

RELIGIOUS INFLUENCE ON FAMILY LAW DECISIONS IN ZAMFARA STATE, NIGERIA: NAVIGATING THE INTERSECTION OF SHARIA AND SECULAR LEGAL PRINCIPLES

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Abstract:

This study examines closely how religion, particularly Islamic Sharia law, influences family law decisions in Zamfara State, Nigeria. Zamfara State, one of the first jurisdictions in the nation to formally apply Sharia law, presents a unique legal landscape where religious rules and secular family law occasionally coincide and sometimes clash. The study investigates how Sharia law affects several facets of family law, such as marriage, divorce, child custody, and inheritance. A survey of legal professionals adds to the study's mixed-methods approach, which draws on viewpoints from family court judges, religious academics, lawyers, affected families, and others. While descriptive statistics evaluate the quantitative data, the study employs theme techniques for qualitative insights. Often prioritising over secular legal standards, the findings show that religious values significantly influence family law choices. For vulnerable family members, especially women and children, this dynamic has notable effects. The study ends with suggestions for balancing family law practice in Zamfara with religious beliefs, human rights and justice.

Keywords: Family law, Sharia Law, Religious Influence, Legal Pluralism, Zamfara State, Nigeria

1. Introduction

Zamfara State made history in 1999 as the first area in Nigeria to formally embrace Sharia law, a step that dramatically altered its judicial system. Zamfara State, one of 12 Northern States that followed this route created a model for bringing Islamic ideas into public governance and the legal system (Peters, 2001). Sharia law mostly controls personal status and family law inside the State including topics regarding marriage, divorce, child custody, inheritance and domestic relations.

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This shift created a dual legal system in which Islamic values coexist with Nigeria's secular legal framework, therefore producing a complicated situation where religious and secular norms interact (Mahmud, 2003). Adopting Sharia law in Zamfara was motivated by a wish to match the state's legal system with the religious convictions of its mostly Muslim people (Ostien, 2007). Proponents of Sharia law contend that it reflects the religious convictions of the community, therefore fostering moral values, social justice and a legal system (Peters, 2001). Still, on family law, this double legal system has generated controversy regarding the influence of religion on legal choices. Though Sharia is supposed to reflect the moral and religious values of the Muslim majority, its implementation has occasionally produced results at odds with Nigeria's constitutional values of equality and non-discrimination (Human Rights Watch, 2004).

Family law in Zamfara is mostly driven by Sharia values, which have major consequences for women, children and other vulnerable people (Imam, 2005). For example in divorce situations, Sharia law lets men terminate their marriages by "talaq" (a verbal pronouncement), which could disadvantage women and leave them with little legal protection (Mahmud, 2003). Likewise, inheritance under Sharia is governed by rigorous laws that allocate certain shares to male and female heirs, hence often producing unequal distribution that benefits male relatives (Peters, 2001). Such policies have generated questions regarding gender equity, human rights and justice for women under family law conflicts (Imam, 2005). Sharia courts and secular courts in Zamfara have also clashed as a result of the coexistence of Sharia and secular legal systems, particularly in family issues involving individuals of various religions or when a Sharia court's decision is contested in a secular court (Ostien, 2007). Judges in this situation have to negotiate a complicated legal scene full of ambiguities where religious principles can conflict with constitutional rights (Mahmud, 2003).

This study aims to investigate how strongly religious values influence family law rulings in Zamfara State. It intends to know how Sharia law is used in family law matters, find conflicts between Islamic and secular values and evaluate how these legal rulings affect family members particularly women and children. The study provides insights into the practical impacts of religion influence on family law by means of court cases, legal papers, interviews with legal professionals and impacted people. It also offers advice on how to balance Islamic and secular legal ideas to guarantee justice, fairness, and human rights in Zamfara's family law practice.

2. **Objectives of the Study**

The study aims to explore the impact of religion especially Sharia law on family law decisions in Zamfara State, Nigeria. Specifically, it seeks to:

1. Investigate how Sharia law influences outcomes in family law cases such as marriage, divorce, child custody and inheritance.

2. Understand the experiences of those affected by these decisions, with a focus on women and children.

3. Explore practical ways to ensure that family law decisions respect both religious principles and fundamental rights while promoting fairness and justice.

3. Conceptual Review

Sharia Law: Rooted in fundamental Islamic texts and ideas including the Quran (Islam's holy book), Hadith (the teachings and actions of Prophet Muhammad), Ijma (the consensus of Islamic scholars) and Qiyas (analogical reasoning), Sharia law is the religious legal system of Islam (Peters, 2001). From personal status and family issues to criminal law and economic transactions, Sharia provides a wide legal and moral framework controlling many facets of a Muslim's existence. Sharia law is mostly applied to family law matters in Zamfara State, including marriage, divorce, child custody and inheritance (Ostien, 2007). Unlike a single, uniform legal system, Sharia law is subject to interpretation which has resulted in the emergence of various schools of thought (madhhab), each with its own interpretations and practices include Hanafi, Maliki, Shafi'i and Hanbali. Most often practiced in Northern Nigeria especially Zamfara State, the Maliki school of Islamic law (Imam, 2005). This specific school is famous for acknowledging community practices (urf) alongside conventional Islamic legal values. A wish to align the state's legal system with the religious values of its mostly Muslim population drove the implementation of Sharia law in Zamfara (Ostien, 2007). Family law shows the most clear Islamic influence since Sharia ideas direct choices on issues including marriage, divorce, child custody, inheritance and domestic relations (Peters, 2001).

Family Law: law is a legal domain dealing with problems resulting from family ties, including marriage, divorce, child custody, adoption, inheritance and domestic abuse (Mahmud, 2003). It guarantees that personal rights are safeguarded inside the family environment and offers a system for settling conflicts among family members. Depending on the area and the religious origins of the individuals involved, family law in Nigeria is formed by a combination of customary law, Islamic (Sharia) law and statutory (secular) law. While secular courts keep jurisdiction over issues involving non-Muslim families and some civil concerns, Sharia law mostly controls family law in Zamfara State (Peters, 2001). Women and children who frequently face Islamic laws affecting choices on marriage, divorce and inheritance suffer greatly under Sharia law in family matters (Imam, 2005). Family law in Zamfara is also shaped by cultural and social conventions. For instance, Sharia law supports the practice of "talaq" (a verbal type of divorce), which lets a husband unilaterally terminate his marriage, critics say this is unjust for women (Mahmud, 2003). Likewise, the inheritance laws of Sharia prescribe set shares for male and female heirs, therefore sometimes favouring male relatives in unequal distribution (Peters, 2001).

Legal pluralism: It is the coexistence of several legal systems inside one area where several sets of legal ideas and institutions run side by side (Griffiths, 1986). Legal plurality in Zamfara State is clear in the coexistence of Nigeria's secular legal system and Sharia (Islamic) law. While secular courts still manage civil and criminal cases, these two legal systems let religion law control family concerns. Legal pluralism in Zamfara has its origins in the colonial era when the British let Islamic and customary rules run parallel to the imported common law system (Mahmud, 2003). This multiple legal system remained after Nigeria became independent; the implementation of Sharia law in Zamfara helped to further enhance the influence of religion law in the state. Legal pluralism presents opportunities as well as difficulties. On one side, it lets people resolve conflicts in ways that fit their cultural and religious values. Conversely, it may cause tensions across legal systems particularly when religious rules collide with constitutional rights (Imam, 2005). In Zamfara, this legal plurality has caused jurisdictional problems between Sharia courts and secular courts especially in family law conflicts (Ostien, 2007).

Religious influence: This is the manner in which religious ideas, values and principles effect legal decisions and societal activities. This impact is especially apparent in Zamfara State in the application of Sharia law in family law proceedings where Islamic values direct decisions on issues including marriage, divorce, child custody and inheritance (Peters, 2001). But the influence of religion goes beyond only legal regulations, it also shapes the attitudes and points of view of individuals engaged in family conflicts including judges, solicitors and family members (Mahmud, 2003). Religious impact in family law can have both good and bad consequences. On one side, it provides a moral basis for settling family disputes and preserving social order. Conversely, it could result in discriminatory behaviour

especially against children and women who might be under rigorous religious laws restricting their rights (Imam, 2005).

Judicial discretion: It's the ability of judges to decide according to their knowledge of the law and the particular facts of every case. This discretion is particularly crucial in Sharia courts in Zamfara State where judges (Qadis) are in charge of interpreting Islamic values to resolve family conflicts (Ostien, 2007). Among the several elements that affect how judges use this discretion are their understanding of Islamic law, local customs and the specific school of Islamic thought (madhhab) followed in the area (Peters, 2001). Because judges may read Sharia ideas differently, this adaptability might lead to various results for comparable situations. Judicial discretion can be a means of fostering justice when judges give the best interests of a kid in custody disputes top priority or take women's wellbeing into account in divorce settlements (Mahmud, 2003). On the other hand, especially if judges give religious values greater weight than constitutional rights, it may lead disparities in judicial rulings.

4. Empirical Review

In Northern Nigeria, where Islamic values, traditional customs and contemporary legal systems all converge, religion plays a major role in determining family law practices. Researches reveal time and again that religious beliefs have a major impact on family law judgements in this area particularly among Muslim populations where Sharia law is the main legal framework for family matters. Ibrahim and Bello's (2019) thorough field investigation in Kano State revealed that 87% of those questioned said Islamic teachings are the primary guidance for marital customs and that a valid marriage depends on obeying religious norms. The study also revealed that Ulama or religious officials, significantly influence marital choices including the requirements for polygamy. Yusuf (2020) in Sokoto State backed this finding, where 78% of households sought religious authorities' advice prior to marriage, indicating a great dependence on religious direction.

Sharia law also has a big impact on divorce patterns in Northern Nigeria. In his study on divorce in Zamfara State, Ahmed (2021) found that most divorces were started by men using "talaq" (a kind of unilateral divorce). Apart from "khul" (a divorce started by the woman with the husband's consent), women had little choice to end a marriage; they might also pursue a court decision. This highlights a gender disparity in religious divorce practices whereby men usually have more power.

Religion also influences choices regarding child custody. Based on religious views that view men as key careers, Sani (2018), in his study of Kaduna State, discovered that 65% of custody choices favoured dads once children reached a particular age. There were, however, instances where women who were financially independent might obtain custody indicating that economic considerations might potentially affect custody choices.

Another field where religious ideas have a big influence is inheritance. According to Adamu (2019), 92% of Muslim families in Katsina State observed Islamic inheritance policies whereby male heirs got double the portion of female heirs as directed in the Quran. Still, several ladies voiced unhappiness with this trend indicating an increasing knowledge of gender rights and equality. Religious effect on inheritance can also interact with cultural customs. Abdullahi (2020) observed that in rural areas family elders may change inheritance policies to fit local practices, hence mixing religious and cultural expectations. Usman and Ali (2019) discovered 76% of Bauchi State residents would rather resolve family conflicts via religious leaders than visit civil courts, hence stressing the power of religious leaders in family affairs.

Family law continues to be a significant obstacle for women in terms of access to justice. In his Kebbi State study, Musa (2021) discovered that although Sharia courts were present, cultural norms frequently

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dissuaded women from pursuing legal assistance particularly in conflicts with their husbands. Women find it impossible to claim their rights under this cultural pressure supported by religious expectations. Modernisation and legislative changes are slowly having an effect yet this significant religious influence shapes them. Garba (2022) discovered that 43% of women in metropolitan areas of Kano and Kaduna were aware of their constitutional rights and were more ready to question family law discriminatory practices. This indicates a gradual but clear change towards more legal knowledge and the defence of personal rights.

The data generally indicates that family law choices in Northern Nigeria are significantly influenced by religion. Social and economic changes, meantime, raised legal knowledge and modernisation is progressively changing these ancient practices, hence producing a more complicated and changing legal scene in the area.

5. Theoretical Framework

Grounded in John Griffiths's 1986 Legal Pluralism the coexistence of several legal systems operating side by side within a same culture or state where religious, customary and secular laws interact. This idea is clearly seen in Zamfara State in the coexistence of Nigeria's secular legal system and Sharia (Islamic) law. Where secular courts manage civil and criminal trials, Sharia law controls family issues including marriage, divorce, child custody and inheritance (Ostien, 2007). Particularly in family law, where Sharia values may take precedence over secular legal requirements, this double legal system emphasises the great impact of religion on legal judgements (Peters, 2001). Legal pluralism is a useful tool for comprehending the complicated legal landscape in Zamfara State since it clarifies how state laws and religion interact. Some academics have noted that legal pluralism can occasionally cause disputes, particularly when many legal systems provide contradictory answers to the same problem (Benda-Beckmann, 2002). Particularly when religious laws conflict with constitutional rights like gender equality and non-discrimination, the overlap between Sharia and secular family law in Zamfara State can cause discrepancies (Mahmud, 2003).

6. Methodology

Examining how religion affects family law choices in Zamfara State, Nigeria, this paper adopts a mixed methods research methodology comprising qualitative and quantitative techniques. Using purposive sampling for interviews and stratified random sampling for surveys, semi-structured interviews with family law practitioners, religious leaders and individuals who have encountered family law issues gather data. While first hand insights are reinforced by secondary sources including Sharia legal texts, Nigeria's secular family law statutes and case law analysis, structured questionnaires provide quantitative data. While quantitative data are studied using descriptive statistics, qualitative data are analysed using thematic analysis to highlight important themes.

7. FINDINGS

The study investigated how religion, especially Sharia law, affects family law choices in Zamfara State, Nigeria. These results are derived from interview insights with family law practitioners, religious leaders, affected family members and survey data gathered from these groups. The outcomes are structured around important themes that provide a clear perspective on how family law procedures are affected by religious ideas.

Religious Impact on Family Law Decisions: Especially Sharia law's strong impact on family law choices in Zamfara State is one of the most remarkable results of this research. Family law lawyers and religious leaders alike regularly underlined that Sharia law is the main guidance for settling family conflicts. A Sharia court judge said, "*We constantly refer to Sharia principles as they are the basis of our legal system here*". Islamic law governs all matters including marriage, divorce, child custody and inheritance. An Imam who said, "*Our duty is to assist families settle conflicts in line with Islamic teachings*," underlined this perspective. We lead children to choose things that please Allah. With 78% of family law practitioners agreeing that Sharia law is the prevailing foundation for family cases, survey results confirmed this viewpoint. Sixty-five percent of religious leaders, on the other hand, thought that following Sharia values guarantees social order and fairness. Some family members, meanwhile, voiced worry about how rigorously these values are followed. One woman who had been divorced me with talaq (verbal proclamation) without any warning. The court did not challenge him; I was left unsupported". Another woman said, "*My brothers inherited twice as much as I did when my father passed since they are men. Though it seemed unjust, they claimed it was Sharia-based*".

Gender Inequality in Family Law Judgements: The results of the survey frequently highlighted gender inequity. Many women said they experienced discrimination in family law conflicts particularly in divorce and inheritance situations. Of the women interviewed, 60% said they were unhappy with the results of their divorce proceedings because of insufficient financial assistance or unjust custody decisions. "I was the one who cared for my children but when I remarried, I lost custody because they said my new husband couldn't be their father under Sharia," said one divorced lady. The poll also uncovered gender differences in inheritance. Even if they had helped to build the family's riches, around 70% of women said they got a lesser portion of inheritance than their male counterparts. One woman said, "When my father died, my brothers took most of his sizable land." Being a woman meant I was only given a little share. Religious leaders and Sharia court judges justified these actions by saying they were founded on religious values. One judge said, "Under Sharia, men are accountable for providing for the family thus they receive a higher share of the inheritance. This is about duty, not discrimination". Deciding on Child Custody: Weighing Religious Values Against Child Welfare Decisions on child custody are also greatly influenced by religious beliefs. Mothers usually get custody of young children in Sharia courts but this alters as the child ages. "Mothers have custody of young children but once boys reach seven years or girls reach puberty, custody usually goes to the father or his family," a Sharia court judge said. Some family members particularly moms who lost custody while being the main carers, condemned this policy. "I reared my son from infancy, but when he was seven, his father took him away. I still fail to see why". Survey findings revealed that 68% of women said the child's welfare should come first in child custody choices over religious rules. By comparison, 75% of religious leaders maintained that Sharia teachings are meant to guarantee that children are brought up with strong religious values. Conflicts of Jurisdiction between Secular Courts and Sharia: The study also revealed family law case-related Sharia court-secular court tensions. Some family law attorneys said that families dissatisfied with Sharia court rulings frequently go to secular courts for a different result. "I have dealt with cases where women who lost in Sharia courts went to secular courts but this causes confusion since the secular courts cannot readily overrule Sharia decisions", one lawyer said. A Sharia court judge admitted this difficulty, saying, "There are instances when our verdicts were attempted to be overturned by secular courts, which just creates uncertainty". Conflicting decisions force families to split. Family members trapped in these jurisdictional disputes voiced anger. One lady said, "They favoured my husband, so I lost my divorce case in the Sharia court. I went to the secular court, but they claimed it was a religious issue thus they couldn't intervene".

Family Conflicts and the Role of Religious Leaders: Resolving family conflicts in Zamfara State is mostly the responsibility of religious leaders like Imams and Islamic scholars. Imams were shown in the study to be usually the initial point of contact for families experiencing marital troubles. *"Families come to us because they trust us to guide them according to Islamic teachings, our job is to provide counsel and assist clients in settling conflicts",* said one Imam. Some ladies, meanwhile, thought religious authorities were prejudiced against them. *"When I went to the Imam for help, he told me to be patient and obey my husband even though he was abusive,*" one lady said. Seventy-two percent of family law solicitors polled said religious leaders helped to resolve family conflicts. But just 55% of women concurred, many of whom believed religious leaders favoured men.

Views on Fairness in Family Law Decisions: At last, the research looked at how people viewed the justice of family law rulings. Among family law practitioners and religious leaders, 65% and 70%, respectively, felt Sharia law guarantees fairness since it is founded on religious values. Of the women, though, just 40% agreed. Many women saw family law rulings as prejudiced in favour of men. *"How can it be fair when my husband can divorce me with just one word but I cannot do the same"*, one lady said.

Some women, however, backed Sharia law in spite of their worries, contending that the issue was not the law itself but rather its application. One lady said, "*The issue is not Sharia law." The issue is how sometimes males who know they have an advantage misuse it*".

8. Discussion

The results of this study show a complicated and profound link between religion especially Sharia law and family law rulings in Zamfara State, Nigeria. While also providing new perspectives on how people navigate the dual legal system of Sharia and secular family law in the State, these findings support current studies. Family law in Zamfara is clearly dominated by Sharia law, a reality regularly stressed by family law experts and religious authorities. The state's official adoption of Sharia law in 1999, which matched its legal system with the religious and cultural beliefs of its mostly Muslim population, explains this predominance. Sharia ideas are viewed by family law lawyers and religious authorities as the basis of legal choices on issues including inheritance, child custody, divorce and marriage. One Sharia court judge put it this way: *"We always turn to Sharia principles since they are the foundation of our legal system here."* Religious leaders see this dependence on Sharia as a way to preserve moral and social order as well.

Religious leaders and Sharia court judges may see this system as one of order and justice but the experiences of family members especially women that tell a more complex narrative. Many women reported experiencing discrimination in family law conflicts especially in divorce and inheritance situations. For instance, one woman who had helped to increase her family's riches lost the majority of her inheritance to her brothers since Sharia laws gave them greater portions. This experience mirrors what Mahmud (2003) noted about how Sharia law in Northern Nigeria can support patriarchal values, hence restricting women's access to justice. In this study, gender inequality became one of the most important topics. Women regularly said they experienced discrimination in inheritance and divorce his wife with one spoken statement. One woman said, *"Without any notice, my husband talaq divorced me and the court did not challenge him and I was left unsupported"*. This story underlines the vulnerability many women experience in a society where their marriages might terminate abruptly at the husband's choice.

Sharia's inheritance laws also generated unhappiness among women who got lesser portions than their male relatives. Religious leaders justified this custom, saying that males have to support their families and so get a bigger portion. Many women, however, found it unjust. One answerer said, *"My brothers got double the inheritance I got solely because they are men. They claimed it was Sharia, but it seemed incorrect".* These results fit earlier research (Imam, 2005; Mahmud, 2003), which have highlighted the gendered character of Sharia-based family law. The policies on child custody added to the problem of gender disparity. Religious beliefs that usually give custody of young children to mothers but transfer custody to fathers or paternal relations as children age usually at seven for males or puberty for girls strongly impact custody judgements in Zamfara State. Rooted in Sharia, this philosophy stresses the father's duty for a child's spiritual development (Ostien, 2007).

But, this holy rule sometimes conflicts with the reality of caring. Though they were their main careers, several mothers recounted heartbreaking tales of losing custody of their children. *"From birth, I nurtured my kid; his father took him away when he was seven. I still fail to see why".* Such instances draw attention to a conflict between religious values and the child's best interests, a topic Mahmud (2003) also observed. The survey also uncovered regular Sharia-secular court jurisdictional disputes. Families unhappy with Sharia court rulings usually looked for justice in secular courts which caused legal uncertainty. One attorney said, *"Tve seen situations where women who lost in Sharia courts took their chances in secular courts, but this causes issues since secular courts cannot readily reverse Sharia rulings."* This conflict between the two legal systems highlights the more general issue of legal pluralism in Zamfara where Islamic and secular laws coexist side by side but do not necessarily correspond (Benda-Beckmann, 2002). Families stuck between these systems can feel frustrated since their judicial choice determines their contradictory decisions.

Apart from the official legal system, religious leaders like Imams and Islamic scholars significantly influence family conflict resolution in Zamfara. Many families find them to be the initial point of contact during dispute. Families turn to us, as one Imam put it, "*because they trust us to guide them according to Islamic teachings.*" Relying on religious leaders, meanwhile, is a double-edged sword. Although they offer spiritual support and direction, some women believe religious leaders favour male interests. One lady said, *"Although he was abusive, when I went to the Imam for help, he told me to be patient and follow my husband's orders.*" This view of prejudice fits the results of other research that have pointed out how occasionally religious leaders give religious values top priority over personal rights.

The survey also looked at how people saw the justice of family law rulings. Most religious leaders and family law lawyers found Sharia law to be fair as it is founded on heavenly values. A family law expert said, *"Sharia guarantees fairness since it is founded on justice and compassion as taught in Islam.*" Many women, however, did not share this perspective. Of the women polled, just 40% thought family law rulings were just. *"How can it be fair when my husband can divorce me with just one word but I cannot do the same*". Some women, however, maintained Sharia in spite of these attacks, contending that the issue was not the law itself but rather its application. One lady said, "*The issue is not Sharia.*" The issue is how certain males who know they have an advantage misuse it.

Usually, these results offer a thorough picture of how religion especially Sharia law affects family law in Zamfara State. It shows a complicated legal scene where religious values, legal processes and personal experiences interact to produce both harmony and conflict. The research shows a distinct difference between the views of religious leaders who see Sharia as a source of justice and women who frequently see it as a source of injustice. These findings highlight the need of striking a balance between religious values and human rights in family law. They imply a need for a more balanced approach that respects religious beliefs while also safeguarding individual rights especially those of women and children.

9. Conclusion

This study demonstrates how much religion especially Sharia law shapes family law choices in Zamfara State, hence influencing issues including marriage, divorce, child custody and inheritance. Many women interpret Sharia differently than religious leaders and family law practitioners who view it as a source of moral direction. Especially in divorce and inheritance situations, many women find it unjust. Gender inequality is a constant issue; women often suffer in divorce settlements and have lesser inheritance portions. The research also shows that occasionally religious leaders who are supposed to lead families support conventional wisdom favouring men. Conflicts between Sharia and secular courts add to family law conflict, hence confusing families on where to pursue justice. These results underline the importance of a strategy that guarantees justice and safeguards people's rights, particularly women and children, while also respecting religious beliefs.

10. Recommendation

This study proposes the following steps to encourage more equitable family law rulings in Zamfara State. Firstly, Sharia law should be read with more gender sensitivity. Family law practitioners including Sharia court judges should get education on gender equality to guarantee that women are not unjustly treated in divorce or inheritance situations. Legal changes should also ensure that women in divorce agreements get reasonable financial support.

Secondly, emphasis should be put on the child's best interests rather than only following religious laws. Taking into consideration the function of the primary career and the child's general well-being, the courts should be flexible.

Thirdly, religious leaders in family conflicts should play a morefair and balanced role. Their recommendations should safeguard the rights of both men and women by means of guidance that honours religious principles without strengthening gender bias.

Fourthly, there should be obvious rules to handle Sharia-secular court conflicts. This would enable families to be certain of consistent legal results and to avoid misunderstanding.

Finaly, religious leaders, family law experts, women's rights organisations and legislators should engage in continuous conversation. Such talks should emphasise changing family law to preserve a balance between religious values, justice and respect for human rights.

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