

 **Digital Transformation and Smart Contracts in Islamic Marriages**

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## Overview

In any Dubai government office today, digital queues, instant approvals, and transactions are sealed in minutes. The transformation agenda in the United Arab Emirates (UAE) is clear. With the Emirates Blockchain Strategy 2021 targeting 50% of government transactions on blockchain platforms by 2025, family law services are not far behind.

Abu Dhabi alone issued over 7,000 digital marriage contracts between October 2022 and December 2023, demonstrating that digital marriage processes have moved beyond theoretical discussion into practical implementation. What remains novel is the application of blockchain technology and smart contracts to Islamic marriage law, a convergence that demands careful legal navigation.

The legal foundation already exists as follows:

- Federal Decree-Law No. 41/2024 On the Issuance of Personal Status Law.
- Federal Decree-Law No. 46/2021 On Electronic Transactions and Trust Services.
- Dubai Law No. 4/2022 Regulating Virtual Assets in the Emirate of Dubai.

This Practice Note examines how blockchain technology can interact with Sharia requirements, the mechanics of smart contracts and digital mahr, and the persistent challenges around privacy, regulatory compliance, and cross-border recognition.

## Definitions

- *Blockchain*: A secure, tamper-proof digital ledger where each transaction is verified by multiple computers.
- *Digital mahr*: A dower executed through cryptocurrency, digital assets, or tokenised property.
- *DIFC*: Dubai International Financial Centre.
- *E-marriage*: Electronic marriage.
- *Nikah*: The Islamic marriage contract requiring an offer (ijab) and acceptance (qabul).
- *MOJ*: Ministry of Justice.
- *Ijab wa qabul*: The Islamic contractual offer and acceptance that forms the legal basis of marriage contracts.
- *ID*: Identity document.
- *Smart contract*: Self-executing code that enforces agreed terms when specified conditions are met.
- *VARA*: Virtual Assets Regulatory Authority, which is the UAE body that oversees cryptocurrency and digital assets.
- *UAE*: United Arab Emirates.
- *Zero-knowledge proof*: A cryptographic method that verifies a fact without revealing underlying details.

## Practical Guidance

Imagine logging onto your phone to attend your own wedding, signing a contract via facial recognition, and exchanging a dowry in cryptocurrency. In the UAE, where digital innovation meets deep-rooted traditions, this vision is not as far-fetched as it once seemed. While some elements of digital marriage processes are already possible under current UAE law, full blockchain-based Islamic marriages represent an emerging frontier that requires careful legal navigation. For lawyers advising on Islamic marriages conducted via smart contracts or blockchain systems, the challenge is walking the tightrope between technological ambition and Sharia compliance.

### Can a digital marriage can still be a valid Islamic marriage?

#### *Sharia law principles*

Before diving into blockchain code, Sharia law and UAE personal status legislation must be considered.

A valid Islamic marriage, whether inked on paper or code, requires the following:

- A clear offer and acceptance (known as ijab wa qabul).
- Presence of two qualified Muslim witnesses (articles 26(5) and 27 of Federal Decree-Law No. 41/2024). Under Hanafi jurisprudence, two male witnesses or one male and two female witnesses suffice. Other schools generally require two male Muslim witnesses. Contemporary scholars debate whether remote video witnesses satisfy this requirement in digital ceremonies.
- Consent of the guardian (wali) (in some cases, as required under articles 18(2) and 21 of Federal Decree-Law No. 41/2024).
- A clearly defined mahr (dowry).

These aren't just formalities, they are core religious obligations under Federal Decree-Law No. 41/2024. Even in the digital age, these cannot be bypassed.

At the same time, the marriage must comply with Federal Decree-Law No. 46/2021. That means the digital platform used must support secure electronic signatures (e-signatures) and authenticated documents that courts can recognise under articles 5, 7, 8 and 10 of Federal Decree-Law No. 46/2021.

A critical principle is to treat the smart contract as a tool, and not a replacement, for the religious and legal structure of the marriage. That distinction must be crystal clear to all parties.

*Verify who is saying “I do”*

No marriage is valid without the right parties involved. Lawyers must ensure both individuals:

- Meet the minimum age (usually 18 under article 19 of Federal Decree-Law No. 41/2024). Article 19(1) of Federal Decree-Law No. 41/2024 establishes 18 Gregorian years as the minimum legal age for marriage. Article 19(2) of Federal Decree-Law No. 41/2024 permits documentation of marriage for those under 18 only with court authorisation, provided that the court verifies that the marriage serves the person's interest and complies with controls and procedures determined by a Cabinet Resolution. This provision maintains judicial discretion while requiring stricter procedural safeguards compared with the previous law. Article 19(5) of Federal Decree-Law No. 41/2024 introduces an additional protective measure that if the bride is a virgin and the age difference between her and the groom exceeds 30 years, the marriage cannot be concluded without court authorisation. These provisions balance respect for individual circumstances with protection against potential exploitation, particularly concerning minors and significant age disparities.
- Have the mental and legal capacity to marry (article 19 of Federal Decree-Law No. 41/2024).
- Are religiously eligible (especially in interfaith cases as per Articles 32(6) and 32(7) of Federal Decree-Law No. 41/2024).

Using UAE Pass and emirates identity documents (ID), digital systems can quickly verify marital status, whether single, divorced, or widowed, and can cross-check with court records. However, handling this personal data must comply with Federal Decree-Law No. 45/2021 On the Protection of Personal Data. Federal Decree-Law No. 45/2021 requires consent for processing personal data (articles 4 and 6 of Federal Decree-Law No. 45/2021), grants all data subjects, information and control rights (article 13 of Federal Decree-Law No. 45/2021), and mandates appropriate security measures including encryption and technical safeguards (article 20 of Federal Decree-Law No. 45/2021). Smart contracts must enable consent withdrawal and data deletion while maintaining compliance with these requirements.

## Can the dowry be digital?

Traditionally, the mahr must be something tangible and valuable (mal mutaqaawim). Increasingly, couples are offering digital assets like cryptocurrency or tokenised shares.

But the catch is that not all digital assets qualify under Islamic law. The key is ensuring the following:

- The asset has real, ownable value (such as Bitcoin or Ethereum with established market value).
- It does not involve interest (riba) or uncertainty (gharar).
- All digital assets must comply with Dubai Law No. 4/2022. Dubai Law No. 4/2022 establishes comprehensive regulation of virtual assets within Dubai's jurisdiction (excluding the Dubai International Financial Centre (DIFC)), creating the Virtual Assets Regulatory Authority (VARA) to oversee the industry. The regulatory framework distinguishes between different types of virtual assets and establishes licensing requirements for virtual asset service providers. For mahr purposes, only virtual assets with verifiable market value and compliance with applicable regulations would typically satisfy Islamic requirements. Note that virtual asset regulation in the UAE is currently jurisdiction-specific, with separate frameworks in the Abu Dhabi Global Market (ADGM) and DIFC.

For more complex tokenised assets, such as real estate tokens or investment funds, further scrutiny is needed under the Dubai Land Department and the Securities and Commodities Authority framework.

It is best practice to utilise only VARA-licensed exchanges and obtain scholarly approvals (fatwas) for innovative mahr structures from recognised Islamic jurisprudence authorities. Only virtual asset service providers licensed by VARA may facilitate mahr transactions involving digital assets. Current licensed providers are listed on VARA's official website with regular updates.

## Privacy matters: Both legally and religiously

Islam places a high value on privacy (sitr), especially in matters of family life. At the same time, data laws demand strict handling of sensitive information.

Best practices include:

- Encrypting all personal and financial data using industry-standard protocols.
- Using privacy-preserving verification methods that confirm identity without exposing unnecessary personal details.
- Granting access only to parties who need it (e.g., family or legal guardians, or authorised officials).
- Full compliance with Federal Decree-Law No. 45/2021. Article 4 of Federal Decree-Law No. 45/2021 establishes lawful processing grounds. Article 6 of Federal Decree-Law No. 45/2021 governs consent requirements. Article 13 of Federal Decree-Law No. 45/2021 establishes data subject information rights including access to processing details and

correction or deletion procedures. Article 20 of Federal Decree-Law No. 45/2021 requires technical and organisational security measures to protect personal data.

For UAE residents who are foreign nationals, additional care may be needed to meet requirements of the [General Data Protection Regulation \(GDPR\)](#)<sup>[1 p.10]</sup> if they are European Union (EU) citizens, and other international data protection standards.

## Link to the system

A smart contract alone does not mean an individual is legally married. It must connect to the UAE's official systems.

Ensure digital process integrates with:

- The [electronic marriage \(e-marriage\) registration system](#)<sup>[2 p.10]</sup> at the Ministry of Justice (MOJ) (through the MOJ portal).
- Personal Status Department records maintained by local courts.
- Emirates ID and civil registration systems for future authentication.
- Banking systems for mahr transfer documentation.

Automated documentation generation is essential for efficiency, but judicial oversight remains mandatory, especially where religious interpretation is required under Federal Decree-Law No. 41/2024.

## Built-in dispute resolution

When disagreements arise, the system should support traditional Islamic dispute resolution methods. Mediation (wasata) and reconciliation (islah) should be prioritised before triggering formal court proceedings, as supported by the Family Conciliation Centre.

Smart contracts can be programmed to:

- Automatically pause financial transactions during active disputes.
- Securely store evidence and communications for potential court review.
- Facilitate mediation through encrypted communication channels.
- Generate detailed audit trails for transparency for complex religious matters, and human scholars, not algorithms, must have the final say.

However, for complex religious matters requiring interpretation of Islamic jurisprudence, qualified Islamic scholars and the Family Court, not algorithms, must have the final authority.

## What If the couple lives abroad?

Many expat clients ask whether a blockchain-based Islamic marriage in the UAE can be recognised in their home country.

That depends on multiple factors. Lawyers must:

- Confirm recognition requirements in the clients' home jurisdiction. While the UAE participates in various international conventions affecting personal status recognition, blockchain-based marriages may face scrutiny in jurisdictions lacking specific electronic marriage legislation. Practitioners should consult local counsel in relevant foreign jurisdictions.
- Address cross-border estate planning complications if the mahr includes digital assets.
- Manage international data transfers and asset ownership in compliance with foreign laws.
- Consider attestation requirements for digital marriage certificates.

Dual nationals may be subject to the most restrictive status regime of both countries and must ensure the UAE process satisfies requirements under both legal systems.

## Al Sanhoury's theoretical framework

Abdel Razzaq Al Sanhoury, architect of modern Arab civil law, provides crucial theoretical grounding for digital Islamic marriages. In his seminal work *Al-Wasit fi Sharh al-Qanun al-Madani* (volume 2), Al Sanhoury characterises marriage as a dual-natured contract which is simultaneously spiritual in essence and civil in effect. Al Sanhoury addresses marriage as a hybrid contract, providing theoretical foundations that synthesise Islamic jurisprudence with modern civil law principles, influencing legal codification throughout the Arab world.

### *Beyond commercial contracts*

Unlike purely commercial agreements governed by private autonomy, marriage encompasses both private rights (spousal obligations) and public order concerns (inheritance, lineage, societal cohesion). This duality means smart contract developers must satisfy both religious authenticity and civil law requirements. With regard to a dual-natured contract theory, this

conceptual framework addresses the fundamental tension between religious obligations and civil enforceability, which is a critical consideration for blockchain marriage systems that must satisfy both spiritual authenticity and legal effectiveness.

#### *Substantive, not procedural*

Most critically for digital applications, Al Sanhouri emphasises that Sharia marriage conditions (a clear offer and acceptance (ijab wa qabul), legal capacity, witness presence, guardian consent, and mahr specification) are substantive requirements, not procedural technicalities. These conditions serve protective purposes, ensuring genuine consent, preventing coercion, and maintaining transparency. Al Sanhouri's classification establishes that Islamic marriage conditions serve essential protective purposes that cannot be eliminated through technological streamlining. Smart contracts must demonstrate enhanced rather than reduced protection for these underlying principles.

This distinction is crucial for smart contract design. Digital systems must demonstrate that they enhance rather than diminish these protections. Technological efficiency cannot justify compromising the underlying principles these requirements serve.

#### *UAE legal influence*

Al Sanhouri's framework echoes in Federal Decree-Law No. 41/2024, particularly its treatment of Islamic marriage conditions as substantive rather than formal requirements. Articles 19, 21 and 25 of Federal Decree-Law No. 41/2024 reflect his emphasis on substantive compliance over mere procedural adherence (article 25 of Federal Decree-Law No. 41/2024 (terms of offer and acceptance), article 21 of Federal Decree-Law No. 41/2024 (guardian consent requirements) and article 19 of Federal Decree-Law No. 41/2024 (capacity requirements)).

#### *Digital innovation framework*

Al Sanhouri's analysis suggests modern technologies can legitimately integrate into marriage processes if they:

- Enhance transparency in marital agreements.
- Strengthen consent verification mechanisms.
- Improve protection for vulnerable parties.
- Facilitate rather than replace essential human oversight.

This validates smart contract integration while establishing clear parameters. Digital innovations must strengthen, not weaken, the substantive protections Islamic law requires.

## **Future outlook: E-marriages and blockchain integration**

The UAE has positioned itself at the forefront of digital governance transformation. In family law, this leadership is most evident through e-marriage platforms including Abu Dhabi's comprehensive judicial e-services and Dubai Courts' smart marriage systems. Contemporary couples can submit applications, upload supporting documentation, and conduct certain proceedings remotely, reflecting the country's broader strategic objective of eliminating paper-based bureaucratic processes.

However, the digital evolution extends beyond current e-marriage capabilities. Blockchain technology presents compelling possibilities for family law practice as follows:

- **Immutable record keeping:** Marriage contracts stored on blockchain networks could eliminate tampering or fraudulent alteration risks, ensuring permanent validity and authenticity of marital documentation.
- **Enhanced cross-border recognition:** Expatriate couples could benefit from internationally verifiable contracts without requiring repeated diplomatic attestations or complex authentication procedures. While blockchain provides immutable record-keeping, international recognition depends on bilateral treaties and the receiving countries' electronic marriage laws. The UAE's participation in various international conventions may facilitate recognition, but practitioners should verify requirements in specific jurisdictions.
- **Automated mahr execution:** Dower obligations and deferred payment structures could theoretically be encoded into self-executing smart contracts, providing automated compliance with Islamic financial obligations.

## **Persistent challenges**

Significant obstacles remain. Islamic marriage fundamentally requires genuine intention (niyyah), informed consent, and meaningful human presence which are spiritual elements that blockchain technology cannot authentically replicate. A critical jurisdictional question persists in that would blockchain-registered marriages achieve recognition in other Muslim-majority countries, or merely serve as supporting evidence for traditional registration processes?

Data privacy compliance, particularly under Federal Decree-Law No. 45/2021, presents additional complexity for blockchain implementations involving sensitive family information. Article 20 of Federal Decree-Law No. 45/2021 requires data controllers to implement appropriate technical and organisational measures. Blockchain's immutable nature may conflict with data subjects' rights to rectification and erasure, requiring careful system design and potentially off-chain storage solutions.

## **Strategic vision**

The UAE's ambitious Blockchain Strategy 2031 suggests that blockchain integration into family law registries remains a realistic possibility rather than speculative theory. Building on the 2021 strategy, this expanded vision aims to position the UAE as a global blockchain capital by 2031, with potential applications across all government services including family law registries

and personal status documentation systems. For the immediate future, digitalisation enhances operational efficiency while preserving the human and spiritual dimensions that continue to anchor the Islamic marriage process.

## Conclusion

Smart contracts may operate through digital code, but Islamic marriage remains profoundly human, rooted in faith, mutual commitment, and community bonds. For legal practitioners in this emerging field, the role transcends traditional legal interpretation, requiring practitioners to bridge disparate worlds namely Sharia and software, tradition and innovation, spiritual significance and technological efficiency.

As the UAE consolidates its position as a global leader in both Islamic finance and blockchain technology, practitioners who master this intersection will provide indispensable guidance to clients navigating the evolving landscape of digital family law.

## Related Content

### Legislation

- Federal Decree-Law No. 41/2024 On the Issuance of Personal Status Law
- Federal Decree-Law No. 46/2021 On Electronic Transactions and Trust Services
- Dubai Law No. 4/2022 Regulating Virtual Assets in the Emirate of Dubai
- Federal Decree-Law No. 45/2021 On the Protection of Personal Data

### International Regulations

- [General Data Protection Regulation \(GDPR\)](#)<sup>[1 p.10]</sup>

### Websites

- [Ministry of Justice Portal \(e-marriage registration system\)](#)<sup>[2 p.10]</sup>
- [Emirates Blockchain Strategy 2021](#)<sup>[3 p.10]</sup>

### Books

- Al-Wasit fi Sharh al-Qanun al-Madani (volume 2), Abdel Razzaq Al Sanhoury

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### **Biography**

Tareq Saeed Al Shamsi is a well-known Emirati advocate, Co-Founder, and Executive Chairman of SAT & Co. In this capacity, he guides the firm's overarching strategy and ensures excellence in its day-to-day operations. As a licensed Private Notary Public, he provides authoritative notarial services to support the firm's wide-ranging legal practice.

Holding full rights of audience before all courts in the UAE, Tareq leverages over twenty years of comprehensive legal experience gained from working with top-tier domestic and international law firms, including Baker McKenzie. He is particularly distinguished for his expertise in navigating complex financial crime cases such as fraud, money laundering, embezzlement, extradition, cybercrime, and terrorism-related offenses. His legal practice also covers multifaceted civil and commercial disputes, often with intricate cross-jurisdictional elements and considerable financial implications.

Tareq's legal work frequently aligns with wider regulatory and legislative frameworks, establishing him as a key contributor to the ongoing development of the UAE's legal system. He is passionate about fostering legal talent, actively mentoring next-generation lawyers, and maintains membership in the Emirates Association for Lawyers. His sharp judgment, strong advocacy, and firm dedication to client interests have earned him recognition as a leading figure in the UAE legal arena.



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Hussam Alghofari Alomda is a highly respected Legal Advisor at SAT & Co, with over eighteen years of distinguished legal service spanning Sudan and the United Arab Emirates. A certified member of the Sudanese Bar Association with formal

training at the Police Academy, Hussam has served as Legal Counsel to the Sudan Advocates Admission Committee and as a Judge handling complex cases in criminal, civil, commercial, and family law.

At SAT & Co, his expertise focuses on family, commercial and civil law. He is especially knowledgeable in Sharia Law areas such as Islamic wills, inheritance, Islamic banking and finance, as well as family law issues like guardianship, custody, divorce, and marriage contracts that follow Islamic principles. Hussam is also proficient in navigating construction disputes and cross-border civil litigation, bringing a nuanced understanding of multi-jurisdictional legal frameworks.

Throughout his career, Hussam has mediated numerous high-profile family disputes, influenced landmark judgments in international commercial law, and secured significant victories in complex banking and civil cases. His systematic, client-focused approach has yielded an impressive success rate exceeding 95%. Hussam's ongoing pursuit of knowledge in arbitration and dispute resolution exemplifies his dedication to advancing legal practice and delivering exceptional results for his clients.



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Tanya is an Associate Member of the National Association of Licensed Paralegals (UK), holding NALP certification and currently advancing her legal expertise through ongoing studies in UK law. She plays a pivotal role in preparing and coordinating legal documents essential to high-stakes litigation and dispute resolution. Tanya actively supports case strategy through document management, bilingual court submissions, and coordination of jurisdictional matters in DIFC and Dubai Courts, while also actively contributing to esteemed legal publications.

Her competence covers numerous legal fields including dispute resolution, employment and family law, real estate tenancy, corporate and commercial law, and arbitration.

## Notes

1. <sup>^</sup> [p.5] [p.7] <https://gdpr-info.eu/>
2. <sup>^</sup> [p.5] [p.7] <https://www.moj.gov.ae/en/services/services-categories/general/request-for-marriage-contract.aspx>
3. <sup>^</sup> [p.7] <https://u.ae/en/about-the-uae/strategies-initiatives-and-awards/strategies-plans-and-visions/strategies-plans-and-visions-until-2021/emirates-blockchain-strategy-2021>