

An Overview of Sharia law



Posted 10 Nov 2023

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Sharia law is the system of religious laws within Islam and is derived from the Qur'an. It deals with all aspects of a Muslim's life, ranging from family and financial matters to personal hygiene and clothing. It is increasingly used in parallel with the UK judicial system. There are around 30 Sharia "councils" in the UK but these are not courts of law. The Sharia councils' decisions are based on Islamic religious laws and cannot overrule the decisions of UK courts or make decisions that are contrary to UK law.

How is Sharia law practised?

It deals with just about every aspect of a Muslim's daily life. The whole objective of Sharia is to promote human welfare.

The basis essence of Sharia law can be placed in five categories as now set out below:

- a. Obligatory actions
- b. Recommended actions
- c. Disliked actions
- d. Forbidden actions
- e. Permitted actions

Where issues arise, the Sharia Council gives rulings to Muslims and provides them with advice based on the interpretation of Sharia law.

How is Sharia Law practised within the UK regulatory and legal framework?

In the UK, Sharia law is mostly applied in the context of family matters.

There are two main UK organisations dealing with matters related to family Sharia law. The first is the Islamic Sharia Council (ISC). This is a British organisation that provides rulings and advice to Muslims in accordance with its interpretation of Islam. It primarily handles cases of marriage and divorce and, to a lesser extent, business and finance. Thousands of Muslims have turned to the Council to resolve family and financial issues. The council has no legal authority in the UK and cannot enforce any penalties; many Muslims would appear voluntarily to accept the rulings made by the ISC.

Secondly there is the Sharia Council UK which deals with matters related to marriage and divorce, as well as providing services such as mediation, judicial consideration and conciliation.

One may say however that Sharia councils have an unfavourable reputation in the UK. There have been growing concerns that Sharia councils are operating in a discriminatory, illegal and in an unacceptable way towards women.

Almost all of the Sharia councils were established to enable Islamic divorces for Muslim women who seek the counsel of an elder when the husband doesn't consent to the breakup of the marriage. Since there have been cuts to legal aid, making divorces more expensive, the number of married couples turning to Sharia councils are on the rise, posing a serious threat to Muslim women. Sharia councils are accused of operating a "parallel legal system" in the UK, but their rulings have no legal validity, nonetheless they do act in a decision-making capacity. Currently, there is no reliable statistic on the number of Sharia councils in England and Wales: estimates vary between 80-85 and they are growing in number as British Muslims seek Sharia councils to settle their disputes.

Across the past few decades serious concerns have arisen about the cultural and religious practices in Muslim communities. The Independent Review into the Application of Sharia Law in England and Wales issued by Britain's Home Department in February of 2018 was purposefully set up because sharia councils were deemed "discriminating against women".

If you have any questions relating to Sharia law, please don't hesitate to get in touch with our team.