

Islamic Law and Gender Equality: Challenges and Reforms in Sri Lanka's Muslim Marriage and Divorce Act

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Abstract

This article examines the ongoing debates and reform efforts surrounding the Muslim Marriage and Divorce Act of 1951 (MMDA) in Sri Lanka. The Act has faced substantial criticism for its inability to adapt to the evolving needs of modern society, often prioritizing men's interests over women's rights. Despite numerous reform attempts, reaching a consensus on crucial provisions has proven challenging, creating significant obstacles to amending the MMDA. Employing library research, this article analyzes reports from various committees to assess current practices, which reveal conflicting perspectives between committees and civil society organizations. This study re-evaluates the MMDA's provisions to determine whether proposed reforms align with Sharia law while meeting international legal standards, particularly Sri Lanka's obligations to eliminate all forms of discrimination against women, while considering religious and cultural sensitivities. The article underscores the need for collaborative dialogue among stakeholders to foster reforms that address the evolving Muslim community's legal needs, focusing on justice and equality.

[Artikel ini mengkaji perdebatan yang sedang berlangsung dan upaya reformasi seputar Undang-Undang Perkawinan dan Perceraian Muslim tahun 1951 di Sri Lanka. Undang-undang tersebut telah menghadapi kritik besar karena gagal beradaptasi dengan kebutuhan masyarakat modern yang terus berkembang, yang sering kali memprioritaskan kepentingan laki-laki di atas hak-hak perempuan. Meskipun ada banyak upaya reformasi, mencapai konsensus tentang ketentuan-ketentuan utama telah terbukti menantang, menciptakan hambatan signifikan terhadap amandemennya. Dengan menggunakan penelitian kepustakaan, artikel ini menganalisis laporan dari berbagai komite untuk menilai praktik terkini, di mana terdapat pandangan yang saling bertentangan antara komite dan organisasi masyarakat sipil. Studi ini mengevaluasi kembali ketentuan-ketentuan tersebut untuk menilai apakah reformasi yang diusulkan selaras dengan hukum Syariah sekaligus memenuhi standar hukum internasional, khususnya kewajiban Sri Lanka untuk menghapuskan segala bentuk diskriminasi terhadap perempuan, sambil mempertimbangkan kepekaan agama dan budaya. Artikel ini menggarisbawahi perlunya dialog kolaboratif di antara para pemangku kepentingan untuk mendorong reformasi yang memenuhi kebutuhan hukum komunitas Muslim yang terus berkembang dengan menekankan keadilan dan kesetaraan.]

Keywords: Gender Equality, Legal Reform, Muslim Marriage and Divorce Act, Sharia Compliance, Sri Lanka.



Introduction

Family law in Muslim-majority countries has transformed significantly over the past century, especially in advancing the rights of women and children.¹ These reforms generally follow one of two approaches: either aligning state law closely with Islamic law (Sharia) or implementing procedural and administrative measures based on interpretations from various schools of Islamic law (*madhhab*), in line with contemporary international standards on women's rights.² Countries such as Pakistan, Syria, Egypt, Morocco, and Tunisia have pursued family law reforms with varying degrees of success, particularly in areas such as the age of majority, divorce rights, polygamy, and marriage registration.³ However, many countries encounter challenges in balancing legal reforms with religious and cultural imperatives.⁴ These reforms underscore the complexities involved in reconciling state requirements with Sharia's moral framework, especially regarding gender roles.⁵

In Sri Lanka, reform efforts targeting the Muslim Marriage and Divorce Act No. 13 of 1951 (MMDA) have spanned over six decades, underscoring the intricacy of the process.⁶ These initiatives have faced substantial obstacles, particularly in managing non-Islamic influences while striving for gender equity. Conflicting recommendations—some emphasizing international standards over Sharia provisions, and others advocating the opposite—have ignited significant controversy among religious scholars.⁷ Core Islamic principles, especially interpretations rooted in Sri Lanka's predominant Shāfi'ī *madhhab*, are often regarded as immutable, rendering reform initiatives highly challenging. Thus, reform efforts must rigorously adhere to Sharia while aiming to balance gender equality within the context of roles traditionally ascribed to men. An ongoing debate involves whether the MMDA should incorporate interpretations from other *madhhabs* to enhance practical applicability. These discussions and reform efforts surrounding the MMDA are central analytical points in this article.

Rising feminist movements, concerns about Islamophobia, and perceived political advantages have intensified the discourse on MMDA reform. For instance, Schenk and

¹ See: Kristen Stilt, Salma Waheedi, and Swathi Gandhavadi Griffin, "The Ambitions of Muslim Family Law Reform," *Harvard Journal of Law & Gender* 41 (2018): 302–42; 'Abd Allāh Aḥmad Na'īm, ed., *Islamic Family Law in a Changing World: A Global Resource Book* (London: Zed Books, 2002), 200–13.

² See: N. J. Coulson, "Reform of Family Law in Pakistan," *Studia Islamica*, no. 7 (1957): 135–55; Idham Idham, Efa Rodiah Nur, and Agus Hermanto, "Dynamic Development of Family Law in Muslim Countries," *Al-'Adalah* 19, no. 1 (20 June 2022): 161–78.

³ See: Muhibbuthabry Muhibbuthabry, "Poligami dan Sanksinya Menurut Perundang-Undangan Negara-Negara Modern," *AHKAM: Jurnal Ilmu Syariah* 16, no. 1 (28 January 2016): 9–20; Marième N'Diaye, "La Réforme de La Moudawana: Une Révolution? Lire La Norme Islamique à l'aune de Sa Redéfinition Par l'État," *Studies in Religion/Sciences Religieuses* 45, no. 2 (June 2016): 146–65; Jean-Philippe Bras, "La Réforme Du Code de La Famille Au Maroc et En Algérie: Quelles Avancées Pour La Démocratie?," *Critique Internationale* 37, no. 4 (19 December 2007): 93–125; Nowrin Tamanna, "Personal Status Laws in Morocco and Tunisia: A Comparative Exploration of the Possibilities for Equality-Enhancing Reform in Bangladesh," *Feminist Legal Studies* 16, no. 3 (December 2008): 323–43.

⁴ Coulson, "Reform of Family Law in Pakistan," 146.

⁵ Na'īm, *Islamic Family Law in a Changing World*, 8.

⁶ The Muslim Marriage and Divorce Act No. 13 of 1951, as amended by Acts Nos. 31 of 1954, 22 of 1955, 1 of 1965, 5 of 1965, 32 of 1969, 41 of 1975, and 24 of 2013.

⁷ Anton Cooray, "The Reception of Islamic Law in Sri Lanka and Its Interplay with Western Legal Traditions," in *Mixed Legal Systems, East and West*, ed. Vernon Valentine Palmer and Mohamed Y. Mattar (London: Routledge, 2016), 213–24.

Hasbullah examine the intersection of feminist movements and Islamic law in Sri Lanka, showing how women confront patriarchal structures through strategies grounded in both religious and secular frameworks. They also highlight the contentious nature of MMDA reform, emphasizing how the bodies and spaces of Muslim women have become pivotal areas of political conflict.⁸ Complementing this perspective, Mahroof examines the formal and informal applications of Islamic law in Sri Lanka, particularly concerning marriage and inheritance. While Mahroof's analysis does not focus directly on gender issues, it provides valuable insights into the broader legal framework governing Islamic law in Sri Lanka, including the role of Quazi courts and the influence of community leaders and social norms on informal legal practices.⁹ Despite the efficiency and affordability of Quazi courts, Cooray argues that MMDA reform is essential to modernize aspects of Islamic law that currently allow for inequalities and injustices.¹⁰ Unlike previous studies, this article scrutinizes several reports and proposed amendments to the MMDA, emphasizing ongoing disagreements among committee members regarding specific aspects of the proposed reforms. It offers additional insights into areas where differences persist, especially from the perspectives of gender equality and justice.

This article adopts a library research methodology with a normative-juridical approach, involving detailed analysis of three major reports from committees appointed to consider amendments to the MMDA in Sri Lanka. The first report is from the Committee Appointed to Consider Amendments to the MMDA, published by the All Ceylon Jamiyyathul Ulama on 21 December 2017 (ACJU Report 2017).¹¹ The second report, chaired by Saleem Marsoof, was also published on 20 December 2017 (Marsoof Report 2017).¹² The third report is the 16 June 2021 Report of the Advisory Committee Appointed to Propose Reforms on Muslim Personal Laws in Sri Lanka, chaired by Shabry Haleemdeen (Haleemdeen Report 2022).¹³ These reports are currently under extensive discussion in various forums,¹⁴ underscoring their significance. Alongside these three reports, supplementary reports and related statutes are also analyzed descriptively in this article.

⁸ Christine G. Schenk and Shalul Hasbullah, "Informal Sovereignities and Multiple Muslim Feminisms: Feminist Geo-Legality in Sri Lanka," *Political Geography* 94 (April 2022): 102527.

⁹ M.M.M. Mahroof, "Islamic Law in Sri Lanka: The Formal and Informal Aspects," *Islamic Studies* 29, no. 1 (1990): 77–90.

¹⁰ Anton Cooray, "Access to Non-Judicial Justice Through Islamic Courts in Sri Lanka: Palm Tree Justice or Accessible Justice?," *Asia Pacific Law Review* 20, no. 1 (June 2012): 113–34.

¹¹ All Ceylon Jamiyyathul Ulama, "Report of the Committee Appointed to Consider Amendments to the Muslim Marriage & Divorce Act (MMDA)," 21 December 2017, <https://www.moj.gov.lk/images/pdf/Vol-1-B.pdf>.

¹² Saleem Marsoof, "Report of the Committee Appointed to Consider Amendments to the Muslim Marriage and Divorce Act," 20 December 2017, <https://groundviews.org/wp-content/uploads/2018/05/MMDA-Report-Redacted.pdf>.

¹³ Shabry Haleemdeen, "Report of the Advisory Committee Appointed to Propose Reforms on Muslim Personal Laws in Sri Lanka," 16 June 2021, <https://www.moj.gov.lk/images/2023/muslim-Marriage&Devorce.pdf>.

¹⁴ See: Shreen Saroor, "ACJU Hijacks MMDA Reform," *Groundviews* (blog), 1 August 2019, <https://groundviews.org/2019/08/01/acju-hijacks-mmda-reform/>; RPSL Consortium, "Intellectual Dialogue on Muslim Marriage and Divorce Act," 26 November 2022, <https://rpslconsortium.lk/projects/project-by-project-basis/intellectual-dialogue-on-muslim-marriage-and-divorce-act-the-way-forward>.

A Brief Introduction to Muslim Personal Law in Sri Lanka

Sri Lanka, a South Asian Island nation, is renowned for its rich cultural heritage, diverse population, and stunning landscapes. With an estimated population of 22 million in 2024, Sri Lanka is characterized by a multi-ethnic and multi-religious society. While the majority of the population belongs to the Sinhala ethnic group and practices Buddhism, the country is also home to significant minorities, including Hindus, Muslims, and Christians, all of whom contribute to its cultural diversity. Muslims constitute approximately 10% of the population,¹⁵ forming a substantial minority whose roots in Sri Lanka trace back to at least the eighth century CE. Historical records suggest that early Muslim settlers intermarried with the local Sinhala and Tamil populations. According to Chief Justice Sir Alexander Johnston, when the Portuguese arrived in 1505, the port city of Colombo, a major trade hub, already had a significant Muslim presence. Muslims established their courts to resolve disputes in accordance with Sharia.¹⁶

Sri Lanka's legal system is a blend of common law, civil law, and customary law, shaped by influences from English, Dutch, and Portuguese colonial legacies, as well as indigenous legal traditions.¹⁷ This complex legal landscape forms the backdrop for ongoing debates around reforming the MMDA, underscoring the need for a nuanced understanding of the cultural, religious, and legal intricacies involved. Historically, Sinhala kings applied Muslim legal principles and customs to resolve disputes within the Muslim community. By the fifteenth century, specialized courts had been established in Colombo.¹⁸

During the Dutch colonial period, the New Statutes of Batavia, introduced in 1766, were brought to Sri Lanka in 1770 by the Dutch Governor-General in Batavia (present-day Jakarta). Based on the Shāfi'ī *madhhab* practiced in Indonesia, these statutes addressed marriage, divorce, and family matters. Since most Muslims in Sri Lanka follow the Shāfi'ī *madhhab*, these provisions held particular significance. The Dutch Civil Code incorporated legal rules governing Muslim personal law, including marriage contracts, divorce procedures, inheritance, and family matters. Under Governor Frederick North, this legislation was translated into English and, following consultations with the Muslim community in Colombo, formalized as the Mohammedan Code of 1806.¹⁹ The 23 September 1799 proclamation ensured the continuity of applicable laws and customs, while the Charter of 1801 explicitly provided that Muslims would be governed by their legal norms regarding succession, land, property, and contractual matters.²⁰

The Mohammedan Code of 1806, based on the Shāfi'ī *madhhab*, has been described as a “rough codification of certain provisions from an extensive legal jurisprudence” and encompasses various aspects of Islamic law, including inheritance, *waqf* (endowments), and

¹⁵ “Sri Lanka Population 1950-2024,” accessed 11 May 2024, <https://www.macrotrends.net/global-metrics/countries/LKA/sri-lanka/population>.

¹⁶ See: Simon Gregory Perera, *A History of Ceylon for Schools*, vol. 1 (Sri Lanka: Associated Newspapers of Ceylon, 1947), 9–10; Ameer Ali, “The Genesis of the Muslim Community in Ceylon (Sri Lanka): A Historical Summary,” *Asian Studies Association of Australia. Review* 19 (1984): 65–82.

¹⁷ L. J. Mark Cooray, *An Introduction to the Legal System of Sri Lanka* (Pannipitiya: Stamford Lake, 2003), 130–39.

¹⁸ Cooray, “The Reception of Islamic Law in Sri Lanka and Its Interplay with Western Legal Traditions,” 213–24.

¹⁹ Cooray, *An Introduction to the Legal System of Sri Lanka*, 10.

²⁰ Cooray, 133.

marriage law. However, evolving societal norms, changing legal expectations, and demands for greater gender equality within the Muslim community necessitated amendments to the Mohammedan Code. Consequently, a Special Committee, known as the Justice Akbar Committee, was established by the Legislative Council in 1929 to recommend reforms to Muslim family law in Sri Lanka. This committee introduced several amendments, particularly in the regulation of Muslim marriages.²¹

One of the most significant outcomes was the establishment of the Quazi Court system, which was granted original jurisdiction over marriage disputes within the Muslim community.²² The Justice Akbar Committee also recommended the creation of a Quazi Council with appellate jurisdiction. These recommendations were incorporated into the legal framework, leading to the enactment of the Muslim Marriage and Divorce Ordinance No. 27 of 1939—a pivotal development in the history of Muslim personal law in Sri Lanka. This ordinance was eventually superseded by the MMDA, which took effect in 1951. Since its enactment, the MMDA has governed the validity of marriages, divorces, and related marital matters among Muslims in Sri Lanka. Although numerous reforms to the MMDA have been proposed over the years, substantial amendments have yet to be fully implemented. A significant factor in this is the Sri Lankan Constitution, which protects the rights to freedom of thought, conscience, and religion, ensuring the continued application of both written and unwritten laws. Common law applies in the absence of specific personal laws, highlighting the intricate interaction between common law and religious law, such as the MMDA.²³

The Reformation Initiatives of the Muslim Marriage and Divorce Act

The MMDA provides a comprehensive legal framework for regulating Muslim marriages and divorces in Sri Lanka. Known for its detailed provisions, the MMDA expanded upon prior regulations to address various issues related to marriage and family matters. However, several provisions within the MMDA have been scrutinized in recent years, sparking debates among legal, social, and religious stakeholders. This discourse has intensified calls for reforms to address evolving legal and social concerns.

Since the MMDA's enactment, multiple reform committees have been established to review the Act and propose significant changes. Key among these were the Marriage and Divorce Commission, appointed by the Governor-General and chaired by Mr. ARH Canekeeratne QC in 1956, and the Dr. HMZ Farouque Committee in 1972, both of which provided substantial recommendations for reforming the MMDA. In 1990, the then-Minister of Muslim Religious and Cultural Affairs initiated the Dr. AMM Sahabdeen Committee, also led by Dr. Sahabdeen. Despite the extensive recommendations from these committees, few have been implemented, leaving the legal framework largely unchanged and hindering the development of new regulations. In addition to committee reports, academics, human rights advocates, and other critics argue that reform can be achieved within the current legal structure. Some stakeholders have drawn comparisons between the MMDA and family law

²¹ Cooray, 134.

²² Cooray, 134.

²³ “The 1978 Constitution of the Democratic Socialist Republic of Sri Lanka” (The Parliament Secretariat, Revised Edition 2023), Sections 10 and 16, <https://www.parliament.lk/files/pdf/constitution.pdf>.

systems in other Muslim-majority countries, pointing out significant disparities.²⁴ Others assert that the MMDA does not fully reflect Sharia compliance²⁵ and advocate for revisions that would better align it with both Islamic principles and international standards concerning the rights of women and children.

Despite broad agreement on the need for reform, substantial disagreements among committee members have delayed progress. The ACJU Report (2017) and the Marsoof Report (2017) present diverse, often conflicting, perspectives on the MMDA, fueling considerable debate.²⁶ Similarly, the Haleemdeen Report (2022) captures differing views within the committee, dividing them into Position 1 and Position 2, reflecting deep divisions over possible revisions. Position 1 primarily advocates alignment with international standards, whereas Position 2 seeks to uphold Sharia principles to some extent. These divergent stances highlight the influence of local socio-political contexts on interpretations of Muslim Personal Law in Sri Lanka,²⁷ underscoring the complexities involved in reforming the MMDA.

The Muslim Marriage and Divorce Act: Provisions and Proposed Reforms

The MMDA, comprising 12 parts, 99 sections, and five schedules,²⁸ establishes a comprehensive legal framework for managing Muslim marriages and divorces in Sri Lanka. While the Act builds upon previous regulations, it has faced criticism from various stakeholders, prompting proposals for amendments to several of its provisions. This section outlines key provisions that have sparked debate and contributed to delays in the reform process, covering issues such as the scope of the law, its administration, marriage contracts, financial arrangements, and the dissolution of marriages from a gender perspective.

Scope of Application

The legal framework governing marriage and divorce in Sri Lanka includes multiple laws, with the MMDA playing a central role for the Muslim population. Marriages governed by Kandyan law fall under the Kandyan Marriage and Divorce Act No. 41 of 1975 (KM&D Act), while Muslim marriages are subject to the MMDA.²⁹ All other marriages are regulated by the General Marriages Ordinance No. 19 of 1907 (GMO), which is based on Roman-Dutch law and excludes marriages governed by the KM&D Act and those between individuals practicing Islam.³⁰ Consequently, Section 2 of the MMDA is particularly significant as it limits the Act's applicability to marriages, divorces, and related matters for

²⁴ Marsoof, "Report of the Committee Appointed to Consider Amendments to the Muslim Marriage and Divorce Act."

²⁵ All Ceylon Jamiyyathul Ulama, "Report of the Committee Appointed to Consider Amendments to the Muslim Marriage & Divorce Act (MMDA)."

²⁶ Haleemdeen, "Report of the Advisory Committee Appointed to Propose Reforms on Muslim Personal Laws in Sri Lanka."

²⁷ Schenk and Hasbullah, "Informal Sovereignities and Multiple Muslim Feminisms," 102527.

²⁸ "The Muslim Marriage and Divorce Act of 1951," <https://dlib.presidentsoffice.gov.lk/handle/1/584>.

²⁹ Cooray, *An Introduction to the Legal System of Sri Lanka*, 114–29.

³⁰ "The General Marriages Ordinance No. 19 of 1907," Section 64. See also: Shirani Ponnambalam, *Law and the Marriage Relationship in Sri Lanka* (Stamford Lake, 1987), 1–12.

Muslims residing in Sri Lanka by birth or conversion.³¹ This jurisdictional limitation poses challenges for Muslims living abroad (who do not hold Sri Lankan citizenship), as their marriages fall outside the scope of the MMDA despite the universal applicability of Sharia.³²

This provision underscores ongoing debates regarding the adequacy of the MMDA in meeting the needs of Sri Lanka's Muslim community. The Marsoof Report (2017) emphasizes the need for greater clarity in defining an "inhabitant of Sri Lanka" and recommends that at least one party to the marriage should be a resident to ensure MMDA applicability. Additionally, although Muslims can opt to marry under the GMO, this alternative is generally viewed as undesirable, as it diverges from the Sharia principles that govern marriage within the Muslim community.³³ An urgent need exists, therefore, to amend the MMDA to better address the challenges faced by Muslims in Sri Lanka concerning marriage and divorce.

Advisory Board, Quazis, and Registrars

The MMDA is administered by the Advisory Board, Quazis, and Registrars, and predominantly appoints men to these roles, which has raised significant debates regarding gender equality. Sections 3 to 15 of the MMDA outline the responsibilities of these bodies; however, the exclusion of women has attracted criticism, suggesting an inherent male bias within the law. This issue brings gender equality within the MMDA and Islamic law into focus, highlighting the need for reforms that promote justice and equality while responding to the needs of contemporary society.

Section 3 of the MMDA mandates that the Advisory Board consist of at least four but no more than nine members, with the Secretary-General serving as Chair.³⁴ Notably, the section does not impose any gender requirements for board membership, theoretically allowing for the inclusion of women. Yet, no advisory board has been established, and the reasons for this absence remain unclear. The inclusion of women as advisors has not sparked substantial public debate, suggesting societal acceptance of women in advisory roles. To enhance the functionality and representation of the Advisory Board, it is recommended to expand the board to nine members, including a Chair, at least two qualified muftis in Islamic jurisprudence, legal professionals, and women with relevant expertise.³⁵ Furthermore, the MMDA should explicitly define the qualifications required for Advisory Board members, establishing a transparent framework for appointments and responsibilities.

The Quazi system, particularly the appointment of women to Quazi positions, has fueled considerable debate within Sri Lankan society. Responding to these discussions, the Haleemdeen Report (2022) recommends significant terminological changes, proposing to

³¹ "The Muslim Marriage and Divorce Act of 1951," Section 2. See also: Cooray, *An Introduction to the Legal System of Sri Lanka*, 137.

³² See: *Skinner v Orde* (1987) 14 MLA 309; *Natalie Abeysundere v. Christopher Abeysundere and Another* (1985) 1 Sri LR 185; Marsoof Saleem, "The Abeysundere Decision: An Islamic Perspective," *Meezan*, 1999 1998, 59.

³³ Marsoof, "Report of the Committee Appointed to Consider Amendments to the Muslim Marriage and Divorce Act."

³⁴ "The Muslim Marriage and Divorce Act of 1951," Section 3.

³⁵ See: Marsoof, "Report of the Committee Appointed to Consider Amendments to the Muslim Marriage and Divorce Act"; All Ceylon Jamiyyathul Ulama, "Report of the Committee Appointed to Consider Amendments to the Muslim Marriage & Divorce Act (MMDA)."

replace the term “Quazi” with “Adjudicator” and rename the “Board of Quazis” as the “Muslim Marriage and Divorce Tribunal” (MMDT).³⁶ The Marsoof Report (2017) suggests transforming the Board of Quazis into a “Quazi Appellate Court.”³⁷ While these renaming initiatives could offer some benefits, it is advised that the term “Adjudicator” be more precisely defined to reflect the unique role of the Quazi in marital dispute resolution. A more specific designation, such as “Muslim Marriage and Divorce Adjudicator,” may help mitigate potential confusion in a broader legal context. The proposal to appoint women as judges aligns with efforts to diversify adjudicators and enhance societal acceptance. However, the debate surrounding female judges remains contentious, particularly as it touches on the implications of altering the term “Quazi,” which carries specific Sharia-rooted connotations.

The Marsoof Report (2017) makes several important recommendations to improve the Quazi court system, including granting it official court status within Sri Lanka’s judiciary.³⁸ However, the Haleemdeen Report (2022) favors a quasi-judicial model, emphasizing informal and expedited dispute resolution mechanisms that align with the existing Quazi system.³⁹ While the term “Quazi” effectively addresses both legal and Sharia issues within the Sri Lankan context, the current qualification for a Quazi—defined as “any Muslim man of good character”—is widely regarded as insufficient for such a critical role. Therefore, reassessing and strengthening the qualifications and responsibilities associated with the Quazi court system is essential to ensure effective representation and functionality.

To perform their duties effectively, Quazis must possess the requisite knowledge and skills. The Marsoof Report (2017) suggests that Quazis should be qualified as legal practitioners with a solid understanding of Sharia,⁴⁰ while the Haleemdeen Report (2022) argues that legal practitioner status or a law degree should suffice.⁴¹ To develop a competent pool of Quazis, it is vital to delineate the required qualifications, experience, and age limits within the MMDA framework to ensure efficient judicial administration in Muslim marriage matters. Moreover, some Quazis have faced criticism for unprofessional behavior, which has exacerbated existing concerns. While this is a pressing issue, it should not be the sole justification for abolishing the Quazi court system. Given the volume of cases in traditional courts, strengthening the quasi-judicial system through rigorous procedures, comprehensive training, and the appointment of female Quazis is crucial. The reluctance of women to voice their concerns before male Quazis underscores the need for inclusive representation. Many Muslim women in Sri Lanka question the lack of knowledgeable female participation in this process, despite the absence of textual prohibitions on female Quazis.

³⁶ Haleemdeen, “Report of the Advisory Committee Appointed to Propose Reforms on Muslim Personal Laws in Sri Lanka.”

³⁷ Marsoof, “Report of the Committee Appointed to Consider Amendments to the Muslim Marriage and Divorce Act,” 62–64.

³⁸ Marsoof, 62–64.

³⁹ Haleemdeen, “Report of the Advisory Committee Appointed to Propose Reforms on Muslim Personal Laws in Sri Lanka.”

⁴⁰ Marsoof, “Report of the Committee Appointed to Consider Amendments to the Muslim Marriage and Divorce Act,” 62–64.

⁴¹ Haleemdeen, “Report of the Advisory Committee Appointed to Propose Reforms on Muslim Personal Laws in Sri Lanka.”

Appointing women as leaders (*khalifah*) under Sharia remains a contentious issue rooted in Quranic and Hadith principles. While some argue against compromising fundamental principles in response to global calls for gender equality, it is essential to acknowledge that the Quran affirms diverse roles for women as wives, mothers, and daughters, often elevating their status.⁴² This complexity is reflected in debates over the appointment of female Quazis and registrars, with differing views across communities. Although traditional interpretations assign supervisory roles to men, examples of women in leadership roles in Muslim-majority countries, such as Indonesia, Malaysia, Pakistan, and Egypt, challenge the notion that men are inherently more suited for these positions. Historically, women have made significant contributions to Islamic scholarship, as highlighted by Nadwī, who notes that men and women have long understood their roles in Islam. Figures like ‘Ā’ishah bint Abī Bakr al-Ṣiddīq exemplify the historical involvement of women in religious scholarship, countering the belief that women have been excluded from judicial positions.⁴³

Despite this historical context, the perception that Muslim women have not served as judges since the time of the Prophet complicates discussions surrounding Quazi system reform. The ACJU Report (2017) provides a nuanced perspective, advocating for a collaborative approach in divorce proceedings, particularly in applications for *faskh* (judicial annulment). This report recommends that each Quazi presides over hearings with at least three assessors, including two women, whose insights should be formally recorded and considered in decision-making. Additionally, each Quazi should be supported by a panel of trained marriage counselors and mediators, primarily women, to ensure comprehensive and fair handling of marital disputes.⁴⁴ Women activists argue for the inclusion of female Quazis to ensure privacy and fair proceedings for women.⁴⁵ This approach enhances the legitimacy of the Quazi system and demonstrates a commitment to gender inclusivity in Sharia-based justice.

Two key arguments support appointing women as marriage registrars under the MMDA. First, marriage registration is not mandatory for validity under Islamic law in Sri Lanka, where the marriage ceremony itself legitimizes a marriage through the *ijāb* (offer) and *qabūl* (acceptance) in the presence of a guardian. If a woman lacks a guardian or the guardian unreasonably withholds consent, a Quazi may validate the marriage.⁴⁶ Although there are concerns about female registrars disrupting traditional marriage ceremonies—since registrars usually attend weddings—female registrars could conduct registration at designated offices, preserving tradition while enabling formal registration. Second, as the role of the registrar is a legal rather than religious function established by the government, eligibility need not

⁴² Zunly Nadia and Niswatin Faoziah, “Gender Equality within Family in Islamic Perspective: Insights from the Hadiths of Ummul Mukminin,” *Jurnal Studi Ilmu-Ilmu Al-Qur’an dan Hadis* 25, no. 1 (14 June 2024): 161–86.

⁴³ See: Muḥammad Akram Nadwī, *Al-Muḥaddithāt: The Women Scholars in Islam* (Oxford: Interface Publications, 2007).

⁴⁴ All Ceylon Jamiyyathul Ulama, “Report of the Committee Appointed to Consider Amendments to the Muslim Marriage & Divorce Act (MMDA).”

⁴⁵ Mohammad Ismath Ramzy and Simin Ghavifekr, “Women Quazi in a Minority Context: An Overview of Sri Lankan Experience,” *Societies* 9, no. 1 (31 January 2019): 13.

⁴⁶ Saleem Marsoof, “Muslim Law of Marriage Applicable in Sri Lanka,” *Law College Law Review*, 2006, 33–52.

depend on religious background. This perspective reinforces that individuals can effectively fulfill this role based on competence and qualifications rather than religious affiliation. Establishing registration offices would streamline this process, reinforcing the idea that individuals from diverse backgrounds, including women, can contribute meaningfully to this function without compromising religious customs.

Age of Marriage and Guardian

The MMDA does not define the term “child,” nor does it establish a clear minimum age for marriage, resulting in a legal gap that could permit child marriages under its jurisdiction. In regions where Sharia governs marriage, certain legal requirements, such as a minimum age, are generally enforced to validate the marriage.⁴⁷ For instance, Section 23 of the MMDA stipulates that a marriage involving a Muslim girl under twelve cannot be registered unless a local Quazi authorizes it following an investigation.⁴⁸ Child marriage infringes on the fundamental rights of women and girls, particularly their right to education, and leads to significant social and economic challenges. To address this, it is recommended that the minimum marriage age be set at eighteen for both men and women, with Quazi approval required for individuals between sixteen and eighteen. This measure aims to protect young people and has gained broad consensus.⁴⁹

While there is general agreement on setting a minimum age for marriage, the necessity of a guardian (*wali*) in the MMDA remains contentious. Marriage without a *wali* and two witnesses is considered invalid under Islamic law, and the MMDA mandates a *wali*'s presence during marriage ceremonies and registration.⁵⁰ Certain regulations specify who can serve as a *wali* in the absence of the father, highlighting the crucial role a *wali* plays in facilitating a valid marriage. This suggests that the requirement for a *wali* is not influenced by the age at which one is permitted to marry. Both the MMDA and Sharia require the bride's consent for a valid marriage, even if she is not physically present at the ceremony.

In Islam, marriage is a three-party contract involving the *wali*, the bride, and the groom. Section 25 of the MMDA specifically addresses requirements for women of the Shāfiʿī *madhhab*, but there have been calls, such as in the Marsoof Report (2017), to remove references to specific *madhhabs*⁵¹ and instead consider provisions from multiple *madhhabs* in judicial decisions.⁵² The Haleemdeen Report (2022) further recommends making the role of

⁴⁷ See: Saleem Marsoof, “Child Marriages and Other Abuses under the Muslim Marriage and Divorce Act of Sri Lanka,” *JSA Law Journal* 6 (1 January 2018): 1–27; Nuruddin Nuruddin, Aisyah Wardatul Jannah, and Dwi Martini, “Evaluating the Effectiveness of Age Restriction on Marriage in Indonesia,” *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 6, no. 2 (31 December 2023): 313–30.

⁴⁸ “The Muslim Marriage and Divorce Act of 1951,” Section 3.

⁴⁹ See: Marsoof, “Report of the Committee Appointed to Consider Amendments to the Muslim Marriage and Divorce Act”; Haleemdeen, “Report of the Advisory Committee Appointed to Propose Reforms on Muslim Personal Laws in Sri Lanka”; All Ceylon Jamiyyathul Ulama, “Report of the Committee Appointed to Consider Amendments to the Muslim Marriage & Divorce Act (MMDA).”

⁵⁰ “The Muslim Marriage and Divorce Act of 1951,” Sections 17–18.

⁵¹ The views of the Shāfiʿī *madhhab* are referenced in Sections 16, 18(1), 19(1), 25(1), 26(1), 28(1), and 28(2) of the MMDA. See: Marsoof, “Report of the Committee Appointed to Consider Amendments to the Muslim Marriage and Divorce Act,” 36.

⁵² Marsoof, “Report of the Committee Appointed to Consider Amendments to the Muslim Marriage and Divorce Act,” 36.

the *walī* optional or non-essential, noting that the bride's consent and signature alone should suffice for the marriage to be valid.⁵³ In contrast, the All Ceylon Jamiyyathul Ulama (ACJU) supports the necessity of the *walī*'s involvement in marriage according to the Mālikī, Shāfi'ī, and Ḥanbalī *madhhabs*. For greater protection, the ACJU Report (2017) advocates for mandatory bride consent on marriage documentation, empowering Quazis to address any complaints from women.⁵⁴

Polygamy

Polygamy remains a complex and debated issue within the MMDA framework. Historically, having multiple wives has often resulted in inequality, prompting calls for limitations on polygamy. While Islam permits polygamy under strict conditions as outlined in Sūrah al-Nisā' (verse 3), it is neither a requirement nor an encouragement. Polygamy remains common in Muslim-majority countries such as Malaysia, Syria, Iraq, Pakistan, and Bangladesh.⁵⁵ Some proponents view it as a solution for supporting divorced and widowed women, but a legal framework is often needed to ensure fairness.⁵⁶ Amendments to the MMDA could impose stricter regulations on polygamous marriages, emphasizing that permission should be granted only after thorough evaluation.

The Marsoof Report (2017) and Haleemdeen Report (2022) consolidate recommendations from civil society organizations, including the Young Men's Muslim Association and the ACJU, suggesting that subsequent marriages should only be permitted following an investigation by the Muslim Marriage Conciliator. The Haleemdeen Report (2022) proposes clear criteria for the Conciliator's assessment of polygamy applications⁵⁷—a practice adopted in several other countries where courts or official bodies scrutinize polygamous marriages.⁵⁸ In certain cases, a wife may file for divorce if polygamy causes harm.⁵⁹ For example, in *Sabeeda Banu v. Osman Mohamed Sabeer*, the Appeals Council allowed the husband to marry a second wife based on his financial capacity and commitment to supporting both wives. In contrast, in *Ja'afar bin Kassim*, the Council denied permission for polygamy, noting that financial capacity and the first wife's consent alone were insufficient

⁵³ Haleemdeen, "Report of the Advisory Committee Appointed to Propose Reforms on Muslim Personal Laws in Sri Lanka."

⁵⁴ All Ceylon Jamiyyathul Ulama, "Report of the Committee Appointed to Consider Amendments to the Muslim Marriage & Divorce Act (MMDA)."

⁵⁵ See: Marsoof, "Report of the Committee Appointed to Consider Amendments to the Muslim Marriage and Divorce Act," 108; Muhammad Zubair Abbasi and Shahbaz Ahmad Cheema, "Polygamy and Second Marriage under Muslim Family Law in Pakistan: Regulation and Impact," *Islamic Studies* 59, no. 1 (31 March 2020): 29–50.

⁵⁶ Iraqi lawmakers have proposed a bill to provide financial compensation to men with multiple wives. See: Al-Monitor, "Why One Iraqi Female MP Is Calling for Law to Encourage Polygamy," accessed 5 April 2024, <https://www.al-monitor.com/originals/2017/03/polygamy-iraq-parliament-widows-divorced.html>.

⁵⁷ Muslim Law Reform Advisory Committee, "Additional Report on Polygamy by the Advisory Committee Appointed to Propose Reforms on Muslim Personal Laws in Sri Lanka," 5 October 2022, https://www.moj.gov.lk/images/Muslimlaw/Muslim_Marriage_Divorce.pdf.

⁵⁸ Some of these countries include Bangladesh, Pakistan, Jordan, Iraq, Morocco, Singapore, Brunei Darussalam, and Malaysia.

⁵⁹ These countries include Algeria, Bahrain, Egypt, Jordan, Lebanon, Mauritania, Morocco, Pakistan, and Bangladesh.

grounds.⁶⁰ These cases highlight the judiciary’s role in balancing individuals’ rights to enter polygamous marriages with the need for fair treatment, particularly of women. The variation in court rulings reflects broader societal attitudes toward gender roles and equality, underscoring the need for well-defined criteria within the MMDA to regulate polygamy.

Divorce

The Haleemdeen Report (2022) proposes integrating Sharia-compliant divorce regulations into the MMDA, defining specific types of divorce, including *ṭalāq* (divorce), *kebul* (wife-initiated divorce), *faskh*, and *mubārah* (mutual divorce), each with detailed criteria and guidelines.⁶¹ Currently, Sections 27 and 28 of the MMDA are insufficient, creating obstacles for women seeking divorce. Thus, repealing these sections and instituting a comprehensive, Sharia-based divorce mechanism is strongly recommended. This amendment also emphasizes the need for clear procedures regarding the reclaiming of assets such as *mahr* (dower), gifts, and both movable and immovable property, to ensure women receive their rightful possessions. These changes would enhance legal protections for women and provide a structured, equitable approach to divorce that upholds Islamic principles.

From a gender perspective, the Haleemdeen Report (2022) addresses significant gaps in the current legal framework to ensure greater transparency, accountability, and fairness in the divorce process.⁶² By involving all relevant parties—the bride, groom, *wali*, wife, husband, and Quazi—these reforms protect the rights and interests of everyone involved, particularly women, who often face disadvantages in divorce proceedings. The emphasis on mandatory reconciliation before formal divorce proceedings also plays a crucial role in safeguarding women’s rights, as it encourages counseling to reduce misunderstandings and foster family unity. Historical precedents, such as ‘Umar ibn al-Khaṭṭāb’s response to impulsive divorces,⁶³ underscore the seriousness of divorce in Islam and reinforce the need for a prudent and gender-sensitive approach. These measures not only protect women but also promote family stability and the welfare of children.

Financial Arrangements: Mahr, Kaikuli, and Mata’a

In Muslim marriages in Sri Lanka, financial arrangements such as *mahr*, *kaikuli* (dowry), and *mata’a* (consolatory payment) carry distinct religious and legal implications under Sharia. *Mahr*, the mandatory payment or gift from the groom to the bride at marriage, is a fundamental right of the wife, symbolizing commitment and providing financial security.⁶⁴

⁶⁰ Musawah, “Overview of Muslim Family Laws & Practices,” 31 May 2017, <https://www.musawah.org/wp-content/uploads/2019/03/Singapore-Overview-Table.pdf>.

⁶¹ Haleemdeen, “Report of the Advisory Committee Appointed to Propose Reforms on Muslim Personal Laws in Sri Lanka.”

⁶² Haleemdeen, “Report of the Advisory Committee Appointed to Propose Reforms on Muslim Personal Laws in Sri Lanka.”

⁶³ Yuhasnibar Yuhasnibar and Risna Wati, “The Law on the Tripple Talaq at Once in the View of Yusuf Al Qaradawi’s in Contemporary Context: Analysis of Sadd Al-Žarī’ah Theory,” *El-Ushab: Jurnal Hukum Keluarga* 6, no. 2 (30 December 2023): 381–98.

⁶⁴ See: Mona Siddiqui, “Mahr: Legal Obligation or Rightful Demand?,” *Journal of Islamic Studies* 6, no. 1 (1995): 14–24; M. Afzal Wani, “Muslim Women’s Right to “Mahr”: An Appraisal of the Statutory Laws in Muslim Countries,” *Journal of the Indian Law Institute* 43, no. 3 (2001): 388–409.

In contrast, *kaikuli* refers to a practice where the bride's family provides assets or money to the groom's family.⁶⁵ Although this custom has been introduced into Muslim culture through external influences, it contradicts Islamic principles that prohibit such practices due to their potential for financial exploitation. The persistence of *kaikuli* in some Muslim communities presents a challenge to its removal from the MMDA, as it remains culturally entrenched. Consequently, women often receive less *mahr* than they are entitled to while providing substantial amounts as *kaikuli*. This discrepancy highlights the need for legal provisions facilitating the recovery of *kaikuli* rather than *mahr*, underscoring the importance of aligning the MMDA with core Sharia principles.⁶⁶

Mata'a, a payment made to the wife upon divorce, is another significant element in Islamic marital practice. Typically provided by the husband during separation in cases of *ṭalāq* and *keḥul*, *mata'a* serves as compensation. Under the Shāfi'ī *madhhab*, it becomes morally obligatory in cases of *faskh* if the husband is induced to initiate the separation due to personal faults. The amount and form of *mata'a* in the Shāfi'ī *madhhab* are left to the husband's discretion, considering his financial situation and the wife's standard of living. The ACJU Report (2017) recommends that *mata'a* be made mandatory based on the type of divorce. Similarly, the Haleemdeen Report (2022) mandates *mata'a* regardless of the type of divorce, allowing the court to determine the amount when mutual agreement is not reached. *Mahr* and *mata'a* are essential financial components in Islamic marriage, acknowledged both in the formation and dissolution of the marriage contract respectively. There is a pressing need to amend current legal provisions to ensure alignment with Islamic principles, based on a thorough review of Sharia and insights from previous committees. The Haleemdeen Report (2022) suggests criteria for determining *mata'a*, considering factors such as the husband's financial capacity, the couple's social and educational background, the marriage's duration, and the number of children under either partner's care.⁶⁷

Challenges in Balancing Human Rights and Islamic Law

Reconciling human rights standards with Islamic law and community customs within the context of the MMDA poses significant challenges.⁶⁸ This balancing act is often complicated by the principles of international human rights frameworks, Sharia, and diverse local customs, which may sometimes conflict. While human rights frameworks, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), emphasize gender equality, Islamic law typically prioritizes fair treatment over absolute equality. Additionally, community customs may reinforce distinct roles for men and women.

⁶⁵ Section 97 of the MMDA defines *kaikuli* as a sum of money or other movable property that is paid, given, or promised to be paid or given to the groom for the benefit of the bride, either before or at the time of marriage, by the bride's relatives or others. Sections 47, 64, and 65 outline the procedures for claiming unpaid *mahr* and *kaikuli*, along with other claims that must be settled by the Quazi, or, in the case of an appeal, by the Quazi Council, or, if further appealed, by the High Court. Magistrates' Courts and judges also have jurisdiction to adjudicate cases involving unpaid payments.

⁶⁶ Shamila Dawood, "Married Women Property Rights under Muslim Marriage and Divorce Act of Sri Lanka: A Critical Analysis," *ATSK Journal of Law* 1, no. 1 (30 April 2024): 33–41.

⁶⁷ Haleemdeen, "Report of the Advisory Committee Appointed to Propose Reforms on Muslim Personal Laws in Sri Lanka."

⁶⁸ Schenk and Hasbullah, "Informal Sovereignities and Multiple Muslim Feminisms," 102527.

This complexity is further heightened by the existence of multiple legal systems, such as Sharia and civil law, leading to legal pluralism.⁶⁹ Such pluralism can create confusion, particularly in informal marriage and divorce practices within Muslim communities, making the enforcement of consistent human rights standards difficult.⁷⁰

For minority Muslim communities in Sri Lanka, where the MMDA serves as the primary legal framework governing marriage and divorce, the tension between respecting Sharia and fulfilling CEDAW obligations is more pronounced.⁷¹ Although Sri Lanka ratified CEDAW unconditionally in 1981, aligning the MMDA with the Convention presents unique challenges. Women's rights advocates continue to push for reforms to ensure gender equality in marriage under CEDAW principles. However, within Muslim communities, calls for legal reform often gain greater traction when rooted in Islamic principles rather than solely in international human rights discourse. This approach reflects the understanding that reforms aligned with the ethical objectives of Sharia may be more acceptable to traditionalist communities, thereby reducing resistance to changes in marriage law.⁷²

A central issue is the gender inequality embedded in traditional interpretations of Sharia. Practices such as polygamy and unilateral divorce have historically favored men, restricting women's rights in marriage and family life. While some reform efforts seek to reinterpret these norms through the lens of Sharia,⁷³ significant gaps remain.⁷⁴ The resistance to gender equality in these areas reflects a broader disconnect between certain aspects of Sharia—particularly those governing marriage, inheritance, and gender rights—and international human rights norms as outlined in CEDAW.⁷⁵ Muslim feminist activists challenge these interpretations to address the political, social, and economic challenges faced by Muslim women and to better protect their rights.⁷⁶ This debate creates substantial barriers to aligning the Sharia-based provisions of the MMDA with universal human rights standards.

Despite these challenges, several potential solutions could enhance the compatibility between the MMDA and human rights principles. One approach is the contextual interpretation of Sharia,⁷⁷ which could help modernize discriminatory laws in divorce and inheritance. By understanding these laws within the historical and cultural context of their original revelations, reformers can advocate for interpretations more aligned with contemporary human rights standards. Additionally, encouraging judicial bodies to interpret Sharia in ways that align more closely with international human rights obligations could help

⁶⁹ Cooray, *An Introduction to the Legal System of Sri Lanka*, 139.

⁷⁰ Amal Alqawasmi, "Legal Pluralism's Perspectives and Human Rights Challenges in Marriage and Divorce Norms," in *Relationships Rights and Legal Pluralism*, ed. Mateusz Stępień and Anna Juzaszek, 1st ed. (London: Routledge, 2024), 123–39.

⁷¹ Ismath Ramzy and Ghavifekr, "Women Quazi in a Minority Context," 13.

⁷² Vinitha Johnson, "A Note on the Operation of the Dissolution of Muslim Marriages Act, 1939," *Journal of Divorce & Remarriage* 52, no. 2 (17 February 2011): 94–108.

⁷³ All Ceylon Jamiyyathul Ulama, "Report of the Committee Appointed to Consider Amendments to the Muslim Marriage & Divorce Act (MMDA)."

⁷⁴ J. Rehman, "The Sharia, Islamic Family Laws and International Human Rights Law: Examining the Theory and Practice of Polygamy and Talaq," *International Journal of Law, Policy and the Family* 21, no. 1 (6 March 2007): 108–27.

⁷⁵ R. Eslami, "A System of Human Rights in Islam?," *Human Rights* 15, no. 2 (2020): 19–36.

⁷⁶ Schenk and Hasbullah, "Informal Sovereignities and Multiple Muslim Feminisms," 102527.

⁷⁷ Abdullah Saeed, *Interpreting the Qur'an Towards a Contemporary Approach* (London: Routledge, 2005), 126–44.

bridge the gap between these frameworks.⁷⁸ Judicial alignment, primarily through equitable interpretations of Sharia that respect gender rights, could serve as a pathway to improving justice and legal equality within the MMDA framework.

Conclusion

Calls for reform of the Muslim Marriage and Divorce Act No. 13 of 1951 (MMDA) in Sri Lanka have existed since its enactment, with various committees formed to explore ways to harmonize the law with contemporary societal norms. Key issues under discussion include the appointment of judicial structure, women as Quazis, age and guardianship requirements in marriage, polygamy, *mahr* (dower), *kaikuli* (dowry), and *mata'a* (consolatory payment). Reform efforts have involved collaboration among Islamic scholars, legal experts, and practitioners from other Muslim-majority countries, all contributing to potential resolutions. Constructive dialogue and a comprehensive approach are anticipated to yield balanced reforms that reconcile Islamic jurisprudence with principles of justice, equality, and human rights. These findings emphasize Sharia's adaptability to social change through contextual interpretations that incorporate human rights considerations. However, reform efforts face challenges due to the diverse backgrounds of committee members and varying interpretations of Sharia, where adherence to Islamic teachings remains a central priority. The implications of this research underscore the necessity for stakeholders to collaborate and establish integrated recommendations, facilitating comprehensive amendments that address both the evolving legal needs of Islam and the aspirations of modern society.

Bibliography

- Abbasi, Muhammad Zubair. "Judicial Ijtihād as a Tool for Legal Reform: Extending Women's Right to Divorce under Islamic Law in Pakistan." *Islamic Law and Society* 24, no. 4 (3 October 2017): 384–411. <https://doi.org/10.1163/15685195-00244P04>.
- Abbasi, Muhammad Zubair, and Shahbaz Ahmad Cheema. "Polygamy and Second Marriage under Muslim Family Law in Pakistan: Regulation and Impact." *Islamic Studies* 59, no. 1 (31 March 2020): 29–50.
- Ali, Ameer. "The Genesis of the Muslim Community in Ceylon (Sri Lanka): A Historical Summary." *Asian Studies Association of Australia. Review* 19 (1984): 65–82.
- All Ceylon Jamiyyathul Ulama. "Report of the Committee Appointed to Consider Amendments to the Muslim Marriage & Divorce Act (MMDA)." 21 December 2017, n.d. <https://www.moj.gov.lk/images/pdf/Vol-1-B.pdf>.
- Al-Monitor. "Why One Iraqi Female MP Is Calling for Law to Encourage Polygamy." Accessed 5 April 2024. <https://www.al-monitor.com/originals/2017/03/polygamy-iraq-parliament-widows-divorced.html>.

⁷⁸ See: Muhammad Zubair Abbasi, "Judicial Ijtihād as a Tool for Legal Reform: Extending Women's Right to Divorce under Islamic Law in Pakistan," *Islamic Law and Society* 24, no. 4 (3 October 2017): 384–411; Nasruddin Yusuf, Nur Azizah, and Faradila Hasan, "Feminism Analysis of Judges' Considerations for Post-Divorce Domestic Violence Victims in Medan and Banda Aceh Religious Courts," *Al-'Adalah* 20, no. 2 (26 December 2023): 283–308.

- Alqawasmi, Amal. "Legal Pluralism's Perspectives and Human Rights Challenges in Marriage and Divorce Norms." In *Relationships Rights and Legal Pluralism*, edited by Mateusz Stepień and Anna Juzaszek, 1st ed., 123–39. London: Routledge, 2024. <https://doi.org/10.4324/9781003470786-10>.
- Bras, Jean-Philippe. "La Réforme Du Code de La Famille Au Maroc et En Algérie: Quelles Avancées Pour La Démocratie?" *Critique Internationale* 37, no. 4 (19 December 2007): 93–125. <https://doi.org/10.3917/criti.037.0093>.
- Cooray, Anton. "Access to Non-Judicial Justice Through Islamic Courts in Sri Lanka: Palm Tree Justice or Accessible Justice?" *Asia Pacific Law Review* 20, no. 1 (June 2012): 113–34. <https://doi.org/10.1080/10192557.2012.11788257>.
- . "The Reception of Islamic Law in Sri Lanka and Its Interplay with Western Legal Traditions." In *Mixed Legal Systems, East and West*, edited by Vernon Valentine Palmer and Mohamed Y. Mattar, 213–24. London: Routledge, 2016. <https://doi.org/10.4324/9781315595658-19>.
- Cooray, L. J. Mark. *An Introduction to the Legal System of Sri Lanka*. Pannipitiya: Stamford Lake, 2003.
- Coulson, N. J. "Reform of Family Law in Pakistan." *Studia Islamica*, no. 7 (1957): 135–55. <https://doi.org/10.2307/1595022>.
- Dawood, Shamila. "Married Women Property Rights under Muslim Marriage and Divorce Act of Sri Lanka: A Critical Analysis." *ATSK Journal of Law* 1, no. 1 (30 April 2024): 33–41.
- Eslami, R. "A System of Human Rights in Islam?" *Human Rights* 15, no. 2 (2020): 19–36. <https://doi.org/10.22096/hr.2020.521266.1275>.
- Haleemdeen, Shabry. "Report of the Advisory Committee Appointed to Propose Reforms on Muslim Personal Laws in Sri Lanka," 16 June 2021. <https://www.moj.gov.lk/images/2023/muslim-Marriage&Devorce.pdf>.
- Idham, Idham, Efa Rodiah Nur, and Agus Hermanto. "Dynamic Development of Family Law in Muslim Countries." *Al-'Adalah* 19, no. 1 (20 June 2022): 161–78. <https://doi.org/10.24042/adalah.v19i1.12421>.
- Ismath Ramzy, Mohammad, and Simin Ghavifekr. "Women Quazi in a Minority Context: An Overview of Sri Lankan Experience." *Societies* 9, no. 1 (31 January 2019): 13. <https://doi.org/10.3390/soc9010013>.
- Johnson, Vinitha. "A Note on the Operation of the Dissolution of Muslim Marriages Act, 1939." *Journal of Divorce & Remarriage* 52, no. 2 (17 February 2011): 94–108. <https://doi.org/10.1080/10502556.2011.546227>.
- Mahroof, M.M.M. "Islamic Law in Sri Lanka: The Formal and Informal Aspects." *Islamic Studies* 29, no. 1 (1990): 77–90.
- Marsoof, Saleem. "Child Marriages and Other Abuses under the Muslim Marriage and Divorce Act of Sri Lanka." *JSA Law Journal* 6 (1 January 2018): 1–27.
- . "Muslim Law of Marriage Applicable in Sri Lanka." *Law College Law Review*, 2006, 33–52.

- . “Report of the Committee Appointed to Consider Amendments to the Muslim Marriage and Divorce Act,” 20 December 2017. <https://groundviews.org/wp-content/uploads/2018/05/MMDA-Report-Redacted.pdf>.
- Muhibbuthabry, Muhibbuthabry. “Poligami dan Sanksinya Menurut Perundang-Undangan Negara-Negara Modern.” *AHKAM: Jurnal Ilmu Syariah* 16, no. 1 (28 January 2016): 9–20. <https://doi.org/10.15408/ajis.v16i1.2891>.
- Musawah. “Overview of Muslim Family Laws & Practices,” 31 May 2017. <https://www.musawah.org/wp-content/uploads/2019/03/Singapore-Overview-Table.pdf>.
- Muslim Law Reform Advisory Committee. “Additional Report on Polygamy by the Advisory Committee Appointed to Propose Reforms on Muslim Personal Laws in Sri Lanka,” 5 October 2022. https://www.moj.gov.lk/images/Muslimlaw/Muslim_Marriage_Divorce.pdf.
- Nadia, Zunly, and Niswatin Faoziah. “Gender Equality within Family in Islamic Perspective: Insights from the Hadiths of Ummul Mukminin.” *Jurnal Studi Ilmu-Ilmu Al-Qur’an dan Hadis* 25, no. 1 (14 June 2024): 161–86. <https://doi.org/10.14421/gh.v25i1.5260>.
- Nadwī, Muḥammad Akram. *Al-Muḥaddithāt: The Women Scholars in Islam*. Oxford: Interface Publications, 2007.
- Naʿīm, ‘Abd Allāh Aḥmad, ed. *Islamic Family Law in a Changing World: A Global Resource Book*. London: Zed Books, 2002.
- N’Diaye, Marième. “La Réforme de La Moudawana: Une Révolution? Lire La Norme Islamique à l’aune de Sa Redéfinition Par l’État.” *Studies in Religion/ Sciences Religieuses* 45, no. 2 (June 2016): 146–65. <https://doi.org/10.1177/0008429816636082>.
- Nuruddin, Nuruddin, Aisyah Wardatul Jannah, and Dwi Martini. “Evaluating the Effectiveness of Age Restriction on Marriage in Indonesia.” *Volkgeist: Jurnal Ilmu Hukum dan Konstitusi* 6, no. 2 (31 December 2023): 313–30. <https://doi.org/10.24090/volkgeist.v6i2.9844>.
- Perera, Simon Gregory. *A History of Ceylon for Schools*. Vol. 1. 2 vols. Sri Lanka: Associated Newspapers of Ceylon, 1947.
- Ponnambalam, Shirani. *Law and the Marriage Relationship in Sri Lanka*. Stamford Lake, 1987.
- Rehman, J. “The Sharia, Islamic Family Laws and International Human Rights Law: Examining the Theory and Practice of Polygamy and Talaq.” *International Journal of Law, Policy and the Family* 21, no. 1 (6 March 2007): 108–27. <https://doi.org/10.1093/lawfam/eb1023>.
- RPSL Consortium. “Intellectual Dialogue on Muslim Marriage and Divorce Act,” 26 November 2022. <https://rpslconsortium.lk/projects/project-by-project-basis/intellectual-dialogue-on-muslim-marriage-and-divorce-act-the-way-forward>.
- Saeed, Abdullah. *Interpreting the Qur’an Towards a Contemporary Approach*. London: Routledge, 2005. <https://doi.org/10.4324/9780203016770>.
- Saleem, Marsoof. “The Abyeundere Decision: An Islamic Perspective.” *Meezan*, 1998-1999.
- Saroor, Shreen. “ACJU Hijacks MMDA Reform.” *Groundviews* (blog), 1 August 2019. <https://groundviews.org/2019/08/01/acju-hijacks-mmda-reform/>.

- Schenk, Christine G., and Shalul Hasbullah. "Informal Sovereignties and Multiple Muslim Feminisms: Feminist Geo-Legality in Sri Lanka." *Political Geography* 94 (April 2022): 102527. <https://doi.org/10.1016/j.polgeo.2021.102527>.
- Siddiqui, Mona. "Mahr: Legal Obligation or Rightful Demand?" *Journal of Islamic Studies* 6, no. 1 (1995): 14–24.
- "Sri Lanka Population 1950-2024." Accessed 11 May 2024. <https://www.macrotrends.net/global-metrics/countries/LKA/sri-lanka/population>.
- Stilt, Kristen, Salma Waheedi, and Swathi Gandhavadi Griffin. "The Ambitions of Muslim Family Law Reform." *Harvard Journal of Law & Gender* 41 (2018): 302–42.
- Tamanna, Nowrin. "Personal Status Laws in Morocco and Tunisia: A Comparative Exploration of the Possibilities for Equality-Enhancing Reform in Bangladesh." *Feminist Legal Studies* 16, no. 3 (December 2008): 323–43. <https://doi.org/10.1007/s10691-008-9099-9>.
- "The 1978 Constitution of the Democratic Socialist Republic of Sri Lanka." The Parliament Secretariat, Revised Edition 2023. <https://www.parliament.lk/files/pdf/constitution.pdf>.
- "The General Marriages Ordinance No. 19 of 1907."
- "The Muslim Marriage and Divorce Act of 1951." <https://dlib.presidentsoffice.gov.lk/handle/1/584>.
- Wani, M. Afzal. "Muslim Women's Right to "Mahr": An Appraisal of the Statutory Laws in Muslim Countries." *Journal of the Indian Law Institute* 43, no. 3 (2001): 388–409.
- Yuhasnibar, Yuhasnibar, and Risna Wati. "The Law on the Tripple Talaq at Once in the View of Yusuf Al Qaradawi's in Contemporary Context: Analysis of Sadd Al-Žarā'ah Theory." *El-Ushab: Jurnal Hukum Keluarga* 6, no. 2 (30 December 2023): 381–98. <https://doi.org/10.22373/ujhk.v6i2.10180>.
- Yusuf, Nasruddin, Nur Azizah, and Faradila Hasan. "Feminism Analysis of Judges' Considerations for Post-Divorce Domestic Violence Victims in Medan and Banda Aceh Religious Courts." *Al-'Adalah* 20, no. 2 (26 December 2023): 283–308. <https://doi.org/10.24042/adalah.v20i2.16177>.