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LEGAL DEVELOPMENT IN THE MIDDLE EAST AND NORTH AFRICA REGION: A COMPARATIVE GROUPING OF THE COUNTRIES

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Abstract. The MENA region, though diverse in its composition, shares common cultural, economic, and political background that make it a unique and significant area on the global stage. Understanding the legal, economic, and social dynamics of MENA countries is crucial for addressing the challenges and opportunities in the context of international relations and global development. This grouping of MENA countries into leading, progressing, and emerging categories based on legal development is a new approach, introduced here for the first time. It offers a fresh perspective on the region's diverse legal systems and highlights the varying stages of reform and modernization. By studying the achievements of leading countries like the United Arab Emirates, Qatar, Saudi Arabia and others, we can see how focused legal changes, such as updating labor laws and advancing women's rights, can enhance a country's international image and provide great benefits to its population. This classification not only provides researchers with a clearer understanding of regional dynamics but also offers practical guidance for future studies and policy recommendations.

Key words: legal development, MENA region, governance, judicial independence, human rights, economic regulations, legal modernization, legal systems, protection of human rights.

Introduction. The legal development of the Middle East and North Africa (MENA) region has drawn a lot of interest from researchers worldwide because the region's legal systems are a mix of religious, traditional, and modern laws. There is quite a lot of research on individual nations or specific legal issues in the region. But comparative grouping of MENA countries based on their legal development remains underexplored and division of the above-mentioned countries into three groups was presented for the first time. This study fills this gap by introducing a new grouping of MENA countries into three categories. This grouping is based on legislative frameworks, judicial independence, adherence to human rights, and economic regulations.

This research aims to create a framework for understanding the different paths of legal development in the MENA region. It not only adds to academic discussions by highlighting trends and challenges, but also offers practical insights for policymakers, international organizations, and NGOs working to improve governance and human rights in the area. By exploring the experiences of leading countries in the region, the study provides valuable lessons for advancing reforms in progressing and emerging countries in terms of legal development. The findings highlight the importance of using strategies that fit the specific context of each country when modernizing legal systems.

Purpose of the study. The purpose of this study is to provide a comprehensive analysis of legal development across the Middle East and North Africa (MENA) region by categorizing countries into three groups, which are leading, progressing, and emerging. This grouping is made based on the legislative frameworks, judicial independence, adherence to human rights, and economic regulations. This classification aims to explore the achievements and challenges faced by each group. This study identifies trends, best practices, and areas for improvement. The study aims to provide deeper understanding of regional situations and dynamics for researchers, policymakers and international organizations. It aims to support efforts to strengthen legal systems and promote human rights.

Results and discussion. MENA is an acronym which refers to the Middle East and North Africa. The following countries are normally included in MENA: Algeria, Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, United Arab Emirates, Palestine, and Yemen. Sudan and Turkey are sometimes included in MENA.

MENA is usually grouped together by international, economic, and academic organizations. The acronym, often considered interchangeable with the term “greater middle east” and in some cases the “Arab world”. It has different variations of included countries depending on the defining organization (Boshers, 2024).

The term "Middle East" emerged as a Eurocentric concept in the 19th century, describing a trans-continental region stretching from North Africa (Egypt) to Southwest Asia. Over time, the term has gained widespread usage among both Europeans and non-Europeans. However, ambiguity persists regarding which countries are encompassed by this geographical designation. To address this, international organizations like the World Bank and UNICEF have adopted more precise terminology, such as "MENA", to describe the region extending horizontally from Morocco to Iran.

This acronym is sometimes used interchangeably with the term “Greater Middle East”, introduced to encompass not only the Middle East but also other Muslim-majority nations such as Iran, Turkey, and Pakistan. Many countries in the Middle East, South and Central Asia, and Africa share common characteristics, such as the prevalence of the Arabic language, Islamic practices, or proximity to the Gulf region, considered the heart of the Middle East. As a result, different entities and organizations may include or exclude certain countries from the MENA or Middle East groupings, which leads to a lack of consensus on the exact composition of these regions (Saleh, 2017).

Legal frameworks in the MENA region vary widely, incorporating elements of Islamic law (Sharia), civil law, common law, and customary law. Some countries have advanced legal systems which align with international norms, others are still developing their legal frameworks.

MENA countries are known for their vast natural resources, particularly oil and natural gas. The Gulf Cooperation Council (GCC) countries, such as Saudi Arabia, Qatar, and the UAE, are some of the world's leading energy exporters. Conversely, countries like Egypt, Morocco, and Tunisia have more diversified economies focusing on agriculture, tourism, and manufacturing (Woertz, E. (2017). This difference also has an influence on the legal development in a way.

The political systems within the MENA region range from absolute monarchies (for example, Saudi Arabia, Oman) to parliamentary democracies (for example, Tunisia, Lebanon), with various forms of governance in between. The region has also experienced significant political changes, especially following the Arab Spring movements that began in 2010 (Middle East and North Africa (MENA) Regional Update, 2021).

In order to be able to classify MENA countries into categories based on legal development I have used a comprehensive analysis of four primary criteria: legislative frameworks, judicial independence, human rights adherence, and economic regulations. These criteria reflect key aspects of a country's legal maturity and its ability to provide equitable governance, enforce the rule of law, provide human rights adherence, and support economic and social development.

Speaking about legislative framework criteria I would like to mention that this criteria evaluates the comprehensiveness, modernity, and enforceability of a country's legal system. Some of the important factors are codification and accessibility of laws. Leading countries have detailed, codified laws accessible to all citizens and businesses. Progressing nations may lack complete codification, with overlapping or outdated laws creating ambiguity. Emerging countries often rely on customary or religious laws without full integration into modern frameworks. Alignment with international standards does not play the last role either. Nations are assessed on the extent to which their laws comply with international conventions, treaties, and agreements in areas such as trade, labor, and human rights. Speaking about sector-specific legislation would be important to mention that leading countries typ-

ically have solid sectoral laws, such as commercial codes, labor laws, and intellectual property regulations, while others show gaps or inconsistencies (Heldt, 2023).

Judicial independence is essential for the fair and effective enforcement of laws. This criterion assesses the separation of powers. The extent to which the judiciary operates independently of executive or legislative influence. Leading countries generally have autonomous judicial systems, but progressing and emerging nations may experience political interference. Judicial independence relies on judicial transparency and accountability. Leading countries provide mechanisms to ensure judicial decisions are impartial and subject to oversight. Progressing countries may lack transparency, and emerging nations often struggle with corruption and weak accountability. Efficient case resolution, specialized courts (for example commercial courts), and easy access to justice are hallmarks of leading countries. In contrast, delays, high costs, and inaccessibility to marginalized groups are more common in emerging nations.

Adherence to human rights principles is a critical indicator of a nation's legal development. After deep research conducted on the MENA countries, it was identified that leading countries uphold freedoms such as speech, association, and political participation. Progressing countries in the sphere of legal development may offer these rights unevenly and emerging nations often have significant restrictions due to conflict or authoritarian rule.

Gender equality and women's rights plays a significant role as well. Property rights, family law equality, and protection from gender-based violence are well-developed in leading countries like Qatar, Saudi Arabia, the United Arab Emirates, and a few other countries in the MENA region. Progressing nations show mixed progress while emerging countries often have significant difficulties in this sphere of human rights development. Findings about the protection of vulnerable groups were used as well in order to have a comprehensive review of the subject (OECD/CAWTAR, 2014). This includes protections for refugees, minorities, and low-income populations. Leading countries provide legal safeguards and support systems, while some others lack comprehensive policies or fail to enforce them effectively (Situational Analysis of Women and Girls in the Middle East and North Africa. A decade review 2010–2020, 2021).

One more critical measure of development is the ability of a legal system to support economic growth and investment. Leading countries have streamlined regulations for starting businesses, resolving issues, and enforcing contracts. Progressing nations may face bureaucratic limits, while emerging countries struggle with outdated or inefficient systems.

Labor laws and workforce protection plays a significant role for this analysis as well. Modernized labor regulations, assurance of fair wages, safety, and mobility, are present in leading countries. Progressing nations often implement reforms incrementally, and emerging countries may lack comprehensive labor protections. Speaking about foreign investment and trade laws I would like to mention that leading countries provide transparent, investor-friendly environments with well developed trade laws, while emerging nations often have underdeveloped or inconsistent frameworks (Gatti and others, 2024).

After analysis of the criteria we previously identified for this grouping, it would be logical to divide countries of the MENA region into three categories which are leading countries in legal development, progressing countries and emerging countries.

The leading countries have such characteristics as: strong legislative frameworks harmonized with global standards; independent judiciaries, which are capable of upholding the rule of law without interference; high levels of human rights adherence, including gender equality, protection of minorities, protection of women's rights, etc; transparent and efficient economic regulations that attract international investment and low level of corruption.

For progressing countries in legal development, such characteristics are common: partially modernized legislative systems where reforms are ongoing; limited judicial independence which includes

political influence; significant progress in some areas of human rights adherence, but gaps still remain present; economic regulations improving steadily, but bureaucratic influence is high which leads to slower process.

The third group would be emerging countries in legal development: We can identify such characteristics as: fragmented or underdeveloped legislative systems, which often rely mostly on customs or religious laws; weak or politicized judicial systems with a high level of corruption; adherence of human rights standards is quite low, with minimal mechanisms of protection for vulnerable groups; economic regulations that are outdated or poorly implemented; the level of international investment is on the low level.

By applying these criteria, the article provides a systematic and comprehensive grouping of MENA countries, highlighting achievements and areas in need of reform.

It was decided to include in the leading group in legal development within the MENA region such countries: Qatar, Saudi Arabia, the United Arab Emirates (UAE), Bahrain, Kuwait, and Oman. These nations are at the forefront of legal modernization and development. They are characterized by comprehensive legislative frameworks, independent judicial systems, and quite high adherence to human rights principles in the above-mentioned region. Economic regulations are well developed and could serve as a good example to other countries in the region. Legal systems of these countries are modern and keep up with the times. Cultural and religious contexts are respected in the legal frameworks of these countries too. Leading countries in terms of legal development are providing valuable models for other countries in the region. UAE, Qatar and Saudi Arabia are widely recognized for their recent proactive efforts in legal modernization.

Qatar has implemented significant reforms to align its legal framework with international standards, particularly in labor laws and human rights protections (Viennikova, 2021). Qatar's reforms have been recognized by major human rights groups and United Nations organisations. This progress makes Qatar the leader in the Gulf on labour reform as unlike others in the region, Qatar's reforms are genuine, long-lasting, and the product of years of careful planning (Labor Reform, 2022). The abolishment of the Kafala system and the establishment of a minimum wage law shows how Qatar successfully addressed long-standing labor issues during preparation for its global engagements, such as hosting the FIFA World Cup 2022.

Saudi Arabia, under its Vision 2030 initiative, has focused on judicial reforms, including the codification of laws and the establishment of specialized commercial courts (Dhawi and Albaqami, 2017). These efforts aim to improve legal certainty and attract foreign investment.

The UAE stands out for its innovative approach to legal development. It has created a dual legal system combining Sharia and civil law principles, especially within free economic zones. A strong legal system protects and encourages social and economic development that in turn comes about by strong domestic and international investment. In the UAE, the rule of law is similarly a cornerstone of its fast-paced ongoing social and economic growth (Crosse, 2023). The UAE has also prioritized judicial efficiency by implementing digital court systems. Human rights reforms in the UAE have been taking place gradually, but the last decade has seen the biggest changes (Schaer, 2021). The country has made a significant commitment to gender equality. It is evident in reforms such as equal pay for men and women in the private sector. Above mentioned achievements in legal development brings the UAE to one of the leading positions in the region.

Kuwait has a well-established parliamentary system, offering a unique blend of democratic practices and traditional governance. The country's judiciary is quite independent. There were some recent efforts to modernize commercial laws in order to improve Kuwait's economic competitiveness (AlZumai, 2023).

Bahrain has a balance between preserving cultural traditions and working on legal modernization. Bahrain has made progress in protecting women's rights, including legislation to combat domestic

violence and improve gender equality in the workplace. Also, progressive financial regulations provided an opportunity to become a regional hub for banking and investment. Bahrain's legal system has also been influenced by foreign legal systems, most notably those of Egypt and France. These influences have brought diverse perspectives, enriching Bahrain's legal framework with international best practices and legal principles that align with its societal context (The Evolution of the Legal System in the Kingdom of Bahrain, 2023).

After analyzing Oman's approach to legal development we can say that it has gradual yet consistent reforms. The Sultanate has a significant level of judicial transparency and efficiency. Specialized courts and arbitration centers have been successfully established there. Oman has also gone through labor reforms to enhance workers' rights, including protections for migrant workers and improved dispute resolution mechanisms. The state of human rights in Oman presents a complex picture. The nation has undoubtedly achieved significant progress in terms of economic development and modernization. However, there are still pressing human rights concerns that require attention (*ECDHR*, 2024). Oman may not yet reach the scale of legal advancements like in Qatar or the UAE, but its steady progress shows a commitment to aligning its legal system with international norms.

After research conducted on MENA countries based on the criteria mentioned in the beginning of the article, the second group, which is progressing countries in legal development, were identified. This group includes Egypt, Jordan, Morocco, Tunisia, and Lebanon. These nations have made considerable progress towards modernizing their legal frameworks. They are demonstrating substantial efforts in judicial reform, human rights protection, and regulatory development (Shalhoub and Henderson, 2007). They have not yet reached the level of legal advancement like in leading countries, but ongoing reforms and initiatives strive for progress.

The Egyptian legal system is built on the combination of Islamic (Shariah) law and Napoleonic Code, which was first introduced during Napoleon Bonaparte's occupation of Egypt in 1798 and the subsequent education and training of Egyptian jurists in France (Abdel Wahab, 2019). Egypt is actively pursuing legal modernization despite the complexities of its socio-political historical background. The judiciary has undergone reforms aimed at improving efficiency and transparency. Country has a focus on tackling corruption within legal institutions, however, it is not yet working on the aiming level. Recent updates to family law and property regulations reflect an effort to address societal needs. Egyptian legislators aim to adjust the current legal system with international standards. However, challenges remain in areas such as judicial independence and human rights, particularly concerning freedom of expression and political dissent.

Speaking about Jourdan it would not be out of place to mention specialized courts. Family and juvenile courts have been introduced to address specific legal needs more effectively. Jordan is committed to protect women's rights: there are amendments to discriminatory laws and policies (Alqudah, 2024, p. 14). However, more work is needed to ensure full gender equality and developing human rights in the country in general. The country has also prioritized some anti-corruption measures. It demonstrates its dedication to building trust in legal institutions.

Morocco has made significant progress in modernizing its legal system to promote economic development and human rights. A limited number of national and international scholars have examined the importance of judicial reform in Morocco and argued that the problem of inaccessibility is combined with the inadequate performance of the justice sector (Eisenberg, 2011). This is mainly due to the complex and multidimensional issues that are involved in analysing the performance of Moroccan justice sectors. Diverse social norms, cultural values, the religious system as a legal source, the legal structure, and scarcity of data have made any feasible evaluation of the performance of the Moroccan justice sector extremely complicated (Lopez, 2014).

Tunisia stands as the Arab Spring's lone success story ten years after those uprisings began. A willingness to compromise, a weak security sector and a powerful civil society helped Tunisia's transition

to democracy survive its difficult early years (Grewal, 2021). The adoption of a progressive constitution in 2014 laid the foundation for developing human rights protections and judicial independence (Zimbris, 2017). Tunisia has also taken significant steps to improve gender equality through legislative measures and public awareness campaigns. However, economic challenges and political instability continue to hinder the full realization of its legal reforms (Salehi, 2021).

Speaking about Lebanon, it would be important to note that the country has introduced reforms in commercial law and banking regulations to support its economy, particularly in response to recent financial crises. Lebanon continued to fight with an economic and financial crisis that has impoverished most of the population since 2019 (*World Report 2024: Rights Trends in Lebanon*, 2024). Advancements have been made in protecting freedom of speech and women's rights, but Lebanon still faces challenges in addressing systemic corruption and ensuring judicial independence. Human rights conditions in the country deteriorated in 2023 due to well known events in the country.

The emerging group in legal development in the MENA region includes Algeria, Iraq, Libya, Palestine, Syria, and Yemen. These nations face significant challenges in advancing their legal frameworks, often due to political instability, economic struggles, and, in some cases, active conflict. Despite the obstacles, they are making efforts to establish or rebuild legal systems to address fundamental societal needs. They are trying to lay the groundwork for future development, however it will still take some time and effort.

Algeria's legal system is deeply rooted in French civil law traditions. Unfortunately, ongoing political instability has complicated its efforts for modernisation. Recent constitutional reforms aim to strengthen the judiciary and enhance the rule of law, however their practical implementation remains quite limited. There are some efforts to address corruption and improve public trust in legal institutions, but systemic challenges still present, especially in enforcing reforms and protecting civil rights. (Ait Aoudia, 2024).

Iraq's legal system is rebuilding after decades of conflict and instability. Judicial reforms have been introduced to improve efficiency and Iraq's legal system, but it is still a very challenging task after a long period of instability. Judicial reforms have been introduced to improve efficiency and overcome corruption, but the judicial system still struggles with independence and has some limits. There are efforts to modernize commercial and property laws in order to attract foreign investment, but issues such as corruption and political interference slows down the progress. Human rights remain a critical area of concern, with widespread reports of violations requiring urgent legal attention. However, the country remained fragile and deeply divided, and issues after the 2019 mass protests remained unresolved, including discontent with the current political system, failing public services, deteriorating infrastructure, and rampant corruption. Violent repression of protesters and arrests of journalists covering protests continued in 2023 (*World Report 2024: Rights Trends in Iraq*, 2024).

Libya's legal development is heavily influenced by its ongoing political issues and security challenges. It is difficult to implement consistent legal reforms there due to the country's competing governments and lack of centralized authority. There are some localized efforts to improve judicial access and protect human rights by some global NGOs, particularly for internally displaced persons. In order to achieve more legal progress it will require a stable political framework and more international support (Otman and Karlberg, 2007).

Palestine's legal system operates under unique and complex circumstances due to the ongoing occupation and fragmented governance. There are some efforts to develop legal institutions despite challenges (Abu Drabi, 2023). It is focused on improving judicial system efficiency and addressing human rights violations. However, limited resources and external pressures slows down this progress. Some localized initiatives aim to modernize legal practices and enhance access to justice for marginalized populations (Shalbak, 2023).

Syria's prolonged civil war unfortunately has severely disrupted its legal system development. There are significant gaps in judicial access and its enforcement. Although efforts have been made to stabilize legal processes in government-controlled areas, these initiatives usually lack impartiality and are significantly slowed down by ongoing conflict (Wilson and others 2021).

Yemen's legal system is one of the most fragile in the MENA region due to the ongoing conflict and humanitarian crisis. Unfortunately, judicial institutions have largely collapsed in many parts of the country. There are some efforts to address critical issues such as property disputes and gender-based violence. Unfortunately, Yemeni women continue to face restrictions on their freedom of movement in areas under Houthi control. International organizations have also played a role in supporting legal aid programs and capacity-building initiatives. However, without a resolution to the conflict, substantial legal development remains unlikely (World Report 2024: Rights Trends in Yemen, 2024).

Conclusions. By offering a structured approach to understanding the region's legal diversity, this study could be a base for practical applications and future scholarly contributions. Its findings underline the importance of continuous legal reform, contextualized to each nation's unique circumstances, as a cornerstone of stability and progress in the MENA region.

The author notes that the experiences of leading countries can serve as important examples for others in the region. The experiences of leading countries, such as Qatar, UAE and Saudi Arabia, provide a blueprint for best practices that other nations in the region can adopt to improve their own legal development. For example, the UAE's implementation of specialized courts and free economic zones to attract foreign investment shows how well-planned legal reforms can drive economic progress. Progressing nations like Jordan and Morocco can adapt such strategies to overcome their own legal challenges. Emerging countries such as Yemen and Libya, despite their difficulties with conflict and instability, can use these insights to build stronger legal foundations. This new grouping empowers knowledge sharing and collaboration, helping MENA countries modernize their legal systems and contribute to regional development.

In the field of academic research, this grouping could be a foundation for future research, allowing scholars to explore the relationships between legal frameworks and social, economic, and political progress. Comparative studies using this framework can analyze the impact of legal reforms on gender equality, economic growth, or judicial efficiency.

The results of this article could be used not only for further academic research. It could be used also for policymakers and international organizations, such as NGOs and intergovernmental bodies. For example, NGOs can use the findings to design programs to address specific legal gaps in emerging and progressing countries in terms of legal development.

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