LEGAL CHALLENGES OF CONDUCTING MARRIAGE CONTRACTS ELECTRONICALLY IN THE UNITED ARAB EMIRATES

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Abstract - Global advances in technology and communications over the past few years have shifted many human interactions from the physical world to the digital world, encompassing everything from family relationships to marriage contracts. The digital transformation in government services has been implemented to enable the completion of marriage procedures electronically and the conclusion of marriage contracts remotely via modern means of communication. The research question of this study is to examine the validity of a marriage contract concluded via modern technology in accordance with Islamic law and UAE law. To achieve the objectives of this study, a descriptive-analytical approach was adopted by analyzing legal texts and legislation related to the topic of electronic marriage in the United Arab Emirates in comparison with the position of Islamic law. The study concluded that the use of technology in the modern era to conclude electronic marriage contracts in the United Arab Emirates is permissible, provided that the conditions of Islamic marriage are met.

Keywords - Electronic Marriage, Digital Transformation, Video Conference Call

I. INTRODUCTION

Global advances in technology and communications over the past few years have shifted many human interactions from the physical world to the digital realm, encompassing everything from family relationships to marriage contracts; it has become possible to enter into a marriage contract without the other party being present, using only the internet or video conferencing technologies, As a result, many legal and jurisprudential questions have arisen regarding the legitimacy and validity of this type of marriage.

In the United Arab Emirates, the digital transformation of government services has been implemented to enable the completion of marriage procedures electronically and the conclusion of marriage contracts remotely via modern means of communication, in full compliance with the provisions of Islamic Sharia and contemporary legal regulations.

Therefore, it is necessary to examine the Sharia and legal status of marriage contracts concluded using modern technology, and the extent to which they comply with the provisions of Islamic Sharia and the application of contemporary legal systems.

1.1 Problem of Study

The focus of this study is to examine the validity of marriage contracts concluded via modern technology under Islamic law and UAE law. This will be achieved by examining the concept of electronic marriage contracts concluded via video conferencing and addressing the conditions for the validity of such contracts from the perspective of UAE legislation.

1.2 The Importance of Study

The importance of this study stems from the fact that the family is considered the foundation of society, and the first building blocks of the family are the spouses. Circumstances and conditions surrounding the conclusion of marriage contracts have changed, as the world has become increasingly interconnected and people now need to conclude marriage contracts without the parties being physically present. and every Muslim is keen to ensure that their contract complies with the teachings of Islamic Sharia and is in accordance with the laws of their country. Therefore, it is essential to strengthen jurisprudential and legal studies related to current issues arising from the proper execution of marriage contracts, clarify the perspective of Islamic Sharia and UAE law regarding technological developments, raise awareness of the correct procedures for electronic marriage among individuals, and assist legal authorities in drafting legislation. Therefore, it is essential to clarify the Sharia ruling regarding marriage contracts using technology, clarify the position of UAE law on this matter, specify the conditions that must be met for the validity of an electronic marriage contract, and identify the obstacles and possible solutions.

1.3 Methodology

This study adopted a descriptive-analytical approach by analyzing legal texts and legislation related to the topic of e-marriage in the United Arab Emirates in comparison with the position of Islamic law.

II. THE NATURE OF THE ELECTRONIC MARRIAGE CONTRACT

A marriage contract can be defined as a contract between a man and a woman that establishes their mutual consent to marry under specific terms and

conditions (Shalabi, 2015, p. 30), due to the unique nature of the marriage contract compared to other contracts (Abu Zahra, 2018, p. 41). As for e-marriage, it is a contract concluded via modern means of communication (such as video conferencing or the internet) that establishes acceptance and consent, and does not require the presence of both parties in the same location; as both parties may seek the assistance of a guardian or witnesses when concluding the marriage contract through these means. E-marriage is a product of technological advancements in all forms of legal and social transactions. E-marriage is no longer defined by its geographical location, but rather by the presence of the elements and conditions required in a marriage contract (Government of the United Arab Emirates, 2026).

Islamic law permits marriage in accordance with general principles, such as the fulfillment of all essential conditions—namely, the proposal and acceptance, the presence of witnesses and a guardian, and the desire to marry. In some cases, it is permissible to conclude a marriage without the physical presence of all parties or without knowing their marital status (Khalaf, 2017, p. 15). A number of contemporary scholars have permitted the conclusion of marriage contracts electronically via video technology, provided that all necessary conditions are met, such as verification of identity and the absence of fraud or forgery. They consider electronic meetings equivalent to in-person meetings if they take place simultaneously (Journal of the Islamic Fiqh Council, 2018). In contrast, other opinions take a cautious approach toward contracts concluded in this manner, given the possibility of forgery and identity theft, and the absence of an effective mechanism for verifying the identities of all parties to the contract (Al-Zuhayli, 2011).

The legal opinion permits online marriage provided that all legal requirements are met. Among the most important of these requirements are the clarity of the proposal and acceptance (or "consent to marriage"), and the presence of a guardian or witness. In addition, the identities of the two parties entering into the marriage contract must be verified (with any suspicion of forgery requiring investigation before the electronic marriage contract is signed), and the requirements for a "contract attorney" must be met, even if the contract is signed electronically (Al-Ashqar, 2018).

The United Arab Emirates has adopted a modern approach to digital transformation, with the government authorizing the signing of marriage contracts electronically or remotely via video conferencing technology. The government also provides services to facilitate the entire marriage process through a digital platform (UAE Ministry of Justice, 2025). UAE law stipulates that all conditions necessary for a valid marriage must be met, including the presence of the couple, their guardians, and at least two witnesses, as well as verification of their consent and direct audio-visual communication between them to ensure the validity of their intention to marry (Government of the United Arab Emirates, 2026). UAE law requires the marriage contract to be registered with official judicial authorities. Without registration, the marriage is not considered legal, and problems may arise when attempting to establish paternity or marital rights. Therefore, registration is essential and should be considered fundamental as an integral element of the contract (UAE Ministry of Justice, 20). The offer and acceptance must be made in person, as stipulated in Article 25 of the Personal Status Law, which requires that the parties to the marriage contract be physically present in the same location; it is also valid for them to be deemed present in the same location by legal effect, in accordance with the applicable legislation on this matter.

Both the law of the United Arab Emirates and Islamic law recognize an equal level of mutual agreement regarding the use of electronic marriage contracts. For example, both require that all parties give their consent and stipulate the presence of witnesses, require an explicit offer and acceptance, and emphasize the need to maintain records to ensure the legal protection of the parties' rights. Neither law explicitly prohibits the use of modern technologies to conclude electronic marriage contracts; however, both systems require government oversight to deter violations and preserve family stability.

Referring to the terms of a traditional marriage contract, these can be applied to an electronic marriage contract; Therefore, all parties must be of sound mind for the contract to be valid. Consequently, the marriage is not valid if one of the parties is mentally incapacitated or if both are minors who do not understand the terms of the contract due to their lack of legal capacity to enter into it. Furthermore, the contract must be concluded during the same session in which the marriage proposal is made; therefore, both contracting parties must be able to hear what the other is saying and understand its meaning. The marriage is void if either contracting party is unable to hear what the other is saying, whether due to deafness or a failure to comprehend the meaning.

Furthermore, the offer must correspond exactly with the acceptance in every possible respect, according to the findings of the research. This means that if one of the parties made a different offer at the time the marriage contract was concluded, this difference may be considered a breach of contract. However, acceptance of the offer may be worse than the offer made, because the parties who made the offer have entered into a valid agreement. If two people wish to

enter into an electronic marriage contract, there must be an oral or written offer from both parties, and the other party must have received this offer; thereafter, the parties may agree to proceed, and the other party must have accepted the prior "offer" and been notified of the acceptance. Both forms of the electronic agreement must be completely clear and unambiguous, and the parties must know each other before proceeding. Based on the foregoing, the same conditions must apply to the electronic marriage contract (i.e., the electronic document containing the marriage proposal and its acceptance). Consequently, both parties must comply with the Sharia requirement for the presence of witnesses at an Islamic marriage contract, as stipulated in Islamic law. This requires the presence of two witnesses upon the completion of the electronic marriage and the recitation of the legal marriage formula aloud. The use of electronic means to conclude a legally binding marriage is considered an application of the provisions of Islamic law regarding marriage via electronic communications. Electronic communications offer broader options than just the use of email or the internet, including the use of audio and video recordings.

The terms "e-marriage" and "online marriage" refer to the same process, in which a person seeks a life partner either by presenting themselves and their personal characteristics, or by reviewing profiles on specialized websites or through online dating services. The final step in an electronic marriage is the marriage contract between the two parties, which constitutes a valid form of electronic marriage. Posting information on specialized websites does not constitute an official marriage contract; rather, it is merely an invitation to marry (i.e., it serves as an electronic matchmaker). Electronic marriage involves numerous negotiations and confirmations before the engagement and marriage contract are finalized, but there are no legal issues involved in this process.

The increasing complexity of life, the use of technology, and the decline of traditional relationships are all factors that make it easier for both men and women to set boundaries and barriers in their relationships, which can easily lead to online marriage. Some people use online platforms to date or marry, while a larger number use them to express emotional distress and search for a life partner, focusing on the digital or online world. Therefore, they turn to these websites to fulfill their desire to find a life partner, especially in English-speaking countries, through messages that resemble a negotiation style, and by using the name of the proposed partner as someone with whom they wish to build a romantic relationship. This allows everyone the opportunity to achieve their goal (building a romantic relationship within a legal framework) through a customary (or traditional) marriage contract.

The rise in online marriages is a natural consequence of human nature. However, this social interaction, due to its rigid structure, is constrained by laws that assume all people are equal (as individuals and as a group) and that they are identical in all aspects of their lives. Therefore, online marriage is considered an alternative to traditional marriage, and the success of this new form of marriage has been—and will continue to be—the focus of studies aimed at establishing a legal framework and developing more effective punitive mechanisms to deter negative and non-compliant behaviors in this new form of marriage. The social sciences in general, and marriage in particular, have become increasingly interdisciplinary; therefore, the development of effective laws to regulate marriages via electronic media (via email, social media, and others) must take into account the multiple dimensions of the marital relationship (religious beliefs, positive social customs and traditions, cultural context, and others), and employ targeted and well-considered approaches related to these dimensions. It is not acceptable to ignore or overlook this issue. In recent years, traditional methods of interaction between men and women have declined significantly, leading to a crisis in Eastern societies, and communication with a life partner has become more difficult. In our contemporary materialistic society, many people use technology to build and develop social relationships that foster communication, thereby helping to lay the groundwork for starting a family—even if that family is technology-based. Therefore, it is essential to establish a positive culture and a deep understanding of the marriage contract and its implications in order to build a better future.

III. THE LEGAL CHALLENGES OF CONDUCTING MARRIAGE ELECTRONICALLY

E-marriage offers a number of advantages over traditional marriage procedures, including faster processing times and lower costs compared to traditional marriage procedures. This aligns with governments' digital transformation policies and their commitment to providing services to citizens and residents under exceptional circumstances, such as a public health crisis or travel restrictions (UAE Ministry of Justice, 2025).

Marriage contracts are governed by the UAE Personal Status Law, which consists of several articles defining the essential elements, pillars, and conditions of a marriage contract. A marriage contract is based on mutual consent (offer and acceptance) and takes into account the legal capacity of Muslim women. Full legal capacity (to enter into a marriage contract) requires that both parties be adults (at least 18 years of age) and of sound mind, noting that in limited cases, a judge may intervene to determine

whether entering into a marriage contract is in the person's best interest when the guardian refuses consent (e.g., Article 19). Marriage contracts may also be concluded for individuals with limited or deficient legal capacity to enter into a marriage contract, but this must be done under very specific conditions that provide immediate legal and medical protection for the party with limited capacity (e.g., Article 20). The law establishes a guardianship system that provides protection against coercion, granting the court the authority to intervene in cases of abuse or absence, as outlined in Articles 21 and 22 of the law. To further protect against abuse of authority by the guardian, the law requires that the guardian be qualified in accordance with Article 23 and prohibits the guardian from abusing their authority, as stipulated in Article 24. The law also stipulates that the contract must be concluded through a clear and final offer and acceptance in a single session, whether in person or electronically (including modern electronic means), without any suspension or postponement, as outlined in Article 25. As is evident, the legislature has focused on protecting the parties' intent and agreement and regulating the terms of the contract, regardless of physical presence, thereby allowing for the recognition of a legal marriage through the use of modern technology, provided that legal and procedural requirements are met.

Modern technology offers many benefits for marriage, but at the same time it creates new challenges. One such challenge is the difficulty of verifying people's identities in some cases. Newlyweds who meet online for the first time and decide to marry without meeting in person may also face the risk of fraud or identity theft. Furthermore, many couples fail to develop a sufficient understanding of one another because they do not speak the same language or communicate face-to-face, Marriage contract laws vary between countries, which may make it difficult for couples to understand how their marriage contract is applied in the country where the marriage took place compared to their country of origin (Al-Zuhayli, 2011, 5/45).

The United Arab Emirates has made remarkable progress toward digitizing its judicial systems, including the electronic conclusion of marriage contracts through official platforms. However, there remain numerous legal issues associated with these contracts, which can be summarized as a series of challenges, the most significant of which is the issue of verifying identity and legal capacity. Although the competent authorities rely heavily on digital verification methods to verify the identity of the contracting parties and their capacity (such as age and consent) to enter into the contract, there are issues in verifying that these conditions are met in the event of a technical failure or the use of unreliable verification methods. According to UAE law, this is considered one of the fundamental conditions for the validity of a contract (Al-Qubaisi, 2021).

Another challenge relates to the issue of meeting the legal requirements for a marriage contract, as the offer and acceptance, the presence of a qualified guardian, and two witnesses are essential elements of a marriage contract in the United Arab Emirates. In an electronic environment, difficulties may arise in verifying that these conditions are met, particularly with regard to confirming the witness's presence and whether they heard the offer and acceptance (Al-Katbi, 2020).

Another challenge is the issue of electronic documentation and its evidentiary value, as the Electronic Transactions and Digital Trust Law of the United Arab Emirates regulates the matter of electronic signatures and their acceptance. However, the challenge lies in determining whether certain authorities or parties will accept electronic signatures in personal status cases, particularly when these signatures are created outside a government-approved platform (Al-Hammadi, 2022).

In addition, the issue of jurisdiction and applicable law arises. If two individuals from different countries enter into a marriage agreement electronically, problems may arise regarding the appropriate jurisdiction and the legal regulations that will apply in the event of a dispute (Al-Shamsi, 2021).

The issue of personal data protection and privacy is considered a high-priority challenge, particularly with regard to sensitive information such as personal data and family information. This raises challenges regarding how to securely protect such information from breaches or misuse, despite the existence of numerous modern data protection regulations (Al-Mansouri, 2023).

Finally, there is the issue of ensuring the seriousness of the marriage and verifying genuine consent, as well as the absence of any impediments to free will, such as coercion. It is sometimes difficult to determine whether the person giving consent did so voluntarily, without coercion or compulsion, especially when there is no direct communication between the parties. (Al-Naimi, 2020).

On the other hand, and generally speaking, there are some social challenges associated with online marriage, as there is still a lack of social acceptance of the idea of online marriage. Many people continue to have concerns about the legality of online marriage, which may hinder its acceptance in society.

IV. CONCLUSION

With the availability of technology in the modern era, it has become clear that its use in marriage is

permissible under Islamic law, provided that the conditions of an Islamic marriage are met. Furthermore, the law of the United Arab Emirates recognizes such marriages and establishes a legal framework to regulate them and define their legal consequences. However, the existence of official documents remains a matter of debate, as this protects the rights of the spouses and does not invalidate the conditions of marriage but rather enhances the ability to fulfill them.

It is therefore recommended to promote electronic identification methods to verify individuals' identities through the use of e-ID; improve citizens' legal awareness within communities; develop a more comprehensive international law to establish a common legal framework; and utilizing contemporary technology to facilitate verification through digital signatures; and improving controls to mitigate any potential manipulation or fraudulent activity.

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