SIGNIFICANCE AS TO CODIFICATION OF MUSLIM PERSONAL LAW IN BANGLADESH: CHALLENGES AND PROSPECTS IN THE PERSPECTIVE OF CONFLICTION BETWEEN SHARIA AND STATUTORY LAW

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ABSTRACT

Instead of being a legal problem, the inequality that women face in Bangladesh is more of a societal problem. When it comes to the application of the law, inequalities are seldom observed, except in situations involving private interests. The personal problems of individuals are, nevertheless, governed by religious laws or customs. Although these rules or traditions are classified individually under the category of "Personal Law" in Bangladesh's legal system, they are not, in their totality, drawn from religious laws or customs. Rather, they are characterized by their unique characteristics. Through the enactment of laws or the issuance of ordinances, some modifications were made to how they were applied. However, these have not been sufficient to bring about equality between men and women over the course of history. Existing societal constructions of gender continue to be a significant barrier to the realization of the needs of the legislation that is now in place. The purpose of this article is to discuss the importance of social education and awareness programs that are carried out by both public and private enterprises.

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Keywords: Muslim Personal Law, Codification, Inequality, Sharia Law, Statutory Law, Societal Awareness.

INTRODUCTION

Because Bangladesh is a very religious, cultural, and legally diverse country, writing down Muslim Personal Law is not an easy task. Codification gives the law a structure that makes it easier to understand for everyone, including people who work as lawyers and the courts. The process of codification gives us a chance to fix unfair differences between men and women in current laws, which would lead to more equality and fairness in family and personal issues.[1]

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[1] Dr. Muhammad Ekramul Haque, *Muslim Family Law: Sharia and Modern World* (1st ed, London College of Legal Studies (South) 2015)

Codification helps find a balance between Islamic law and other legal rules, which makes the country's legal system more peaceful. Modern ideals and international human rights standards can be added through this process, which makes it easier for personal rules to change to meet the needs of society as it changes. A well-written Muslim Personal Law can help bring people together by making sure everyone understands the law, lowering tensions, and creating a sense of togetherness among Bangladesh's many different groups. People can learn about their rights and responsibilities during the standardization process, which can make the community more aware of the law. Clear and written laws make it easier for the courts to do their jobs, which means that personal issues can be settled more quickly and easily.[2] In conclusion, the standardization of Muslim Personal Law in Bangladesh is important because it could lead to clearer laws, more fair treatment of people, and better cooperation between different legal systems, all of which would be good for society's growth and well-being.[3]

WHY IS IT NEEDED FOR CODIFICATION?

In our existing Muslim Family law the provision of Sharia law is located in a scattered way. Like we have a Constitution, it specifies what the constitutional rights are and what not. If anyone or institution violates that provision then what will be the procedure to take action against that person or authority?

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But there is no codified Sharia law as to Muslim Family matters. That's why different jurists, scholars, and schools interpret it in their own way. Sometimes it also contravenes the Sharia provision or sometimes not. For this reason, it is high time to codify Muslim Personal Law in conformity with Sharia.

TEXTBOOK EXAMPLES OF AN ANOMALY CONCERNING MUSLIM PERSONAL LAWS IN BANGLADESH

The State takes into account all of the opinions of the Imams as sharia, regardless of whether or not such opinions are based on the Quran or hadith centric. All of the viewpoints are considered to be sharia by the state, but it tends to select the one that is most suitable for the state.[4] Sharia has been deformed in Bangladesh, where it has been altered for the sake of

[2] ibid
[3] M. Hidayatullah and Arshad Hidayatullah, *Mulla Principles of Mahomedan Law* (18thedn, Hongkong Press, Singapore 1976)
[4] Dr. Muhammad Ekramul Haque (n 1) at p. (230-356)

strengthening Sharia itself. As a consequence, this leads to a disadvantage for a certain gender and also constitutes a departure from the principles of Sharia. This justification is provided as follows:

About Nikahnama:

Challenges: According to the Nikahnama (Marriage Deed), there are only two slots of signature for witnesses.[5] But, on the other hand, as per the Sharia Law, the requirements of witness are either 02 male or 01 male and 02 female.[6] Nevertheless the provision of Sharia, the statutory law has given only two slots for witnesses.[7] Therefore, if two women with a man become witnesses to a marriage, the kabinnama does not have the option to put three signatures. It reflects the philosophy of a patriarchal society.[8] It indirectly discourages the scope for a woman to become a witness in a marriage. That means it is anomalous.

Prospects: In 2009[9], a law was passed to repeal the earlier law of 1975 and amended Kabinnama but there was no focus on the signature slot. The issue of signature remained the same as earlier. That reflects the version of a patriarchal society. So, as per the Sharia law, this statutory provision regarding signature slots must be reformed to ensure justice.

Concerning Marriage:

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Challenges of Registration as to Marriage: Within thirty days after the wedding, the MFLO[10] instructs the couple to register, and the husband is the only one who may register the marriage. It is made very apparent by this rule that marriages that have been completed must be recorded, and that a witness is required whenever a marriage takes place. Additionally, registration is the most reliable option. In 1974, the Muslim Marriages and Divorces (Registration) Act was passed, and it sent the same important message. However, if the marriage is not recorded, it is considered lawful; nonetheless, the husband may be subjected to being punished.

Criticism: Even though women have the right to register their marriages, only men are allowed to register. In this situation, the state can assert that women are protected, yet it is not possible

[5] ibid at p. (534-537)
Form of Marriage Deed for registration of marriage under Rule 28 (1) (a) of the Muslim Marriages and Divorces (Registration) Rules, 2009 [Bangladesh Form Number 1601]
[6] Ibid at p. 59
[7] Ibid at p. 535
[8] ibid at p (61-64)
[9] The Muslim Marriages and Divorces (Registration) Rules, 2009
[10] The Muslim Family Law Ordinance, 1961 s 5

to save someone by taking away their rights.[11]Not only does this contravene the quality idea of the Bangladesh constitution, but it also breaches CEDAW[12] and international conventions[13], and treaties.

Prospect: The solution would have been to include a clause that said that both the husband and the wife can register their marriage; but, if they do not, the husband is subject to penalty. This is because society is patriarchal, and women are often dependent on their husbands. To put it into perspective, this is the very first time that a new codification has been required.

As to Consent of Marriage: The minors under Sharia law are incapable of giving their consent; as such unable to enter into a contract of marriage. However, their guardians can give consent on their behalf. According to the section 2 (vii)[14]

> "*That she, having been given in marriage by her father or other guardian before she attained the age of 18 years repudiated the marriage before attaining the age of 19 years. Provided that the marriage has not been consummated*"

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Say for example: Sakhina Begum who is 17 years old, in this circumstance, if her father has given consent to her marriage then after attaining 19 years she can dissolute her marriage. But the precondition is **that marriage cannot be consummated**.[15]

As per Sharia Law, Offer, and Acceptance are considered as requirements or capacity to marry.[16] It happens between the two adult parties, one is a male person and the other is a female person. **As per the Sharia, this cannot be done through the guardian.** But, on the contrary, the statutory law[17] said that a guardian has been given consent on marriage to his/her

[11]Dr. Muhammad Ekramul Haque (n 1) at p. (230-356)
[12] The Convention on the Elimination of All Forms of Discrimination against Women, 1979 Article: 2, 16 (1) (c)<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women >accessed 15 January 2024
[13] The International Covenant on Economic, Social and Cultural Rights of 1966; Article: 2, 3 <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights >accessed 16 January 2024 and
The International Covenant on Civil and Political Rights of 1966; Article: 23 (2), (3) <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights#:~:text=Article%2023,-1.&text=The%20right%20of%20men%20and,consent%20of%20the%20intending%20spouses > accessed 17 January 2024
[14] The Dissolution of Muslim Marriages Act, 1939 s 2(vii) [Act No VIII of 1939]
[15] ibid
[16] Dr. Muhammad Ekramul Haque (n 1) at p. 58
[17] The Dissolution of Muslim Marriages Act (n 14)

son/daughter.[18] In that sense, it can be said that **the statutory law is incorrect and anomalous.** Rather instead of before attaining the age of 18, it would be called as "before attaining Puberty" term.

Argument in this regard: It will be problematic if the matter of adults exclusively depends upon Puberty. Because the matter of puberty does not happen on a certain period for all and it varies from person to person. According to the opposing viewpoint, the established age of maturity is established for or for the ease of managing all of the people. But this problematic situation is not sorted out by enacting a certain age. Rather this creates more problems. A problem cannot be solved by giving another counter problem. Rather every problem needs a solution.[19]

Prospects:

- One way probably will be by determination through the Medical process
- The other way probably will be through the State by saying that from now on, the Family law will be determined and controlled by the State. Though it creates hassle the law will not be incorrect and not be anomalous.

In the marriage contract, the following conditions are stipulated:

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Challenges: There are a few restricted stipulations that are permitted in marriage; nevertheless, the obligatory bindings (such as maintenance, dower, sexual rights, and so on) that arise as a result of marriage cannot be rendered null and void by introducing stipulations into the Kibnnama. A civil contract, on the other hand, allows for the inclusion of any lawful condition.

In the 17 no clause of Nikahnama,[20] there is a provision for setting up any 'Special Conditions, if any'. But in our country, there is not any specific guideline or scope concerning this issue. What kind of conditions can be imposed or what will be the nature of those conditions, there is no guideline as to this issue. Moreover, in the Nikahnama there is not enough space for setting up special conditions. There is a clear lack of legislative framework.

[18] Ibid
[19] Dr. Muhammad Ekramul Haque (n 1)
[20] Dr. Muhammad Ekramul Haque (n 1) p 535

If a question comes to our mind can any kind of stipulation or condition be drawn up at all? The answer is yes because the Muslim marriage is a contractual nature of marriage.[21]

But there is not even a space for a whole sentence; there is very little room for the addition of different circumstances. When we look at Egypt[22], we discover that they provided a significant amount of room to include stipulation.[23] Hanafi school[24] is quite restrictive when it comes to the insertion of stipulations (for example, it is not permitted to take a second wife), whereas Hanabali school[25] is more lenient when it comes to the insertion of stipulations (it permits the aforementioned condition). In this regard, Morocco has embraced the Hanabali School's opinion. Both Hanafi and Hanabali are considered to be within the framework of Sharia, and Morocco has chosen the one that they consider to be the most appropriate (Takhayyur[26]).

Contrary to popular belief, we did not make any effort to take the initiative. As a result of the patriarchal and economic independence of women, as well as the ignorance of the relevant authorities, we hide the possibility of stipulation behind a blanket. If the provision is put into reality, several disagreements can be settled peacefully. For example, maintenance may involve the payment of tuition costs for a student's wife, the location of living after marriage, and possibly even more. The United governments of America, Qatar, Kuwait, Morocco, and a great number of other contemporary governments have all permitted the inclusion of stipulations.[27]

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[21]ibid see p (107-138)

[22] Mona Zulficar, "The Islamic Marriage Contract: Case Studies in Islamic Family Law (1st edn, Islamic Studies Program, Harvard Law School, Massachusetts, USA, 2008) at p. 231, 252
The most recent standard format of a marriage contract was issued in 2000 by the Egyptian Minister of Justice which also provides a blank page to insert stipulations by the parties at their will.

[23]Ron Shaham, "State, feminists, and Islamists: The Debate over Stipulations in Marriage Contracts in Egypt" (1999) 62(3) Bulletin of the School of Oriental and African Studies, University of London <https://www.jstor.org/stable/3107575> accessed 10 January 2024

[24] Dr. Muhammad Ekramul Haque (n 1) at p. (108-109)

[25] ibid at p 109

[26]Mohammad Hashim Kamali, "Selection (*Takhayyur,* also *Takhyir*", (2021) *Shariah and the Halal Industry* <https://academic.oup.com/book/39928/chapter-abstract/340199799?redirectedFrom=fulltext> accessed 6 January 2024
The doctrine of Takhayyur refers to the concept of choosing, known as takhayyur, empowers the mufti and the Muslim community as a whole to choose among the diverse stances presented in the writings of the various Islamic legal schools (madhhabs) regarding specific matters. Muslims are free to choose the perspective or interpretation that best fits their circumstances, even if there may occasionally be five or six options available. When a person, whether a scholar-jurist or a commoner, chooses to pursue a minority or less desirable post that could be accessible inside their school of choice, Takhayyur also applies within the same institution.

[27] Dr. Muhammad Ekramul Haque (n 1) at p. (104-106)

Prospects:

- A new Kabinnama, also known as a marriage document, will be granted legal standin g after a law that has been thoroughly formulated is enacted.
- A clear guideline will be enshrined in the legislation, which will include all of the crit eria of the specification, including what can be permitted and how such a condition is to be applied.
- Also, the section that states "17 No Clause" may incorporate the question, 'Is there any condition?' If so, what are the conditions that must be met? If not, then it is. In what way are the conditions going to be put into effect specifically? Additionally, two white pages may be added so that the husband or wife may specify the terms of the agreement.

Child Marriage:

Critiques/ Challenges: The Statute has failed to realize the meaning of the term "Child". Because the Sharia says that the minor does have not any capacity to provide his consent.[28] But in the Statute, instead of using the word Minor (Nabalok) legislatures use the term 'certain age of 18.'[29] And there is not any explanation behind this statement.

For example: As per the provision of Sharia, marriage can be possible for a woman who is 17 years old.[30] In this regard, the statute increases the age limitation to 18 ages from 17 as well as provides the right to dissolute of marriage. This is contradictory in nature.

Article 28[31] says "If any law discriminates on the grounds of race, religion, caste, sex, place of birth then that law will be unconstitutional". But as per the Statute,[32] a woman can marry a man at the age of 20. On the other hand, as per the statutory law, a man cannot marry a woman at the age of 20. So, this is clear evidence of discrimination. It also violates the Principle of Equality. **Article 27**[33], says about "**Equality before Law**". That's why the statutory law seems unconstitutional, indeed.

[28] Dr. Muhammad Ekramul Haque (n 1) at p. 73
[29] The Majority Act, 1875 s 3
[30] Dr. Muhammad Ekramul Haque (n 1) at p. 73
[31] The Constitution of the People's Republic of Bangladesh 1972, Art 28
[32] The Child Marriage Prevention Act 2017, s 2(a)
[33] The Constitution of the People's Republic of Bangladesh 1972, Art 27

Prospects: It's high time for codification about the provision of Sharia Law and un-ambiguity as well as making awareness among the mass people.

Defining the Age of the Child:

Children may be of two types. Such as:

- ✓ Real
- ✓ Fiction

For instance: Abdur Rahim is 20 years old. Now the question is, Is Abdur Rahim a child or an adult?

The answer is both, because at the age of 20, if he can cast his or her vote then he or she will be considered an adult. In other words, if he can do a contract then will be considered an adult. But the thing is, when a person at the age of 20 wants to marry a woman then he will be considered a Child just because of statutory provision.[34] That's why it is illogical and **anomalous.**

Prospects:

- ➢ Section 2[35] says that 'marriage will be regulated by Sharia'. If so then the law would be that kind of likely, "Child concerning marriage in all issues is to be settled following Sharia"

  Or
- ➢ It can be said that from now on, the state will deal with the Family Law. A double standard or paradox situation should not exist in this regard.

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Forced Marriage: In this issue, a question comes first to our mind, Does Sharia law recognize Forced Marriage? The answer is, No. But there is a provision regarding forced marriage on the minority issue. Because of the minority situation, the party is not in a situation of consent-giving position.

[34] The Majority Act, 1875 s 3
[35] The Muslim Personal Law (Shariat) Application Act, 1937 s 2 [Act No XXVI of 1937]

For instance:

- If a guardian has been given marriage to her daughter at the age of 5 years old then it will be considered as Child Marriage.
- On the other hand, if a guardian has been given marriage to her daughter at the age of 17 years old then it will be considered as Forced Marriage.

Because at the age of 17 years old, a daughter has attained the consent-giving position. Moreover, as per the International Human Rights Law, there is a provision regarding consent of the women.[36] And that provision says that women by themselves give their consent at the time of marriage.[37] Even no one can force her to give her consent.

Option of Puberty (Khiyar-ul-bulugh):

As per the Sharia law, a woman, after attainment of the option of puberty and before consummation with the husband, can dissolute her marriage.[38] But once consummation happens then there is no chance of dissolution.[39] After the attainment of the option of puberty, if consummated between both parties then it seems that the woman intentionally did this and there is clear evidence of Implied Consent.[40] For example:

According to the section **2 (vii)**[41]

> "*A woman married under Muslim Law shall be entitled to obtain a decree for the dissolution of her marriage, if she having been given in marriage by her father or other guardian. Before she attained the age of 18 years, repudiated the marriage before attaining the age of 19 years. Provided that the marriage has not been consummated*"[42]

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[36] The Convention on the Elimination of All Forms of Discrimination against Women, 1979 Art 16 (1) (b)
[37] ibid
[38] Dr. Muhammad Ekramul Haque (n 1) at p. (74-75)
[39] ibid
[40] ibid
[41] the Dissolution of Muslim Marriages Act, 1939 s 2(vii)
[42] ibid

Challenges:

- As per the statutory provision if the girl attains puberty before 18 and consummates marriage then still will have the option of puberty provided she does not consummate after attaining 18.[43]
- Again the statutory provision mentions only the girl's option of puberty. On the other hand, the Sharia provision granted it to both boys and girls.[44]
- This is to say, there is a possibility of some anomalous situations between the Sharia and section 2 (vii) of the Act of 1939.[45]

Marriage with Triple Divorcee:

Challenges: According to the Sharia provision, if a person pronounces Hasan Talaq[46] then he cannot withdraw this. In other words, a marriage with a triply divorced wife without an intervening marriage is void.[47] The statutory law also recognizes the intervening marriage (Halala marriage or Hilla marriage).[48] However, there is a myth that the Bangladesh statutory provision does not recognize Halala marriage. In that kind of circumstance of marriage, there cannot be set up any prior conditions. And that intervening marriage should be done validly.

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For instance, it can be said that immediately after the completion of marriage a man can divorce his wife for certain grounds but cannot able to set up any limitation or prior conditions.

Prospect: To create awareness among the mass people, the concerned authority should codify that law. The legislature should interpret the existing provision of **section 7(6) of the Muslim Family Laws Ordinance (MFLO), 1961.**

Stipulations:

Challenges: In the 17 no clause of Nikahnama,[49] there is a provision for setting up any "Special Conditions". But in our country, there is not any specific guideline or scope concerning this

[43] Dr. Muhammad Ekramul Haque (n 1) at p. 75
[44] ibid
[45] ibid at p. 236
[46] Talaq e Hasan is constituted of three single revocable pronouncements made at three different periods of unconsummated purity. Whether the first two pronouncements have been revoked or not such a talaq becomes effective at the moment the third pronouncement is made. The third pronouncement thus cannot be revoked and thus form of talaq is known as Talaq e Hasan.
[47] Dr. Muhammad Ekramul Haque (n 1) at p. (236-237)
[48] The Muslim Family Laws Ordinance, 1961 s 7(6)
[49] Dr. Muhammad Ekramul Haque (n 1) at p. 535

issue. What kind of conditions can be imposed or what will be the nature of those conditions, there is no guideline as to this issue. Moreover, in the Nikahnama there is not enough space for setting up special conditions. There is a clear lack of legislative framework.

If a question comes to our mind Can any kind of stipulation or condition be drawn up at all? The answer is yes because the Muslim marriage is a contractual nature of marriage.[50]

Prospects: The matter of condition or stipulation is already mentioned in the Sharia law. In the practice of a Muslim country like Turkey[51], there is enough scope like almost 01 page space for set up conditions. Egypt also enacted this provision like Turkey.[52] From this perspective, Bangladesh can follow their model.

Marriage Registration:

Challenges: The Muslim Marriages and Divorces (Registration) Act, of 1974 included a provision as to the registration of a Talaq.[53] However, that registration is not in a mandatory nature. Moreover, non-registration of a talaq does give rise to any other legal effect. That's why the act of non-registration of a talaq is not punishable.[54]

Nonetheless, the law is anomalous and raises some confusion between the existing Muslim Family laws in Bangladesh. The main anomaly is that the aforesaid law has not mentioned that talaq is to be registered after completion of the notice procedure under **section 07 of the MFLO, 1961**. That's why a bare talaq does not come under the MFLO procedure but can be registered under the Muslim Marriages and Divorces (Registration) Act, 1974.[55]

Moreover, the law does not require the production of any certificate under section 7 of the MFLO before it is registered under the Act of 1974. Thus a person who pronounces a bare talaq still can obtain a registered divorce certificate under the 1974 Act. In this circumstance, it is clear that **an anomaly exists even within the statutes** (the Act of 1961 and the Act of 1974).[56]

[50] ibid at p. 46, 107
[51] ibid at p. 124
[52] ibid at p 110
[53] The Muslim Marriages and Divorces (Registration) Act 1974, s 6
[54] Dr. Muhammad Ekramul Haque (n 1) at p. 271
[55] ibid p 272, The Muslim Marriages and Divorces (Registration) Act 1974, s 6(2) makes it further clear that any divorce may be registered.
[56] ibid

Prospects: Other Muslim Countries like Tunisia, Lebanon, Syria, and Malaysia under the administration of Islamic law make provisions like divorce can only be effected before and by the order of the Judge. And it takes effect from the time of its being recorded with the court jurisdiction.[57] So, Bangladesh can the above-mentioned countries and codify law conformity with Sharia provisions.

Notice of Divorce (Talaq):

Challenges: As per **section 7(1) of the MFLO, 1961** the husband has to serve notice of talaq to his wife and the Chairman.[58] **Section 7(2)** of the said Act mentions that if anyone contravenes that provision then he or she will be punishable with simple imprisonment of 01 year or a fine of up to 10 thousand taka or both.

But the interesting thing is that the law is silent about the validity of the Talaq. In this regard there is a provision like that in the absence of any statutory provision on any particular aspect of the Muslim Family Law then the governing law will be the Sharia.[59] In this situation, a bare talaq without observing the statutory formalities will still be treated as a valid talaq in the eye of the law.[60]

It is worth mentioning in section 07 that non-observance of such notification will be punishable but nothing is notified as to its impact on the validity of talaq. For this reason, this statutory provision provides a scope of confusion as to whether still, talaq is still a unilateral act or whether interference of another public body is essential through the notification under section 07. Therefore this issue has been settled through the Judicial Interpretation.[61] Such as:

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[57] ibid see p 273
[58] Any man who wishes to divorce his wife shall, as soon as may be after the pronouncement of divorce in any form whatsoever, give the Chairman notice in writing of his having done so, and shall supply a copy thereof to his wife.
[59] The Shariat Application Act 1937, s 2
[60] Dr. Muhammad Ekramul Haque (n 1) at p. 245
[61] ibid at p 246

CASE LAWS ANALYSIS:

In the Allah Rakha case of Pakistan[62], some of the provisions of section 07 were declared unconstitutional and that was the milestone development of this law in Pakistan. Professor Menski summarized the Pakistan position in the following words[63]:

> *After the introduction of the Zina Ordinance in 1979, it appears that ex-husbands who had simply discarded their earlier wives suddenly remembered that they were still married as per the official law. And then the Pakistan Court decided that 'written notice of the Muslim divorce would not be essential requirements for legal validity'*

In the case of **Abdul Aziz vs. Rezia Khatoon**[64] and **Safiqul Islam and others vs. State**[65], the court held that non-service of notice will not be effective and the parties will remain as husband and wife in the eye of the law.[66]

But the High Court Division in the case of **Sirajul Islam vs. Helena Begum and others**[67] held that " a talaq may be effective even if notice is not served under section 07 (01) of the MFLO, 1961.

Prospects: The Sharia law does not mention to service of notice. Islamic law suggests keeping the proof of every marriage contracted under Islamic law.[68] So, the concerned authority should enact or codify laws and clarify the existing ambiguity through conformity with Sharia.

A few other challenges and opportunities:

Challenges:

- **Differences in Interpretations:** Sharia is interpreted differently by several schools of Islamic philosophy, such as Hanafi and Shafi'i, which can result in discrepancies in the way the law is employed.

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[62] *Allah Rakha vs. Federation of Pakistan* (2000) PLD Federal Shariat Court 1 <https://gmlaw.wordpress.com/tag/allah-rakha-vs-federation-of-pakistan/ > accessed 22 January 2024
[63] Dr. Muhammad Ekramul Haque (n 1) at p 261
[64] Abdul Aziz vs. Rezia Khatoon 21 DLR 733
[65] Safiqul Islam and others vs. State (1994) 46 DLR 700
[66] Dr. Muhammad Ekramul Haque (n 1) at p 262
[67] Sirajul Islam vs. Helena Begum and others (1996) 48 DLR 48 (HCD)
[68] Dr. Muhammad Ekramul Haque (n 1) at p 65

- **Gender Equality Concern:** Some sections of Muslim Personal Law, notably those about inheritance, marriage, and divorce, have been criticized for not conforming with contemporary ideals of gender equality. This is a concern that has been associated with gender equality.
- **Integration with Secular rules:** It can be difficult to strike a balance between personal rules based on Sharia and secular, national laws, particularly in areas like human rights and international law.
- **Comparison between Flexibility and Uniformity:** It is a challenging task to ensure that the law is administered consistently while also taking into account individual circumstances and local customs.
- **Legal and Judicial Training:** To successfully understand and apply these laws, judges, and attorneys require specific training, which is frequently missing.

Opportunities:

- **Legal Reforms for Gender Equality:** There is the possibility of modifying some areas of the law to better align them with worldwide norms of gender equality while yet retaining religious precepts.
- **Educational Upgradation:** Education of the people on the law can result in a better informed and equitable application of the law, which is why public awareness programs are crucial.
- **Integration of Technology:** The utilization of technology for legal documents and procedures has the potential to enhance both efficiency and transparency.
- **Aligning Certain Components of Muslim Personal Law with International Human Rights Standards:** Some components of Muslim Personal Law that are aligned with international human rights standards might enhance attitudes both internally and outside.
- **Participation of the Community:** Involving religious academics and community leaders in the process of codification can significantly increase the likelihood that the laws will be more accepted and effective.

CONCLUSION

In the long term, with the challenges of current family laws being discussed above, it is urgently required to codify Muslim personal laws along with its need to bring awareness to the general

public. This is done so that the general public may become aware of and study the original form of Sharia provisions, and they will be able to apply them appropriately. To achieve this objective, it is recommended that the government body and the private organization body work together to collaborate on the codification and awareness processes.

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