



The Intersection of Customary and Statutory Law in Family Matters: A Mixed-Methods Study in Ghana

Amma Prempeh^{1,2}, Kofi Agyeman³

¹ Department of Interdisciplinary Studies, Food Research Institute (FRI)

² Department of Advanced Studies, Council for Scientific and Industrial Research (CSIR-Ghana)

³ Food Research Institute (FRI)

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Correspondence: aprempeh@yahoo.com

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Author notes

Amma Prempeh is affiliated with Department of Interdisciplinary Studies, Food Research Institute (FRI) and focuses on Law research in Africa.

Kofi Agyeman is affiliated with Food Research Institute (FRI) and focuses on Law research in Africa.

Abstract

Ghana's legal system incorporates both customary and statutory laws for resolving family matters, creating a complex interplay between these two systems. A mixed-methods approach combining qualitative interviews ($n=30$) and quantitative survey data ($n=500$) to analyse perceptions of judges and litigants regarding the application of customary laws in family cases. Interviews revealed that judges often struggle with reconciling customary practices with statutory law, particularly in matters involving inheritance and child custody. Survey results showed a significant proportion (42%) of respondents believed customary laws should be applied more frequently than statutory ones in all areas. The mixed-methods study highlights the challenges faced by Ghanaian judges in balancing customary and statutory laws, with substantial support for greater incorporation of customary practices into court decisions. Policy recommendations include advocating for legislative reforms to mandate a stronger role for customary law in family courts, alongside judicial training programmes focused on reconciling these legal systems.

Keywords: Ghanaian, Mixed-Methods, Customary-Law, Statutory-Law, Intersection, Qualitative-Quantitative, Empirical-Studiolo

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