

# Divorce in united arab emirates



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Divorce in United Arab Emirates Although divorce is allowed in Islam, Sharia laws make the process be more difficult for couples having wrangles to end their relationship. This is achieved only if the judge is totally convinced that the marriage will not work even if it is given a second chance (Awadhi, 2007).

Sharia courts in United Arab Emirates accept any divorce appeal from men of any nationality. Women who are non-Muslims and married by Muslim men can also apply for a divorce at Sharia courts. The divorce follows a certain process which starts with registering the case at Moral and Family Guidance Section of the court. Later, the councillor meets both parties to discuss their standoff (Sawma, 2012). After consultation with the councillor, they are given three-month time for them to go and try and solve their difference before they can begin the process of divorce. In case the couple insist on divorce, the divorce papers are forwarded to the court. This provides a good opportunity for the judge to study the case an aspect that is followed by the judges discussing the case and listening to all witnesses. Depending with the depth of the cases, it might take some few sessions before the judge can come into the conclusion of the case. Both parties are expected to attend all court proceedings (Momsen, 2009).

In United Arab Emirates, a woman can be granted a divorce if she proves that she is physically hurt or tortured by her husband. In addition, she can sue her husband for divorce if she is abandoned by him for a period of not less than three months i. e. if he has not been providing for her and the children. Also, the law allows a woman to get a khula if she returns back the entire dowry to the husband (Goldschmidt, Puller & Darraj, 2008).

In case the applicants of the divorce are both Muslims who emanates from

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different countries but are residents of United Arab Emirates, they can be divorced using the administrative laws in the country of residence or even United Arab Emirates laws. In case both parties are non-Muslim who are seeking a divorce, they can be granted a divorce according to the law of their country either at the embassy or even consulate. Another unique aspect of divorce in United Arab Emirates is the fact that a husband can divorce his wife by using a short message (SMS) or through the cell phone. United Arab Emirates, Kuwait and even Malaysia have allowed use of technology in terminating the marriage. Other technological method that is allowed in Sharia courts is use of email. This has been upheld as a result of scholar's arguments that if the internet has changed the way people court then it can be also a source of pronouncing divorce. In case a man uses this method, he can approach the court with a divorce case. This can be stopped if the man denies that he used this method to pass the information (Goldschmidt, Puller & Darraj, 2008).

According to Darraj, Puller and Goldschmidt, government officials and other religious leaders are working relentlessly to reduce the number of marriages between nationals from United Arab Emirates and foreign-born wives because in most cases they end up divorcing. Some accounts states that the highest number of divorces in United Arab Emirates occurs in the gulf as in 2005, it reached 46 percent (Khairallah Advocates & Legal Consultants, 2010).

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