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## Polygamy Regulation and Human Rights: The Role of Judicial Governance in Libyan Family Law

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### *Abstract*

*This study analyzes the problem of how polygamy, which is doctrinally permissible in Islamic jurisprudence, can be judicially regulated in a way that protects human rights while remaining coherent normatively within maqasid al-shari'ah framework. It aims to (1) trace the legal evolution of polygamy regulation in Libyan family law from 1984 to 2015 and (2) explain how judicial authorization and discretion reshaped polygamy into a legally conditioned practice aimed to protect human rights. Using qualitative doctrinal analysis of the 1984 marriage law and its subsequent amendments (1991, 1994) and the 2015 deletion of the key provision, supported by socio-legal contextualization and a maqasid al-shari'ah framework, the study examines how regulatory mechanisms operate in practice and what they mean normatively. The findings show an institutional shift in the role of Libyan courts from verifying formal requirements to evaluating financial capacity, potential harm, and family welfare, especially after the 1994 "serious reasons" standard. Thus, the courts are positioned as central gatekeepers of justice and human rights. This article contributes to ongoing debates on Islamic family law reforms, the role of courts in Muslim-majority countries, and the normative foundations of regulating marital practices with attention to human rights. It recommends some statutory and judicial guidelines on capacity, harm, and procedural engagement to enhance stability, transparency, and rights protection in polygamy judgment.*

**Keywords:** Human rights, Libyan family law, Polygamy.

## A. INTRODUCTION

Polygamy has long been considered as a complex practice in Islamic family law, in which it is accepted doctrinally and regulated through specific legal, ethical, and social codes designed to maintain justice and equity among spouses. In many Muslim-majority legal systems, regulation increasingly treats polygamy as not only a matter of permissibility but also as a matter of justice, welfare, and human rights protection (Syamsuddin, 2018; Supriadi & Janur, 2025). Recent scholarship shows that state interventions commonly operate through judicial authorization, procedural safeguards, and welfare-based standards which aim to prevent harm (*raf' al-darar*) and protect family stability, reflecting broader transformations in the relationship between religious norms and positive law (Farooq, 2021; Zayyadi et al., 2023; Masuwd et al., 2026).

Recent studies on polygamy regulation often emphasize comparative reforms and the expanding role of courts in family governance, particularly across North Africa and other Muslim jurisdictions (El Harras et al., 2024; Noviana et al., 2022). Other works frames polygamy debates through rights and protection oriented frameworks, focusing on women's interests, welfare safeguards, and the social consequences of weak regulation (Al Qurtuby, 2022; Alati, 2024). However, two notable gaps remain. First, the literature often treats polygamy as either a doctrinal permission constrained by conditions or as a practice limited by modern policy, but it rarely conceptualizes polygamy as a judicially mediated permissible act, whose practical legality is produced through authorization, contestation, and case-based evaluation (Chiagozie & Akpofure, 2024; Putri et al., 2025; Kamaliah & Yazid, 2025). Second, while judicialization is widely noted, fewer studies explain judicial discretion as a normative

Shari'ah mechanism grounded in *maqasid* (justice, harm prevention, family welfare) rather than portraying discretion mainly as an instrument of state modernization (Noviana et al., 2022; Humaira et al., 2025; Dahash, 2025).

This study addresses these gaps using Jasser Auda's *maqasid* approach, which emphasizes interconnected objectives, context-sensitivity, and welfare outcomes. Thus, these *maqasid* are appropriate frameworks for evaluating statutory standards such as capacity, harm, and serious reasons and their human-rights implications (Auda, 2008). Auda's framework is used because it enables assessing whether judicial restriction can implement justice and harm prevention in a coherent, proportional manner rather than merely narrowing permissibility.

Thus, the study examines how polygamy can be judicially regulated to protect human rights and remain normatively coherent within *maqasid*. Libya is an important case because the regulatory trajectory between 1984 and 2015 shows a move from authorization-based permission toward judicial governance, followed by ambiguity after deletion of the central provision, raising questions about how courts translate standards such as capacity, harm, and "serious reasons" into legally meaningful safeguards (Alfellag, 2012; Alati, 2024).

To analyze the legal texts, this study applies qualitative doctrinal analysis through close reading and systematic comparison of each legislative stage, focusing on (a) changes in legal requirements (authorization, consent/litigation, and "serious reasons"), (b) the legal effects attached to compliance and non-compliance (validity and enforceability), and (c) the statutory allocation and scope of judicial discretion. In this study, the "sociological context" refers to the political institutional setting that

shapes family law governance, particularly the *Jamahiriyyah* period and the post-2011 transitional environment.

## **B. RESULT AND DISCUSSION**

### **1. Libya's Polygamy Regulation: Legislative Evolution and Post-2015 Ambiguity**

Libya has not operated under a one permanent constitution over the period of this study; rather, it relied on successive constitutional instruments. Across these frameworks, Islam is referred to as the religion of the state and the Shari'ah is treated as a principal source of legislation. The legal system functions through codified statutes and state courts. Thus, Libya does not fully adopt Islamic law as an exclusive legal order. It reflects a hybrid constitutional and legal model in which Shari'ah provides foundational normative orientation. Family relations are governed through positive law enacted by the state and applied through judicial institutions. Moreover, this hybrid legal system shifted across political changes. The early constitutional order (1951 Constitution) emphasized formal constitutional governance, the *Jamahiriyyah* period (1969-2011) restructured authority through revolutionary instruments and ideological texts shaping legislation and institutional practice (the Green Book), and the post-2011 period relied on transitional constitutional arrangements that reaffirmed Islam's public role while operating through statutory law and courts. These instruments help in explaining both the codification of polygamy regulation and the interpretive variability under institutional fragmentation.

Law No. 10 of 1984 (Art. 13) introduced prior judicial authorization for polygamy and conditioned this authorization on the court's verification of the husband's social circumstances and material and health capacity. The immediate legal

effect was not prohibition, but the institutionalization of a threshold review that made access to polygamy dependent on judicial screening. However, polygamy remained lawful in principle; the state did not see it as a disfavored act or require substantive justification, or the first wife's consent. Instead, the reform created a procedural checkpoint through which the act must pass.

The significance of the 1984 model lies in its shift from *ex post* dispute resolution to *ex ante* governance. In classical *fiqh*, polygamy becomes legally contestable mainly when enforceable rights are violated, such as maintenance and fair treatment claims. By requiring judicial permission before the second marriage is contracted, the 1984 law relocates regulation upstream, reflecting a preventive logic in family governance: the court screens capacity and suitability to reduce predictable conflicts and rights failures rather than waiting for harm to occur (Berman & Feinblatt, 2001; Donzelot et al., 1979).

The statutory criteria, material, health, and social capacity function as legal agent for the broader ethical demand of justice associated with polygamy. Whereas classical doctrine often places substantial moral responsibility on the husband's conscience while protecting rights through later enforcement, the 1984 provision begins translating moral expectations into institutional preconditions. From a human-rights perspective, the shift matters because it introduces an early safeguard against unseen harm arising from incapacity, particularly harms that affect economic security and household stability. Doctrinally, this step should not be read as a rejection of *fiqh* permissibility; rather, it reflects the state's view that permissibility is compatible with regulatory conditions intended to protect welfare and enforceable rights (Hallaq, 2009; Mohiuddin, 2024).

The 1991 amendment (Law No. 22) marked a decisive escalation in regulatory intensity by requiring either the first wife's written official consent or judicial authorization, alongside continued judicial verification of the husband's capacity. The key innovation was the attachment of explicit nullity (*butlan*) to noncompliance, which transformed authorization from a procedural formality into a constitutive condition of validity. Legally, this shift reconfigured polygamy from regulated permissibility into an enforceable regime of judicial control. The second marriage conducted outside the statutory pathway could be challenged as void, thereby strengthening the enforceability of protective conditions.

From a human-rights perspective, nullity serves as a deterrent against circumvention and secrecy which is two common routes through which spouses' interests can be undermined in maintenance, dignity, and household security (Farooq-Azam et al., 2021; Ariwibowo et al., 2025). By making compliance legally consequential, the amendment supports effective remedies and reduces rights-evasion in family obligations, reinforcing the protective function of family law rather than leaving harm to be addressed only after disputes arise. In the Libyan governance setting of the early 1990s, where personal status regulation operated through both courts and local institutions, the amendment also broadened access points for complaints by allowing the first wife to raise objections through courts and community-linked channels such as NGOs, any Imam Masjid etc., which were then directed toward the competent court for resolution. This design is socio-legally important because it embeds enforcement within institutional networks and improves the practical accessibility of legal protection, especially when direct court access may be constrained (Hadi, 2023; Ritonga et al., 2025).

The 1994 amendment (Law No. 9) deepened judicial control by introducing the requirement of “serious reasons” and conditioning validity on either the first wife’s consent before the competent court or a judicial judgment issued in litigation where the wife is joined as a party. This reform shifts the authorization model from procedural compliance toward justification-based adjudication, placing courts at the center of evaluating whether polygamy is warranted in the circumstances (Farooq-e-Azam et al., 2021). Doctrinally, the “serious reasons” standard is transformative because it requires a substantive threshold rather than a purely formal pathway. The decisive question is no longer only whether consent or capacity exists, but whether the proposed second marriage can be justified in light of foreseeable impacts on existing obligations and family welfare. This structure empowers courts to weigh necessity, proportionality, and likely harm, thereby moving polygamy from presumptive permissibility in practice toward a form of conditional access mediated by judicial reasoning.

From a human-rights perspective, the 1994 model strengthens procedural fairness and access to justice by institutionalizing contestation. When consent is absent, the wife becomes a litigating party and the court must address competing claims within an adjudicative process. The litigation design increases transparency and supports rights-protective outcomes by enabling judicial scrutiny of capacity and potential harm, rather than leaving affected spouses to seek remedies only after harm has occurred (Smith, 2014). In effect, the amendment repositions polygamy as an exceptionalized practice whose legality depends on judicial evaluation of welfare and harm, consistent with a rights-sensitive approach to dignity, stability, and effective protection in family relations.

Law No. 14 of 2015 deleted the central provision regulating polygamy. Formally, deletion removed the explicit statutory pathway that had governed authorization and conditions for decades. Substantively, however, it created normative ambiguity rather than a clear return to unregulated permissibility. Two readings remain plausible: deregulation (reversion to general marriage rules) or implicit restriction through general principles such as public order, harm prevention, and protection of rights. In legally fragmented environments, ambiguity commonly increases judicial centrality because disputes persist while legislative guidance becomes less specific, requiring courts to stabilize outcomes through interpretation (Rohmanet al., 2025).

This dynamic is particularly salient in Libya's post-2011 context, where institutional fragmentation and uneven legal authority heighten the court's practical role in personal status disputes. In human-rights terms, ambiguity can produce inconsistent outcomes and unequal protection if judicial approaches diverge across forums. Accordingly, the post-2015 period reinforces the need for rights-consistent reasoning in adjudication, since courts must reconcile permissibility, welfare, and protection against foreseeable harm through general doctrine and case-based assessment. For this reason, deletion should be read less as a restoration of private discretion and more as a shift toward judicially mediated governance under statutory uncertainty, which frames the relevance of the socio-legal and *maqasid* analysis developed in the subsequent section (Affandi et al., 2025; Muttaqin et al., 2026).

**Table 1**  
**Legislative Evolution of Polygamy Regulation in Libyan Family Law**  
**(1984–2015)**

<b>Law &amp; Year</b>	<b>Logic</b>	<b>Court Function</b>
10/1984	Judicial permission + capacity verification	Procedural gate keeping
22/1991	Consent-or-court + capacity + nullity	Legal control + enforceability
9/1994	“Serious reasons” + consent or litigation	Substantive discretion; harm assessment
14/2015	Deletion of Art. 13	Reliance on general principles

## 2. Socio-Legal Factors: Why Courts Became Central Actors

Libya’s personal status governance operates within a hybrid legal setting where statutory family law interacts with Shari’ah-derived norms and judicial institutions, and where political context has shaped how law is enforced. During the *Jamahiriyah* era, state policy expanded institutional supervision of family life, while after 2011 institutional fragmentation and uneven legal authority increased reliance on courts to stabilize outcomes in personal status disputes. Socially, family cohesion and kinship obligations remain significant, which amplifies the stakes of polygamy disputes for dignity, maintenance, and household welfare. In this environment, judicial authorization becomes a central mechanism for translating general legal standards into enforceable, rights-sensitive decisions.

Across the 1984-1994 reforms, the most consequential shift is the move from courts as registrars of legality to courts as evaluators of legitimacy. Once the law introduced open-ended standards, judicial involvement became necessarily substantive. Judges were no longer confirming documents alone, but assessing whether the proposed second marriage could be sustained without foreseeable harm to existing obligations and family welfare. This judicial turn reflects a governance logic in which

family law increasingly operates preventively by screening predictable conflict ex ante, rather than relying only on reactive remedies after rights violations occur.

In human-rights terms, the shift matters because it positions courts to safeguard dignity and fairness through case-based review. Capacity assessment functions as a proxy for distributive justice in enforceable rights (maintenance and household security), while harm-oriented reasoning directs attention to foreseeable injury that may arise from incapacity or destabilization. As a result, judicial authorization becomes a practical rights-protection mechanism: it can prevent rights-evasion before it materializes and can require reasoned justification where a second marriage would impose disproportionate burdens on affected spouses.

Judicial centrality also reflects Libya's governance trajectory. During the *Jamahiriyah* period, family law reforms formed part of a broader project of institutional supervision over social relations, creating legal visibility over marital practices that had previously depended on moral obligation and informal regulation. After 2011, the socio-legal function of courts shifted from implementing centralized policy to stabilizing outcomes under uncertainty. Legal ambiguity, especially after the 2015 deletion of the core provision, did not remove disputes; it increased the interpretive burden on courts to reconcile permissibility with welfare and rights-protection concerns through general principles and discretionary reasoning. This post-2011 context therefore reinforces courts' role as normative stabilizers in family disputes, particularly when legal authority and enforcement mechanisms are uneven (Alfarisi & Arwani, 2025).

A further driver of judicial centrality is the evolving procedural position of the first wife. Consent and litigation pathways, together with expanded complaint routes,

transform polygamy from unilateral choice into a legally contestable process. From a human-rights perspective, this shift enhances access to justice by increasing the ability of affected spouses to trigger review and seek protection, especially where direct court access may be practically constrained. However, the model remains mediated to some extent. Women's participation is procedural rather than dispositive, because outcomes ultimately depend on judicial evaluation of capacity, harm, and welfare. The result is procedural empowerment with controlled outcomes in which rights claims become institutionally visible and reviewable, while the court functions as the decisive gatekeeper of proportionality and protection (Sandefur, 2008).

Comparatively, Libya occupies a hybrid position between prohibitionist regimes and conditional authorization models. The distinctiveness is not geographic alone but institutional. Libya's reliance on discretionary standards, especially the "serious reasons" threshold and litigation-based authorization, places heavier weight on judicial evaluation of welfare and harm than in systems where regulation is primarily rule-based or purely procedural. In this judicial-centric model, permissibility remains in principle, but access in practice is contingent on judicial reasoning and enforcement capacity, making courts primary producers of legality and rights protection through case-by-case adjudication (Noviana et al., 2022).

**Table 2**  
**Comparative Socio-Legal Models of Polygamy Regulation**

<b>Model</b>	<b>Example states</b>	<b>Key mechanism</b>	<b>Role of courts</b>
Prohibitionist	Tunisia	Statutory ban	Enforcement
Conditional	Morocco, Egypt	Authorization + procedural safeguards	Mixed procedural/substantive review
Judicial-centric hybrid	Libya	Discretionary justification + harm inquiry	Normative evaluation; case-based governance

### **3. Maqasid Legitimacy: Judicial Restriction as Realization of Shari‘ah Objectives and Human Rights Protection**

Classical *fiqh* generally treats polygamy as permissible in principle (*mubah*), yet not normatively neutral. The Qur’an conditions permissibility on justice (Q 4:3) and acknowledges the practical difficulty of comprehensive equality (Q 4:129). Jurists commonly reconcile these texts by distinguishing equality in enforceable rights, such as maintenance, lodging, and equitable allocation of time, from equality in emotional inclination, which is not fully controllable and thus not subject to the same legal standard. The doctrinal implication is that permissibility is ethically burdened and socially consequential, with justice functioning as the decisive normative constraint.

Historically, however, the justice requirement often operated primarily through moral accountability and ex post remedies. Courts tended to intervene once disputes became legible rather than authorizing or refusing the second marriage ex ante. Libya’s statutory trajectory since 1984 reconfigures this relationship by shifting part of the justice requirement into institutional preconditions. Prior screening and later justification standards move the locus of legitimacy from private conscience to judicial review, reflecting a governance choice to prevent foreseeable harm and rights failures

before they occur. From a *maqasid* perspective, this is best understood as regulating the permissible to secure higher objectives rather than reclassifying polygamy as unlawful (Hallaq, 2009; Helim et al., 2023). In human-rights terms, the shift is also significant because it strengthens preventive safeguards for dignity, economic security, and access to protection through enforceable institutional pathways.

A *maqasid*-based assessment is strongest when statutory mechanisms function as practical translations of Shari‘ah objectives into legal safeguards. Libya’s restrictions operate along two linked dimensions, which are operationalizing justice and designing for harm prevention. Justice in polygamy is not merely theological; it implicates measurable duties and distributive burdens, particularly in maintenance and household obligations. By requiring courts to assess material capacity, health capacity, and social circumstances, the Libyan model converts justice from ethical aspiration into judicially assessable criteria (Mustafa, 2024; Ichwan et al., 2024). This evidentiary structure treats justice as a realistic question, whether enforceable rights can be fulfilled in the circumstances, rather than an assumption attached to formal contracting (Auda, 2008; Busriyanti et al., 2025).

Equally important, the shift to enforceability, especially through nullity, reflects harm-prevention architecture. From a *maqasid* standpoint, sanctions are justified when they prevent predictable injury and close pathways of rights-evasion. If authorization requirements are intended to prevent clandestine second marriages that undermine maintenance, dignity, and household stability, deterrence becomes part of rights protection. The widened complaint channels further strengthen this logic by improving access to remedies and enabling affected spouses to trigger review through available institutional routes. In this sense, the regulatory design advances both *maqasid* and

human-rights concerns by promoting transparency, enforceability, and effective legal protection rather than leaving harm to be addressed only after rights violations occur (Supriadi & Janur, 2025; Elbanna et al., 2025).

The clearest *maqasid* signal in Libya's legislative evolution appears in the 1994 requirement of "serious reasons" and litigation where consent is absent. This standard moves beyond capacity verification to substantive justification, indicating a policy choice to treat polygamy as exceptional in practice when it threatens family welfare. The legal effect is that lawful permissibility does not equate to routine access; the act must be justified against foreseeable risks, including instability of obligations and predictable harm within the existing household.

Although *hifz al-usrah* is not always listed as an independent necessity in the classic "five necessities," contemporary *maqasid* scholarship treats family stability as a composite objective derived from protecting lineage, property, and dignity, and from Shari'ah's broader welfare orientation (Auda, 2008; Busriyanti et al., 2025). The serious-reasons standard operationalizes this objective by requiring courts to examine whether polygamy is proportionate to the asserted justification and whether the likely burdens on existing spouses can be managed without injustice. In human-rights terms, the litigation framework strengthens procedural fairness by making contestation possible and by requiring judicial engagement with harm and welfare arguments, thereby supporting dignity-based protection and non-discrimination in access to remedies.

Libya's model is best characterized as judicial-centric governance. Courts are entrusted with discretion to evaluate justification, anticipate harm, and balance welfare. The normative issue is whether such discretion is compatible with Islamic

legal theory or represents external intrusion. A *maqasid* perspective supports judicial discretion precisely because polygamy regulation depends on open standards that cannot be applied mechanically. Their application varies with household circumstances and foreseeable consequences, making contextual reasoning necessary for coherent outcomes (Auda, 2008). Discretion also functions as proportionality control. It enables courts to restrict access where harm is likely or obligations cannot be fulfilled, while permitting polygamy where enforceable justice and welfare safeguards can realistically be secured.

This logic becomes more salient after the 2015 deletion of the core provision, which relocates regulation into interpretive space and increases reliance on general principles. In post-2011 institutional conditions, courts often stabilize personal status norms by filling gaps through welfare-oriented reasoning. In human-rights terms, such adjudication can protect dignity and effective remedies, but it also raises consistency concerns if standards are not articulated transparently (Alati, 2024). The normative conclusion is therefore that judicial restriction is best framed as *maqasid* realization while simultaneously operating as a rights-protective governance mechanism, rather than as a negation of Shari‘ah.

#### **4. Human Rights Implications of Judicial Governance in Polygamy Regulation**

In Libya, Shari‘ah functions as a normative reference for personal status but is applied through codified legislation and state courts. Within this institutional setting, rights are commonly framed through purposive Islamic reasoning that prioritizes justice (*‘adl*), human dignity (*karamah*), harm prevention (*raf‘ al-darar*), and family welfare (*hifz al-usrah*). Thus, human rights are not treated as external to Islamic law, but as protected interests, which secured through enforceable duties and preventive

safeguards. This *maqasid*-oriented view helps explain why Libyan law increasingly relied on capacity screening, harm assessment, and procedural contestation as institutional mechanisms for dignity, fairness, and effective remedies (Hallaq, 2009; Mohiuddin, 2024).

As a result, Libya's regulatory trajectory has clear human-rights implications. In practice, judicial governance determines whether harms linked to polygamy, are managed only after disputes arise or prevented through enforceable safeguards and review. This is particularly important in Libya, where family disputes often involve not only legal entitlements but also social vulnerability and household stability, making judicial oversight a key channel for rights protection (Farooq, 2021; El Harras et al., 2024).

Dignity is implicated where polygamy is practiced through secrecy or unilateral decision-making that destabilizes marital status and exposes spouses, especially the first wife, to humiliation and insecurity. The move toward enforceable authorization and validity consequences reduces clandestine practices and strengthens institutional visibility, making dignitary harm more preventable than under purely ex post remedies (Al Qurtuby, 2022). Equality and non-discrimination concerns arise in the distribution of enforceable obligations, particularly maintenance and household security: by requiring courts to examine capacity and justification, Libyan reforms sought to reduce predictable patterns of unequal rights fulfillment within the family (Mustafa, 2024).

Effective remedies are also central. The 1991 nullity rule and complaint pathways, together with the 1994 litigation model, shifted polygamy disputes into adjudicative processes where participation, contestation, and enforceability become possible, strengthening access to justice rather than leaving protection to informal

power relations (Sandefur, 2008). These rights interests help explain why courts became pivotal in Libya's model: judicial discretion functions as the institutional tool through which a permissible act is aligned with rights-sensitive safeguards.

Judicial authorization in Libya operates as preventive rights protection because it screens foreseeable harms before they materialize into irreversible rights violations. Capacity review targets the risk that polygamy will undermine economic security and maintenance obligations, while the "serious reasons" standard creates a substantive threshold that requires courts to consider whether the proposed marriage is proportionate to its predictable burdens. In a context where welfare failures can quickly translate into hardship for spouses, this *ex ante* review can reduce rights-evasion and protect household stability through enforceable conditions (Auda, 2008; Farooq, 2021).

The litigation pathway strengthens this protective function by embedding procedural fairness: when consent is absent, the wife becomes a party and the court must engage with evidence and harm claims. This design supports rights consistency by making decisions reviewable and reasoned rather than informal or unilateral, thereby advancing access to justice alongside welfare objectives (Mustafa, 2024).

The 2015 deletion shifted regulation from explicit statutory pathways to general principles and judicial interpretation. In Libya's post-2011 environment of institutional fragmentation, this ambiguity risks inconsistent judicial outcomes and forum variation, meaning similarly situated spouses may receive unequal protection depending on how particular courts treat capacity, harm, notice, and enforceability (Putri et al., 2025). The human-rights concern is therefore practical. The

unpredictability can weaken access to effective remedies and increase opportunities for rights-evasion.

### C. CONCLUSION

This study investigated the judicial regulation of polygamy in Libyan family law (1984-2015) through an integrated socio-legal and *maqasid al-shari'ah* framework. The study found that the trajectory cannot be reduced to a technical shift from “permission” to “restriction,” but rather reflects a transformation of polygamy from a privately initiated marital option into a judicially mediated practice shaped by statutory design, governance context, and welfare-oriented adjudication. Legislatively, the model evolved from capacity screening (1984), to enforceable control through consent-or-court and nullity (1991), to substantive judicial discretion via the “serious reasons” standard and litigation (1994), before the 2015, deletion created ambiguity and increased reliance on general principles and judicial reasoning. Socio-legally, courts became central not merely by formal assignment but because open-textured standards and post-2011 institutional uncertainty made adjudication the primary mechanism for stabilizing family disputes and allocating protections.

Normatively, the findings support the conclusion that these judicial restrictions can be grounded in *maqasid*, while also serving human rights relevant safeguards. Building on these results, future research should extend this analysis through systematic study of Libyan court verdicts and litigant experiences to test how “serious reasons,” harm, and capacity are applied in practice, including potential regional variation and consistency over time. In addition, future research should examine the post-2015 legal landscape to assess how ambiguity affects predictability and rights

protection. Finally, future research should develop a comparative institutional analysis with other North African systems that explains divergence in regulation by reference to governance structures and judicial competence rather than geography alone.

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