



### THE ISLAMIC KAFALAH AND ITS IMPLEMENTATION ON THE BASE OF THE ECtHR'S JURISPRUDENCE

Due to the large waves of immigration from Islamic countries, European legislators have to deal with legal institutions hardly comparable to those found in the West. Among the foreign law institutes that have no recognition in Western legal systems, in addition to the best-known polygamy and repudiation, there is also the kafalah which is a legal instrument in use in most of the Islamic countries which, despite having some features in common with the adoption, cannot be assimilated by express Koranic ban. Unlike the provisions for the adoption, between the Kafil and the young person it is not possible to create a parent-child relationship and the child cannot acquire rights of inheritance.

The article will analyze the institution of kafalah and it will consider the case law of the European Court of Human Rights on the subject focusing in particular on the application of Article 8 ECHR.