

Federal Decree-Law No. 41/2022 On Civil Personal Status

We, Mohamed bin Zayed Al Nahyan, President of the United Arab Emirates;

Having perused:

The Constitution;

[Federal Law No. 1/1972](#) on the Competencies of Ministries and the Powers of Ministers, as amended;

[Federal Law No. 5/1985](#) Promulgating the Civil Transactions Law, as amended;

[Federal Law No. 11/1992](#) Promulgating the Civil Procedures Law, as amended;

Federal Law No. 21/1997 Determining the Dowry in the Marriage Contract and its Expenses;

[Federal Law No. 28/2005](#) on Personal Status, as amended;

[Federal Law No. 13/2020](#) on Public Health;

[Federal Decree-Law No. 31/2021](#) Promulgating the Crimes and Penalties Law, as amended;

[Federal Decree-Law No. 10/2022](#) Regulating the Registration of Births and Deaths;

[Federal Decree-Law No. 20/2022](#) Regulating the Notary Public Profession;

[Federal Decree-Law No. 35/2022](#) Promulgating the Law on Evidence in Civil and Commercial Transactions;

[Federal Decree-Law No. 32/2022](#) on the Federal Judicial Authority;

[Federal Decree-Law No. 33/2022](#) on the Federal Supreme Court; and

Based on the proposal of the Minister of Justice, and the approval of the Cabinet;

Have issued the following Decree-Law:

Chapter 1 - Preliminary Provisions

Article 1 - Scope of Application of the Decree-Law

1. The provisions of this Decree-Law shall apply to non-Muslims who are citizens of the United Arab Emirates, and to non-Muslim foreigners residing in the State, unless any of them insists on the application of their law, with regard to the articles of marriage, divorce, inheritance, wills and proof of parentage, without prejudice to the provisions of Articles (12), (13), (15), (16) and (17) of the abovementioned Federal Law No. (5) of 1985.
2. Those addressed by the provisions of this Decree-Law, who are specified in paragraph (1) of this Article, may agree to apply other legislation regulating family or personal status in force in the State instead of applying the provisions of this Decree-Law.
3. The provisions of this Decree-Law shall apply to all incidents that occur after the entry into force of its provisions.

Article 2 - Calculation of Periods

The Gregorian calendar shall be used in calculating the periods stipulated in this Decree-Law.

Article 3 - Exception from Referral to Family Guidance

Divorce cases filed pursuant to the provisions of this Decree-Law shall be excluded from referral to family guidance committees, and shall be referred directly to the court to issue a judgment at the first session.

Article 4 - Equality between Men and Women in Rights and Duties

In applying the provisions of this Decree Law, equality between women and men in rights and duties shall be taken into account, and this shall be particularly applied in the following matters:

1. Testimony: Equality in testimony before the court; the testimony of a woman before the court shall be as valid as the testimony of a man without discrimination;
2. Inheritance: Equality between men and women in the distribution of inheritance according to the provisions of this Decree-Law;
3. Right to seek Divorce: Either husband or wife may unilaterally seek divorce from the court without prejudice to their rights related to divorce; and
4. Joint Custody: Women and men are equal in the right to joint custody of a child until he/she reaches the age of eighteen (18) years old, after which the child shall have the freedom of choice.

Chapter 2 - Provisions of Civil Marriage

Article 5 - Civil Marriage

The following conditions must be met by a civil marriage contract:

1. Both husband and wife must have attained at least twenty-one (21) Gregorian years of age. The age shall be proven by any official document issued by the country to which each of them belongs by nationality;
2. Marriage may not be concluded with brothers, sons, grandchildren, paternal or maternal uncles or aunts, and any other cases specified by the Executive Regulations;
3. Both spouses must explicitly express their consent to the marriage before the authentication judge, and there is nothing legally precluding reliance on their consent;
4. The spouses must sign the disclosure form; and
5. Any other conditions set by the Executive Regulations of this Decree-Law.

Article 6 - Civil Marriage Contract Procedures and Authentication

1. Marriage may be concluded before the authentication judge at the competent court by submitting an application according to the form prepared for this purpose, taking into account the other conditions and procedures stipulated in this Decree-Law and its Executive Regulations.
2. Marriage takes place through the spouses completing the form prepared therefor before the authentication judge, and the spouses may agree on the conditions of the contract, and the rights of the husband and wife during the marriage period and the post-divorce rights, in particular joint custody of children, as stipulated in such contract, shall be relied upon between them;
3. The marriage contract form shall include a disclosure by both spouses of the existence of any other prior marital relationship of either of them, indicating the date of divorce, if any, and the wife's acknowledgment that there is no existing marital relationship, and the husband shall submit this acknowledgment in the event that his legislation does not allow polygamy. In all cases the husband shall disclose any existing marital relationship before the authentication judge.
4. The contract shall include proof of the consent of each of them, verbally or in writing.
5. The Executive Regulations of this Decree-Law shall set the approved bilingual contract form for civil marriage.
6. After verifying that all conditions for a civil marriage contract are met, and after completing the procedures stipulated in this article, the authentication judge shall legalize the marriage contract, and it shall be entered in the register prepared for this purpose.

Chapter 3 - Divorce and its Procedures

Article 7 - Divorce by Unilateral Will

It suffices for a divorce to be sought and take place that either spouse expresses before the court his/her wish to separate and not continue with the marital relationship, without the need to justify this request, indicate damage or blame the other party.

Article 8 - Procedures of Divorce

Either spouse may seek a divorce without the need to prove damage, according to the form prepared therefor, and the divorce shall take place by a court judgment after notifying the other party.

Article 9 - Divorcee's Alimony

A divorced woman may submit an application to the court after the issuance of a divorce judgment to obtain a judgment for alimony from her ex-husband, and any post-divorce applications before the court shall be added according to the form prepared therefor. In the absence of an agreement on the conditions or controls of such alimony or other financial claims in the marriage contract, the acceptance of the application and its period shall be subject to the judge's discretion after evaluating the following factors:

1. The number of years of marriage; the more the years of marriage are, the more the amount of alimony is increased;
2. The wife's age; the younger the wife is, the less the amount of alimony is, and vice versa;
3. The financial status of each of the spouses, according to a report to be prepared by an accounting expert delegated by the court to evaluate the economic status of each of the spouses;
4. The extent of the husband's contribution to the divorce through negligence or fault, or his commission of any act that has led to the divorce;
5. Either spouse compensating the other for any material or moral damage caused to him/her as a result of the divorce;
6. The financial damage incurred by either spouse as a result of the application for divorce by unilateral will;
7. The father shall bear the expenses and costs of the mother's custody of the children during joint custody, for a temporary period not exceeding two years, according to the findings of the accounting expert report;
8. Whether or not the wife is diligent in taking care of the children; and
9. In all cases, the wife's alimony is forfeited in the event of her marriage to another man, and in the event that her custody of the children ends for any reason, and a new application may be submitted to amend the alimony after each year or according to the change of circumstances.

Chapter 4 - Child Custody

Article 10 - Joint Custody

1. Child custody is a joint and equal right of the father and mother after divorce, and is also a right of the children not to have either parent solely dominating their raising and seeing, in order to preserve the psychological health of the child in custody and limit the effects of divorce on the children.
2. The principle of child custody is that the father and the mother share together the responsibility of raising the children after divorce, unless the two parties submit an application to the court to grant custody to whoever is capable of achieving the interests of the child in custody, or either of them seeks to waive his/her right to

custody in writing before the court, or submits an application to the court for excluding the other party from joint custody and for him/her forfeiting the right to custody for any reason acceptable to the court, such as impediments of eligibility, the danger of the person sharing custody, or the joint custodian having failed to perform his/her duties. The Executive Regulations of this Decree-Law shall specify the cases of excluding the other party from custody and him/her forfeiting the right thereto.

3. In the event that the father and the mother disagree on any matter related to joint custody, either of them may submit an application to the court, according to the form prepared therefor, to object or request intervention of the court to resolve the matter in dispute.
4. The court has the discretion to decide what it deems appropriate in the interest of the child in custody, based on the request of either parent after the divorce has occurred.

Chapter 5 - Inheritance and Wills

Article 11 - Distribution of Inheritance

1. A person who will leave inheritance may bequeath all his estate in the State to whomever he/she designates, according to the controls set by the Executive Regulations of this Decree-Law.
2. In the absence of a will, half of the inheritance shall go to the husband or wife, and the other half shall be divided equally between the children, without distinction between males and females. If the deceased has no children, the inheritance shall devolve to the parents of the deceased, if alive, equally, or half of it to one of them, if the other is dead, and the other half to the brothers of the deceased, or all the inheritance shall devolve to a parent, if the other is dead and there is no spouse, child or brother of the deceased, and if both parents are dead, all the inheritance shall devolve to the brothers of the deceased equally, without distinction between males and females.
3. As an exception to the provisions of paragraph (2) of this article, any of the heirs of a foreigner may seek application of the law applicable to inheritance in accordance with the provisions stipulated in the Civil Transactions Law, unless there is a registered will to the contrary.

Article 12 - Procedures for Opening the File of Inheritance and Distributing it

The Cabinet shall issue a guide for the procedures of inheritance for those addressed by the provisions of this Decree-Law.

Article 13 - Procedures for Registering Wills

1. The wills of those addressed by the provisions of this Decree-Law shall be recorded in the register prepared for this purpose in accordance with the procedures specified by the Executive Regulations of this Decree-Law.
2. The spouses may complete a will registration form at the time of signing the marriage contract to indicate how the estate will be distributed in the event of the death of either of them.

Chapter 6 - Proof of Parentage

Article 14 - Proof of Parentage

1. The parentage of the child can be proven by marriage or by the acknowledgment of the father and mother, and a birth certificate shall be issued for the child in accordance with the legislation in force in this regard.

2. The court may order a DNA test, in accordance with the rules governing this, and it may not issue its order proving parentage for those who claim it except after verifying the following:
 - o a. That the child is of unknown parentage; and
 - o b. That the difference in age allows the child's parentage by whoever is claimed to be his/her parent.
3. The Cabinet, based on the proposal of the Minister of Justice, may issue a decision to regulate the procedures and provisions for adoption and alternative families and the effects thereof.

Chapter 7 - Final Provisions

Article 15 - Matters for which there is no Special Provision

The laws and legislation in force in the State shall apply to matters for which there is no special provision in this Decree-Law.

Article 16 - Executive Regulations

The Cabinet shall issue the Executive Regulations of this Decree-Law.

Article 17 - Repeals

Any provision that contradicts or conflicts with the provisions of this Decree-Law shall be repealed.

Article 18 - Publication and Entry into Force of the Decree-Law

This Decree-Law shall be published in the Official Gazette and come into force as of 1 February 2023.

Issued by us at the Presidential Palace in Abu Dhabi:

On: 7 Rabi' al-Awwal 1444 AH

Corresponding to: 3 October 2022 AD

Presidential Court

Mohamed bin Zayed Al Nahyan

President of the United Arab Emirates