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Regulating the personal status of Muslims in the United Kingdom in the light of private international law: An analytical and comparative study

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Abstract

This is a legal study that explores the phenomenon of Islamic family law in the United Kingdom (UK). The focus of this research explores the issues found in discussions on Muslims rights in matters relating to Shariah law, legal pluralism and multiculturalism. This matter could echo apprehensions that the traditional interpretation of Muslim family law discriminates against Muslim personal status. The study also explores how the United Kingdom considers personal status issues by considering jurisdiction and the domicile of the parties rather than merely considering their nationality.

The dispute regarding the spread of Muslim migrants in Britain concentrates on notions like legal pluralism and multiculturalism. There are many couples and in particular woman who marry under Shariah law in the UK only to later realise when their marriage is over and to their detriment that they have no legal rights. Are there any possible solutions? Can British Muslims overcome these issues? Many concur that further empirical research is essential on the subject.

This study focuses on the empirical gap. The fundamental research question asks, 'how do British-Muslims pursue their personal affairs in the UK?' This is uses data analysis of formed findings with conclusions pertinent to the Muslims in Britain and to a broader field including lawyers, academics, case law, legislation, policymakers and others. The conclusions of this study uncover the impact of religion and culture in establishing norms and the significance of family law. This study will consider whether recognition of Islamic family law in the UK as a future development is feasible and how we can make it happen.

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Dedications

To Ayatollah Pro. Sayed Muhammed Bahr Al-Ulum, the one who supported the Iraqi immigrants in the diaspora, and I was one of them. He supported us in our good and bad times, a father figure with vast knowledge and high morals.

I dedicate this thesis to his soul and he's in the higher dominion.

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