

The UAE's new civil family law regime

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Head of Family Law at RIAA Barker Gillette, [Vandana Chitroda](#), summarises the UAE's new civil family law regime and what it means to expats wishing to marry or divorce in the UAE.

On 1 February 2023, the UAE introduced its new civil family law regime - [Federal Law No \(41\) of 2022 on Personal Status](#). The new civil family law regime is intended to overcome the cultural obstacles non-Muslim residents and their families face in the UAE. The civil family law regime covers an array of family matters, including marriage, divorce, inheritance, and child custody.

The old regime

Previously, all residents in the UAE, including non-Muslim expats, had to observe Sharia law when applying for divorce in the local courts. Outside of the GCC, however, this law rarely aligned with expats' home countries' laws. The result: they often sought marriage and divorce outside the UAE. The new law invites non-Muslim residents of the UAE to regulate their personal lives in a way that does not clash with their values and culture.

Who does the new regime apply to?

The new regime applies to non-Muslim expats residing in the UAE, unless they prefer to use their home country's law or any other laws relating to family or personal status in the UAE.

Prominent changes introduced by the new civil family law regime

Gender equality

The new civil family law regime gives men and women equal status and rights. For example, Article 4 enables

both men and women to have equivalent duties and rights regarding witness evidence, estate distribution and the ability to divorce. It states, "Women will now be equally able to apply for divorce, testify as witnesses and make child custody decisions".

No guardian consent

Previously, the wife's father had to consent to a civil marriage in the UAE. However, Article 5 of the new civil family law regime states that: "both parties must not be related, must be at least 21 years old. Obtaining the wife's father or guardian's approval was formerly required, but that need has been eliminated".

No witnesses

Previously, a marriage required two male witnesses to be valid. However, this is no longer necessary under the new civil family law regime, as a civil marriage in the UAE is now "the will of the husband and the wife", both of whom must sign a declaration form before the court.

No-fault divorce

Articles 6, 7 and 8 of the new civil family law regime outline the requirements for mutual and unilateral divorces. "If one partner indicates their wish to divorce, they are free to do so without giving a reason". The court will inform the other party and issue a judgment granting the divorce.

No mediation

Parties are no longer required to mediate. Instead, the judge may issue a divorce during the first hearing. Removing such obstacles enables speedy and amicable divorces.

Alimony/spousal maintenance

Article 9 of the new civil family law regime enables wives to request alimony from their husbands by signing a form approved by the court. Suppose the husband rejects the wife's plea for financial support. In that case, the court will have the authority to consider the duration and nature of the marriage and the children involved. Alimony may become forfeit in certain circumstances. For instance, if the wife marries another man or the mother's custody of the children ends.

Joint custody

Article 10 of the new civil family law regime provides for shared parenting duties. If the parents disagree over custody, the court can analyse the facts and determine custody to ensure the children's best interests and welfare are a priority. By default, the new law permits shared custody of the child until they reach the age of 18. However, suppose it is proven that the other parent is ineligible to continue a shared custody arrangement. In that case, the court is now open to determining exclusive custody.

Paternity and fatherhood

If parentage is uncertain, the new civil family law regime allows non-Muslims to have their paternity acknowledged via DNA testing, which extends the previous means of determining paternity, which was solely through having children during a marriage.

The new law is a welcoming gesture by the UAE to non-Muslim expatriates to build their personal lives comfortably and know that there is a solution for all in times of hardship.

For more information and access to our Dubai offices, contact [Vandana Chitroda](#) today.

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Note: This article is not legal advice; it provides information of general interest about current legal issues.

