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## **Russia's Legal Policy Against Diaspora Marriages in Muslim Communities**

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**Abstract:** This article discusses the politics of marriage law in the Russian Muslim diaspora. The Muslim community in Russia faces challenges in carrying out their marriage according to the principles of the Islamic religion amidst the legal regulations in force. This article analyzes the political development of marriage law in the Russian Muslim diaspora, including the recognition of Islamic marriage law, the settlement of legal conflicts between Islamic marriage and state law, and the role of Islamic organizations in safeguarding Muslim marriage rights. This article also presents case studies, examples of legal marriage practices in the Russian Muslim diaspora, and obstacles and solutions encountered in dealing with different legal regulations. This study uses normative research methods. Conceptual, literary and sociological approaches are used in normative or doctrinal research. Data analysis in this study used qualitative analysis methods. The results of the study state that there are political implications of the marriage law of the Russian Muslim diaspora, in addition to the challenges and opportunities in fulfilling the elements of the rights of the Muslim community in Russia. Therefore, it is expected to contribute to broadening the understanding of the politics of marriage law in the Russian Muslim diaspora and exploring issues related to Muslim marriage rights in the context of that country.

**Keywords:** Legal Politics; Diaspora; marriage

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**Abstrak:** Artikel ini membahas politik hukum pernikahan di diaspora Muslim Rusia. Masyarakat Muslim di Rusia menghadapi tantangan dalam menjalankan pernikahan mereka sesuai dengan prinsip-prinsip agama Islam di tengah peraturan hukum yang berlaku di negara tersebut. Artikel ini menganalisis perkembangan politik hukum pernikahan di diaspora Muslim Rusia, termasuk pengakuan hukum pernikahan Islam, penyelesaian konflik hukum antara pernikahan Islam dan hukum negara, serta peran organisasi Islam dalam menjaga hak-hak pernikahan Muslim. Artikel ini juga menyajikan studi kasus dan contoh praktik hukum pernikahan di diaspora Muslim Rusia, serta kendala dan solusi yang dihadapi dalam menghadapi peraturan hukum yang berbeda. Penelitian ini menggunakan metode penelitian normative legal research. Dalam penelitian normatif atau doktrinal ini digunakan pendekatan konseptual, literatur dan sosiologis. Analisis data dalam penelitian ini menggunakan metode analisis kualitatif. Hasil penelitian menyatakan bahwa terdapat implikasi politik hukum pernikahan diaspora Muslim Rusia, selain adanya tantangan dan peluang dalam pemenuhan unsur hak-hak masyarakat muslim di Rusia. Oleh karenanya, diharapkan kontribusi dalam memperluas pemahaman tentang politik hukum pernikahan di diaspora Muslim Rusia dan menggali isu-isu yang berkaitan dengan hak-hak pernikahan Muslim dalam konteks negara tersebut.

**Kata Kunci:** Politik Hukum; Diaspora; pernikahan

## Introduction

More than a thousand years ago, people in the region that is now Russia began to practice Islam. This history covers the periods during which Muslim peoples ruled, such as the Khazar Empire, the Tatars, and the Ottoman Empire. The religion of Islam has played a significant role in the development of the people who live in this region's history, culture, and identity for many centuries. The number of Muslims living in Russia is not insignificant at all. Islam is considered one of Russia's main religions according to the most recent data, which projects that more than 18.3 million Muslims are living in the nation by the year 2020. This represents 13.3% of the total population of Russia. It is anticipated that by 2030, the number of Muslims living in Russia will have increased to 19.9 million people, representing 15.6% of the country's total population. They can be found in

many locales, including Tatarstan, Chechnya, Dagestan, and other places where Muslims comprise most of the population.<sup>1</sup>

### RUSSIAN POPULATION PROJECTIONS<sup>2</sup>

	1990	2000	2010	2020	2030
The total population in millions	148.0	147.1	142.5	137.0	127.9
Muslim population in millions	13.6	17.2	16.7	18.3	19.9
Muslims, as a percentage of the population	9.2%	11.7%	11.7%	13.3%	15.6%
The annual number of immigrants	195,324	326,460	240,870*	211,300	204,200

Sources: Russian Federal State Statistics Service and the Pew Foundation

\*Russia's Center of Studies estimated net Legal and Illegal Immigration at more than 400.000 in 2010

A huge range of racial and cultural backgrounds is represented within Russia's Muslim population. In addition to the ethnic Tatars, who make up the majority of the population, members of other ethnic groups, including Chechens, Ingush, Dagestanis, Bashkirs, and others, are also devout Muslims in their day-to-day lives. One of the distinguishing features of Muslim society in Russia is its multiethnicity, and Islam is the thread that binds these various nationalities together in their sense of belonging to the Russian Muslim community. However, due to the passage of time and the many political shifts that have taken place in Russia, the previous connection between the Muslim community and the government has evolved. In some locations with a predominantly Muslim population, such as Tatarstan, religious and cultural activities can be carried out with a high degree of autonomy. Still, similar traditions might be met with resistance or difficulty in other parts of the world.<sup>3</sup>

Marriage holds a significant place in the culture of Russian Muslims, and the ceremonies surrounding the occasion each have their own set of defining traits. Weddings are frequently important social gatherings that bring together multiple generations of a family and others in the community.

<sup>1</sup> <https://worldview.stratfor.com/article/russias-growing-muslim-population>

<sup>2</sup> <https://worldview.stratfor.com/article/russias-growing-muslim-population>

<sup>3</sup> I. V. Zueva, and I. V. Vasilyev, Muslim Marriages in the Multicultural Society of Russia. In *Legal Regulation of Marriage and Family Relations in the European Union and Russia* Springer, Cham, 2021, p. 216-226.

Research on marriage law laws among the Muslim diaspora in this country thus becomes more contextual as a result. Understanding the Russian Muslim community's background can help analyze and evaluate existing policies and identify critical issues that need to be addressed in this context. The Russian Muslim diaspora frequently faces challenges in carrying out marriages following Islamic teachings amidst different legal regulations.

This marriage between people of different ethnic backgrounds in the diaspora reflects the complicated socioeconomic situation in Russia, where people of other religions and ethnicities coexist and interact. Within the framework of this discussion, marriage law policies determine how Muslim communities in Russia can carry out their religious rituals while adhering to the state's laws.

It is essential to remember that different regions of Russia enjoy varying degrees of autonomy in matters of religion, including the regulation of marriages. When it comes to weddings between people from different cultures and religions, Muslim-majority territories like Tatarstan might have a distinct set of rules than non-Muslim places. Consequently, the legal and political background of mixed-ethnic diaspora marriages in Russia could be different from one location to another.<sup>4</sup>

The political and legal challenges faced by Muslim communities in Russia in mixed-ethnic diaspora marriages include: 1). Marriages performed following Islamic teachings in Russia are recognized legally, and the state respects the principles of Islamic law when applied to marriages between people of different ethnic backgrounds. 2). Mixed-race marriages, as are the offspring born to those marriages, are protected under the law. 3). Integration of mixed-ethnicity Muslims from the Muslim diaspora into non-Muslim Russian society on a cultural and social level within the context of marriage and family. 4). Mixed-ethnicity couples can work through and adapt their cultural and value differences within the context of the marriage relationship. 5). The protection of the rights of Russian Muslims living abroad to marry. As a result, it is essential to give thought to protecting Muslim marriage rights from different ethnic groups. This covers the recognition of Islamic marriages under the law, the resolution of any legal issues that may arise between Islamic marriages and state law, and the role that Islamic groups play in protecting Muslim marriage rights. 6). Conflicts arise from the law in marriages between people of different ethnicities. This may be evident from

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<sup>4</sup> R.A. Shagieva, "Tolerance in Mixed Marriages," *Tolerance* 9, No. 10, 2018, p. 52-57.

the fact that Islamic law and state law are legally in conflict with one another. As long as the non-Muslim partner either agrees to convert to Islam or acknowledges Islam as a valid religion, mixed marriages are permitted under Islamic law. However, Russian state law imposes conditions for marriage registration based on state law, and these requirements may not be in harmony with Islamic religious values.<sup>5</sup>

Research on the Legal Politics of Diaspora Marriage in Russian Muslim Society is particularly relevant because it involves complex and fundamental issues in the relationship between religion, culture, and the law in a multiethnic and multicultural society. In addition, the findings of this research are reflective of the diversity that exists within the Muslim population in Russia. This community is made up of numerous ethnic groups, each of which has its own unique set of customs, cultures, and languages. Mixed-ethnic marriages diaspora in the Russian Muslim show the intricacies of this diversity, and this research helps to understand the issues that Muslim communities have in sustaining both their religious and ethnic identities in marriages that involve partners from various cultural backgrounds.<sup>6</sup>

This study sheds light on how legal politics impact the diaspora marriage rights of Muslims in Russia. In weddings between people of different ethnic backgrounds, the state's legal obligations need to make room for Islamic marital rights. In this light, the findings of this research contribute to protecting the marital rights of Muslims and identifying potential legal loopholes that must be closed. In addition, the findings of this research have significant repercussions for both society and politics. In Russia's Muslim diaspora marriage, the topic of mixed-ethnic marriage can be a source of social and political stress, particularly regarding legal recognition and the rights of ethnic groups. This research has the potential to shed light on how these concerns affect the social and political dynamics of Russian Muslim society and to aid policymakers in crafting policies that are both fair and inclusive.

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<sup>5</sup> N. O. Shchipkova, and N. V. Yarkova, N. V. Muslim marriage in a non-Muslim society: the issue of conflict and its resolution. *International Journal of Applied and Fundamental Research*, 6, No. 1 (2017), p. 55-60.

<sup>6</sup> Stevlana Peshkova and A. Zaydullina, Interethnic Marriages in Russia: Formation and Sociodemographic Characteristics. *Journal of Interdisciplinary Ethnology* 4, No. 2 (2020), p. 165-178.

The scientific literature on themes of religion, multiculturalism, law, and identity in the setting of Russia and other places with similar situations will be enriched by the findings of research on the legal politics of diaspora marriage in Russian Muslims. Academic understanding of the dynamics of Muslim communities in nations with a varied ethnic population will be enriched as a result.<sup>7</sup> In addition, the problem of mixed-ethnic marriage and legal politics in Muslim societies is not only pertinent for Russia, but it also illustrates the difficulties that Muslim populations experience in various ethnically and religiously diverse countries.

In conjunction with sociological approaches, literature, and legislation, qualitative research methods are utilized to investigate diaspora marriage law politics in the Russian Muslim community. Researchers can understand the political phenomena of marriage legislation in Russia's context, which is marked by a high degree of religious and ethnic variety thanks to this method. In addition, qualitative research methodologies make it possible for scholars to acquire a profound comprehension of the cultural, social, and political context in which the Russian Muslim community exists. Researchers can determine the cultural and social elements that influence the politics of marriage law in the Russian Muslim diaspora by conducting an observational study and doing an analytical study of texts from literature as well as associated laws and regulations.<sup>8</sup> This research needs extensive analysis of scientific literature, government reports, and pertinent laws and regulations. The literature approach lets scholars examine past research on mixed-ethnic marriage and how Russia regulates it. Qualitative research allows researchers to adapt to the circumstance and study demands. Researchers can tailor literature analysis to the scope and complexity of their issues. The literature approach lets academics compare applicable ideas with interviews and literature study evidence. This supports the study findings and conclusions.

From the background above, the authors focus on research discussion on several questions: How is the development of the Politics of Marriage Law in the Russian Muslim Diaspora? What is the impact of the Politics of Marriage Law on the Russian Muslim Diaspora? How about case studies and examples of marriage law practices in the Russian Muslim diaspora?

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<sup>7</sup> Stevlana Peshkova and A. Zaydullina, Interethnic Marriages in Russia: Formation and Sociodemographic Characteristics. *Journal of Interdisciplinary Ethnology* 4, No. 2 (2020), p. 165-178.

<sup>8</sup> Jhon Gill, et.al., *Research Methods for Managers*, SAGE Publications, 2010.

## Marriage Law in Russia

The Russian civil code and other legislation that control family law are the primary sources of authority for marriage law in Russia. Marriage is regarded as a very significant institution in Russia, and as such, it is subject to a high level of government oversight. Chapter 8 of the Russian Civil Code is where most of the marriage legislation can be found. The articles in this chapter regulate the prerequisites, procedures, and any other legal factors associated with marriage.<sup>9</sup>

Marriage in Russia must be founded on the consent of the husband and wife, which must be demonstrated by a wedding ceremony for the marriage to be legally valid. To get married without their parents' permission, a couple must be at least 18 years old; to get married between the ages of 16 and 18, they must get their parents' or guardians' permission. Polygamy is illegal in Russia, and citizens are only allowed one legal marriage during their lifetime. In addition, weddings in Russia must be recorded with the civil registration office, also known as the Russian Marriage Registry Office or ZAGS. The official registration of a marriage ensures that the law recognizes the marriage and gives evidence that the marriage relationship is legitimate.<sup>10</sup> Meanwhile, the process for getting a divorce in Russia is governed by civil law, which may be found here. Either the husband and wife must agree to the divorce in order for it to be considered a "amicable divorce," or the divorce must be litigated in court. Additionally, the Russian state accepts the legal termination of marriages that took place in other countries.<sup>11</sup>

The Muslim community in the Russian Federation adheres to the Islamic teachings that govern marriage and family relationships. These teachings are the basis for Islamic marriage law. There are considerable Muslim majority populations found in several regions of Russia, such as

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<sup>9</sup> William E. Butler, (Eds.). *Russian Family Law* (Vol. 1). Brill Nijhoff. (2014). Also see: Гражданский Кодекс Российской Федерации [Grazhdanskiy Kodeks Rossiyskoy Federatsii].

<sup>10</sup> L.A. Beliaeva, *Marriage in the Legal System of Russia: Theory and Practice*. Harvard Ukrainian Studies, 28, No. 3/4 (2008). 215-222.

<sup>11</sup> Кодекс Российской Федерации об Административных правонарушениях [Kodeks Rossiyskoy Federatsii ob Administrativnykh Pravonarusheniakh].

Tatarstan, Chechnya, and Dagestan, despite Russia being a country with a majority of people who adhere to the Russian Orthodox faith.<sup>12</sup>

Marriage in Islamic law in Russia includes several important aspects, such as 1). Terms of Marriage. An *ijab kabul* (offer and acceptance) performed in front of witnesses is necessary for a marriage to be recognized under Islamic law. A dowry arrangement, testimony from the woman's guardian (*wali*), and witness testimony are also required. 2). Legal Recognition. Islamic marriages in Russia are legally recognized and valid if they are performed per Islamic teachings and followed by official registration at the civil registration office (ZAGS). This registration ensures that the state recognizes the marriage and provides proof of the legality of the marriage relationship. 3). Family Life. Marriage in Islamic law also regulates the relationship between husband and wife, their obligations in the family, the rights and responsibilities of each party, and the rights of children born from the marriage.<sup>13</sup>

Marriage requirements, recognition of mixed-ethnicity unions, and the need to harmonize Islamic law with state law are some of the legal issues the Russian Muslim community may confront in diaspora (mixed-ethnicity) weddings. One of the primary difficulties in regulating marriage under Russian state law is bringing Islamic law into harmony with it. Islamic marriages must follow Russian civil law, which has separate requirements and processes. The issue of whether or not a state should recognize a marriage between people of different ethnic backgrounds needs to be resolved.<sup>14</sup> Also, Islamic law's conditions for a valid marriage differ from Russia's. For instance, for a marriage to be recognized under Russian law, it must be registered with the local ZAGS (civil registration office). However, Islamic legal principles, which recognize marriages as valid based on

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<sup>12</sup> V. V. Sayapina, "Shari'a Law and State Law in the Russian Federation," *Journal of Islamic State Practices in International Law*, 11(2), (2015), p. 62-90.

<sup>13</sup> Y. Karadawi, "The Islamic Family Structure and the Rights of Women," *International Journal of Legal Information*, 40(3), (2012), p. 334-351.

<sup>14</sup> R.R. Suleymanov, "The Islamic Law in Russia: a Historic Overview and Modern Trends," *RUDN Journal of Law*, 21(3), (2017), p. 373-390.

consent and witness apart from formal registration, may conflict with this need.<sup>15</sup>

In weddings between people of different cultures and ethnicities, the right of Muslims to marry must be preserved relatively and equally, regardless of the cultural or ethnic background of the spouses. This task entails ensuring that applicable marriage laws and processes do not discriminate against Muslim communities or impair their rights in mixed-ethnic marriages. Specifically, this challenge focuses on preventing discrimination against Muslim populations.

### **Political Development of Russian Muslim Diaspora Marriage Law**

The political evolution of the marriage law of the Russian Muslim diaspora is reflected in the fact that the Russian government recognizes Islamic marriage law. This is a sign of the political growth of the marriage law. This demonstrates a progression in how the state acknowledges and respects the practice of marriage based on Islamic religious teachings amongst the presence of a diverse range of ethnicities and cultures. This viewpoint exemplifies the efforts made by members of the Muslim minority in Russia to preserve their religious and cultural identity within the context of mixed-ethnic marriages.<sup>16</sup> The Muslim community and the government may negotiate and communicate to recognize Islamic marriage legally. The topic of discussion may centre on the legal recognition and preservation of Muslim marriage rights. Specifically, this entails modifying or adjusting state legislation to accommodate the tenets of Islamic marriage.<sup>17</sup>

Some parts of Russia, like Tatarstan, enjoy a degree of autonomy that enables them to make their own decisions about marriage and family law. Legal recognition of Islamic weddings may be different in some areas of Russia compared to other regions of Russia. Certain variations may be a reflection of variances in the political development of legal marriages among

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<sup>15</sup> P. Sindelar, *Law and Religion in Post-Communist Europe*. Peeters Publishers, 2013.

<sup>16</sup> Adeb Khalid, *Islam after Communism: Religion and Politics in Central Asia*. University of California Press, 2007.

<sup>17</sup> Adeb Khalid, *Islam after Communism: Religion and Politics in Central Asia*. University of California Press, 2007.

members of the Muslim diaspora.<sup>18</sup> In the meantime, Islamic institutions and religious authorities in the Russian Muslim diaspora have a part to play in lobbying for the legal recognition of Islamic weddings. They are working to defend the rights of Muslim couples to marry and are advocating for interracial marriages within the parameters of their religion.<sup>19</sup>

As a political development of the marriage law of the Russian Muslim diaspora, the resolution of the legal conflict between Islamic marriage and state law requires attempts to establish a fair and balanced solution between Islamic religious principles and state civil law. This conflict arises because Islamic marriage is not recognized under state law. This exemplifies the efforts made by the Muslim community in Russia to adhere to governmental regulations while yet preserving their religious identity within the context of interethnic marriages.<sup>20</sup>

Several forms of legal conflict resolution between Islamic marriage and state law that can be carried out are<sup>21</sup> 1). Application of religious law within the limits of state law. In some nations, implementing religious law is permitted in specific circumstances so long as it does not conflict with the state's laws. In the context of marriage, this may suggest that components of Islamic marriage that do not clash with state law, such as the dowry and provisions of Islamic family law, can be implemented while respecting existing civil law. This is because the dowry and provisions of Islamic family law are examples of such features. 2). Recognition of Religious Marriage in the State Legal System. Some nations grant legal recognition to weddings performed according to specific religious rites. However, this recognition is contingent upon fulfilling specific requirements and completing an official registration process at the local civil registration office. While guaranteeing that Islamic marriages follow the laws of the

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<sup>18</sup> Kahtryn Stoner, *From the USSR to Russia: Islamic resurgence among the Bashkirs and Tatars*. The Carl Beck Papers in Russian and East European Studies, (2004), p. 1-56.

<sup>19</sup> Adeb Khalid, *Islam after Communism: Religion and Politics in Central Asia*. University of California Press, 2007.

<sup>20</sup> Salimon, N., & Barahona, M. Islamic law and human rights in the context of mixed legal systems: the case of Russia, *Law and Human Behavior* 8, No. 2, (2019), p. 194-218.

<sup>21</sup> Adeb Khalid, *The Politics of Muslim Cultural Reform: Jadidism in Central Asia*. University of California Press, 2000.

land, this type of recognition makes it possible to be legally acknowledged. 3). There is mediation and inter-agency dialogue. When it comes to addressing legal issues between Islamic marriages and state law, mediation between associated parties, such as Islamic organizations, governments, and human rights groups, can assist in establishing an agreement that respects the interests of all parties and seeks a fair solution to the problem.

Islamic groups in Russia protect Muslim marital rights in developing the political law of diaspora marriage in Russia. This process takes place within the context of the Russian Muslim diaspora. In Russia's Muslim community, Islamic groups serve as champions and protectors of Muslim marriage rights, and they also play a part in the struggle for legal recognition of Islamic weddings and freedom of religion.<sup>22</sup>

The Islamic organization advocates for the rights of Muslim couples to marry and monitors changes to laws in Russia that pertain to marriage. They work to eliminate any possibility of the legislation being used to discriminate against Muslim populations and fight for equal marriage rights in mixed-ethnicity relationships. In addition, Islamic groups educate and teach Muslim community members about the marital rights guaranteed by Islamic law and individual states' laws. They educate Muslim communities on the legal requirements of marriage in Russia and work to ensure that Muslim couples' marriages follow the rules of the country without compromising the tenets of the Islamic religion. They provide this assistance to Muslim communities.<sup>23</sup>

Islamic groups serve as mediators and communicate with the government to resolve legal issues arising from differences between Islamic marriages and state law. Their goal is to find equitable solutions to these conflicts. They aim to create a common ground that is respectful of the interests of all parties, and they do this through productive communication. In addition, Islamic organizations run campaigns and participate in advocacy activities to fight for the protection of human rights for Muslim populations. This effort includes the protection of marital rights. They want to make sure

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<sup>22</sup> N. Salimon and M. Barahona, Islamic law and human rights in the context of mixed legal systems: the case of Russia. *Law and Human Behavior* 8, No. 2 (2019), p. 194-218.

<sup>23</sup> Adeb Khalid, *The Politics of Muslim Cultural Reform: Jadidism in Central Asia*. University of California Press, 2000.

that the Muslim population in Russia can practice marriage and freedom of religion within the legal limitations recognized by the state.<sup>24</sup>

According to the author, the political development of the marriage law of the Russian Muslim diaspora reflects the difficulties and challenges Muslim communities face in carrying out mixed-ethnic weddings amidst the diversity of culture, religion, and law in Russia. This is because the author believes that the political development of the marriage law of the Russian Muslim diaspora reflects the complexities and challenges Muslim communities face. The political effect of marriage law in the Russian Muslim diaspora involves efforts to find agreement and balance between Islamic religious principles and state legislation. These efforts are part of the political development of marriage law in the Russian Muslim diaspora. Islamic marriage laws must be recognized to guarantee that Muslim communities can perform marriages following their religious beliefs while adhering to the state's rules and being afforded equal legal protection. The political history of the marriage law of the Russian Muslim diaspora illustrates not only the significance of harmonization between Islamic law and state law but also the requirement to acknowledge the presence of cultural and religious variety in marriages between people of different ethnic backgrounds. Recent changes in the politics of marriage law in Russia have the potential to contribute to creating a more equal and harmonious legal environment for the country's Muslim population if they adopt an approach that is both inclusive and respectful of issues of religious and cultural identity. Nevertheless, it is necessary to realize that the political growth of the marriage law of the Russian Muslim diaspora is not an easy process, and it still faces many obstacles. Revisions may be necessary to recognize Islamic marriage law and bring it into conformity with state law, as will further conversation. In addition, making sure that Muslim marriage rights are recognized and maintained requires a clear grasp of legal problems and the resolution of those conflicts. As a result, the government, Islamic groups, and the Muslim community need to work together for Russian Muslims living abroad to marry. It is envisaged that the development of the politics of marriage law can establish an inclusive and equitable legal environment for

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<sup>24</sup> Adeb Khalid, *The Politics of Muslim Cultural Reform: Jadidism in Central Asia*. University of California Press, 2000.

the Muslim minority in Russia by taking an approach that appreciates and respects diversity.

### **The Political Impact of Marriage Laws on the Russian Muslim Diaspora**

There are several political impacts of diaspora marriage law for the Russian Muslim community, including protecting Muslim marriage rights, its Influence on Muslim family life, and the political and social implications of marriage in the Russian Muslim diaspora.

#### First: Protection of Muslim marriage rights

In Russian Muslim society, the growth of diaspora marriage law politics has had a significant impact in the form of an essential effect on the protection of Muslim marital rights. It is imperative that the rights of marriage be protected for members of the Muslim community in Russia to guarantee that their rights will be acknowledged and respected in a manner consistent with the laws and values of their faith.<sup>25</sup>

Legal recognition of weddings that are performed following Islamic principles is one method of protecting Muslims' marital rights. Official recognition by the state guarantees that Islamic weddings are legally acknowledged and offers legal protection for Muslim couples who marry outside their ethnic group. In addition, the safety of Muslim marriage rights encompasses the right of Muslim partners in mixed-ethnic marriages to be acknowledged as equals to their non-Muslim partners. This is an essential component of the protection of Muslim marriage rights. Regarding the legal protection of marriage, there should be no room for prejudice based on religion or ethnicity.<sup>26</sup>

The protection of the rights of Muslim marriage involves the protection of Muslim women's rights as well. These rights include the right to inherit, the right to receive a dowry, and the right to obtain a divorce in a manner that is just and in conformity with Islamic law. In addition, protecting the marital rights of members of the Russian Muslim Diaspora

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<sup>25</sup> N. Salimon and M. Barahona, Islamic law and human rights in the context of mixed legal systems: the case of Russia. *Law and Human Behavior* 8, No. 2 (2019), p. 194-218.

<sup>26</sup> R.R. Suleymanov, "The Islamic Law in Russia: A Historic Overview and Modern Trends," *RUDN Journal of Law*, 21, No. 3 (2017), p. 373-390.

entails working for a consensus between the fundamental tenants of Islamic law and the laws of the state. The convergence of these two legal frameworks results in the rights associated with Muslim marriage being acknowledged and honored without undermining the authority of state law.<sup>27</sup>

#### Second: Influence on Muslim family life

The political evolution of diaspora marriage law may affect the daily lives of Muslim families in Russia. Muslim marital rights can be protected in mixed-ethnicity weddings where Islamic marriages are legally recognized. This guarantees that the rights associated with Muslim marriage, especially women's rights in marriage, are protected and legally recognized by the state. In addition, due to Russia's legal acceptance of Islamic weddings, Muslim families in the country can now practice their faith and keep their religious identity despite having mixed-ethnicity marriages. Additionally, it means greater religious freedom for Muslim communities to judge marriage based on their religious views.<sup>28</sup>

The recognition of Islamic marital law and the ongoing efforts to harmonize Islamic law and state law can potentially contribute to developing a more pleasant legal environment for the daily lives of Muslim families in Russia. This makes it more likely that Islamic legal principles compatible with state law will be acknowledged and appropriately applied. In addition, the legal recognition of Islamic marriage is essential to protecting the rights of children who are the product of marriages between people of different ethnic backgrounds. Because of this legal protection, children are guaranteed

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<sup>27</sup> R. R. Suleymanov, "The Islamic Law in Russia: a Historic Overview and Modern Trends," *RUDN Journal of Law*, 21, No. 3 (2017), p. 373-390.

<sup>28</sup> N. Salimon and M. Barahona, "Islamic law and human rights in the context of mixed legal systems: the case of Russia," *Law and Human Behavior*, 8, No. 2 (2019), p. 194-218. Also see: Амелин Веналий Владимирович, Сохранение Культурного Многообразия Как Основа Стабильности В Полиэтническом Многоконфессиональном Регионе. Номер: 13 (188) Год: 2015 Страницы: 11-15. Вестник Оренбургского Государственного Университета. Учредители: Оренбургский государственный университет. ISSN: 1814-6457eISSN: 1814-6465.

their due rights and acknowledged as a legitimate part of the Muslim family.<sup>29</sup>

Third: The political and social implications of Russian Muslim diaspora marriages

It is possible for the political and social repercussions of diaspora marriage law politics for the Russian Muslim community to be quite complicated and varied. Legal recognition of Islamic marriage for the Muslim community in the Russian diaspora can assist in preserving that community's religious and cultural identity within a context characterized by a high level of racial and ethnic diversity. This can bolster feelings of pride and identification among Muslims in Russia.<sup>30</sup> In addition, the social integration and acceptance of Muslim communities in Russia can be helped by the legal recognition of Islamic weddings. Marriages between people of different ethnicities can be more readily accepted by society if they are granted official recognition.<sup>31</sup>

To foster tolerance and an awareness of other cultures within Russian society, efforts should be made to bring Islamic law into line with state law regarding mixed-ethnicity marriages. This is one example of legislative harmonization that considers the wide variety of religions and cultures inside the country. Meanwhile, the acceptance of Islamic marriage law has the potential to offer legal protection for the rights of Muslim women who are married to men of a different ethnic background. This is essential to guarantee equality and the security of women's rights within the family and society. Therefore, by legally recognizing Islamic marriages, the relationship between the Muslim community and the government can be improved. This can benefit both parties by fostering tolerance, conversation, and cooperation across different faiths.<sup>32</sup>

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<sup>29</sup> R. R. Suleymanov, "The Islamic Law in Russia: a Historic Overview and Modern Trends," *RUDN Journal of Law* 21, No. 3 (2017), p. 373-390.

<sup>30</sup> Abazov, R. (2017). *Understanding Islam and Politics in Russia*. In *The Palgrave Handbook of Global Counterterrorism Policy*, Palgrave Macmillan, Cham, 2017, p. 383-399.

<sup>31</sup> Adeb Khalid, *The Politics of Muslim Cultural Reform: Jadidism in Central Asia*. University of California Press, 2000.

<sup>32</sup> Adeb Khalid, *The Politics of Muslim Cultural Reform: Jadidism in Central Asia*. University of California Press, 2000.

According to the author, the political development of the marriage law of the Russian Muslim diaspora has essential implications for the Muslim community's marital rights and religious identity. This is because of the political growth of the marriage law of the Russian Muslim diaspora. The recognition of Islamic marriage law and the harmonization of Islamic law and state law are essential components in realizing the protection of Muslim marital rights and preserving religious identity in an increasingly multicultural society. In addition, safeguarding Muslim marriage rights, particularly women's rights in mixed-ethnic marriages, needs to be a primary issue in developing the legal politics of marriage in the Russian Muslim diaspora. This is especially important for mixed-ethnic marriages. In the midst of racial and cultural diversity, Muslim communities have the opportunity to feel accepted and recognized regarding their marriage rights if an approach that is both inclusive and reasonable is taken. However, The author is aware that the route to obtain agreement and harmonization in the legal politics of marriage in the Russian Muslim diaspora is not always easy and may take some time. When attempting to find common ground between Islamic law and state law, there is the potential for legal disagreements and political obstacles. In order to arrive at a solution that is both equitable and long-term, therefore, partnership between the government and Islamic organizations is essential.

### **Case Studies and Examples of Marriage Law Practices of the Russian Muslim Diaspora**

The Application of Islamic marriage law in practice in the Russian Muslim diaspora may vary depending on each state's context and legal policies. However, here are some examples of the practice of applying Islamic marriage law that may exist in the Russian Muslim diaspora, including:<sup>33</sup>

First: Islamic Marriage Registration. The registration of Islamic marriages is a valid form of legal recognition in several states within Russia. For instance, in some circumstances, Muslim spouses may be able to register

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<sup>33</sup> Y. Mamycheva, "Muslim Family Law and the Muslim Family in Russia: Legislation and Practice, *Islam and Christian-Muslim Relations*, 26, No. 2 (2015), p. 207-223. Also see: Kazantsev, A. V. (2015). Muslim Marriage and Divorce in Russia: Ijārah Contracts and Russian Law, *Journal of Islamic Studies* 26, No. 3 (2015), p. 342-364.

their union with the Department of Justice and acquire an Islamic marriage certificate recognized as lawfully genuine.

Second: Sharia Court. Sharia courts exist in some areas of Russia, particularly those with a predominantly Muslim population. These Sharia courts make decisions about marriage and other family-related matters based on Islamic law principles. These Sharia courts can judge disputes relating to Islamic family law and offer official recognition of Islamic weddings.

Third: Mediation and Alternative Approaches. Alternative resolution methods, such as mediation in accordance with Islamic law, may be pursued by parties involved in a marriage dispute in some situations, particularly in regions home to sizeable Muslim communities. Mediators who have been schooled in Islamic law can assist parties in coming to an agreement that is just and following the tenets of the religion.

Fourth: Fatwa and Religious Consultation. Regarding questions about marriage and family life, members of the Russian Muslim diaspora frequently consult with religious experts and clerics for guidance. Muslim individuals and couples can seek assistance through religious fatwas and consultations to comprehend better and put Islamic marital law into reality in their everyday lives.

The obstacles in dealing with different legal regulations in the context of Russian Muslim Diaspora Marriage Law practice may include the following:<sup>34</sup>

First: Legal Ambiguity. The lack of clarity or misunderstanding regarding the various marriage laws in Russian states is one of the primary obstacles. Because different locations have different laws, it can be challenging for Muslim groups in the diaspora to comprehend and adhere to the regulations that apply to their situation.

Second: Discrimination and Injustice. Muslim communities may be subjected to prejudice or injustice because of differences in the rule of law in various parts of the world. For instance, regulations that do not officially recognize Islamic marriages can cause legal complications in a marriage between people of different ethnicities.

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<sup>34</sup> Y. Mamycheva, "Muslim Family Law and the Muslim Family in Russia: Legislation and Practice, *Islam and Christian-Muslim Relations*, 26, No. 2 (2015), p. 207-223.

Third: Family Separation. Different legal restrictions can result in the inability to recognize a marriage in various regions legally, forcing family members to live apart. In Muslim families living in the diaspora, this may have an impact on marital rights as well as the rights of children.

The solutions to deal with this problem include making the following efforts:<sup>35</sup>

First: Legal Harmonization. A legal framework that is more consistent and just for Muslim populations could be helped along by efforts to standardize marriage rules across the several states that make up Russia. This can be accomplished by trying to find common ground between Islamic legal concepts and the state's laws.

Second: Education and Awareness. A better understanding of the marital rights and legal procedures applicable in the region where diaspora Muslim populations dwell can result from increased education and awareness regarding the legal regulations that are in effect in that community.

Third: Mediation and Alternative Approaches. Many alternative strategies, including mediation, can be utilized to address legal issues that have arisen due to differing legal regulations. It may be possible for Muslim diaspora communities to benefit from the assistance of mediators who have been trained in both Islamic law and state law.

According to the author, the barriers and solutions in dealing with diverse legal restrictions in the context of Russian Muslim Diaspora Marriage Law practices are that this issue is a severe challenge that affects the rights of marriage and family life of Muslims in the Russian region. Specifically, the author focuses on the Russian Muslim Diaspora Marriage Law practices. The disparities in legal restrictions that exist between states can give rise to confusion, prejudice, and the breakdown of families. However, one alternative that could be considered is to attempt to harmonize marriage rules across all regions of Russia. Through this process of harmonization, it is possible to reach an accord between the principles of Islamic law and those of state law, producing a legal environment that is more just and inclusive for the Muslim diaspora. In addition, education and

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<sup>35</sup> A. V. Kazantsev, "Muslim Marriage and Divorce in Russia: Ijārah Contracts and Russian Law," *Journal of Islamic Studies* 26, No. 3 (2015), p. 342-364.

awareness of the relevant legislation can assist Muslim communities in understanding their marriage rights and carrying out legal procedures appropriately.

Alternative conflict resolution methods, such as mediation, may also assist in settling legal disagreements brought on by disparities in legal regulations. Diaspora Muslim communities have a better chance of reaching a fair agreement and respecting their marriage and family rights if mediation is used. The author also has high hopes that the Muslim community of the Russian diaspora would benefit from the efforts being made to harmonize legislation, education, and alternative ways, which will result in a more inclusive and equitable legal framework. As a result, individuals can conduct their marriage and family life in a manner that is consistent with their religious beliefs and the human rights that are universally acknowledged.

## **Conclusion**

As a result of the conversation that has taken place thus far, it is possible to conclude that some of the difficulties that Muslim communities encounter in diaspora weddings include disparities in the legal requirements that apply in different regions of Russia, legal uncertainty, discrimination, and the separation of families. These disparities can lead to issues in understanding marital rights and religious identity, as well as result in weddings not being legally recognized and injustice in legal treatment. Additionally, these differences can contribute to difficulties in understanding marriage rights and religious identity. There is an urgent need to harmonize marriage rules across all of Russia's regions. It is anticipated that this harmonization will result in accord between the principles of Islamic law and those of state law, consequently resulting in the creation of a legal framework that is more just and inclusive for the Muslim diaspora. To further assist Muslim communities in understanding their marriage rights and carrying out legal procedures appropriately, education and awareness about the applicable legal requirements are also essential components of the solution. Education regarding marriage rights and awareness regarding legal procedures can assist Muslim communities in coping with the difficulties and discrimination that may develop as a result of differences in legal norms.

The political complications of diaspora marriage legislation within the Muslim community in Russia are explored in this article, which provides some insight into such complexities. It is hoped that the efforts being made

to unify legislation, education, and awareness would provide a legal environment that is more inclusive and just for Muslim communities. This will allow Muslim communities to carry out their marriage and family life according to their religious views and internationally recognized human rights. In a nation home to people of many different cultural backgrounds and ethnicities, this piece serves as a rallying cry to find solutions that support Muslim marriage and family rights while respecting equality and justice. So, this article highlights the significance of making efforts to standardize marriage law throughout all regions of Russia as a possible course of action. This harmonization will seek agreement between Islamic legal principles and state law, with the end goal of producing a legal system that is more just and inclusive for Muslim populations who are dispersed around the world. In addition, education and awareness of the relevant legislation can assist Muslim communities in understanding their marriage rights and carrying out legal procedures appropriately.

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