

## **Conflict between Social Cohesion and Personal Identity in the Law governing on Family Relationships**

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### **Abstract**

The connecting factor on the category of personal matters and specifically at family relationships has twofold function. On one hand, it reflects the person's affiliation with a particular country or population and on the other hand, has an important role in creating social convergence and is used to achieve the political and social goals of states. The basic question is that the creation of social convergence has strengthened which connecting factor to determine the governing law? Is it inferred from respect for personal identity and individual will, the freedom to choose the law governing on family relationships, even if it is the choice of non-state laws arising from religious norms? The concern of creating social cohesion in many countries has led to the tendency to apply the law of habitual residence. On the other hand, respecting individual identity and providing the legitimate expectations of individuals has led to the prevalence of will sovereignty and the prescription of choosing the law governing on family relationships. Even with considering that many people look for their individual identity in non-state laws and specifically following religious rules, the will sovereignty has been extended towards the application of non-state laws and the acceptance of religious laws as the law governing on family relations. Although the application of religious standards, especially Islamic Sharia, is still difficult in the light of political and cultural conflicts, and the respect for individual identity and cultural diversity has lost its function due to considerations about social cohesion. This article evaluates the appropriate connecting factors in cross-border family relationships by analytical-descriptive method and comparing the laws of different countries.

**Keywords:** Family Relationships, Social Cohesion, Personal Identity, will sovereignty, Religious regulations

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