



Customary Law and Statutory Law in Family Matters: A Ghanaian Interface Analysis

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Abstract

Customary law in Ghana plays a significant role in family matters, often coexisting with statutory laws established by the government. However, their interaction and integration are not always clear or harmonized. The analysis is based on a review of legal literature, court decisions, and consultations with legal practitioners. The study emphasizes empirical insights from recent case law and community practices. Recent court rulings have highlighted inconsistencies in applying customary laws versus statutory ones in family disputes, particularly regarding inheritance rights and child custody issues. The findings underscore the need for a more integrated approach to legal frameworks that can better accommodate both customary and statutory laws in resolving family matters. This brief recommends the development of guidelines that clarify the interface between customary and statutory law, aiming to enhance legal certainty and promote equitable outcomes in family cases.

Keywords: Geographic Terms: African
Methodological Terms: Legal Pluralism, Mixed Law Jurisdictions
Theoretical Terms: Customary Law Principles, Statutory Interpretation Techniques

Relevant Terms: Family Law Reform, Cultural Sensitivity in Legislation

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