

Islam

Proliferation of Islamic courts in Europe establishes parallel law

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**Lorenza
Formicola**



The shadow of Islamic law has officially also crossed the Italian border. In Padua, the first **Islamic Arbitration Chamber of Italy** has been established, with a charter formalised in March and now fully operational. It presents itself online as an independent body

designed to administer civil and commercial disputes under the auspices of Sharia.

But what does this code really represent, and how is it taking root in the heart of the Old Continent? Sharia — whose etymology evokes the 'path of light' — is not merely a compendium of rules governing worship; it is an all-encompassing system governing family law, criminal law, civil law, banking law, and administrative law within the Islamic community. Metaphysically, Sharia is the law of Allah and, as his direct revelation, it is absolute and beyond human challenge.

State laws often come into conflict with Islamic rules, as in the emblematic case concerning the wearing of the [headscarf](#). Over the last thirty years, hundreds of European Muslim citizens have brought complex legal cases as far as the European Court of Human Rights (ECHR) in order to secure protection for Islam. From 1995 to the present day, countless [judgements](#) have been handed down in favour of Muslims who have borne the full burden — including the financial cost — of the national legal process, in the hope of having Sharia law recognised by the Strasbourg Court.

Looking at a map of Europe, we can see that Sharia courts have now become an established phenomenon. Greece is a unique historical exception: a 1920 law granted the mufti semi-official authority over family law and inheritance matters for the local Muslim minority in Western Thrace, automatically applying the unequal inheritance shares provided for under Islamic law for a century. However, it was only in 2018 that this jurisdiction subsequently became optional, following the landmark ruling by the European Court of Human Rights in the case of [Molla Sali v. Greece](#) — brought by a woman who had been forced to accept Sharia inheritance law.

In the United Kingdom, however, Sharia was introduced into the legal system via civil arbitration. Section 46 of the *Arbitration Act* 1996 and the *Alternative Dispute Resolution* codes allow parties to refer disputes to an arbitral tribunal that can decide according to agreed 'other criteria', effectively classifying these courts as 'Muslim arbitration tribunals'. Based on this legislation, the *Muslim Arbitration Tribunal* was established in 2007, resulting in the creation of over 100 Islamic courts and councils throughout the country, including long-standing branches in London, Birmingham, Bradford, Manchester, Nuneaton, and Leyton.

The first such body, the Islamic Shari'a Council, came into being as early as 1982 and still exists today, handling an average of 300 cases a month. This is because, under the British common law system, the parties can decide to refer their dispute to an 'arbitrator'. Yet these courts are founded on the rejection of human rights and a unique

view of women.

Many members of these councils act as qadis (judges), issuing fatwas and handling cases relating to marriage, separation, maintenance, financial disputes and inheritance. Their stated **aim** is "to encourage the practice of the Islamic faith in accordance with the Qur'an and the Sunnah by establishing a court capable of ruling solely in accordance with Islamic law".

The impact of this parallel judicial system on British law is disruptive. The *Law Society* has even drawn up guidelines for solicitors and notaries aimed at drafting 'Sharia-compliant' wills. These documents deny women an inheritance equal to that of men, guarantee male heirs double the share, completely exclude non-Muslims from benefits and do not recognise the rights of adopted children or a woman's right to marry a non-Muslim. However, the reverse is possible. Divorce is permitted, but the rules remain deeply biased in favour of men, who are entitled to everything.

The integration of Islamic law in the United Kingdom has extended beyond the civil sphere to welfare too. As early as 2014, four government departments (Work and Pensions, the Treasury, HM Revenue and Customs, and the Home Office) recognised polygamy for the purposes of social security benefits. This allowed a man with four wives to receive around 800 pounds a month from British taxpayers, in addition to increased housing support for large families.

Turning to Sweden, the **Walving-Lundberg Business Court (WLBC)**, a private arbitration body with a special division that resolves commercial, financial and family disputes by applying the principles of Sharia law, was established in Stockholm in October 2025. For a registration fee of 20,000 kronor (around 1,800 euros), the body issues binding rulings which, while not touching on criminal law or child custody, cover all other aspects of what is considered 'Islamically correct'.

In Germany, the daily reality for many Turkish, Kurdish, Lebanese and Palestinian immigrant clans is summed up by the slogan 'we sort it out amongst ourselves', with reliance on unofficial courts and Koranic justice. These are all far less institutionalised than their European counterparts, but certainly no less effective. A political debate erupted when, at the end of 2016, Angela Merkel found herself compelled to reaffirm the primacy of German law in the face of the emergence of parallel legal systems that sanctioned child marriages, such as that between a 21-year-old man and a 15-year-old Syrian girl. Initially, this marriage was recognised.

However, the incident involving the **Wuppertal** 'Sharia Police' acted as a catalyst: a group of Islamists patrolled the streets in orange vests bearing the words 'Sharia Police' to urge citizens to avoid alcohol, music and pork in accordance with the Qur'an. In 2015, the courts ruled that they could continue operating as they do not 'constitute hostile intimidation'.

In France, despite the absence of recognised Islamic courts, there are neighbourhoods where cultural homogeneity has led to the establishment of rules enforced by the local population, including areas off-limits to the police.

Against this well-established European backdrop, the Padua-based Islamic Arbitration Chamber builds on existing models elsewhere and proposes a parallel Islamic system for Italy.

The organisation promotes its services by relying on arbitrators who are qualified in both secular law and Sharia doctrine and who are capable of delivering swift, final and unappealable verdicts. According to their website, these **rulings** will have the same legal force as those issued by ordinary Italian courts. Furthermore, thanks to the 1958 New York Convention, they guarantee that arbitral awards based on Sharia law can be recognised and enforced in over 170 countries worldwide, giving them a genuine 'international passport'.