A new age

The recent landmark reforms to the UAE's legal system showcase a more progressive way of life – a commentary by Sara Al Kabban of Al Kabban & Associates.

Change is upon us. As of November 7, 2020, the UAE and in particular, the city of Dubai exuberated its ethos of being the openminded dreamland of the Middle East. While the laws are yet to be issued in the Official Gazette, this day represented significant changes in the UAE's legal system. A change for women, providing them with more rights and protection against harmful men in their lives; a change for unmarried couples, allowing them to live as they would in the Western world; a change for mental health awareness, providing individuals with the opportunity to seek help without fear of prosecution; a change in lifestyle, in that anyone over the age of 21 can now purchase and be in possession of their own alcohol without risk of imprisonment; a change for inheritance and divorce, allowing the court to implement the laws of expats' countries of citizenship; and finally, a change for the good Samaritan, providing protection for those that choose to help others with good intentions, irrespective of the consequences such help may incur.

A CHANGE FOR WOMEN

The UAE has proven itself to be a leading country in gender equality in this region of the world, as shown in the World Economic Forum's 2020 Global Gender Gap report. This stems from the underlying belief that the roles of women in our society branch further than the household, where they can thrive when given the opportunity to lead. In the UAE, one of the regions pioneers, women are now increasingly occupying stronger positions in business, military and the governmental sectors,[1] and in the workplace, women are now also entitled to equal pay as men in equal positions, performing equal work or work of the ssame value.[2]

The new law reforms reflect the UAE's drive towards gender equality and women's empowerment, in legislating that male relatives can no longer harm or murder women of the family and pass it off as "honour crimes" to receive leniency under the umbrella of "protecting their honour".[3] The article allowing for such leniencies and special exceptions in the Penal Code has now been repealed,[4] and violent acts of this nature will be treated as any other assault or crime and be prosecuted as such.[5] The new reform also pronounces that the rape of minors or persons with limited mental capacity shall be execution[6], levitating increased protective measures in the community.

A CHANGE FOR UNMARRIED COUPLES

As a central hub for tourism and business on a global scale, with the postponed Expo 2020 looming just around the corner, the UAE has chosen the perfect time to implement this change in the community. Previously, unmarried couples could not co-habit by law, nor could men and women reside in the same household without being related or married. However, the new law reform entails that this is no longer the case. Unmarried couples (and unrelated men and women) can now co-habit without breaking any laws. This change irrevocably grounds the UAE and Dubai as the tourism hub, in that visitors no longer need to fear the illegality of staying in the same hotel room with their significant other. Visitors and residents alike can live as they would in the West, without the restrictions and overarching criminality behind such a lifestyle, but within the cultural boundaries embedded in the UAE.

A CHANGE FOR MENTAL HEALTH AWARENESS

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UAE, embodying the four pillars of Peace, Humanity, Co-existence and Respect on the international stage.[7] Stemming from this, it is no surprise that individuals who have attempted suicide will no longer be prosecuted in accordance with the Penal Code.[8] Instead, they will be provided with the mental health support they require. This alleviates the taboo behind mental illness and encourages individuals to seek help and initiate the conversation about mental health awareness. An imperative issue now more than ever, due the COVID-19 pandemic and the strains it poses on mental health. Nonetheless, any person that assists in another's suicide or attempted suicide shall still be prosecuted and will receive jail time.[9]

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A CHANGE IN LIFESTYLE

It is no secret that Dubai is infamously known for its bustling nightlife, be it restaurants, lounges or nightclubs. It is also no secret that the majority of visitors and expats residing in Dubai enjoy their alcohol consumption. This ease in restriction is arguably a long overdue change, in that there is acceptance of the reality of the current lifestyle, bringing the UAE and Dubai one step closer to the land of dreams it is projected to be. The law reform allows any person over the age of 21 to purchase and consume alcohol, in private, without the need for the license, as previously required. This embeds Dubai as an easy location to holiday or live, in alignment with the pillars of tolerance it portrays. With less restrictions, comes a greater influx of tourism and a boost to the economy.

A CHANGE FOR DIVORCE AND INHERITANCE

Previously, divorce and inheritance cases in the UAE were generally both governed under the jurisdiction of the Shari'ah Laws. The recent law reform has amended this in accordance with the large number of expats, both Muslim and non-Muslim, residing in the UAE. Expats, irrespective of their religion, can now have the laws of their country of citizenship implemented in cases of divorce or inheritance (i.e. personal status cases).[10] However, if a will has been drafted, it will govern the inheritance case. It should also be noted that any property purchased in the UAE will still be under the jurisdiction of UAE Laws, if a will is not submitted.[11]

A CHANGE FOR THE GOOD SAMARITAN

For those that are unfamiliar with this phrase, a good Samaritan is a person whom selflessly helps others in distress.[12] The new law reform encourages such persons to assist or help others in emergency situations, without the overarching risk of being prosecuted against, essentially, for doing a good deed. For instance, if someone is in need of CPR, a lifesaving technique used in emergency situations, a good Samaritan may rush to the person's aid without potentially being held liable if this results in any harm to the latter. Therefore, individuals performing acts with good intentions, will not be held liable for situations in which the person they are helping, is harmed unintentionally.[13]

WHAT DO THE LAW REFORMS MEAN?

The newly-announced law reforms showcase a more progressive way of life destined for the UAE. It reveals more protection for women in the community, tolerance and open-mindedness towards other cultural lifestyles within the values of the UAE's culture, greater mental health awareness, ease in dealing with expats' personal status cases based on their citizenship and finally, an encouragement towards doing our best to help others in distress, under the protection of the law, irrespective of the outcomes. Nonetheless, we will most definitely have further information and clarity on these reforms and their applicability once they are issued in the Official Gazette, so stay safe and stay tuned!

References 1 to 13 are listed on the online version of the article.



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