

Divorce in UAE

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Divorce in UAE

Introduction

Divorce

Divorce is in itself a contract that is made to dissolve a marriage. Legally, it is the final dissolution of a marriage. This dissolution allows the husband and wife to remarry. The husband and wife are allowed to do so under civil, religious or other norms pertaining to the country of residence of the couple (Al-Marzooqi, n.d).

Types of Divorce in Islam

Islam allows a number of types of divorces. These are as follows:

Revocable divorce

A revocable divorce in Islam facilitates the need of keeping an eye on a hasty divorce. The main reason for that is the Islam wants to prevent divorces but not at the cost of a woman suffering because of it. In case of a revocable divorce, a man can pronounce divorce twice and that can be cancelled later (Kirdar, 2010).

Irrevocable divorce

A divorce becomes irrevocable when the husband pronounces the divorce the third time. After that, it becomes impossible to cancel it unless the wife remarries and is divorced by the second husband as well or her second husband dies. In that case, the husband and wife can return to each other (Kirdar, 2010).

Divorce of instigation of the wife

In Islam, the concept of application of divorce by the wife is applicable. The wife can file for Khula in court. Khula can be obtained by a woman on the basis that she states that she cannot live with her husband under the boundaries by Islam. It's a woman's choice solely (Kirdar, 2010).

Annulment of Marriage

In Islam, annulment of marriage is called Tafriq and Fasakh. In this form of divorce, women can file for a divorce based on many reasons such as being deserted by the husband, insanity of the husband, cruelty by the husband and the failure by husband to maintain the relationship. The wife may also apply for Khula if she feels that the terms of divorce have been breached. It is not of the essence whether the terms were implicit or explicit. In this case, either one of the husband or wife have the right to file for divorce (Balchin, 2009).

This topic has been chosen for the purposes of this paper because it depicts a notion of women empowerment by describing the divorce, its causes and consequences. This notion must come to light keeping in mind the fact that women all around the world as a deprived citizen. Women are deprived from many rights that are available to men. Women have to struggle a lot in order to attain a status in the world that is equal to that of men. In this respect, the women in the West have had an upper hand while the women elsewhere are considered backward. In order to remove this perception, this paper has chose to express the right of divorce of a woman in the UAE a non-Western country (Kirdar, 2010).

This topic is very relevant to human beings. Humans engage in matrimony and as a result formulate self sustaining families and this process will continue to the end of life. Divorce is the dissolution of this matrimony. It concerns the culture and tradition embraced by humans

in their development and dissolution of a significant relationship in their life. This topic is, therefore, very closely associated with human beings. Also, the right of freedom belongs to all humans, be it a man or a woman.

The UAE women are gaining progress at a fast rate. These women are taking part into politics, getting themselves into high level government positions, and establishing businesses. These women are also taking part in major management positions. The success of women is resonating around the globe. In such a case, it is necessary to observe the conduct that women have to deal with in divorce cases in the UAE (Kirdar, 2010).

The main idea that this paper discusses is that of the causes and consequences of divorce in the UAE.

Hypothesis

This paper has two main hypotheses. The first pertains to causes while the second pertains to consequences.

Causes

H1: Most divorces take place in the UAE due to Modernization.

H₀: Most divorces take place in the UAE not due to Modernization rather because of the old Traditions.

Consequences

H2: A divorce has the deepest effect on children.

H₀: A divorce does not have the deepest effect on children, rather on the parents.

Discussion

Many factors contribute to the decision of a couple to get divorced. The couple may divorce based on issues concerning to the issues of their own marital life or they may do so pressurised by social or economic factors. Also, a divorce can lead to many effects. One of the effects of a divorce may be on the children of the family while some effects may fall both parties involved. Sometimes, these effects are felt by women greater than they do by men. The review of literature conducted in this paper, examines the main reasons that may lead to a divorce as well as the major effects that may arise out of the divorce.

This paper gives close attention to divorce in the UAE as the rate of divorce in the UAE has increased. This paper can assist in the initiative taken by the government to make the parties of divorce aware about their respective rights and responsibilities of the marriage as well as its dissolution (AlMunajjed & Insight, 2010).

Reasons

Two simultaneous reasons may be the root cause of a divorce. These two are modernization and tradition. Both of these may be rather effective here as modernization has the capacity to turn away some of the older traditions being followed by the UAE culture while the older traditions being followed in the UAE are those that may be too constraining for the couple and they may find it easier to repel than stay together (Samwini, 2012).

New Era, New Roles, New Problems

The UAE has always been subject to large changes. Many years ago when oil was discovered in the Gulf, the UAE had undergone a vast change. Now, modernization is settling down in the Gulf keeping in mind the large tourism industry of the Gulf. Now, the accumulation of

more wealth and an induction of a diversified culture in the existing tradition of the UAE are affecting the country once again. The development in the infrastructure of the country also plays a significant role in this respect. The country is growing at a rapid pace. Educational opportunities are also increasing in the country. Moreover, in modern times, the induction of television and internet have altered many things. These have brought about behavioural and attitudinal changes in people. The UAE population is greatly affected by the influence of foreign cultures of both Asia and the West. Therefore, the people's expectations for life, family and marriage have greatly altered (Ahmed, 2013).

The expanded family structure has also been greatly affected by modernisation. Couples now a days tend to live alone instead of joint family systems. The perception of women has also altered due to this modernisation. Women now do not fantasize marriage to be a permanent unchangeable decision (Moschis, Hosie & Vel, 2009). They are very well educated and they also work in high positions. Women have greater social, personal, psychological and physical freedom now than ever before. Women feel that their roles are substitutable by men. This change that women expect that bring about in their roles requires the marriage to undergo many adjustments. These adjustments sometimes rattle the foundations of marriage (al-Hibri, 2009).

Another reason that may potentially cause a rift in a marriage may be a communication gap in the spouses. In prior times, men had the sole responsibility of taking decisions in the family. Now, in this age of empowerment for women, such decisions also include women. That may create many communication issues between the spouses making their relationship rather weak (Abdullah & Khairuddin, 2009).

In the UAE most commonly due to the economic factors, the number of divorces increase. Couples who long for luxurious life styles face larger issues. The increasing prices and rents

make such desires rather hard to attain by people. Where, conditions of life become difficult for people, disputes may arise between couples and at times they may end up in a divorce (Olsen, 2009).

Certain researchers believe that the riches that the UAE has had to experience have developed a kind of materialism and consumerism in their society that has led to unnecessary demands and that becomes self destructive for families and they end up getting divorced. Some couples feel that they cannot survive without a perfect social status, a car, a luxurious place to live or other monetary benefits. In their effort to bag it all they take loans and become heavily indebted. Sometimes, these financial pressures also affect their marriage and they decide to dissolve the marriage (Sisler, 2009).

Traditional Issues in a Modern World

The traditional values may contribute even larger than the modernisation in the UAE. One of the main traditions that may be instrumental to this is the fact that young people cannot choose their spouse themselves in the UAE. The marriages are generally arranged. Generally, the father in the family makes the marital choice for his sons or daughters. The individuals may feel that their right to choose a life partner has been subdued due to the benefits of the family (Mir-Hoseini, 2009).

Other than that, it is also a tradition to bring two people in matrimony while they're still in their 20s. It is too early an age for them to understand the responsibilities and the burdens of marriage. Many people are brought up with the sole purpose of making a family (Welchman, 2010).

Another essential fact here is that the young people do not have many opportunities to get to know each other before marriage. At times, they only get to see their spouse on the day of the

marriage (Van Wichelen, 2013). Because of this a communication gap may exist between the couple even before they step into a relationship. A contributing factor to that is that co-education is not a culture in the UAE. In that case, it is imperative that girls and boys lack the skill to communicate with one another (Hossain, 2013).

Previously modernisation was creating an issue with couple living alone but in the tradition system where the couple live in joint family systems, interference from the in laws may cause the relationship between the spouses to get affected (Johnson & Vriens, 2013).

Impact of Divorce

One the greatest effects of the divorce is faced by the children in the family. They take most of the heat for something they cannot even control. The emotional and mental development of the child may be greatly obstructed by this. The child may have to deal with many effects such as disorders in behaviour, depression, decrease in grades, addiction to drugs and indulgence in criminal activity (Al Serkal, Hussein, El Sawaf, Al Faisal & Wasfy, n.d).

The children can also suffer from sleep disorders, anxiety or hyperactivity and aggression. They may also lose their appetite. At times children begin to blame themselves for the divorce although they have no clue they could not have controlled it (Salaymeh, 2014).

Impact of Laws and Customs Surrounding Divorce

In a divorce a woman may have to deal with many effects of the UAE law. As per the UAE law, the decision making authority in any household is the oldest man in the family be it the father or the brother. For a woman who lives without a man, she may have to deal with many problems as she would not be recognised by the law as the only authority available for decision making. A woman may have to deal with a lot of discrimination as well (Al-Marzooqi, n.d).

In this respect women may face trouble in gaining alimony after divorce or the custody of her children (Balchin, 2009).

The effects of the divorce largely fall women in the UAE because a bias is created towards the women. While men have the right to divorce only by pronouncing Talaq, women can obtain Khula from the courts on certain grounds and even then they may have to give up their right on their mehr or their children. The women have to make the most difficult of choices, of living in a hurtful marriage or leaving her children. The courts in the UAE, unfortunately do not do much justice to women (Macfarlane, 2012).

It has been seen that women have to bear a very heavy toll in case of divorce. This is due to the many restrictions that women have to deal with. But if this is the way it shall remain than the future generations would also be affected by this. Therefore, it is essential that women are given their absolute rights and they get to experience a fair and equitable divorce so that they can trust their own judiciary and its decisions (Mir-Hosseini, 2009).

A General Conclusion of the Literature

As per the review of literature conducted above, the hypotheses established for the purposes of this paper have been answered clearly.

Causes

H1: Most divorces take place in the UAE due to Modernization.

This hypothesis is apparently false as per the above literature. Summarising the idea stated above, it is clearly seen that although, modernisation plays a major factor in divorce, it is not the most significant reason for divorce in the UAE. The same modernisation prevails elsewhere in the world and out there it does not have an impact on divorce but in the UAE it does, that shows that it plays only but a part in divorce but is not the main issue.

H₀: Most divorces take place in the UAE not due to Modernization rather because of the old Traditions.

This hypothesis has been proven correct in the above literature. The effects of modernisation feel largely in the UAE due to the existence of old traditions that formulate the UAE culture. These traditions hold back women and make many efforts of freedom inaccessible to the women in the UAE. Therefore these old traditions, directly and indirectly affect the increase in divorce in the UAE.

Consequences

H₂: A divorce has the deepest effect on children.

This hypothesis, is although true to a large extent and has immaculate effects in the rest of the world, in the context of UAE, that is not so.

H₀: A divorce does not have the deepest effect on children, rather on the parents.

In the UAE, the greatest effect of the dissolution of a marriage falls on the woman in the family. The woman who is generally discriminated against within the family faces a similar attitude outside of the family. The woman is discriminated against by the law, by the society and by the tradition of the country itself. Therefore, this hypothesis becomes true in part where at least one parent suffers the effects of marriage dissolution the most.

Conclusion

This paper discusses divorce in the UAE. The paper revolves around the causes and consequences of divorce in the UAE. The paper begins by explaining the meaning of divorce

and the types of divorce in Islam which is an established religion in the UAE. The paper moves on formulate hypotheses that would be the central focus of the research. The paper then focuses on a review of literature which answers the hypotheses and finally the paper concludes with the answers that the main cause of divorce in the UAE is the tradition it upholds even in this modern day and the main effect of divorce is discovered to befall the women in the family.

References

Abdullah, R., & Khairuddin, S. (2009). The Malaysian Sharī 'ah Courts: Polygamy, Divorce and the Administration of Justice. *Asian Women*, 25(1), 21-54. Retrieved From: <http://e-asianwomen.org/xml/00897/00897.pdf>

Ahmed, A. S. (2013). *Postmodernism and Islam: Predicament and promise*. Routledge. Retrieved From: http://samples.sainsburysebooks.co.uk/9781134924189_sample_504981.pdf

Al Serkal, F., Hussein, H., El Sawaf, E., Al Faisal, W., & Wasfy, A. Intimate Partner Violence against Women in Dubai: Prevalence, Associated Factors and Health Consequences. *MIDDLE EAST JOURNAL OF FAMILY MEDICINE*,7(10), 19. Retrieved From: <http://me-jpa.com/WEB/September2014/Violence.pdf>

al-Hibri, A. Y. (2009). Marriage and Divorce: Legal Foundations. *The Oxford Encyclopedia of the Islamic World*, 493. Retrieved From: http://scholarship.richmond.edu/cgi/viewcontent.cgi?article=1356&context=law-faculty-publications&sei-redir=1&referer=https%3A%2F%2Fscholar.google.com.pk%2Fscholar%3Fstart%3D40%26q%3DDivorce%2Bin%2BIslam%26hl%3Den%26as_sdt%3D0%2C5%26as_ylo%3D2009#search=%22Divorce%20Islam%22

Al-Marzooqi, S. H. (n.d). The Impact of Divorce on Children in the United Arab Emirates. Retrieved From: https://s3.amazonaws.com/v3-app_crowdc/assets/events/4OL7SpGtLV/activities/3_AlMarzooqi_194AlMarzooqi.original.1396638648.pdf

AlMunajjed, M., & Insight, I. C. (2010). Divorce in Gulf Cooperation Council countries:

Risks and implications. *Unpublished report, Ideation Center, Dubai, United Arab*

Emirates. Retrieved From: [http://strategyand-](http://strategyand-dev01.atlasworks.com/media/file/Divorce_in_Gulf_Cooperation_Council_Countries.pdf)

[dev01.atlasworks.com/media/file/Divorce_in_Gulf_Cooperation_Council_Countries.pdf](http://strategyand-dev01.atlasworks.com/media/file/Divorce_in_Gulf_Cooperation_Council_Countries.pdf)

Balchin, C. (2009). Divorce in Classical Muslim Jurisprudence and the Differences between

Jewish and Muslim Divorce. Retrieved From:

[http://muslimmarriagecontract.org/documents/Divorce%20in%20classical%20Musli](http://muslimmarriagecontract.org/documents/Divorce%20in%20classical%20Muslim%20jurisprudence%20and%20the%20Differences%20between%20Jewish%20and%20Muslim%20divorce.pdf)

[m%20jurisprudence%20and%20the%20Differences%20between%20Jewish%20and](http://muslimmarriagecontract.org/documents/Divorce%20in%20classical%20Muslim%20jurisprudence%20and%20the%20Differences%20between%20Jewish%20and%20Muslim%20divorce.pdf)

[%20Muslim%20divorce.pdf](http://muslimmarriagecontract.org/documents/Divorce%20in%20classical%20Muslim%20jurisprudence%20and%20the%20Differences%20between%20Jewish%20and%20Muslim%20divorce.pdf)

Hossain, K. (2013). In search of equality: marriage related laws for Muslim women in

Bangladesh. *Journal of International Women's Studies*, 5(1), 96-113. Retrieved From:

[http://vc.bridgew.edu/cgi/viewcontent.cgi?article=1524&context=jiws&sei-](http://vc.bridgew.edu/cgi/viewcontent.cgi?article=1524&context=jiws&sei-redir=1&referer=https%3A%2F%2Fscholar.google.com.pk%2Fscholar%3Fstart%3D10%26q%3DDivorce%2Bin%2BIslam%26hl%3Den%26as_sdt%3D0%2C5%26as_yl)

[redir=1&referer=https%3A%2F%2Fscholar.google.com.pk%2Fscholar%3Fstart%3D](http://vc.bridgew.edu/cgi/viewcontent.cgi?article=1524&context=jiws&sei-redir=1&referer=https%3A%2F%2Fscholar.google.com.pk%2Fscholar%3Fstart%3D10%26q%3DDivorce%2Bin%2BIslam%26hl%3Den%26as_sdt%3D0%2C5%26as_yl)

[10%26q%3DDivorce%2Bin%2BIslam%26hl%3Den%26as_sdt%3D0%2C5%26as_yl](http://vc.bridgew.edu/cgi/viewcontent.cgi?article=1524&context=jiws&sei-redir=1&referer=https%3A%2F%2Fscholar.google.com.pk%2Fscholar%3Fstart%3D10%26q%3DDivorce%2Bin%2BIslam%26hl%3Den%26as_sdt%3D0%2C5%26as_yl)

[o%3D2009#search=%22Divorce%20Islam%22](http://vc.bridgew.edu/cgi/viewcontent.cgi?article=1524&context=jiws&sei-redir=1&referer=https%3A%2F%2Fscholar.google.com.pk%2Fscholar%3Fstart%3D10%26q%3DDivorce%2Bin%2BIslam%26hl%3Den%26as_sdt%3D0%2C5%26as_yl)

Johnson, T., & Vriens, L. (2013). Islam: governing under Sharia. *Council on Foreign*

Relations. org. Retrieved From:

[http://mercury.ethz.ch/serviceengine/Files/ISN/182296/ipublicationdocument_singled](http://mercury.ethz.ch/serviceengine/Files/ISN/182296/ipublicationdocument_singledocument/efd23bfc-e56a-4120-9ed2-fbb4b011a1c4/en/Islam_Governing_Under_Sharia_Council_on_Foreign_Relations.pdf)

[ocument/efd23bfc-e56a-4120-9ed2-](http://mercury.ethz.ch/serviceengine/Files/ISN/182296/ipublicationdocument_singledocument/efd23bfc-e56a-4120-9ed2-fbb4b011a1c4/en/Islam_Governing_Under_Sharia_Council_on_Foreign_Relations.pdf)

[fbb4b011a1c4/en/Islam_Governing_Under_Sharia-](http://mercury.ethz.ch/serviceengine/Files/ISN/182296/ipublicationdocument_singledocument/efd23bfc-e56a-4120-9ed2-fbb4b011a1c4/en/Islam_Governing_Under_Sharia_Council_on_Foreign_Relations.pdf)

[+Council+on+Foreign+Relations.pdf](http://mercury.ethz.ch/serviceengine/Files/ISN/182296/ipublicationdocument_singledocument/efd23bfc-e56a-4120-9ed2-fbb4b011a1c4/en/Islam_Governing_Under_Sharia_Council_on_Foreign_Relations.pdf)

Kirdar, S. (2010). United Arab Emirates. Report. Retrieved From:

https://freedomhouse.org/sites/default/files/inline_images/United%20Arab%20Emirates.pdf

Macfarlane, J. (2012). Shari'a Law: Coming to a Courthouse near You?. *What shari 'a really means to American Muslims. Institute for Social Policy and Understanding.*

<http://ispu.org/> and http://www.ispu.org/pdfs/ISPU%20Report_Marriage%20I_Macfarlane_WEB.pdf. Retrieved From:

http://www.ispu.org/pdfs/ispu%20report_marriage%20i_macfarlane_web.pdf

Mir-Hoseini, Z. (2009). Islamic Family Law and Social Practice: Anthropological Reflections on the Terms of the Debate. *Family, Law and Religion: Debates in the Muslim World and Europe and Their Implications for Co-operation and Dialogue*, 21-32. Retrieved

From: <http://www.zibamirhosseini.com/documents/mir-hosseini-book-chapter-islamic-family-law-social-practice-2009.pdf>

Mir-Hosseini, Z. (2009). Towards Gender Equality: Muslim Family Laws and the Shari 'ah. *WANTED*, 23. Retrieved From:

<http://www.musawah.org/sites/default/files/WANTED-EN-2edition.pdf#page=35>

Moschis, G. P., Hosie, P., & Vel, P. (2009). Effects of family structure and socialization on materialism: a life course study in Malaysia. Retrieved From:

http://ro.uow.edu.au/cgi/viewcontent.cgi?article=1038&context=dubaipapers&sei-redir=1&referer=https%3A%2F%2Fscholar.google.com.pk%2Fscholar%3Fstart%3D10%26q%3DEffects%2Bof%2BDivorce%2Bin%2Bthe%2BUAE%26hl%3Den%26as_sdt%3D0%2C5%26as_ylo%3D2009#search=%22Effects%20Divorce%20UAE%22

Olsen, N. (2009). Marriage and Divorce in Islamic and Mormon Polygamy: A Legal Comparison. *Intermountain West Journal of Religious Studies*, 1(1), 6. Retrieved From:
http://digitalcommons.usu.edu/cgi/viewcontent.cgi?article=1005&context=imwjournals&sei-redir=1&referer=https%3A%2F%2Fscholar.google.com.pk%2Fscholar%3Fstart%3D30%26q%3DDivorce%2Bin%2BIslam%26hl%3Den%26as_sdt%3D0%2C5%26as_ylo%3D2009#search=%22Divorce%20Islam%22

Salaymeh, L. (2014). Every Law Tells a Story: Orthodox Divorce in Jewish and Islamic Legal Histories. *UC IRVINE L. REV.*, 4, 19-21. Retrieved From:
<http://www.law.uci.edu/lawreview/vol4/no1/Salaymeh.pdf>

Samwini, N. I. (2012). The challenge of child upbringing among Muslims and Christians in Ghana. *Journal of Emerging Trends in Educational Research and Policy Studies*, 3(6), 880-886. Retrieved From:
<http://jeteraps.scholarlinkresearch.com/articles/The%20Challenge%20of%20Child%20Upbringing%20among%20Muslims%20and%20Christians%20in%20Ghana.pdf>

Sisler, V. (2009). European Courts' Authority Contested: The Case of Marriage and Divorce Fatwas On-Line. *Masaryk UJL & Tech.*, 3, 51. Retrieved From:
https://mujlt.law.muni.cz/storage/1267475996_sb_04-sisler.pdf

Van Wichelen, S. (2013). Polygamy talk and the politics of feminism: Contestations over masculinity in a new Muslim Indonesia. *Journal of International Women's Studies*, 11(1), 173-188. Retrieved From:
<http://vc.bridgew.edu/cgi/viewcontent.cgi?article=1155&context=jiws&sei-redir=1&referer=https%3A%2F%2Fscholar.google.com.pk%2Fscholar%3Fstart%3D>

[10%26q%3DDivorce%2Bin%2BIslam%26hl%3Den%26as_sdt%3D0%2C5%26as_ylo%3D2009#search=%22Divorce%20Islam%22](#)

Welchman, L. (2010). Bahrain, Qatar, UAE: First time family law codifications in three Gulf States. Retrieved From:

http://eprints.soas.ac.uk/10899/1/Welchman_'Bahrain, Qatar, UAE'_ISFL_2010.pdf