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Islam in Hungary - Marriage habits of Muslims living in Hungary

My research focuses on the marriage and divorce habits of Muslims living in Hungary. Based on in-depth interviews with the leaders of Islamic organizations who are responsible for marriages and divorces, I am seeking answers to questions such as what the role of Islamic marriage is in Hungary, under what conditions someone can marry in Hungary according to Islam, what the sum and the significance of mahr (marriage gift) is, and how an Islamic divorce takes place.

Keywords: Muslims in Hungary, Islamic marriage law, Islamic marriage, Islamic divorce, mahr

1. Introduction

To understand the current status of the Muslim community in Hungary and its religious customs, it is crucial to have an overview of the main periods of Hungarian history in which Islam played a significant role. Although many present-day European countries were under Muslim political rule for at least a century in the course of their history, Hungary has a history that is unique in Europe, because there have been several historical periods of Islamic presence.

Islam was already present in Hungary at the time of the founding of the state, because Muslim Kabar tribes probably also arrived in the Carpathian Basin during the conquest. Throughout history, the country continued to be affected by Islamic influence. The best-known period is the era of the Turkish Ottoman occupation. It is not a widely known fact that at the beginning of the 20th century, in 1916, Hungary was one of the first non-Muslim majority countries to officially recognize the Islamic religion. There were political reasons for this move, the aim being the demonstration and maintenance of sympathy for the Ottoman Empire, which was the ally of the Austro-Hungarian Empire in World War I. At the time, only a negligible number of Muslims lived in Hungary. The number of followers of Islam increased in the 1980s and 1990s, and today Muslims in Hungary are estimated at 30,000. Currently, there are two state-recognized Islamic organizations in Hungary, i.e., the Hungarian Islamic Community and the Organisation of Muslims in Hungary. Although the majority of Muslims in Hungary are foreigners, the community is expanding with more and more Muslims of Hungarian citizenship.

In connection with the topic, it is also necessary to be aware of the main concepts and principles of Islamic law (Sharia) regarding marriage to understand the differences between civil, Christian and Islamic marriages, and the importance of my research questions.

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In my analysis based on in-depth interviews with the leaders of Islamic organizations, I am seeking answers to the following questions: What is the role of Islamic marriage in Hungary? Under what conditions can someone marry in Hungary according to Islam? What is the sum and the significance of the *mabr* (marriage gift)? How does an Islamic divorce take place?

2. A short history of Islam in Hungary

The relationship between Europe and the Islamic world can be traced back many centuries. In fact, it can be said that Islam has been present in the European cultural space almost since its birth, and has had a significant impact on European civilization. In many ways, the Islamic civilization can be seen as a component of Western-Christian civilization because of the many powerful and defining interactions that have taken place between the two civilizations in the past nearly 1,000 years. The intertwining of the two civilizations is well illustrated, among other things, by the fact that almost a third of today's European countries were under Muslim political rule for at least a century in the course of their history.² This was also the case with Hungary, because a third of the Hungarian Kingdom became part of the Ottoman Empire for 150 years.

Five periods of Islamic influence can be distinguished in Hungarian history. Islam was already present in Hungary at the time of the founding of the state, because Muslim Kabar tribes probably arrived with the other Magyar (Hungarian) tribes in the Carpathian Basin during the conquest of the territory (from the 860s to 896 AD). Although we do not have any strong evidence concerning the life and history of Magyar tribes until the early 9th century, there is no dispute among researchers that for a while, between the 7th and the middle of the 9th century, they lived in the Khazar Empire. Islam was already present in the Khazar Empire at the time: Muslim people speaking an Iranian language called Khwarezmians lived there. When Hungarians left the Khazar Empire, a group of people joined them, who were opposed to the ruling Khazar elite. In Hungarian history, this group of people were called Kabars, and among them there was also a significant number of Muslim Khwarezmian people. They played an important role in the early years of the first Hungarian royal dynasty (Árpád dynasty) in the royal army and state treasury, as armed escort of the king and also as guarders of the country's southern borders.³

According to written sources and archaeological evidence, other Muslim communities were also present in Hungary during the 12th and 13th centuries, referred to as Maghrebians, Saracens, Böszörménys or Ishmaelites. They typically had positions in the army and in state treasury. Due to

² BULLETT, The case for Islamo-Christian Civilisation 6-7.

³ PAP, REMÉNYI, CSÁSZÁR, VÉGH, Islam and the Hungarians 195-196.

repressive measures of the Catholic Church, they were assimilated into the Christian Hungarian population by the end of the 13th century.⁴

Later throughout history, the country continued to be affected by Islamic influence. The best-known period is the era of the Turkish occupation, when a third of the Hungarian Kingdom became part of the Ottoman Empire for more than 150 years between 1541 and 1699 AD. According to estimations, approximately 50,000-100,000 Muslims lived in the area (6-11% of the total population) during the occupation. They were primarily Islamised men from the Balkans (Bosnia, Hercegovina, Serbia). The number of ethnic Turks and converted Hungarians was quite low. The bigger cities acquired an oriental atmosphere as the Turks constructed places of worship (*mosques*), Dervish monasteries (*tekkes*), Islamic schools (*madrakas*) and public baths (*hamams*). Islamic mysticism in the form of some *Sufi* orders (Bektashi, Khalwati and Mevlevi Dervish orders) spread in Hungary at the time. After the liberation wars of 1686 and 1699, practically no Muslims remained in Hungary, but the Turkish-built heritage continues to make Hungarian cities more colourful to date.⁵

The next time Islam appeared in Hungary was after Austria-Hungary occupied Bosnia-Hercegovina in 1878. Muslims of Bosnian, Albanian and Turkish origin began to move to Hungarian territories, but just in small numbers. The territory was annexed to Hungary in 1908. In the annexed area, the Islamic religion was a legally recognized religion and enjoyed political privileges. According to the 1910 census, the number of Muslims living in Hungary was only 757 persons. In 1913, an island on the Danube, called Ada-Kaleh and populated by approximately 500 Turkish residents, was also formally annexed to Hungary.⁶ Even so, the Muslim population was rather low at the time in Hungary. At the outbreak of World War I, about 2,000 believers of Islam lived in the Hungarian capital.⁷ It is not a widely known fact that in 1916, Hungary was the first country with a non-Muslim majority to officially recognize the Islamic religion.⁸ Although Austria had already recognized the Hanafi school of Islam in 1912, it did not extend its acceptance to the religion as a whole. The fact that Hungary recognized the Islamic religion in 1916 does not mean that Muslims were not allowed to practise their religion freely without restrictions earlier. In fact, the religion of Islam was legally recognized by law before such legislation was formally requested by any of the Muslim communities. There were political reasons for this move. The aim was to show and maintain sympathy for the Ottoman Empire, which was the ally of the Austro-Hungarian Empire in World War I. This era was also the golden age of so-called *political Turanism*, which was

⁴ PAP, REMÉNYI, CSÁSZÁR, VÉGH, Islam and the Hungarians 196-197.

⁵ PAP, REMÉNYI, CSÁSZÁR, VÉGH, Islam and the Hungarians 198-200.

⁶ HAMZA, Az iszlám vallás és a magyar jogrendszer - történeti-jogi áttekintés 10-12.

⁷ SZALAI, Az 1916. évi VII. törvénycikk – Az iszlám vallás legalizálása Magyarországon 595.

⁸ Article XVII of 1916 on the recognition of Islam religion

a romantic nationalist movement emphasizing the importance of the shared ancestry of Hungarians and Turks and the cultural affinity between the two nations.⁹ It is worth mentioning that the recognition of the Islamic religion did not have any effect on the Hungarian legal system; i.e., there were no changes in Hungarian family or criminal law.

The fifth historical era of Islam in Hungary dates back to the period between the two world wars. After World War I, the number of Muslims decreased to 291 people in Hungary according to the 1930 census. In 1931, under the leadership of the Bosnian Durics Hilmi Hussein, the Gül-Baba Independent Hungarian Autonomous Islamic Religious Community of Buda was established as the first Islamic organization in Hungary. From 1949, all kinds of religious gatherings were banned, including Islamic assemblies, due to the Soviet occupation and communist state system. During the Socialist era, students or workers with a Muslim background arrived in Hungary, but only in very small numbers. In the second half of the 1980s, it became possible for foreign Muslim students and some Hungarian converts to establish an association.¹⁰

3. The presence of Islam in Hungary nowadays

Nowadays, there are two state-recognized Islamic organizations in Hungary with an accepted church status on the basis of *Act CCVI of 2011 on the right to freedom of conscience and religion and the status of churches, denominations and religious communities*. The two organizations are the Hungarian Islamic Community¹¹ and the Organisation of Muslims in Hungary¹². The two organizations are listed in the law as the Islamic Council of Hungary, which was established in response to the new regulation. Religious organizations of accepted church status (*bevett egyház* in Hungarian) have a comprehensive cooperation agreement with the state; they enjoy tax discounts and other benefits, receive budget support, and Hungarian citizens can give them 1% of their personal income tax.¹³

In addition to these two organizations, several foundations and associations help Muslims practise their religion. One such body is the Charity Peace Foundation, the successor of the former Islamic Church, which was also a state-recognized religious organization until its official cessation in 2012. The Hungarian Muslim community is significantly divided on the basis of denominational affiliation (i.e., Sunni, Shiite, others) and country of origin. There are, for example, separate religious gatherings for believers from Turkey and Pakistan in Budapest.

⁹ BOLEK, A magyar iszlám története 3.

¹⁰ PAP, REMÉNYI, CSÁSZÁR, VÉGH, Islam and the Hungarians 204.

¹¹ Hungarian Islamic Community

¹² Organisation of Muslims in Hungary

¹³ Act CCVI of 2011 on the right to freedom of conscience and religion and the status of churches, denominations and religious communities § 9/G. <https://net.jogtar.hu/jogszabaly?docid=a1100206.tv>

Although the majority of Muslims in Hungary are foreigners, the community is expanding, with more and more Muslims being Hungarian citizens. It is quite difficult to estimate the number of a religious community, including the number of Muslims, because there is no membership register in Islamic communities, and it is not mandatory in Hungary to declare religious affiliation at the census. The number of Muslims in Hungary is estimated at approximately 32,000 according to an extensive survey led by the Organization of Muslims in Hungary in 2010. Of them, 17,925 are Arabs, 11,343 are non-Arabs (including 2,523 Hungarian converts) and 3,350 are students who usually stay in Hungary for 3-8 years.¹⁴ Muslim communities in Hungary are primarily concentrated in Budapest and bigger cities like Debrecen, Miskolc, Pécs and Szeged.

4. The main principles of Islamic marriage law

The rules of Islamic law (*Sharia*) concerning family and marriage still play an important role in Islamic societies. The principles of matrimonial and inheritance law in *Sharia* are incorporated into state law in almost all Muslim-majority countries.

A patriarchal social system evolved with the emergence of Islam: women could establish an intimate relationship with only one man, and within a household, the husband, his wife or wives and their children lived together. The emergence of polygamy is linked to a specific historical event, the Battle of Uhud, in which Mecca and Medina fought each other in 625 AD. In this battle, the Meccans killed many Muslim men. After the battle, in order to support the widows, Muhammad urged Muslim men to have more wives.¹⁵ Muhammad set an example with his own family: he took several women as wives, giving each of them her own home in his house. The following verse refers to the institution of polygamy in the *Qur'an*: “*And if you fear that you will not deal justly with the orphan girls, then marry those that please you of [other] women, two or three or four. But if you fear that you will not be just, then [marry only] one or those your right hand possesses. That is more suitable that you may not incline [to injustice]”*.¹⁶ Islamic law later developed on the basis of the *Qur'an* allows a man to have up to four wives; a woman, however, can only have one husband at a time. The man's duty is to treat all his wives equally. Nowadays, the law of several Muslim countries (e.g., Turkey, Tunisia) explicitly prohibits polygamy.

Islamic marriage (*nikah*) is a contractual relationship according to *Sharia* law, from which specific rights and obligations arise. In many cases, the guardian (*wali*) acts on behalf of the bride, but the groom represents himself. The *wali* is typically the closest male relative of the bride, meaning

¹⁴ SULOK, Muslim minority in Hungary 81.

¹⁵ WATT, Az iszlám rövid története 109–113.

¹⁶ Qur'an 4:3

either her father, her paternal grandfather, her son, her brother, her uncle or someone from her Muslim community. The bride can decide for herself who she wants to marry, so the woman's consent is also required for the marriage. Islamic marriage law allows Muslim men to marry non-Muslim women belonging to the “People of the Book,” such as Jews or Christians. However, according to traditional Islamic law, a Muslim woman can only marry a Muslim man. Nevertheless, in non-conservative communities, typically in the United States of America or in Europe, this tradition is not handled so strictly nowadays.

One of the essential elements of a valid Islamic marriage contract is the sum of the marriage gift, the *mabr*. The *mabr* is given to the bride mandatorily by the groom or the groom's father or family on occasion of the marriage. The purpose of the *mabr* is to ensure financial independence for the woman primarily in the event of her husband's death or divorce, because sharia is unfamiliar with the concept of marital community property. Therefore, any property brought by a party into the marriage remains the property of that person, and any property acquired during the marriage is the sole property of the person who acquired it. The principles of the *mabr* were already laid down in the *Qur'an*, and the instructions for its degree were written in the *Hadith* (reports of statements or actions of Muhammad). It is disputed whether the practice of the *mabr* had already existed among the pagan Arabs, or whether it was a revolutionary innovation of the *Qur'an*. In any case, the institution of the *mabr* included in the *Qur'an* undoubtedly gave women greater rights, providing them financial security and independence. In practice, *mabr* is usually money, but it can be any movable or immovable property, or even a pledge or simply a promise. *Ibn Hanbal*, founder of an Islamic law school, related a story in which Prophet Muhammad married off a woman to a man who had no tangible assets, and could only offer to teach his future wife some verses of the *Qur'an* as *mabr*. In another *hadith*, Muhammad released one of his wives from slavery, with this act constituting his *mabr*. The degree of the *mabr* depends on the social and financial situation of the woman's family. What is considered a decent wedding donation is what other women in the family received earlier. This is why it could be a problem even nowadays if someone receives a very high *mabr* in the family, because later it is much more difficult to endow the family's unmarried daughters.¹⁷

The bride often receives the *mabr* in two parts. She gets the first part upon signing the marriage contract. This is the so called *muqaddam*, the prompt *mabr*, which is the exclusive property of the wife even during the marriage, and she can spend it on whatever she wants. The second part of the *mabr*, called the *mu'akbar*, is a deferred and promised amount also stipulated in the marriage contract, which can be paid at any agreed upon date following the consummation of the marriage.

¹⁷ IVÁNYI, A törvény (šarī'a) az iszlámban 87–88.

The deferred *mahr* is usually a greater amount than the prompt one, because the deferred *mahr* is for the livelihood of the woman at the time of her husband's death or after divorce.¹⁸ The *Hanafi* and *Maliki* schools of Islamic jurisprudence forbid the postponement of the payment of the full *mahr*, requiring at least half of it to be paid at the time of the marriage.¹⁹

Contrary to the inseparable bond of a Catholic marriage, Islamic law permits divorce, although it is considered an undesirable act. According to Prophet Muhammad, of all the permitted things, divorce (*talaq*) by the husband is the most abominable with God. There are several modes of divorce under Islamic law, depending on whether it is initiated by the husband or the wife. The husband can unilaterally declare his intent to divorce (*talaq*), which he does not need to justify. According to the *Qur'an*, the husband needs to declare his intention to divorce three times for it to become binding, and one month needs to pass between the expressions of his intent²⁰. This period also serves as a possibility for solving the couple's problems. After the husband's third declaration of divorce, the divorce becomes final, but the woman has to wait three months before she can remarry in order to rule out a possible pregnancy. The triple *talaq*, when the husband declares his intent to divorce three times at once, is considered a sinful act in the *Qur'an*. Nonetheless, triple *talaq* is frequent even today, for example, in Saudi Arabia. In case of a *talaq* divorce, the husband has to pay the whole amount of the deferred *mahr*. If the woman wants to divorce her husband, she has two options. In the case of *tafriq* or *faskh*, she has to have a strong reason: insanity, impotence, sexual abandonment, infertility on the part of the husband, cruelty, prolonged absence, failure to provide a living, violation of conditions stipulated in the marriage contract, the imprisonment of the husband, domestic violence, substance abuse (alcohol or drugs) or an infectious venereal disease.²¹ In this case, the intervention of a *qadi* (religious judge) is also necessary for separating the spouses. Once the divorce is pronounced, the man is obliged to pay the full amount of the *mahr*. Another possibility for a woman to divorce is known as *khul*. This type of divorce is performed in mutual agreement: it requires the husband's consent, and there is no need for a specific reason. In this case, however, the woman is usually forced to give up some or all of the *mahr*.²² According to the *Hanafi* and *Maliki* schools, women do not have to give up their *mahr* in case of a *khul* divorce either. The husband only has to pay half of the *mahr* if the spouses decide to divorce before the consummation of the marriage.²³

¹⁸ ESPOSITO, DELONG-BAS, Shariah, What Everyone Needs to Know 106-114.

¹⁹ SPENCER, Mahr as Contract 8.

²⁰ Qur'an 2:229-230.

²¹ ESPOSITO, DELONG-BAS, Shariah, What Everyone Needs to Know 117-121.

²² OMAN, Bargaining in the Shadow of God's Law 589–592.

²³ HEKA, Vallási jogrendszerek 304–305.

5. The application of Islamic marriage law in Hungary

Hungary is a state with secular legal order, which means that state law prevails over all religious rights. Since the end of the 19th century, civil marriage has been compulsory in Hungary according to Article XXXI of 1894 on matrimonial law²⁴. This means that if someone only has a marriage ceremony in the church, mosque or synagogue, it does not qualify as a valid, formal marriage in the eyes of the state. Therefore, Islamic organizations do not have any legal power regarding Islamic marriage issues. In the following, based on in-depth interviews with the people responsible for marriage in both of the state-recognized Islamic organizations (Hungarian Islamic Community, Organisation of Muslims in Hungary), I present how Muslims in Hungary apply Islamic marriage law. During the interviews, I was seeking answers to questions such as the following:

- How common are Islamic marriages in Hungary?
- Under what conditions can someone marry in Hungary according to Islam?
- Is a civil marriage certificate a precondition for an Islamic marriage?
- Does the couple generally also have a civil marriage at the time of the Islamic marriage?
- What is the sum and the significance of the *mahr* (marriage gift)?
- Are the amounts of the prompt *mahr* and the deferred *mahr* separated in the marriage contracts?
- How common are divorces?
- Are disputes during divorces common? If so, what is the main subject of dispute?
- Does the issue of the *mahr* cause disputes during divorce?
- Do women turn to the Islamic organizations for support if they want to divorce?

5.1. The Hungarian Islamic Community

The Hungarian Islamic Community (*Magyar Iszlám Közösség*) was established in 1988 by Hungarian nationals led by Balázs Mihálffy as the first Islamic organization after the oppression of the socialist era.²⁵ It is considered the legal successor of the Gül-Baba Independent Hungarian Autonomous Islamic Religious Community.²⁶ At present, Zoltán Bolek is the president of the organization, but it is Ahmed Miklós Kovács, the vice president of the Hungarian Islamic Community, who arranges Islamic marriages. He converted to Islam in 2003, joined the organization in 2012, and became vice president in 2014. I had an in-depth interview with him on June 12, 2020.

²⁴ Article XXXI of 1894 on matrimonial law § 29.

²⁵ CSICSMANN, VÉKONY, Muslims in Hungary: A bridge between east and west? 60.

²⁶ Hungarian Islamic Community

The Hungarian Islamic Community follows the Sunni Islamic School called *Hanafi* school, which does not require the presence of a *wali* – a representative for the woman – at the time of marriage. Accordingly, the women represent themselves during the marriage ceremony. The Hungarian Islamic Community conducts about one or two marriages per month, typically between foreign Muslim men and Hungarian women. The parties to be married are required to meet certain prerequisites. Proof of marital status is requested in order to verify that neither party is married. If the woman is divorced, she has to wait for the 3-month waiting period to pass. After that, an official decision regarding the divorce is required. In case she is a widow, her husband's death certificate is needed. The parties are asked for an identity card, passport, or residence permit. The Hungarian Islamic Community also tries to check that the documents actually contain the person's real name. There are two typical cases of marriages. One is when an older Hungarian woman marries a 10- or 15-year younger Muslim man. On the part of the man, this is a marriage of convenience to obtain a visa or residence permit as an immigrant. In this case, obviously they have a civil marriage, as well. The other case is when the Muslim man does not want to live in a forbidden (not *halal*) relationship with his Hungarian girlfriend, and therefore they have an Islamic marriage, but they do not have a civil marriage at all.

The Hungarian Islamic Community sets a minimum amount for the *mahr*, which is HUF 5,000. This is important because Hungarian women do not deal with the amount of the *mahr*. However, from a religious point of view, the *mahr* has a significant role in the marriage, and should not have a very low value. In the experience of the Community, if both parties come from an Islamic culture, the amount of the *mahr* is much higher, around HUF 100,000 - 200,000. And if the *mahr* is an asset, it is typically a piece of gold jewellery, but its monetary value must always be determined in the marriage contract.

Unfortunately, divorces are common. Dispute usually stems from the fact that the woman wants to divorce and the man does not. In that case, the woman turns to the Hungarian Islamic Community, and states in front of two witnesses that she wants to divorce. Then the Community issues a document about the divorce in accordance with Islam. However, if the *mahr* is not issued by the husband at divorce, they cannot enforce him to do so because they do not have the necessary authority.

5.2. The Organisation of Muslims in Hungary

The Organisation of Muslims in Hungary (OMH) was established in 2000.²⁷ The Organisation does not have a membership register, thus it is hard to estimate how many people are in contact with it, or how many believers visit its mosque (Mosque of Budapest) on a weekly basis. It is open to everyone, with no limitations regarding religious affiliation, so both Sunnis and Shiites are welcome. Since 2001, Zoltán Sulok has been its president, with whom I had an interview on March 5, 2020. He converted to Islam in 1995, and was among the founding members of the Organisation. He is a committed supporter of religious dialogue, and regularly represents Hungarian Muslims in national and international forums. As the president, among several issues, he is responsible for marriages.

A much higher number of people get married at the Organisation of Muslims in Hungary than at the Hungarian Islamic Community, with several marriages being held at the Organisation per week. Although the OMH does not follow a specific Islamic school or branch, the presence of a *wali* is required for the bride at the marriage ceremony in every case. The OMH does not determine an upper or lower limit for the *mahr*, so it varies from HUF 10 to USD 5,000, and there are cases when the men give high-value golden jewellery as the *mahr*.

Divorces are common at OMH, too. The most typical reasons are the following:

- The Hungarian wife realizes that the child must be raised according to Islam, and she does not want that.
- The spouses divorce due to cultural differences. For example, Afghan men and Roma women typically struggle with cultural and religious differences.
- The man has to divorce because his family already arranged his marriage at home. This is typical in the case of men coming from the Indian subcontinent.
- Fortunately, this is not a common case, but it also happened that the man only married the girl to get into sexual contact with her, and after he got that, he divorced her.

6. Conclusions

Although Islam has had a long history in Hungary, there is no deep-rooted tradition of the Islamic religion. Nevertheless, due to the 150-year long Ottoman occupation, there are numerous Islamic architectural heritages all over the country.

Regarding the marriage habits of Muslims living in Hungary nowadays, I made some findings principally based on the interviews.

- In most cases, the parties do not enter into a civil marriage at the time of Islamic marriage.

²⁷ Organisation of Muslims in Hungary

- The two Islamic communities determine different conditions for the marital procedure, regarding, for instance, the presence of the *wali* or the amount of the *mabr*.
- Islamic organizations have no coercive power to enforce Islamic marriage law (e.g., in regards of the payment of the *mabr*).
- The *mabr* does not have a prominent role in Hungary, so men only pay a small amount. The reason for this is that Hungary does not have a considerable Muslim community like the United Kingdom or France, where the *mabr* plays a similarly important role as it does in Muslim-majority countries.
- *Khul'* divorces are common.
- The Hungarian Islamic organizations do not require civil marriage as a precondition for Islamic marriage.
- Typically, foreign Muslim men marry Hungarian women.

To get a broader and deeper picture about the marriage habits of Muslim people living in Hungary, I will expand my research with findings based on further in-depth interviews and an online questionnaire.

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