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INFORMATION NOTE:

OVERVIEW ABOUT THE LEBANESE LAW OF MARRIAGE

Prepared by Consular Section Beirut

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In Lebanon, 18 different religious sects are officially recognized by the laws of Lebanon, four are Islamic, one Israeli and the others are all Christian sects. As a general rule, the basic criterion to resolve an internal conflict of laws and jurisdiction between these religious families is the faith of the involved person. If the prospective spouses are from different sects or even from different religions the marriage will be organised by the competent religious authority of the prospective husband, unless otherwise expressly stated by the parties to the marriage.

a marriage between a Muslim Sunni (husband) and a Christian wife (will take place in front of the Sunni Sharia Court, applying rules that are of Muslim religious inspiration. (even if the wife is from a foreign nationality)

Based on the aforementioned law on family rights and the law organizing the Sharia courts of 1962, the basic rules regarding Marriage in Lebanon are:

1- **The Formalities of the Marriage agreement.**

When the marriage involves a foreign national, he or she needs an authorization from the “Suretée Générale” the competent police on the matter of immigration. the agreement must be organized in front of at least two witnesses (who must be men). It is organized by the Sharia Judge or by any of his legally authorized representatives who can sign the agreement. A certificate of marriage is then issued by the court and signed by a judge and it is then registered in the Governmental registries. The Law on family rights recognizes expressly the right of a man (and only the man) to have up to four wives (polygamy). But it is also clearly stated that the parties can include in their marriage contract a condition of non-remarriage.

2- The Main obligations occurring from the marriage

As any contract, marriage generates obligations to its parties. These obligations can be divided into two kinds, the first kind of rights and obligations are the ones generated between the spouses themselves The second kind are the ones generated between the spouses regarding their relations with their minor Children.

For the obligations generated between the spouses themselves, the most important factors to consider are the following:

- The obligation of Residence

In this obligation the husband has to find a proper residence for his wife and the wife has to follow her husband to this proper residence.

A wife who refuses to follow her husband to the proper residence without a good cause is considered to be *Nashez* (A rebel) and she loses her right to alimony and in some cases can her right in the deferred dowry can be affected (*Mahr*).

A wife cannot be asked to follow her husband to the proper residence unless he has already paid the dowry or part of it, if there is another part which is deferred. One spouse does not have the right to bring anybody to live in the marital residence without the consent of the other spouse.

- The Maintenance

This is one of the most important rights of the wife. Alimony in Islam includes food, clothing and the residence. The spouses have inheritance rights from each other. As a general rule in the Islamic laws of inheritance, men have twice the rights of women.

The wife is not entitled to inherit anything from her husband if she is not Muslim! But she can always be a legatee, knowing that a person can give up 1/3 of his assets to non inheritors.

As for the obligations generated between the spouses regarding their relation with their minor Children:

There are three periods in their relations with their Children. These are the Milk feeding period (from 0-2 years), the *hadana* period (up to 12 years if the mother is a Muslim) and the tutelage period. Basically during the first two periods children stay within their mother's custody and then custody is transferred to the father in the third period ().

Under Lebanese law a child cannot leave the country without the prior consent of his tutor (usually the father). Should the tutor not want the child to leave the country he can make a simple request to the Sharia court for a travel ban to be placed on the child. The ban will be implemented on the border police computer systems and will prevent the child leaving the country. Normally only the person who has requested the travel ban can ask for it to be lifted. Travel bans can also be placed on the wife and/or mother of the child.

in Lebanon the law allows for the civil jurisdiction to issue a protection order for the child that prevails over the religious court decision in matters of enforcement. This court will always try to keep the child in a familiar environment- basically with the other parent, grandparents etc...

3- The termination of the marriage

The marriage is terminated either by the death of one of the spouses or by Divorce.

During any conflict in front of the Sharia Court, it is common practice **to have a travel ban decision issued against the defendant. The defendant can challenge this decision** by appearing and by giving a statement to the court or lawyer or by providing financial security to the other party, especially if the case is involving maintenance or child alimony.

Regulations regarding the conflict of laws.

- In the case of a double marriage in Lebanon and in the UK.

Most courts in Lebanon agree that when two marriages are in conflict, the religious marriage will always prevail over a civil marriage, no matter when the marriages took place..