

PRESIDENCY OF THE REPUBLIC OF COTE D'IVOIRE

Law n° 2019-570 of 26 June 2019 relating to Marriage

THE NATIONAL ASSEMBLY ADOPTED,
THE PRESIDENCY OF THE REPUBLIC PROMULGATES THE LAW WITH THE FOLLOWING
CONTENT:

CHAPTER 1 General provisions

Article 1. - Marriage is the union of a man and a woman celebrated in front of a civil status registrar.

CHAPTER 2 Requirements to be able to contract marriage

Section 1 - Conditions to be met by the husband

Art. 2. - Man and woman below the age of eighteen cannot contract marriage.

Art. 3. - No one can contract a new marriage before the dissolution of a preceding marriage established either by a final court decision, or by a death certificate.

In the event that the marriage is dissolved by divorce or annulled, a new union cannot be contracted before the completion of formalities of mentioning on the margin of the marriage certificate and birth certificates of the spouses, the judgment or of the decree pronouncing the divorce or the annulment of the marriage.

Art. 4. - Each of the spouses-to-be must personally consent to the marriage. Consent is not valid if it was obtained by the use of violence, or if it was only given as a result of an error on the physical or civil identity of the person. Consent is also not valid, if the one who gives it is unaware of the physical inability to consummate the marriage or the impossibility of procreating on the part of the other spouse, known by the latter before marriage.

Art. 5. – Only the man and the woman consent to their marriage.

Section 2 - Impediments to marriage

Art. 6. - A woman cannot remarry until the expiration of the period of three hundred days from the dissolution of the previous marriage.

However, the president of the court in her place of domicile or her residence may, by order on request, after conclusions written by the public prosecutor, shorten the period of solitude, once it is evident from the circumstances of the matter that for three hundred days, the previous husband had not cohabited with the wife, or once it is established by a medical doctor that the woman is not pregnant. The decision of the presiding judge is subject to appeal.

This period ends in the event of childbirth.

Art. 7. – Is prohibited marriage between:

1. In direct lineage, ascendants and descendants and relatives on the same family line;
2. In collateral lineage, brother and sister, uncle and niece, nephew and aunt, and between relatives in the category of brother-in-law and sister-in-law, if the marriage which produced the bond was dissolved through divorce;
3. A man and a woman who breastfed him;
4. A man and the daughter of his former wife born of another union;
5. A wife and a son of her former husband born of another union;
6. A man and the former wife of his fore-fathers on direct and collateral lineage;
7. A wife and a former husband of her ascendants on direct and collateral lineage;
8. An adopter and his/her adopted child;
9. An adopted child and the children of his/her adopter;
10. An adopted child and his/her adopter's spouse and vice versa between the adopter and the spouse of his/her adopted child;
11. Children adopted by the same person.

Nevertheless, the public prosecutor, seized by any interested person, can lift prohibitions for serious reasons between relatives in direct lineage and in collateral lineage in the category of brother-in-law and sister-in-law, if the person who initiated the bond is dead.

CHAPTER 3 **Oppositions to marriage**

Art. 8. - When an event which may constitute an impediment to a marriage, is brought to the attention of the civil status registrar competent to proceed with the celebration, he must postpone it and notify, within forty-eight hours, the public prosecutor who can either ask him to override the opposition, or to oppose the marriage.

The public prosecutor can also file an opposition to a marriage when an impediment is brought directly to his knowledge.

Art. 9. - The public prosecutor notifies the opposition through administrative channels to the civil status registrar who prepares a note to that effect. The latter notifies the opposition to the spouses-to-be and refers them to seek clearance from the competent court.

Art. 10. – The lifting of the opposition can be requested for by the spouses-to-be through application to the court in the jurisdiction where the marriage is to be celebrated.

The court seized deliberates on the matter within ten days. The court deliberates within the month of the appeal by the spouses-to-be or the public prosecutor.

Art. 11. - No other opposition, for the same cause, can be made to a marriage, once it has been cleared of a first opposition.

Art. 12. - The civil status registrar seized of the opposition cannot proceed with the celebration of the marriage, as long as the clearance has not been pronounced.

Once the clearance decision becomes irrevocable, it is notified to the civil status registrar, by the public prosecutor, using the administrative format, or by the interested parties, using a copy of the decision.

CHAPTER 4

Marriage formalities

Art. 13. - Marriage is obligatorily celebrated by a civil status registrar.

Art. 14. - Only marriage celebrated by a civil status registrar has legal implications.

Section 1 - Preliminary formalities

Art. 15. - At least ten full days before the date fixed for the celebration of the marriage, each of the spouses-to-be must submit to the competent civil status registrar:

1. A copy of his/her birth certificate or a copy of a substituting court order issued within the preceding three months;
2. A copy of the documents granting exemptions, in cases provided for by law;
3. Any other document that could be requested from him/her and suitable to establish that the conditions for marriage are met.

Art. 16. - When the spouses-to-be appear before the civil status registrar, as stated in the previous article, in order to deposit their birth certificates, he must ask them to present either the death certificate of the previous spouse, a copy of judgment declaring absence of the said spouse, or proof of fulfilment of the formalities provided for in Article 3 paragraph 2, if they had once been married.

Art. 17. - The civil status registrar must, in addition, notify the spouses-to-be that they would have to declare if they opt for joint property or separation of property regime, or if they have entered into a marriage contract. If the spouses have agreed on rules relating to their matrimonial regime by a notarized deed, the civil status registrar receives the deed.

The civil status registrar notifies the spouses-to-be of their choice.

Art. 18. - One month before the celebration of the marriage, the civil status registrar makes the marriage banns by posting the request for marriage at the main civil status office for the jurisdiction where the marriage will be celebrated, and that of the residence of each of the spouses-to-be.

Art. 19. - Before proceeding to the celebration of the marriage, the civil status registrar makes sure that all the conditions required by law are met.

If he finds out that they are not, he does not celebrate the marriage and proceeds as prescribed in article 8.

Section 2 - Celebration of marriage

Art. 20. - The marriage is celebrated publicly at the headquarters of the constituency or the civil status office for the domicile or residence of one of the spouses-to-be.

Residence is established by at least one month of continuous stay in the area prior to the date of the celebration.

The public prosecutor for the domicile or residence of one of the spouses-to-be may, however, if there are good reasons, authorize the celebration of marriage by the civil status registrar in a place in his constituency, or a civil status office other than those mentioned in the first paragraph.

The authorization is notified through administrative formats, by the magistrate who passed the order, to the civil status registrar responsible for celebrating the marriage, and a copy is issued to the spouses-to-be.

This authorization must be read at the start of the celebration and mention thereof must be made on the marriage certificate.

Art. 21. - In the event of serious impediments, the public prosecutor may request that the civil status registrar should move to the domicile or residence of one of the spouses-to-be, within the territorial jurisdiction of the constituency or the civil status office, to celebrate the marriage.

Reading of this requisition must be made at the beginning of the celebration and mention of the requisition must be made on the marriage certificate.

Art. 22. - In the event of imminent peril of death of one of the spouses-to-be, duly certified by a medical certificate, the civil status registrar, after notifying the public prosecutor, can:

1. before any requisition or authorization from the public prosecutor, move to the domicile or residence of one of the spouses-to-be or to any other location, to celebrate the marriage;
2. proceed with this celebration, even if the residence is not established by one month of continuous habitation.

He sends, within forty-eight hours, to the public prosecutor, a copy of the marriage certificate and all documents justifying that the conditions and formalities required for the marriage are met.

Art. 23. – *On the day fixed for the celebration of the marriage, the civil status registrar, in the presence of two adult witnesses, parents or not, reads to the spouses, personally present, the draft marriage certificate, the matrimonial regime chosen if the spouses have not entered into a marriage contract, as well as articles 45, 51, 52 and 56.*

He receives from each of them, one after the other, their declaration to take one-another as husband and wife. He declares, in the name of the law, that they are united by marriage, and he immediately issues a certificate.

Art. 24. – The spouses are given a family record book and a civil marriage certificate prepared in accordance with the regulations in force. These documents are given to one of them designated by the spouses themselves.

Section 3 - Marriage contracted in another country

Art. 25. — Marriage contracted in another country between Ivorians or between an Ivorian and a foreigner is valid if it has been celebrated within the norms and procedures applicable in the country in question, provided that the Ivorian has not violated the substantive requirements under Ivorian law.

The same applies to marriage contracted in another country between Ivorians or between an Ivorian and a foreigner if it was celebrated by diplomatic agents or consuls of Côte d'Ivoire in accordance with Ivorian law.

CHAPTER 5 **Invalidity of marriage**

Section 1 - Absolute invalidity

Art. 26. - Must be annulled, marriages celebrated:

1. in defiance of the rules set by articles 1, 2, 3 paragraph 1, 4 paragraphs 1 and 7;
2. in violation of Article 20.

Art. 27. - The invalidity action based on the provisions of the previous article can be advanced:

1. by the spouses themselves;
2. by any person who has an interest therein;
3. by the public prosecutor.

In any case, the public prosecutor can only act when the spouses are alive.

Art. 28. - Marriage affected by absolute invalidity can neither be confirmed expressly nor tacitly, but only after the passage of a given lapse of time.

Art. 29. - Notwithstanding its absolute nature, invalidity is covered:

1. In the event of violation of article 2, when the spouse or spouses have reached the required age, or when the wife has conceived;
2. In the event of a violation of article 20, when the spouses continue having their marital status as a couple and that they possess a marriage certificate issued by a civil status registrar.

Section 2 - Relative invalidity

Art. 30. - Marriages celebrated in contempt of the rules laid down in Article 4 paragraphs 2 and 3 can be annulled.

Art. 31. - The action for invalidity, in the event of violation of the provisions of Article 4 paragraphs 2 and 3, pertains to that of the spouses whose consent was flawed.

The invalidity action is prescribed for thirty years.

Art. 32. - The action for invalidity based on the violation of consent ceases to be admissible, if there has been continuous cohabitation for six months, from the time the spouse acquired complete freedom or that he/she realized the flaw.

The invalidity action based on the lack of consent is covered when the spouse has reached the age of nineteen, without having complained.

Section 3 – Implications of invalidity

Art. 33. - When the two spouses have been brought to questioning, the judgment pronouncing the invalidity of the marriage has binding legal authority on all concerned.

Art. 34. - The final decision pronouncing the invalidity is transcribed at the request of the public prosecutor on the civil status registers of the place where the marriage was celebrated, and it is mentioned on the margin of the marriage certificate and birth certificates of the spouses.

If the marriage was celebrated abroad, the decision is transcribed on the civil status registers of each of the spouses' place of birth and on the Trade and Movable Property Credit Register if one of the spouses is a trader.

Art. 35. - With the exception of marriage celebrated in violation of Article 1, a void marriage maintains its implications, as if it was valid, until the day when the decision pronouncing the invalidity becomes irrevocable. It is deemed to be dissolved as of this day.

As far as property is concerned, the dissolution dates back, with regard to its implications between the spouses, to the day of the request, but is enforceable against third parties only from the day of the transcription provided for in the preceding article.

Art. 36. - The decision pronouncing the invalidity must also rule on the good faith of both spouses. Good faith is presumed.

Art. 37. - If the two spouses are declared to be in bad faith, the marriage is deemed never to have existed, both in the relationship between the spouses, and in their relationship with third parties.

Children born from the marriage or legitimate children retain, vis-à-vis their parents, the status conferred on them by marriage, but the spouses cannot rely on this status against them.

Art. 38. - If only one of the spouses is declared to be in bad faith, the null marriage is deemed never to have existed in his/her regard.

The other spouse benefits from the provisions of article 35.

Children resulting from the marriage or legitimate children retain the status which had been conferred on them by marriage, but the spouse in bad faith cannot rely on this status against them.

CHAPTER 6

Proof of marriage

Art. 39. - No one may claim the status of a spouse or the civil implications of marriage without presenting a civil marriage certificate, with the exceptions provided for by law in the event of loss or total or partial destruction of the registers.

Art. 40. - Having marital status does not exempt the supposed spouses to each present a civil marriage certificate.

Art. 41. - Having marital status is established by a sufficient collection of facts which suppose the existence of matrimonial bond, in particular:

1. that the man and the woman bear the same name;
2. that they treat each other as husband and wife;
3. that they are recognized as such by their families and in society.

Art. 42. - When there is possession of marital status and the marriage certificate is presented, no one can make claims of irregularities of this certificate.

Art. 43. - No one can dispute the legitimacy of a child whose father or mother is deceased, once the legitimacy is proved by the possession of a status which is not contradicted by the birth certificate.

CHAPTER 7 Personal implications of marriage

Art. 44. - Marriage creates a legitimate family.

Art. 45. - The spouses commit themselves to the community of life. They owe each other mutual respect, fidelity, help and assistance.

Art. 46. - In the event that cohabitation presents a danger of a physical or moral nature for one of the spouses, the latter may ask to be authorized to reside separately for a period determined by order of the president of the court or a judge that he delegates for this purpose, deliberating as a pretrial chamber, within eight days of its seizure, following the summary procedure. This order is served by a bailiff commissioned by the judge seized.

The order of the presiding judge of the court or of the judge delegated by him can be appealed within eight days. The timeframe between the date of service of the notice of appeal and the date set for the hearing is at least eight days, and a maximum of fifteen days. The Court of Appeal deliberates within fifteen days from its seizure.

Art. 47. - Together, by virtue of marriage, the spouses commit to the obligation to feed, take care of and educate their children.

Art. 48. - Children have an obligation to provide maintenance support to their father and mother or other ascendants who are in need.

Likewise, sons-in-law and daughters-in-law also owe support to their father-in-law and mother-in-law. This obligation ceases when the spouses who produced the affinity and the children resulting from their union with the other spouse are deceased. The same applies when the spouses are divorced.

The obligations resulting from these provisions are reciprocal.

Art. 49. - Maintenance support is only made in proportion to the need of the person who requests for it and the resources of the person who has the obligation to provide.

When the one who provides or the one who receives the maintenance support is in such a condition that he/she can no longer provide, or the other is no longer in need, either in whole or in part, a discharge or reduction may be requested.

Art. 50. - The competent court is that of the place of residence of the person who has an obligation to provide maintenance support.

Art. 51. - The family is managed jointly by the spouses in the interest of the household and the children.

Together they ensure the moral and physical direction of the family, provide for the education of the children and prepare their settling down.

Art. 52. - The spouses contribute to the household expenses in proportion to their respective abilities. Each of the spouses makes his/her contribution from the resources he/she administers or by his/her activity at home.

If one of the spouses does not make his/her contribution from the resources he/she administers, the other spouse can obtain, by order of the president of the court of their place of residence, the

authorization to seize the other's wages or salaries and to collect, in proportion to the needs of the household, part of the salary, work product or income of his/her spouse.

Art. 53. - A spouse may not, without the consent of the other, dispose of their right over their family house or the furniture in the house. The spouse who has not consented to the act can request for its cancellation.

The invalidity action can be pursued within the year counting from the day when the spouse learned of the act, but can never be brought more than a year after the matrimonial regime is dissolved.

Art. 54. - If one of the spouses seriously fails to fulfill his/her obligation to contribute to household expenses and endangers the interests of the family, the court may prescribe all necessary urgent measures for the protection of these interests. The Court may in particular prohibit the concerned spouse from disposing of his/her movable or landed property without the consent of the other.

The court may also prohibit the transfer of furniture, except to those specifically for which the court attributes personal use to either of the spouses.

The duration of the measures provided for in this article cannot, extension included, exceed two years.

Acts done in violation of the measures taken may be canceled at the request of the spouse. The nullity action can be pursued by interested spouse within two years from the day when he/she learned about the act.

Art. 55. - The wife uses the husband's name. The married woman's name is written as follows: "Mrs, followed by her maiden name and first name, Epse followed by last name of the husband".

Art. 56. - The domicile of the family is jointly chosen by the spouses.

In case of disagreement, the domicile of the family is fixed by the court with the best interests of the family in mind.

Art. 57. - Each of the spouses has the right to practise a profession of his/her choice, unless it is legally established that the practice of this profession is against the interests of the family.

CHAPTER 8

The pecuniary implications of marriage

Section 1 - General provisions

Art. 58. - The matrimonial regime regulates the matters of property in marriage in the relationship between the spouses and with regard to third parties.

The spouses can enter into any agreement with regard to their property as they deem necessary, as long as they are not contrary to good morals, public order, or the provisions of this law.

All matrimonial agreements will be drawn up by notarized deed before the celebration of the marriage and will only take effect from the date of the celebration of the marriage.

Art. 59. - Marriage creates between the spouses either a joint property regime or a separation of property regime, if the spouses have not settled the pecuniary implications of their marriage through an agreement.

Art. 60. - The spouses cannot, through agreement, derogate neither to the duties nor to the rights binding on them by virtue of the matrimonial regime they have chosen.

Art. 61. - When the marriage is celebrated, changes to the matrimonial regime adopted by the spouses can only be made in the sole interest of the family.

Art. 62. - The request for change of matrimonial regime can be presented by both spouses or by one of the spouses after two years of application of the adopted regime.

It is submitted following the common law format before the court of the domicile or residence of the spouses.

Art. 63. - The case is heard in the pretrial chamber. The judgment is passed in open court.

Art. 64. - The decision pronouncing the change of matrimonial regime is published in a newspaper of legal notices and in the Trade and Movable Property Credit Register, if one of the spouses is a trader.

It is notified, at the request of the public prosecutor, to the civil status register for the purpose of mentioning on their birth certificates and marriage certificates.

Art. 65. - The change of matrimonial regime takes effect between the parties from the passing of the judgment. It only takes effect on third parties as from its publication in the newspaper of legal notices and in the Trade and Movable Property Credit Register, if one of the spouses is a trader.

Section 2 • - Common provisions on matrimonial regimes

Art. 66. - Each spouse enjoys full legal rights. However, his/her rights and powers are limited by the implications of the matrimonial regime and the following provisions.

Art. 67. - Each of the spouses receives his/her earnings and income, but can only dispose of them freely after having fulfilled the household charges.

Art. 68. - Each of the spouses can open, without the consent of the other, a bank savings or securities account in his/her name.

The spouse who is holder of a bank account is deemed, with regard to the custodian, to have the free administration of funds and securities in the account.

Art. 69. - If one of the spouses is unable to exercise his/her will, the other can be granted the powers by a court to represent him/her, either in a general sense or in specific circumstances, in the exercise of the rights resulting from the matrimonial regime.

The conditions and scope of this representation are set by the court.

In the absence of legal authority, power of attorney or empowerment by court, the acts carried out by one of the spouses, on behalf of the other, are binding on the latter, according to the rules of business management.

Art. 70. - A spouse may be authorized by the court to carry-out only an act for which the support or consent of the other is necessary, if he/she is unable to exercise his/her will or if his/her refusal is not justified in the best interests of the family.

The act carried out under the conditions set by the court authorization is enforceable against the spouse whose support or consent was lacking.

Art. 71. - Each of the spouses has the right to engage any contract that pertains to household maintenance support and education of children. Any debt thus contracted by one jointly obliges the other.

However, solidarity does not apply for expenses manifestly excessive in view of the standard of living of the household or the utility of the transaction. The absence of solidarity is not opposable to third party contractors acting in good faith.

Section 3 – Joint property regime

Sub-section 1 – Assets of the joint property regime

Art. 72. - The assets of the joint property regime consist of:

1. the earnings and income of the spouses;
2. property acquired by the spouses against payment during the marriage, excluding property referred to in Article 73;
3. property bequeathed or given jointly to the two spouses.

Art. 73. – Personal property include:

1. property that the spouses own as at the date of their marriage or that they acquire after marriage by inheritance or donation;
2. property acquired for a fee during the marriage, when this acquisition was made with own funds or from the alienation of own property;
3. clothing and linens for personal use of one of the spouses, actions in compensation for physical or moral damages, non-transferable debts and pensions and, generally, all personal property and rights exclusively attached to the person;
4. property acquired as an accessory to own property with own funds as well as new securities and other bonuses relating to own movable securities;
5. Work tools necessary for the profession of any of the spouses, unless it is an accessory of a business or an operation which is part of the joint property regime, subject to the provisions of article 80.

Art. 74. – Any property is presumed to be common, if one of the spouses does not prove that it belongs solely to him/her.

Sub-section 2 – Liabilities of the joint property regime

Art. 75. - The liabilities of the joint property regime are made up of debts contracted by spouses for household maintenance, the education of children or any other debts arising in the interest of the joint property regime.

Art. 76. - The debts incurred by any of the spouses may be prosecuted:

1. on the common property and on the personal property of any of the spouses, if they relate to the needs and expenses of the family;
2. on the own property of the spouse who incurred them, if they do not relate to the needs and expenses of the family, and, in the event of insufficiency, on the common property.

Art. 77. - Debts jointly incurred by the spouses, whether in their common interest or in the interest of one of them only, can be prosecuted on their joint property and on each of their personal property.

Art. 78. - Debts which the spouses had as at the day of their marriage, or which are encumbered on inheritances and gifts they obtain during the marriage, remain personal, both in capital and in arrears or interests.

Creditors of either spouse can only pursue their payment on the personal property and income of the debtor.

Art. 79. - Debts for maintenance support, other than those relating to family needs, are specific to the spouse who incurred them. They can only be pursued on the spouse's own property.

Art. 80. - Compensation is granted to a spouse if he/she establishes that his/her partner's own assets have been enriched to the detriment of his/her own property or the joint property.

Sub-section 3 – Administration of joint property

Art. 81. - Each of the spouses alone administers his/her earnings and income from the exercise of his/her professional activity.

Art. 82. - Common property, other than earnings and income of the spouses, are administered by either of the spouses. Acts performed by one spouse in violation of the rights of the other can be challenged by the latter.

However, the agreement of both spouses is necessary to:

1. alienate real rights on a building, a business or an operation that pertains to the joint property regime;
2. alienate securities pertaining to the joint ownership registered in the name of the husband or the wife;
3. dispose of common property inter vivos free of charge;
4. lease a business property that pertains to the joint ownership or pass a lease exceeding three years on a building that pertains to the joint ownership;
5. guarantee a debt of a third party;
6. contract a loan.

In the cases provided for in points 1, 2, 3 and 4 of the preceding paragraph, the spouse who has not given his/her consent to the act can request cancellation, unless he/she has confirmed it.

The annulment action can be pursued by the spouse during the year which follows the day he/she learned of the act. It cannot, under any circumstance, be exercised after a period of one year from the dissolution of the joint ownership.

In the cases provided for in points 5 and 6 of paragraph 2 of this article, the contracting spouse is solely responsible and bears the costs only on his/her own property, if he/she did not obtain the consent of the other.

Art. 83. - Each of the spouses administers his/her own property and collects the income thereof.

Art. 84. - If one of the spouses is unable to exercise his/her will, or if his/her management of the joint ownership or his/her own property endangers the interests of the family, the other spouse can apply to the court either to prescribe protection measures provided for in Article 54 or to pronounce a change of matrimonial regime.

Art. 85. - If, during the marriage, one of the spouses entrusts to the other the administration of his/her own property, the terms of the mandate are applicable.

If one of the spouses manages the other's own property without opposition from the latter, it is supposed he/she has received a tacit mandate which covers only acts of administration.

Art. 86. - The spouse who, in defiance to an opposition, interferes in the management of the other's property, is responsible for all the resultant damages.

Art. 87. - The joint property regime is dissolved by:

1. the death or the final declaration of absence or death in the event of the disappearance of one of the spouses;
2. divorce or legal separation;
3. the annulment of the marriage;
4. the change of the joint property regime to a separation of property regime.

Art. 88. - The decision to dissolve the joint property regime or any provisional measure pronounced by the judge is published in accordance with Article 64.

Art. 89. - The decision declaring the dissolution of the joint property regime dates back to day of the request, with regard to its effects on the spouses.

Art. 90. - The dissolution of the joint property regime entails the liquidation of the interests of the spouses, and places the spouses under the separation of property regime.

Art. 91. - Once the joint ownership is dissolved, each of the spouses takes back in kind his/her own personal property or those which were acquired through re-use, with proof of such ownership.

Art. 92. - Stock is taken of the compensation that each of the spouses is due in the joint property regime, as well the debts each spouse owes in the regime.

If the balance-sheet shows a balance in favor of a spouse, he/she has the choice to deduct the corresponding amount of what is owed him/her from the totality of their joint property, or to deduct the corresponding property from the common property.

If the balance-sheet presents a balance in favor of the joint ownership, the concerned spouse pays back the amount to the totality of the joint property.

Compensation owed by or to the joint ownership bears interest as of right from the day of the partitioning.

Art. 93. - Deductions are made by mutual agreement between the spouses or their next-of-keen; in the event of a dispute, the court rules at the request of the interested party.

Art. 94. - In case of lack in the joint property regime due to error of one of the spouses, the other spouse can make the deductions from the personal property of the spouse responsible.

Art. 95. - The provisions of the regulations on inheritance relating to the modalities for sharing and the rights of creditors after the partitioning are applicable to the sharing of joint property.

Art. 96. - If the dissolution of the joint ownership results from death, a judgment declaring absence or a judgment declaring death in the event of the disappearance of one of the spouses, the surviving spouse has the option to maintain the joint ownership, or to be attributed sole ownership, based on expert estimates, over the professional business, trade, industrial, craft or agricultural enterprise

which was being managed by himself/herself or by his/her spouse if, as at the day of the dissolution of the joint ownership, he/she was participating, directly or indirectly, in the enterprise.

If the surviving spouse opts for the allocation of sole ownership, he/she compensates the heirs to the proportion of the share which they would have inherited if the joint property had been liquidated.

The surviving spouse can be allocated, based on expert estimates, the building or part of the building actually serving as home to the spouses or the right to lease the said property.

The estimates and attribution of sole ownership are made amicably. In the event of a dispute, the court rules at the request of the interested party. The resulting decision is enforceable by provision.

Art. 97. - The spouse who has usurped some items pertaining to the joint ownership regime is deprived of his/her portion in the said items.

Section 4 - Separation of property regime

Art. 98. - Each of the spouses retains the administration, enjoyment and free disposal of his/her own personal property, subject to ensuing his/her contribution to household expenses.

Each spouse remains solely responsible for the personal debts incurred before or during the marriage, subject to those resulting from household charges.

Art. 99. - A spouse can prove, by any means, both with regard to his/her partner and to third parties, that he/she is the exclusive owner of a property, subject to special provisions in real estate matters.

Art. 100. - Property over which neither of the spouses can prove exclusive ownership are deemed to belong to both of them indivisibly, each entitled to half.

However, depending on their nature and destination, movable property which have personal attributes and rights that can be exclusively attached to a person, are presumed to belong to any one of the spouses. Proof of the contrary can be reported through any means.

Art. 101. - The spouses who opt for the separation of property regime may, by an agreement approved by the president of the competent court or before a notary, organize their relationship vis-à-vis their property.

Art. 102. - The provisions of Articles 85 and 86 apply by analogy with the separation of property regime.

CHAPTER 9 Dissolution of marriage

Art. 103. - Marriage is dissolved by:

1. the death of one of the spouses;
2. divorce;
3. a court declaration of absence of one of the spouses;
4. the legally declared death in the event of disappearance;
5. the annulment of the marriage.

CHAPTER 10
Final provisions

Art. 104. - This law repeals law n° 64-375 of 7 October 1964 relating to marriage, amended by laws n° 83-800 of 2 August 1983 and n° 2013-33 of 25 January 2013 and law n° 64-381 of 7 October 1964 relating to the miscellaneous provisions applicable in matters governed by the law on marriage and the specific provisions applicable to dowry.

Art. 105. - This law will be published in the Official Gazette of the Republic of Côte d'Ivoire and executed as a law of the State.

Done in Abidjan, 26 June, 2019.