NAHEED GHAURI

Islamic Shar'iah Law with particular references to women in the UK

My research involves the Islamic Shar'iah Law with particular references to women in the UK. I will be looking at this in light of the recent implementation of the Shari'ah Law for the first time in the UK since 2008 under the Arbitration Act 1996 and the Islamic Rulings are enforceable with full power through the County Courts or High Courts. I will examine the system with reference to case studies and judgements from the Shari'ah Courts in the UK; this will be done by going through all the judgements to real case law studies from my practice as a family lawyer to interviewing women, men and religious advisors.

It will examine the Divine (Shari'ah) Law and whether it gives greater protection to women and their human rights than UK domestic law.

One of the important matters to be addressed is the comparative analysis and position of women in the three monotheistic faiths; the present UK trends show that many English people are now resorting to Shari'ah Courts, what could possibly be the reasons behind this? Could it be that it is a fairer system or could it be that people have lost confidence in the UK legal system. My research will be reviewing the new process of Shari'ah Courts in the UK and compatibility.

Many think women are simply oppressed under Islam in one way or another; I will make particular reference to the original sources and in particular, the Qur'an and Hadith (Teachings of the holy Prophet Muhammad) and demonstrate that women are equal to men in Qur'an, some say they are not. I will attempt to identify the groups of women that suffer injustice and draw a comparison between Islam and the West.

Can Shari'ah law be implemented into domestic law rather than the Arbitration Act 1996 and what are the critics of doing so? Is it possible to use Islamic law in the interests of seeking justice for women and is it possible to combine the very best for women from all of the interpretations of the Qur'an; most would say it is a political decision, then how can lawyers open new avenues to implement such decisions.

Already, people have lost confidence for example, in capitalism; more and more people are now turning to Islamic Shari'ah compliant banking system rather than resorting to conventional banking, likewise, more and more people are now turning to Shari'ah Courts and this research will attempt to address these questions through empirical and case study law.

Finally, it will conclude and suggest that researchers need a continuous critical examination of the systems from both participants and researchers' sides.

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