



The Intersection of Customary and Statutory Law in Ghanaian Family Matters

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Abstract

The intersection of customary law and statutory law in Ghanaian family matters is a complex area of legal practice that reflects both historical influences and contemporary societal changes. The research employed a qualitative approach involving semi-structured interviews with judges, lawyers, community leaders, and litigants from various regions of Ghana. Data collection was conducted through face-to-face meetings and online platforms, ensuring inclusivity across different socio-economic backgrounds. Findings indicate that customary laws continue to play a significant role in resolving family disputes, particularly in rural areas where adherence to traditional practices is strong. Statutory law often serves as a fallback mechanism when customary norms are ambiguous or lacking. There is also evidence of judicial discretion allowing judges to blend elements from both legal systems. This study underscores the importance of understanding both legal traditions and judicial flexibility for effective dispute resolution in Ghanaian family matters. Given the findings, it is recommended that policymakers consider integrating customary laws into statutory frameworks where appropriate to enhance legal inclusivity and accessibility. Educational initiatives should also be developed to promote awareness about the coexistence of these legal systems.

Keywords: *Ghana, Customary Law, Statutory Law, Legal Pluralism, Jurisprudence, Ethnography, Feminist Approaches*

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