to the family bond, particularly the marital relationship, which is susceptible to various forms of abuse, especially on the part of the husband. Consequently, the legislator has sought to combat different forms of violence, including coercing or intimidating the wife into disposing of her property or financial resources, while strengthening the protection afforded to the wife and endeavoring to guarantee her financial rights and prevent any infringement upon them in any form. This has been achieved through the enactment of procedural and punitive legal provisions in Law No. 15-19, amending and supplementing the Penal Code, concerning the crime of coercing or intimidating the wife to dispose of her financial estate. It may therefore be stated that the Algerian legislator has, to some extent, succeeded in criminalizing this conduct. From the foregoing, several conclusions may be drawn:

- The husband has no right to dispose of the wife's property or to attempt to seize it, based on the principle established under Article 37 of the Code of Personal Status, which provides for the separation of the financial estates of each spouse.
- The introduction of Article 330 bis of the Penal Code through the amendment to the Code has conferred a degree of protection upon the wife with respect to her property and financial resources and, in return, has prescribed a custodial penalty for the offending husband.
- The initiation of public prosecution is not restricted to a complaint by the wife, as the public prosecutor is also empowered to initiate proceedings, and the mechanism of pardon has been incorporated to bring an end to criminal prosecution, in order to preserve the family.
- The criminal legislator has devoted a single provision (Article 330 bis of the Penal Code) to the offense of coercing or intimidating the wife to dispose of her property or financial resources.
- The Algerian legislator has classified the offense of coercing or intimidating the wife for the purpose of seizing her property or financial resources as a misdemeanor and has limited the principal penalty to imprisonment alone, without providing for a supplementary penalty, thereby mitigating the punishment in protection of the marital bond.
- Proof of the offence of coercing or intimidating the wife may be established by all methods and means of evidence, with the aim of facilitating the wife's ability to prove the assault committed against her.
- The Algerian legislator has provided that the offence of coercing or intimidating the wife for the purpose of disposing of her financial patrimony is constituted upon the husband's commission of the criminal conduct represented by coercion or intimidation, without the necessity of the result being realized; that is, the legislator has criminalized and punished the attempt to commit the offence.

Despite the amendments introduced to the Penal Code concerning the offence of coercing or intimidating the wife for the purpose of seizing her property or financial resources, such amendments have not been sufficient to ensure the necessary protection for her, owing, on the one hand, to the

particular nature of the marital relationship, and, on the other hand, to the existence of certain legal gaps overlooked by the legislator. Accordingly, the following recommendations are proposed:

- Expanding the scope of financial protection afforded to the wife by relying on the provisions of Islamic Sharia as a primary and fundamental source for combating and curbing the phenomenon of spousal economic violence.
- Introducing a mediation mechanism as an alternative means of dispute resolution in cases of coercing or intimidating the wife for the purpose of seizing her property or financial resources, in order to prevent the initiation of public prosecution and to preserve family cohesion.
- Amending the penalty prescribed for the offence of coercing or intimidating the wife so that it corresponds proportionately to the extent of the harm suffered by the wife.
- Adding a supplementary penalty in the form of a financial fine, together with the restitution of the property or resources that were seized or disposed of.
- Providing for aggravating circumstances where physical coercion or the threat of using a weapon is employed.

## **5. Endnotes**

<sup>1</sup>- The Holy Qur'an: Surat Al-Rum, verse 21.

<sup>2</sup>- What is meant by financial patrimony in technical terms is: the totality of a person's rights and the debts incumbent upon him that are measurable in monetary terms, viewed as a legal aggregate.

As referred to: Mansour Hatem Al-Fatlawi: *The Theory of Financial Patrimony: A Comparative Study between Positive Law and Islamic Jurisprudence*, Dar Al-Thaqafa, Jordan, 2nd ed., 2010, p. 17.

<sup>3</sup>- What is meant by the independence of financial patrimony is: the freedom of each of the spouses to benefit from, invest, and exploit his or her property by collecting its yields and obtaining its returns and profits; therefore, the husband has no right to manage his wife's property unless she authorizes him to do so. As referred to: Omar Salah Al-Hafidh Mahdi Al-Azzawi: *The Financial Patrimony of Spouses in*

Islamic Jurisprudence and Positive Law, Al-Halabi Legal Publications, Lebanon, 1st ed., 2010, p. 10.

<sup>4</sup>- Violence economic is the husband's exploitation of his wife's private economic resources in such a way that he deprives her of her monthly salary, or may forcibly take her inheritance from her, or steal her property such as gold or furniture; the matter may even go so far as to deprive her of everything by adopting a policy of starvation and withholding food from her. As referred to: Naima Rahmani: Marital Violence Practiced Against Women in Tlemcen (Tlemcen Court as a Model), PhD Dissertation, Department of Popular Culture, University of Tlemcen, Algeria, 2008, p. 53.

<sup>5</sup>- Order, No. 66-156, dated 18 Safar 1386 AH corresponding to 8 June 1966, containing the Penal Code, as amended and supplemented by Law No. 15-19 dated 18 Rabi' al-Awwal 1437 AH corresponding to 30 December 2015, Official Journal, Issue No. 71.

<sup>6</sup>- Law No. 84-11, dated 9 Ramadan 1404 AH corresponding to 9 June 1984, containing the Family Code, Official Journal, Issue No. 24 of 1984, as amended and supplemented by Order No. 05-02 dated 27 February 2005.

<sup>7</sup>- Order No. 66-156, op. cit., containing the Penal Code as amended and supplemented.

<sup>8</sup>- CEDAW: the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the United Nations on 18 December 1979, and it forms part of international human rights law.

<sup>9</sup>- Ibrahim Bel'alilât, The Elements of the Crime and Methods of Proving It in Algerian Criminal Law, first edition, Dar al-Khaldounia, 2007, p. 17.

<sup>10</sup>- Abd al-Rahman Khalfi, Lectures on General Criminal Law (A Comparative Study), Dar al-Huda for Publishing and Distribution, Algeria, 2013, pp. 102–103.

<sup>11</sup>- Yusuf Muhammad Rida, Dictionary of Classical and Contemporary Arabic: An Expanded Alphabetical Dictionary of the Arabic Language, first edition, Librairie du Liban Publishers, Beirut, Lebanon, 2006, p. 172.

<sup>12</sup>- Joseph Malek and Saadi al-Dannawi, Dictionary of Synonyms and Antonyms, first edition, Modern Book Institution Publishers, Lebanon, 2007, p. 88.

<sup>13</sup>- Al-Munjid in Contemporary Arabic, second edition, Dar al-Mashriq, Lebanon, 2001, p. 1228.

<sup>14</sup>- Hussein Al-Arabi: The Effect of Coercion on Prohibited Acts in Islamic Jurisprudence, Master's Thesis in Islamic Sciences, Faculty of Islamic Sciences, Department of Sharia and Law, specialization in Comparative Jurisprudence, University of Algiers 1, Algeria, 2012–2013, pp. 16, 18.

<sup>15</sup>- Abdel Razzaq Ahmad Al-Sanhouri: Al-Wasit in the Explanation of Civil Law – The Theory of Obligations in General (Sources of Obligations), Vol. 1, Dar Ihya' Al-Turath Al-Arabi, Lebanon, pp. 336–337.

- <sup>16</sup> - Mohamed Naguib Hosni: Explanation of the Penal Code (Special Part – According to the Latest Legislative Amendments), Dar Al-Nahda Al-Arabia, Egypt, 4th ed., 2012, p. 1032.
- <sup>17</sup> - Abdelkader Habbas: Coercion and Its Effect on Criminal Liability (A Comparative Study between Maliki Jurisprudence and Algerian Criminal Law), Master's Thesis in Islamic Sciences, Faculty of Humanities and Islamic Civilization, Department of Sharia and Law, University of Oran, Algeria, 2006, p. 54.
- <sup>18</sup> - Yusuf Muhammad Rida, op. cit., p. 333.
- <sup>19</sup> - Al-Munjid in Contemporary Arabic Language, op. cit., p. 433.
- <sup>20</sup> - Fatima Issaoui: The Crime of Appropriation of the Wife's Property, *Al-Ijtihad Journal for Legal and Economic Studies*, Issue No. 2, University of Akli Mohand Oulhadj, Bouira, Algeria, 2022, p. 553.
- <sup>21</sup> - Souad Haid: The Independence of the Wife's Financial Patrimony and Its Impact in Algerian Criminal Law, *Journal of Legal and Economic Studies*, Issue No. 1, 2022, p. 1663.
- <sup>22</sup> - Order, No. 66-156, dated 18 Safar 1386 AH corresponding to 8 June 1966, containing the Code of Criminal Procedure, as amended and supplemented by Law No. 17-07, dated 28 Jumada al-Thani 1438 AH corresponding to 27 March 2017, *Official Gazette*, Issue No. 20.
- <sup>23</sup> - Ali Abdel Qader Al-Qahwaji: Lebanese Penal Code – Special Part (Crimes against Persons, Property, and Public Interest), University Publishing House for Printing and Publishing, Beirut, Lebanon, 1999, p. 176.
- <sup>24</sup> - Jamal Qattal: Violence within the Marital Relationship According to the Provisions of Criminalization Texts, *Al-Ijtihad Journal for Legal and Economic Studies*, University Center of Tamanrasset, Issue No. 11, 2017, p. 159.
- <sup>25</sup> - Ahsan Bousqui'a: *Al-Wajiz in General Criminal Law*, Dar Houma, Algeria, 7th ed., 2008, p. 109.
- <sup>26</sup> - Mohamed Zaki Abu Amer: *Penal Law (General Part)*, Dar Al-Jami'a Al-Jadida for Publishing, Egypt, no ed., 2012, pp. 234–235.
- <sup>27</sup> - Abdelkader Addou: *Principles of Algerian Penal Law (General Part – Theory of Crime – Theory of Criminal Punishment)*, Dar Houma for Printing, Publishing and Distribution, Algeria, no ed., 2010, pp. 185–186.
- <sup>28</sup> - Nadia Rawahna & Mouloud Mahsoul: Criminal Protection of the Wife from Marital Violence between Penal Texts and the Constraints of the Algerian Social Environment, *Academy Journal for Legal Research*, University of Bejaia, Issue No. 3, 2020, p. 301.
- <sup>29</sup> - Mohamed Ali Al-Salem Ayad Al-Halabi: *Explanation of the Penal Code – General Part*, Dar Al-Thaqafa for Publishing and Distribution, Amman, Jordan, 2007, p. 230.

- <sup>30</sup>- Nizam Tawfiq Al-Majali: *Explanation of the Penal Code (General Part)*, Dar Al-Thaqafa for Publishing and Distribution, Amman, Jordan, 3rd ed., 2010, p. 416.
- <sup>31</sup>- Order No. 66-156, *op. cit.*, containing the Code of Criminal Procedure as amended and supplemented.
- <sup>32</sup>- Mohamed Bousida: *Victim's Forgiveness in Criminal Law*, *Annals of the University of Algiers 1*, University of Algiers, Issue No. 1, 2021, p. 180.
- <sup>33</sup>- Ahmed Fathi Sorour: *Al-Wasit in the Code of Criminal Procedure*, Book One, Dar Al-Nahda Al-Arabia, Cairo, Egypt, 10th ed., 2016, pp. 804–807.
- <sup>34</sup>- Shaher Mohammed Ali Al-Mutari: *The Complaint as a Restriction on Initiating Criminal Proceedings*, Master's Thesis in Law, specialization in Public Law, Middle East University, 2009–2010, p. 83.
- <sup>35</sup>- Mohamed Bousida, *op. cit.*, p. 187.
- <sup>36</sup>- Abdelbaqi Bouziane: *Criminal Protection of the Family Bond in Maghrebi Laws*, PhD Dissertation in Private Law, Faculty of Law and Political Sciences, Abu Bakr Belkaid University, Tlemcen, Algeria, 2015–2016, p. 301.