

- 1) **Title:** Legal pluralism and challenges for family law governance.
- 2) **Conveners:** Dr. Stijn Cornelis van Huis and Theresia Dyah Wirastri, Ph.D.
- 3) **Brief description of panel:**

All over the world non-state mechanisms exist in the realm of family law, reflecting the existing religious and cultural diversity. Proponents of narrow state regulation argue that non-state mechanisms can be a welcome addition to state governance of family law. Others oppose a prominent role for customary and religious mechanisms as they fear that those will challenge statutory rights of individual members - especially rights on equality. This debate is especially manifest in Muslim majority countries, as state regulation and interpretations of Muslim family law are prone to challenging views.

Even in a situation of exclusive state regulation of family law, customary and religious mechanisms may continue to operate, which may result in practices of unregistered marriages and out-of-court divorces. Government institutions may show leniency towards such practices and recognize its full or particular legal consequences: for instance, when an underage marriage is registered, or when in case of an unregistered religious marriage, the court puts an obligation upon a father to pay child support. The consequences of such leniency can be paradoxical: it grants rights to individual women and their children, but at the same time it maintains a normative system which challenges basic statutory family law provisions aimed at protecting women and children in general.

Participants in this panel will address the challenges that legal pluralism pose for family law governance; the ways in which government institutions, communities, minorities, and / or individuals deal with those challenges; and the consequences this has for family law governance and individual rights of citizens. The panel aims at increasing our knowledge about how in family law matters normative systems interact and how this interlegality affects family law governance.

- 4) **Single session** (1 x 90 min.): open panel