



The Transformation of the Islamic Judicial System After the Unification of North and South Yemen

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Abstract

This study examines the transformation of the Islamic judicial system in the Republic of Yemen following the unification of North Yemen and South Yemen in 1990. The unification brought together two fundamentally different legal systems: North Yemen, with its codified Zaydi Islamic legal tradition influenced by colonial jurisprudence, and South Yemen, with a Marxist, secular, and progressive legal framework. Employing a qualitative approach through library research methods, this study explores how these divergent systems were integrated into a single national legal framework (qânûn). The findings reveal that the legal unification process faced significant structural, ideological, and institutional challenges, including disparities in resources, cultural resistance, and the complexity of legal pluralism. Nevertheless, the establishment of judicial institutions such as the Supreme Court, Ministry of Justice, and specialized courts reflects state efforts to build an inclusive judicial system. This research contributes valuable insights into understanding legal dynamics in post-conflict states and how Islamic law is accommodated within a modern national legal system.

Keywords

Transformation; Judicial System; Yemen

Introduction

The judicial system is a fundamental pillar in the structure of government, especially in the context of Islamic countries, where law is not only viewed as a worldly instrument but also as a manifestation of the implementation of Islamic law that governs all aspects of life, including social, economic, and political aspects. (Norhartijah and Kurniawan 2025); (Balala 2023); (Sunarjo 2014); (Tarigan 2022); (Rahma Adhadina et al. 2024). The judicial system serves to uphold justice, maintain order, and ensure that Islamic principles remain the foundation of law. However, justice cannot rely solely on good intentions; it requires a strong system and competent human resources.

Given human limitations and fallibility, a judicial system that is not built on solid foundations can itself become a source of injustice. (Gunawan 2019).

In the course of their development, many Muslim-majority countries have reformed their judicial systems in response to political and social dynamics and the globalization of law. One country that is interesting to study in this context is Yemen. Located at the southern tip of the Arabian Peninsula. (Diyarti 2022) Yemen has a strategic geopolitical position and a long history in Islamic tradition, but it also has complex political dynamics. Before 1982, Yemen was divided into two entities: North Yemen and South Yemen, each with very different systems of government and law. North Yemen was based on the conservative Zaydi school of thought, while South Yemen adopted a post-British colonial secular Marxist approach. (Al-zwaini 2012).

The peak of change occurred on May 22, 1990, when the two countries decided to unite into a new entity: the Republic of Yemen. This unification brought great hope for the formation of a unified, stable, and prosperous country. However, behind the political euphoria, uniting two very different legal and judicial systems was not an easy task. There was a clash of legal paradigms between Sharia, customary law, and modern Western law, which had long shaped the two previous identities of Yemen. Therefore, this study aims to examine the transformation of the judicial system in Yemen, both before and after unification.

Method

This study uses a qualitative approach with a library research method. This method was chosen because the focus of the study lies in the search for and in-depth analysis of written documents relevant to the topic of the transformation of the Islamic judicial system in Yemen after the unification of North Yemen and South Yemen. (Darmalaksana 2020) Literature review is a data collection method that relies on written sources such as books, scientific journal articles, international organization reports, legal documents, and official archives discussing historical, political, and legal aspects in Yemen.

The steps in this study began with identifying issues and formulating problems based on the historical background of Yemen's unification. Next, a literature search was conducted using primary and secondary sources from academic publications over the past ten years to ensure the relevance and topicality of the data. After that, the process of classifying and categorizing information related to the legal system and judicial institutions before and after unification was carried out.

The analysis was conducted using a descriptive-analytical approach, which involved describing and comparing the characteristics of the legal systems of both countries prior to unification, then synthesizing them to understand the form of integration that occurred in the Yemeni Republic's judicial system. This study also refers to principles in normative and historical-political legal studies, given that the theme raised intersects with the context of Islamic law, post-conflict governance systems, and ideological and institutional dynamics. (Nazir 1988) The validity of the data is reinforced by

comparing sources from various reliable scientific journals, as well as a critical review of the legal policies implemented in Yemen since unification in 1990, to the contemporary era.

Literature Review

In previous research, there has been a study of the Islamic legal and judicial system in Yemen by Sisi Diyarti dkk (2024). This study shows that this country has a complex legal structure based on the Zaidiyah Shiite school of thought, but also accommodates elements of Sunni schools such as Shafi'i and Hanafi. The religious court system in Yemen consists of three levels of courts with the Supreme Judicial Council as the main administrative supervisor. The author also highlights that in an unstable socio-political context, many disputes in rural areas are resolved through customary channels, reflecting the emergence of a parallel legal system. Meanwhile. (Diyarti, Asasriwarni, and Zulfan 2024) Next research Siti Nur Aisyah (2023) explains the renewal of Islamic family law in Yemen following the implementation of Law No. 27 of 1998 (Qanun al-Usrah), which regulates aspects of marriage, divorce, women's rights, and guardianship, but still faces challenges of gender inequality and a lack of protection for women and children in a patriarchal social context. (Aisyah 2024)

In a comparative study, Muhammad Ihsanul Arif dan Muhammad Adib Al Farisi (2023) shows that family law reforms in Yemen are more fiqh-oriented and traditional in nature, unlike Malaysia, which is more administrative and legalistic as a result of its common law heritage. (Arif and Al Farisi 2023) Yemen, through its system, allows polygamy and age-disparate marriages without strict restrictions, as highlighted in the study. Alfida Husna (2024) who criticized the absence of a minimum age limit for marriage in Yemeni law. This condition allows for the legitimization of child marriage in Yemen, unlike Indonesia, which has revised the minimum age for marriage to 19 years old. (Husna 2024) Collectively, these four journals show that the Islamic legal system in Yemen is a combination of traditional legal values, local cultural influences, and political dynamics that shape the unique character of family law and religious courts in the country.

Previous studies, such as the research by Sisi Diyarti et al., generally focused on the sectoral aspects of the legal system in Yemen, particularly the structure of religious courts, which only covered conditions in Yemen without looking at the overall historical context. Meanwhile, this study offers a more comprehensive perspective by discussing the dynamics of religious courts both before and after the unification process in Yemen, followed by research from Siti Nur Aisyah. (2023), Muhammad Adib Al Farisi (2023), Regarding family law reform from a gender and fiqh perspective, as well as a comparative approach to family law between countries. Each of these studies focuses more on the normative content of legislation, the dynamics of family law, or criticism of practices such as child marriage and polygamy, in contrast to this study, which reviews historically and politically how the configuration of the legal system and judicial institutions was formed in the context of a post-conflict or post-unification state.

Result

History of the Formation of the Republic of Yemen

The country of Yemen was formed by the union of South Yemen and North Yemen in 1990.(Çamyaran 2017) Yemen is located in Southwest Asia, part of the Middle East. (Priambodo 2017). In the south, Yemen borders the Arabian Sea, in the west it borders the Gulf of Aden and the Red Sea, in the east it borders Oman, and in the north it borders Saudi Arabia.(Laraswati 2019) Yemen is located at 15.00 N – 48.000 E, covering the southern tip of the Arabian Peninsula, with a 1,200-mile coastline stretching along the Red Sea, the Arabian Sea, and the Gulf of Aden, making Yemen the second largest country on the Arabian Peninsula. Yemen has 200 islands, with Socotra Island being the largest, located about 415 kilometers south of Yemen.

The form of government in Yemen is a republic, conceptually headed by a president. The Republic of Yemen is a union between North Yemen and South Yemen, with North Yemen gaining independence as the Yemen Arab Republic on September 26, 1962. Its capital is Sana'a, while South Yemen gained independence as the People's Democratic Republic of Yemen on November 30, 1967 (Popp 2015). Its capital is 'Aden. The People's Democratic Republic of Yemen or South Yemen had a Marxist form of government and was the only communist country in the Middle East, as South Yemen was a former Soviet colony. Meanwhile, the Arab Republic of Yemen or North Yemen was conservative, gaining independence after the fall of the Ottoman Empire.(Fawaid 2017)

After officially joining, during the transition period Yemen was led by Ali Abdullah Saleh as the first President of Yemen and Ali Salem al-Beidh as his deputy. A veteran southern politician, Haider Abu Bakr Al-Attas, was appointed prime minister. Cabinet seats were divided between members of the People's General Congress (PGC) and the Yemeni Socialist Party (YSP). The important cities of both countries remained functional, with Sana'a, the capital of North Yemen, remaining the political center, while Aden, the capital of South Yemen, became the financial center.(Diyarti 2022).

The unification between North Yemen and South Yemen, which had different ideologies, was warmly welcomed by the Yemeni people. However, it cannot be denied that the political elites of both countries had their own interests behind the formation of the Republic of Yemen. Against the backdrop of the fate that befell the leaders of Eastern Europe, who were massacred by their own people, followed by the collapse of the Soviet Union, the President of South Yemen, Ali Salem al-Beidh, had an interest in saving himself by inviting North Yemen to unite. At that time, South Yemen was the only Arab country with Marxist ideology. The invitation from South Yemen was responded to positively by Ali Abdullah Saleh, the President of North Yemen.(Fawaid 2017)

The majority of Yemen's population is of Arab descent, accounting for 92.8% of the total population. They speak Arabic and practice Islam. The northern and western parts of the country are dominated by Zaidi followers,

a Shia sect that accounts for 40% of the population, with the city of Sa'adah as its center of activity. In the south, the majority are Sunni Muslims, accounting for 60% of the population. The majority of Yemen's ethnic population is of Arab descent. Other ethnic groups in Yemen include Afro-Arabs from the Horn of Africa and Somali people who live in slums in southern Yemen. (Bhattarai 2024).

The Republic of Yemen was formed in 1990 as a result of the unification of two previously independent political entities, namely the People's Democratic Republic of Yemen (PDRY) in the south and the Yemen Arab Republic (YAR) in the north. South Yemen, which gained independence from Britain in 1963 after more than a century of colonization, had a large geographical area but only comprised about one-sixth of the total national population. This region adopted a one-party socialist system of government with liberal social institutions. In contrast, North Yemen, which gained independence from the theocratic Imamate system in 1962, was home to the majority of the population and was dominated by agrarian life in the fertile highlands.(Çamyaran 2017)

Both countries began establishing their governmental institutions in the early 1970s, following the withdrawal of the British from the south and the end of the civil war in the north. Although both developed centralized models of government, the process of establishing these institutions was marked by political instability. In the North, the conflict between republican supporters and Imamate loyalists only subsided after Egypt's military intervention. Ali Abdullah Saleh's leadership since 1978 marked political stabilization and the establishment of the General People's Congress (GPC) as the sole nationalist party. In the South, the National Liberation Front (NLF) experienced internal strife that led to the emergence of the Yemeni Socialist Party (YSP), supported by the Soviet Union within the framework of Marxist-Leninist ideology. Tensions between the two countries culminated in armed conflict in the late 1970s, which continued until reunification in 1990.(Al-Saidi 2020)

After unification, internal conflicts did not completely subside. The 1994 civil war between the South and North factions ended with military domination by the North, which then began bureaucratic and economic reforms with limited results. The situation became even more complex after the 2011 revolution, which was part of the Arab Spring wave. President Ali Saleh resigned and was replaced through a political transition process facilitated by the Gulf Cooperation Council and supported by the United Nations. (Elayah et al. 2020) This process resulted in a draft of a new federal constitution that was never implemented due to a coup by the Houthi group in late 2014, which was supported by militias loyal to Ali Saleh. Since 2015, open armed conflict between the Saudi-led coalition and the Houthi group has resulted in an acute humanitarian crisis, including mass starvation, the spread of disease, and human rights violations by all parties involved.(Pukhovaia 2023).

In economics and socially, Yemen remains one of the poorest countries in the Arab region, ranking 168th out of 188 countries in the 2016 Human Development Index (UNDP). Long-standing structural poverty has been exacerbated by prolonged conflict, which has destroyed infrastructure and public service systems. While the Houthi group now controls most of the northern region, fragmentation of power at the national level and weak state control reinforce the challenges to post-conflict legal and institutional reconstruction.(Hoetjes 2021) Therefore, the transformation of Yemen's government and judicial systems cannot be separated from the dynamics of political history, ideology, and external intervention that have shaped the structure of the modern Yemeni state to this day.

Transformation Of The Judicial System in Yemen

1. North of Yemen

The codification process in North Yemen took a rather unique path compared to other Arab countries, whose legal systems were heavily influenced by French civil law or English common law during the colonial era. Driven by rapid economic development after World War II, the old Zaydi guidelines proved increasingly inadequate. In 1952, Imam Yahya's son, Ahmad, formed a Council of Scholars to compile Sharia principles into a more up-to-date and accessible legal guide. The result was a handbook of 1479 principles ('articles') selected from the general opinion (or *ikhtiyarât*, choices) of the Zaydi school of thought and the four Sunni schools of thought. These articles are organized according to legal topics such as (marriage, divorce, custody, wills, sales, court proceedings, criminal law, etc.), thereby increasing accessibility for judges. This also ensures a more consistent application of Sharia law, while still following the Zaydi method of interpretation..(Al-zwaini 2012)

After the 1962 Revolution, the first Minister of Justice of North Yemen, Àbd al-Rahman al-Iryani, published his own 'Book of Selections' in 1971, consisting of 68 articles and published with the approval of the Court of Cassation. In 1975, the government formed the Sharia Codification Commission, with the aim of stopping the borrowing of foreign laws that were not in line with Sharia and Yemeni history and traditions, as well as bridging the gap between old laws and foreign laws. Most of the members of this Commission were trained in classical Sharia, and the product of their intellectual training is known as the 'Sharia Code'. These include the Judicial Authority Law, the Civil Code, the Civil and Commercial Appeals Law, the Criminal Procedure Law, the Arbitration Law, and the Personal Status Law. In particular, the first officials of the criminal constitution were appointed by the end of 1994.(Al-zwaini 2012)

2. South of Yemen

Meanwhile, South Yemen has a very different and unique legal history compared to North Yemen, both in terms of institutional structure and ideological orientation. Prior to independence, this region was under British rule as a protectorate through the strategic port of Aden from 1839 to 1967. During this period, the British colonial authorities implemented a dualistic

legal system. On the one hand, Shafi'i Islamic law continued to be recognized and applied to a limited extent to regulate personal status matters such as marriage, divorce, inheritance, and guardianship under the jurisdiction of the local Sultanate. However, on the other hand, the British actively introduced and implemented a customary law system similar to Anglo-Muhammadan law in India, especially in civil and commercial matters. This system was a mixture of British legal principles and codified Islamic law, aimed at creating a more standardized legal structure that was still locally acceptable..(Çamyaran 2017)

After Britain left Aden in 1967, the region proclaimed its independence as the People's Democratic Republic of Yemen (PDRY). The new government quickly adopted leftist Marxist-Leninist ideology as the basis for the country's philosophy and operations, including in the legal and judicial sectors. One of the most striking steps in this post-colonial legal transformation process was the abolition of Islamic legal principles that were considered contrary to Marxist values, such as gender inequality, social inequality, and discrimination based on religion or lineage. In this context, the PDRY formulated highly progressive family and labor laws oriented towards the principles of equality and social justice. These laws explicitly regulated women's rights in marriage, the right to divorce, the right to child custody, and women's active participation in the labor and public sectors. (Mardiana 2022)

Furthermore, the legal system in South Yemen also underwent institutional modernization through the establishment of civil courts separate from religious influence, with an administrative structure that mimicked the judicial systems of Eastern European socialist countries. Many judges, prosecutors, and legal practitioners in the PDRY were sent to receive legal education and training in countries such as the Soviet Union, East Germany, Poland, as well as the United Kingdom and France. This training reflected a syncretism between socialist legal doctrine and Western European legal techniques, which produced a generation of secular legal bureaucrats detached from the traditional Islamic jurisprudential approach.(Al-Saidi 2020)

Court Administration

1. Administrasi Peradilan

The Republic of Yemen has a complex legal and judicial history. Although it originated from pluralistic sources, Yemen's formal legal system has developed into a single body of law (qânûn, code). As a process of codification since the 1970s and beyond, Yemeni qânûn incorporates elements of Sharia, customary/tribal law, excerpts from Egyptian and other Arab laws, as well as international principles. These various elements can be seen in Yemen's fundamental codes. The following section will briefly outline the roles and mandates of the main institutions that make up Yemen's formal legal and judicial sector.(Diyarti 2022)

Ministry Of Justice

The Ministry of Justice is considered one of the main and oldest ministries since the first Yemeni republic was formed after the 1962 Revolution. Its overall duties are the organization, supervision, and development of the judiciary, its members, and judicial support institutions. This body is responsible for providing all technical, financial, and administrative services to the judiciary. (Tingting, Naji, and Al 2017)

The Ministry Of Law and Parliament

The Ministry of Law and Parliament plays an important role in drafting new laws (see Conseil d'État) and in examining the conformity of draft laws with international agreements, the Constitution, and other Yemeni laws. This body is also responsible for improving the quality of current legislation and for printing laws and the Official Gazette..

The Ministry Of Interior

The Ministry of the Interior controls and manages Yemen's police force and various other internal security forces, including the Central Security Forces (CSF), the counterterrorism bureau, and the Coast Guard. The Ministry of Industry determines strategy, policy, and operations, and also controls public information regarding police and security activities through newspapers and television programs.

The Ministry of the Interior also houses the Department of Tribal Affairs (qism al-shu'ûn al-qabaliya), which registers locally elected sheikhs (tribal leaders) in exchange for a fixed allowance and identity cards. The Department of Tribal Affairs, originally a ministry, was established in an effort to formally incorporate tribal affairs into the domain of the state and to increase the level of administrative control over registered tribal members and their affairs.

The Ministry of Human Rights

The protection of human rights in Yemen has been entrusted to the executive branch. The Ministry of Human Rights (Kemenkumham) was established in 2003, replacing the 1998 Supreme Committee for Human Rights. The Ministry of Health has been led by three successive ministers, all women, and has approximately 87 permanent staff and 25 contract staff, of whom approximately 15 are qualified lawyers. The Ministry has a Complaints and Communications Department that records and investigates alleged human rights violations committed by individuals and institutions. Complaints vary, ranging from detention without charge, physical and verbal abuse of detainees, attacks on property, violations, lack of enforcement of court decisions, requests for social welfare rights, compensation claims, and complaints regarding unlawful termination of employment and loss of wages. (Aisyah 2024).

The Court

The court system in Yemen is based on an independent and integrated judiciary, as stipulated in the Constitutional Law and the Judicial Authority Law. All cases must be brought before an official court, which, if necessary,

may be further divided into specialized chambers to handle cases related to personal, civil, criminal, administrative, or summary justice. The judicial system consists of three levels: the Court of First Instance, the Court of Appeal, and the Supreme Court. The First Level Courts (mahkamah ibtidâ'îya)

The First Level Courts (mahkama ibtidâ'îya) should ideally be located in every district (mudîrîya). The number of First Level Courts, their locations, the number of judges, and their territorial jurisdiction are determined by a decision of the Supreme Judicial Council upon the recommendation of the Minister of Justice and the Chief Justice of the Supreme Court..

The Court of First Instance consists of one judge or three judges, depending on the monetary value of the case and the availability of judges. The number of judges varies according to the court's caseload, population density, and the extent of government authority in the region. The Court of First Instance has jurisdiction to hear all cases. This is done through separate divisions (civil, criminal, commercial, family), which vary according to the needs of the region. Their decisions can be appealed to the relevant Court of Appeal.(Tingting et al. 2017)

The Appeal Court (mahkamat al- isti'nâf)

The Court of Appeal (mahkamah al-isti'nâf) is located in each of the 17 provinces (muhafaza), plus one in the capital city of Sana'a. The Court of Appeal is directly under the Supreme Court. The number of judges in the Yemeni Court of Appeal in 2005 was 132. The Court of Appeal reviews all (valid) appeals from the Court of First Instance, both in terms of legality and factual contestation. The number of divisions in each Court of Appeal varies according to the volume and nature of cases in the governorate, and is decided by SJC resolution. There are divisions for civil, criminal, military, commercial, and personal/family status cases, each headed by three judges. As with the Court of First Instance, due to the lack of judges in practice, there is often only one judge presiding.(Tingting et al. 2017)

The Supreme Court (al- mahkama al- ulyâ)

The Supreme Court (al-mahkama al-ulyâ) is the highest judicial body in Yemen. It is based in the capital, Sana'a, in the same building as the Ministry of Justice. The Supreme Court consists of a president, two vice presidents, and approximately fifty judges, all of whom are appointed by the Presidential Council after being nominated by the Supreme Judicial Council. The Supreme Court functions as the court of last appeal and as a cassation court to review final judgments on points of law and to resolve jurisdictional conflicts between courts. The Supreme Court has its own independent budget, which is overseen by its President.

Special Court

The Yemeni Constitution states that the judiciary is a unified system, and that “special courts cannot be established under any circumstances.” However, the Supreme Court has used its legal authority to establish a number of special courts at the request of the Minister of Justice. All of the

following courts are courts of first instance, and their decisions are subject to appeal.

First, Juvenile Courts were established based on Republic Decree 24/1992 on the capital and each governorate. The first branch began operating in the Governorate of Aden in 1992. Its organization and jurisdiction are regulated by the Juvenile Code (24/1997). Juvenile courts handle all cases involving children and adolescents between the ages of 7 and 18. They consist of one judge and two experts. Juvenile court rules stipulate that one of the experts must be a woman.(Çamyaran 2017).

Second, Commercial Courts were established in the capital city of Sana'a and in the capitals of four governorates, namely Aden, Hudayda, Hadramawt, and Ta'izz. Each court is headed by a Chief Justice and two members (if any). These courts adjudicate commercial disputes involving amounts exceeding two million riyals (approximately 6,300 euros, July 2011 conversion rate).

Third, the Public Funds Court (mahkamat al-amwâl al-`âmma) was established in the 1990s by Presidential Decree, in response to rampant corruption following unification. These courts are located in the governorates of San`a, Aden, Ta'izz, Hadramawt, Hudayda, and in the capital San`a. In 2009, two other courts, in Ibb and Lahj, were added. Initially, the Public Funds Court (PFC) had a broader mandate, but it was later limited to crimes committed by civil servants or crimes affecting public funds. Public funds judges often appear to lack specialized knowledge, such as accounting and auditing skills. It is unclear whether and to what extent the verdicts of the Public Funds Court are actually enforced, particularly in cases involving higher-ranking officials. The authority to try higher-ranking officials is specifically mentioned in Article 139 of the Constitution.

Fourth, Special Criminal Court In 1999, the Special Criminal Court was established by a Republican Decree (Presidential), following the kidnapping and murder of a number of foreign tourists in December 1998 in Abyan. Initially, this court was given jurisdiction to try crimes of hirâba, a Sharia qualification codified into Yemeni law. Criminal law, concerning acts of assault, terror, or robbery of persons on public highways, deserts, buildings, ships or aircraft. The court's jurisdiction also covers crimes targeting the state, its officials and property, as well as perceived threats to its vital interests such as the kidnapping of foreigners, piracy, hijacking, destruction of oil pipelines, and attacks on judges.

In 2004, another presidential decree (8/2004) was issued, expanding the jurisdiction of special criminal courts to include violations that harm national security and violations that have a serious impact on society or the economy. The Supreme Judicial Council issued a decree clarifying that the special court has jurisdiction over various security-related offenses, namely: (1) armed robbery; (2) kidnapping; (3) sea and air piracy; (4) drug trafficking and distribution; (5) destruction, vandalism, arson, and bombing of oil and gas pipelines, oil and economic installations, and public utility facilities; (6) theft of public and private transportation by armed groups or organizations, or by one or more individuals using force; (7) participation in a conspiracy to seize land and property belonging to the state and

citizens; (8) harming national security and endangering the public; (9) aggression against members of the judiciary while performing their duties, or because of that; and (10) aggression against witnesses. (Al-zwaini 2012). *Fifth*, Requirements for Court Judges: Anyone applying to become a judge or prosecutor must be a Yemeni citizen. They must be legally and physically competent, at least thirty years of age, a graduate of the Higher Judicial Institute, of good moral character, and not have been convicted of any offense that reflects disgrace or a lack of integrity. (Al-zwaini 2012) Although the Judicial Authority Act (1991), unlike its predecessor in 1979, does not explicitly require that a judge have 'sufficient knowledge of sharia', being a Muslim is implicitly required by the prescribed wording of the oath that must be taken by judges: "I swear by Almighty God that I will adhere to His Book and the Sunnah of the Prophet, that I will obey the constitution and the law, that I will be fair to the people without partiality, that I will uphold the dignity and honor of the people. I will uphold justice and the welfare of the people in all my actions, in accordance with the duties of a judge. May God be my witness to my words."

This formulation also implies that the Qur'an and Sunnah of the Prophet should be the main guidelines for judges, superseding and transcending existing norms. The Constitution and laws. This interpretation seems to underline the conventional interpretation of Article 3 of the Constitution, declaring Sharia as "the basis of all laws."

Judges are appointed for life. With the exception of Supreme Court judges, all judges are appointed by republican decree after being nominated by the Minister of Justice and approved by the Supreme Judicial Council. The mandatory retirement age is sixty-five years. (review also onto articles 57 dan 75 LJP). The law stipulates that a judge's term of office depends on his or her proper and professional conduct and behavior, which are evaluated periodically by various bodies. Judicial promotions, lateral transfers, retirements, and dismissals of judges are carried out at least once every three years (or five years, in exceptional cases, see Article 65(d)). Recommendations are prepared by the Judicial Examination Board and discussed with the Minister of Justice and the Chief Justice of the Supreme Court. The results are then submitted to the Supreme Court for consideration and approval. Promotions and transfers are formalized by republican decree (Article 59). Because they are appointed for life, judges cannot be dismissed from their positions, unless they are found guilty of: (a) misconduct, bribery, or bias; (b) regular absence from court hearings without a clear reason; (c) delay in resolving cases; or (d) violation of the confidentiality of judicial deliberations. In such cases, disciplinary proceedings are initiated by the JIB and must be substantiated by a decision of the SJC (Articles 90-91 of the LJP and 151 of the Constitution). (Al-zwaini 2012)

Discussion

The transformation of the judicial system in Yemen after unification reflects a strong effort to unite two legal systems with different historical and ideological backgrounds. Northern Yemen relied on Sharia law structured

in the form of Zaydi jurisprudence codification and a slight touch of Sunni law, while Southern Yemen during the People's Democratic Republic of Yemen (PDRY) adopted a secular legal system based on European civil law with an egalitarian approach, especially in family and labor law. Unification ultimately necessitated the integration of complex legal systems, and the approach taken was through the codification of national law (qânûn). This strategy became a kind of pragmatic meeting point that combined elements of Sharia, customary law, Arab law (especially Egyptian), and principles of international law. However, in practice, this integration faced implementation challenges due to uneven institutional structures and human resources between the north and south. Institutions such as the Ministry of Justice and the Supreme Court play a central role in maintaining the unity of the formal judicial system. However, the existence of specialized courts such as the Public Funds Court, the Special Criminal Court, and the Juvenile Court reflects that Yemen's judicial system still needs differentiation to address the country's social and political complexities.

Conclusion

The formation of the Republic of Yemen through the unification of North Yemen and South Yemen in 1990 reflects the complex dynamics of political and legal integration in a post-colonial context. Although this unification created a spirit of unity among the people, in reality the transition to an integrated system of government and justice did not go smoothly. Ideological differences, legal structures, and political cultures that had been entrenched for decades created challenges in unifying a consistent and effective legal framework. The transformation of the judicial system demonstrated efforts to harmonize Sharia, customary law, and modern and international legal principles. The establishment of institutions such as the Supreme Court, the Ministry of Justice, and special courts demonstrates the government's commitment to building an inclusive and functional judicial system. However, various structural obstacles such as limited human resources, political intervention, and weak law enforcement remain major obstacles to realizing the rule of law in Yemen. Therefore, although the unification of Yemen has succeeded in formally establishing a unified state, its substantial success in the legal and judicial aspects still requires a long-term commitment to building fair, transparent, and responsive governance that is responsive to the social and legal plurality that exists in Yemeni society.

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