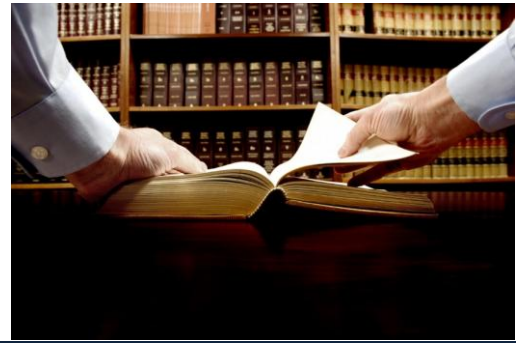


## inBrief

**Legal Inclusivity in the UAE: Examining Abu Dhabi's Civil Marriage Law and Jurisdictional Evolution**

By Nazim Hashim, Elmukashfi Mohamed and Fatima Fadulalmawla | 1 August 2025

The United Arab Emirates ("UAE"), known for its openness and diversity, is home to a population that includes a wide range of nationalities and cultures. In recognition of this demographic reality, the UAE has shown a clear commitment to ensuring that its legal framework reflects inclusivity and safeguards the rights of all residents, regardless of nationality or religion. A notable example of this approach is the enactment of Law No. 14 of 2021 Regarding Civil Marriage and Its Effects (as amended) in the Emirate of Abu Dhabi ("CMEAD").

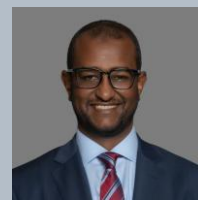
This law represents a significant shift in the regulation of personal status matters, particularly for non-Muslim residents, and positions the UAE as a legal pioneer within GCC and the Arab world. The CMEAD adopts a progressive stance on civil marriage, divorce, and succession issues, setting a new standard in family law legislation. This inBrief examines the core objectives of the CMEAD, analyses the impact of its amendments on jurisdictional scope, and highlights selected judicial applications that reflect its evolving interpretation.

**Core Objectives of the CMEAD**

The CMEAD was enacted with several strategic aims:

- **To establish a modern judicial framework** for adjudicating personal status disputes involving foreigners.
- **To position Abu Dhabi as a regional legal innovator**, being among the first jurisdictions in the Arab world to adopt civil legislation regulating family matters in line with international best practices.
- **To provide culturally and linguistically accessible procedures**, allowing individuals to engage with a legal system aligned with their backgrounds and expectations.
- **To promote the best interests of children**, especially in divorce proceedings, by emphasizing shared parental responsibility and equal treatment.

These objectives are particularly significant given the prior legal landscape, where foreigners were typically subject to the Muslim personal status law unless they proactively requested the application of their national law - a burdensome process involving translations, legalizations, and complex procedures.

**The Authors**

**Nazim Hashim**

Partner

[nhashim@afриди-angell.com](mailto:nhashim@afриди-angell.com)

Nazim specialises in UAE litigation and dispute resolution and handles a broad range of civil, commercial, and criminal disputes and is in charge of developing litigation strategies and supervising advocacy in matters before the UAE courts. He advises on employment, property, banking, construction, commercial and corporate disputes. He has been involved in several complex and high-value disputes. Nazim is a member of the Sudanese Bar Association.



**Elmukashfi Mohamed**

Associate

[emohamed@afриди-angell.com](mailto:emohamed@afриди-angell.com)

Elmukashfi has vast experience in commercial litigation and is skilled at resolving disputes amicably and drafting relevant agreements. Prior to joining Afridi & Angell in 2025, Elmukashfi worked at a local firm in Dubai, where he gained experience in drafting, reviewing, and negotiating various commercial agreements.

The CMEAD thus offers a practical, accessible, and inclusive alternative not only for non-Muslim residents but potentially for Muslim residents as well, as discussed below.

#### Expanding the Scope: Amendments to the CMEAD

While legislative amendments often arise in response to implementation challenges, the CMEAD underwent substantial revisions prior to its effective date, reflecting a proactive legislative vision.

One of the key amendments involved renaming the legislation from the “Law on Personal Status for Non-Muslim Foreigners” to the more inclusive “Law on Civil Marriage and Its Effects.” Furthermore, references to “non-Muslim foreigners” were replaced by the term “persons addressed by the provisions of this law,” defined to include “**citizens or foreigners, non-Muslim, male or female.**” This expanded language suggests an intentional broadening of the law’s applicability.

The 2022 Executive Regulations provide further clarity. Article 5 outlines the categories of persons covered by the CMEAD, which include:

- Non-Muslim citizens;
- Foreigners whose home countries do not primarily apply Islamic Sharia in personal status matters;
- Special cases determined by administrative decision.

This amendment indicates that the CMEAD is no longer limited to non-Muslim foreigners but may also extend to **Muslim foreigners** from countries where Sharia is not the dominant legal framework for personal status. This distinguishes it from **Federal Law No. 41 of 2022 on Civil Personal Status**, which remains limited to non-Muslims and applies across other Emirates.

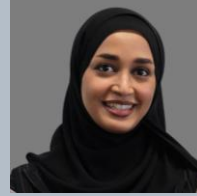
#### Judicial Application of the CMEAD

The practical application of the CMEAD has been shaped significantly by judicial interpretation, with Abu Dhabi courts demonstrating flexibility and a commitment to the inclusive spirit of the law.

One notable area of application is **wills and succession**. Courts have confirmed that both non-Muslim citizens and foreigners from non-Sharia-based jurisdictions may freely dispose of their estates under the CMEAD, provided the will is valid and officially registered. Where no Will exists, and no heir requests the application of a foreign law, the default CMEAD rules apply. These include:

- Equal division of the estate among heirs, regardless of gender;
- The surviving spouse receives half of the estate;
- The remaining half is divided equally among children;
- In the absence of children, the estate passes equally to parents, or to siblings if the parents are deceased.

Additionally, the courts have acknowledged the **right of Muslim foreigners**, in certain cases, to opt into the CMEAD’s provisions, including in the drafting of Wills and adjudication of family law matters. This represents a significant step away from a rigid application of Sharia-based inheritance rules and underscores the judiciary’s role in supporting legislative reform.



**Fatima Fadulmawla**  
Legal Researcher  
fatima@afриди-angell.com

Fatima is a bilingual (Arabic and English) Legal Researcher in the firm’s Dispute Resolution practice. She brings strong experience across civil and common law systems and plays a key role in supporting the firm’s litigation and advisory teams. Her contributions have been particularly valuable in insurance law, commercial and labour disputes, construction law, and other cross-jurisdictional cases within the UAE and across the GCC. Fatima previously contributed as a research assistant in a book on International Commercial Arbitration: Its Principles and Application in Sudan prior to its Accession to New York Convention.

## Conclusion

The CMEAD reflects the UAE's broader commitment to building a legal system that embraces diversity and protects individual rights irrespective of nationality or religion. Through its inclusive objectives, broadened jurisdictional scope, and progressive judicial interpretation, the law marks a transformative shift in the regulation of family matters.

By providing a civil legal framework that is accessible, culturally sensitive, and internationally aligned, the CMEAD positions Abu Dhabi - and the UAE more broadly - as a leader in legal modernization within the region. It stands as a model for how jurisdictions can reform family law to reflect the realities of globalized, multicultural societies while maintaining legal clarity and social cohesion. ■

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