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## LEBANON

### Preliminary Basic Points to Be Considered

- Unique political and religious system in Lebanon.
- Equality in Lebanese Constitution whereas practically, Lebanon is a religious country.
- Multiparty and sectarian legal system.
- There are two main religions: Muslims and Christians. Inside each religion, there are sects.
- More than 18 Sects and 15 Religious Laws.
- Each one has its own laws managed separately and independently.
- Family Laws in Lebanon since 1926 – Christians (1959)
- Family Law Procedures are governed by Personal Status Law of 1951 and its amendments.

### 1. What are the minimum requirements for a ceremony to become a legally valid marriage? Are they different for Muslims and non-Muslims?

- The Lebanese Laws consider marriage as a contract between 2 parties which requires the full consent and will to enter into to be binding and enforceable. Bilateral Contract-Live together and form a family – Social Sacred System.
- Lebanese laws require two type of requirements: formal and objective.
- Age 18 – 15
- To be registered in one month from its date.
- Muslim Marriages
- Christian Marriages
- Civil Marriages are not permitted under the Lebanese Laws; however, Lebanon recognizes the civil marriages done outside Lebanon.
- The Lebanese Civil Courts can hear any dispute as long as it does not contradict with another religious law but with exception to Muslims where the Islamic Courts have the exclusive right to hear any dispute if the parties are Muslims.

### 2. How does a party get a foreign marriage or divorce recognized?

- Applicable on both religious and civil marriages.
- Lebanese marrying outside Lebanon must register the contract at the embassy or consulate.

- Then the documents are forwarded through diplomatic channels to Lebanon to be registered in the governmental records of the Ministry of Interior as per the religion of the parties.
- Certificate of marriage or divorce will be issued and new identity cards also.
- No specific validity of the document -no need to renew.

**3. Does a pre or post-nuptial agreement have any weight following a divorce?**

- No, in religious marriages.
- The Religious Laws prevail.
- Yes, in civil marriages
- The civil courts have the right to hear any dispute as long as it does not contradict to any religious law and excludes Muslims.

**4. Are there separate court systems for different religious groups seeking a divorce?**

- Yes, as we said before, Lebanon has more than 18 religious sects and 15 religious laws.
- Each religion has its own and separate courts and stages that are presided by clerical judges and not civil judges.
- Muslims: Own independent courts.
- Druze: own independent courts.
- Christians: Catholics and Maronites : Own independent Courts. First Degree judgments are appealable in Vatican with specific court known as ROTA Court Vatican Court of Appeal – part of the tribunals of the Holy See and Vatican City which is made up of 15 clerical judges. It applies the Canon Law which was the basis of the Corpus Juris Civilis Law (Latin) of Justinian and which is considered the source of the civil law legal tradition.
- Just to mention that on November 8, 2018 Pope Francis appointed Maria Fratangelo as the first woman to hold the position of defender of the bond of the Roman Rota.
- Christian Orthodox Courts.

**5. How does a spouse get jurisdiction for divorce proceedings?**

- Location or place of the marriage registry irrespective of nationality or religion. Jurisdiction of territory.
- Jurisdiction for Lebanese laws and courts.

- The Non-Muslim Courts Section in Dubai for example accept to hear divorce cases, maintenance and custody based on the Lebanese Laws between Lebanese parties.
- Unique feature of UAE demonstrating tolerance, openness and forgiveness.

**6. What, if any, financial remedies are available to each spouse during the marriage?**

- Maintenance Fees.
- Decent living and life based on the income of the husband.
- Wife can claim from her husband.
- Husband cannot claim from his wife.

**7. At what point (pre, during or post-divorce) does a spouse make a claim for financial relief?**

- In the beginning of a dispute or during- anytime. But, not after closing of the proceedings.
- Interim order to pay the wife monthly maintenance fees.
- Nature of such decision is the immediate enforceability before the Civil Execution Judges.

**8. What, if any, financial remedies are available following a divorce?**

- The final court judgements deal with all of these matters as consequence of termination the marriage and declaration divorce.
- The divorce case is considered the main case and as a result of the termination of the marriage. Consequently, the court hears matters and disputes related to maintenance, custody and compensation.

**9. Are there different applicable laws/principles to different religious groups? If so, where are the differences most stark?**

- Yes, more than 18 religious sects and 15 religious laws.
- For example, inheritance cases.
- For Muslims the male inherits double of that of the female in compliance with the Sharia Laws.
- As for Christians they are equal.
- Both Muslims and Christians are Lebanese.

**10. What areas are the most controversial and requiring or awaiting reform?**

- Patriarchal Society.
- Gender identity issues.
- Women rights- Custody.
- Human rights – marriages to be 18 for both males and females.
- Optional Marriage Law between civil and religious.
- Marriages between Lebanese and other nationalities.
- Request for a new modern civil law.