

The Paradox of Child Custody and Domestic Life of Muslim Women in Kampala, Uganda.

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Abstract

Child custody is a significant dimension of domestic life that shapes the welfare of children, the rights of mothers, the responsibilities of fathers and the stability of families, particularly due to marital divorce or death of a Father. Among Muslim women in Kampala, Uganda, questions concerning the care, upbringing, maintenance, religious and residence of children occur within complex socio-economic, cultural and legal dimensions. Such situations become particularly challenging where marital conflict, financial insecurity, competing family interests, or limited knowledge of Islamic family life affects decisions about children. This article examines child custody through the Islamic jurisprudential concept of ḥaḍānah, connecting Islamic teachings with the domestic experiences and welfare of Muslim women in Uganda. Using a qualitative, doctrinal and ethnographic approach, the article discusses sources of Islamic Law, namely; Qur'an, Prophetic traditions, classical Islamic jurisprudence, Analogy scholarship and Custom in lieu of Ugandan legal provisions. It argues that Islamic teachings provide a substantial ethical and normative framework for addressing custody disputes through compassion, justice, parental accountability, protection against harm, consultation and the preservation of children's welfare. The Qur'anic prohibition against harming either parent through a child, the recognition of maternal caregiving, the father's financial responsibilities and the broader objectives of Islamic law offer important foundations for constructive family relationships. Nevertheless, differences in contextual studies and the realities of contemporary urban life require careful interpretation rather than the mechanical application of generalised rules. The article further argues that Islamic principles should be understood alongside Uganda's Constitution and Children Act, particularly their emphasis on parental responsibility and the welfare of the child. It concludes that strengthening religious literacy, mediation, responsible fatherhood, maternal empowerment, child-sensitive dispute resolution and cooperation between religious leaders and legal institutions do contribute to healthier domestic relations and improved child welfare among Muslim families in Kampala.

Keywords: Child custody; ḥaḍānah; Islamic family law; Muslim women; domestic life.

1. Introduction

The family occupies a central position in Islamic social ethics, providing the primary environment in which individuals receive affection, protection, moral instruction, religious education and social identity.

Within this institution, child custody is particularly important because it concerns the daily care and development of children whose physical, emotional, intellectual, social and spiritual needs require sustained attention. When marriage encounters difficulties or when spouses divorce, questions regarding the person who should care for the children become a major source of domestic tension. Such disputes affect not only the children but also the emotional wellbeing, economic security religious understanding of Muslim women among others.

In Kampala, Muslim women participate in diverse domestic and economic arrangements. Some are employed in formal organisations. While others engage in entrepreneurship, informal trade, education, professional work, unpaid domestic labour or a combination of these activities. Their experiences of motherhood and family responsibility therefore cannot be understood through a single social or economic model. In circumstances involving separation or divorce, women may face competing demands associated with childcare, housing, employment, school fees, maintenance, extended-family expectations and the preservation of their children's relationships with both parents. These circumstances make child custody an important subject for examining the influence of Islamic teachings on the domestic life of Muslim women.

Islamic law addresses child custody through the concept of *ḥaḍānah*, which generally refers to the physical care, protection and upbringing of a child. Although related to guardianship and parental authority, *ḥaḍānah* should not be treated as identical to every legal or religious question concerning a child's custody. Islamic jurisprudence distinguishes, in various ways, between day-to-day care, financial maintenance, legal guardianship and responsibility for particular decisions. The precise allocation of these responsibilities has been discussed differently across the major schools of Islamic jurisprudence (Ibn Qudāmah, 1997; Ibn Rushd, 1994).

The significance of Islamic teachings lies not merely in identifying which parent may have a preferential claim to custody. Their broader contribution is the establishment of moral and legal responsibilities governing how parents treat one another, provide for their children, resolve disagreements and protect vulnerable family members. Qur'an 2:233, for example, addresses breastfeeding, maintenance, consultation and the prohibition against harming either parent through a child. This provides an important foundation for understanding custody as a responsibility governed by justice rather than as an instrument of retaliation (The Qur'an, 2:233).

The subject also requires engagement with Uganda's legal framework. The Constitution of the Republic of Uganda recognises parental responsibilities and the rights of children, while the Children Act, Cap. 62, establishes the welfare of the child as the paramount consideration in relevant decisions concerning upbringing. The statutory framework therefore provides a legal context within which the application of religious and cultural understandings of custody must be examined (Constitution of the Republic of Uganda, 1995, arts. 31, 33–34; Children Act, Cap. 62, s. 3).

This article argues that Islamic teachings offer a constructive framework for addressing child custody disputes affecting Muslim women in Kampala by combining recognition of maternal caregiving, parental accountability, financial justice, protection from harm and the welfare of the child. It further argues that the practical effectiveness of this framework depends on sound religious knowledge, responsible

application of Islamic jurisprudence, awareness of Ugandan law, and the willingness of parents and institutions to prioritise children's needs over adult conflict.

2. Conceptual and Methodological Approach

2.1 Conceptualising child custody in Islamic law

The term ḥaḍānah derives from an Arabic linguistic association with the side or embrace, conveying the idea of holding, nurturing and caring for a child. In Islamic family law, it refers primarily to the responsibility for a child's everyday care, including feeding, supervision, protection, personal development and the provision of an appropriate environment for upbringing.

Child custody must be distinguished from wilāyah, a term commonly associated with guardianship or authority over particular legal, financial or personal affairs. The precise boundaries between ḥaḍānah and wilāyah, including who exercises particular powers, differ according to legal school, the child's circumstances and the matter under consideration. Consequently, it is inaccurate to assume that awarding physical custody automatically transfers every parental responsibility to one parent or eliminates the other parent's obligations.

Classical jurists developed rules concerning custody eligibility, the priority of certain relatives, the child's age and changing needs, and circumstances that might justify transferring care. However, the schools did not formulate every aspect of custody identically. Contemporary scholarship has accordingly examined how established jurisprudential principles can be interpreted alongside the welfare-oriented demands of modern family life (Ibn Qudāmah, 1997; Ibn Rushd, 1994; Ibrahim, 2015).

2.2 Methodology

This article employs a qualitative, doctrinal and normative approach based on documentary analysis. Its principal sources are the Qur'an, selected Prophetic traditions, classical Islamic jurisprudential texts, contemporary academic literature, the Constitution of Uganda and the Children Act. These materials are examined thematically to identify the principles most relevant to custody, maternal rights, parental responsibilities, family conflict and children's welfare.

The analysis is organised around five themes: the Islamic foundations of custody; maternal rights and responsibilities; paternal maintenance and continuing parental obligations; the implications of custody disputes for Muslim women's domestic lives in Kampala; and the potential contribution of Islamic teachings to family dispute resolution.

The article is conceptual rather than an empirical investigation of Kampala households. It does not claim to establish the prevalence of particular custody disputes, the experiences of all Muslim women, or the actual performance of religious and judicial institutions through original fieldwork. Its contribution is to develop an analytical framework that can inform subsequent empirical research, family counselling, religious education and legal practice.

3. The Islamic Foundations of Child Custody

3.1 The Qur'anic principle of parental responsibility

The Qur'an establishes a framework of parental responsibility in which children are not to be treated as instruments for settling disputes between adults. Surah al-Baqarah 2:233 is particularly significant because it brings together childcare, maternal breastfeeding, financial provision, mutual consultation and the prohibition against causing harm through a child.

The verse states, in part, that no mother should be harmed on account of her child and no father should be harmed on account of his child. It also calls for mutual consent and consultation where parents make decisions about weaning (The Qur'an, 2:233).

Three important principles emerge from this passage.

First, the child is a trust and a responsibility rather than a possession belonging exclusively to either parent. A parent should not use access to a child, financial support or custody arrangements as a means of punishing the other parent.

Second, the Qur'an recognises the material and physical demands associated with childcare. Maternal care is acknowledged, while financial provision is assigned to the father in the context addressed by the verse. The verse also establishes that obligations should be discharged according to reasonable capacity rather than through impossible demands.

Third, consultation is integral to responsible parenting. Even where parents disagree, decisions affecting a child's welfare should be approached through discussion and consideration of relevant circumstances. These principles are especially pertinent where marital conflict threatens to become a prolonged struggle over children. They establish a moral standard against which the conduct of both parents can be evaluated.

3.2 Compassion and the prohibition of harm

Islamic family relations are governed by broader principles of compassion, justice and good conduct. Qur'an 4:19 commands believers to live with their wives honourably, while Qur'an 16:90 commands justice and excellence. Qur'an 65:6 instructs that a woman should not be harmed in order to make life difficult for her. These principles are relevant to the treatment of women during marital separation and to the responsibilities that continue after the breakdown of a marriage.

The Prophetic principle, *lā ḍarar wa-lā ḍirār*—commonly translated as “there should be neither harm nor reciprocating harm”—is also influential in Islamic legal reasoning. It provides an ethical basis for rejecting conduct that deliberately exposes children or parents to avoidable injury. The principle is recorded in hadith collections and discussed extensively in Islamic legal thought (Ibn Mājah, n.d., no. 2340).

In practical terms, a father should not deny necessary maintenance merely because a relationship with the mother has deteriorated. Equally, a mother should not deliberately obstruct safe and appropriate contact between a child and the father simply to inflict emotional suffering on him. Neither parent should expose a child to abuse, intimidation, manipulation or unsafe conditions in the name of asserting parental rights. This does not mean that contact must be maintained regardless of risk. Where credible concerns about violence, abuse, neglect or exploitation arise, protective action takes priority over an assumption that

unrestricted contact is always desirable. The Islamic prohibition against harm supports protection and responsible assessment, not the concealment of danger in the name of family unity.

3.3 The Prophetic recognition of maternal caregiving

A frequently cited Prophetic report illustrates the recognition of maternal care in custody matters. A woman who had been separated from her husband approached the Prophet Muhammad (peace be upon him), explaining that she had carried her child, breastfed him and held him close, while the child's father wished to take him away. The Prophet responded that she had a stronger claim to the child unless she remarried. The report is recorded in Sunan Abī Dāwūd (Abū Dāwūd, n.d., no. 2276).

This narration has played an important role in classical discussions of maternal priority in the custody of young children. It recognises that pregnancy, breastfeeding, early attachment and daily caregiving are relevant considerations in determining custody.

Nevertheless, the report should not be transformed into a universal rule that mothers must always receive custody regardless of circumstances. Jurists interpreted custody traditions within broader discussions of eligibility, age, competing claims and the welfare of the child. The conditions and consequences of remarriage, in particular, have been discussed differently across the schools of law.

The broader lesson is that maternal caregiving deserves serious recognition, but custody must also account for the child's circumstances and the suitability of the proposed care arrangements. A sound application of Islamic teachings therefore protects maternal rights without reducing every custody question to gender alone.

3.4 The objectives of Shariah and the protection of children

The objectives of Islamic law, commonly described as *maqāṣid al-sharīʿah*, provide another useful framework. Classical and contemporary scholars have discussed the protection of religion, life, intellect, family or lineage, and property among the major objectives of the law, although formulations and classifications vary (Al-Ghazālī, 1993; Ibn ʿĀshūr, 2006).

Applied to child custody, these objectives illuminate several dimensions of children's welfare.

- **Protection of life and physical wellbeing:** Children require adequate nutrition, healthcare, shelter, safety and protection from violence.
- **Protection of intellect:** Access to education, intellectual development and emotional stability is essential to a child's growth.
- **Protection of religion:** Muslim parents have a responsibility to nurture religious understanding and moral conduct without using religious instruction as a means of hostility towards the other parent.
- **Protection of family relationships:** Children benefit from stable and appropriate relationships with parents and relatives, provided these relationships do not expose them to harm.
- **Protection of property and material security:** Maintenance and responsible financial planning help safeguard children's basic needs.

These objectives demonstrate why custody cannot be assessed solely by reference to a parent's personal preference. The relevant question is whether the arrangement provides safe, stable and responsible care while respecting the child's developing needs.

Ibrahim's (2015) examination of the best interests of the child in pre-modern Islamic juristic discourse demonstrates that welfare-related reasoning has meaningful historical foundations within Islamic legal thought. More recent scholarship similarly explores how ḥaḍānah can be considered through child-centred justice and the objectives of Islamic law.

4. Maternal Rights and the Domestic Life of Muslim Women in Kampala

4.1 Recognising motherhood without imposing exclusive responsibility

Motherhood occupies an important position in Islamic ethics. Qur'an 31:14 draws attention to the hardships associated with pregnancy and weaning, while Qur'an 46:15 acknowledges the difficulties experienced by mothers in carrying and giving birth to children. These verses support the recognition of maternal labour and sacrifice.

However, recognising motherhood does not mean that every responsibility for childcare should be transferred to women. Islamic teachings also establish obligations upon fathers and other responsible family members. The Qur'an's treatment of maintenance in 2:233 is particularly important because it recognises the relationship between childcare and the father's financial responsibility.

For Muslim women in Kampala, this distinction matters because the demands of domestic care may coexist with employment, education, business activities and other responsibilities. A woman who earns an income does not thereby become solely responsible for all the child's material needs, nor does her employment automatically demonstrate an inability to provide appropriate care.

Likewise, a mother's lack of independent income should not automatically be interpreted as proof that she is unsuitable for custody. Financial capacity and caregiving capacity are related but distinct considerations. The availability of maintenance, family assistance, safe housing and childcare arrangements may substantially affect the circumstances in which a mother can care for her child.

An Islamic approach that recognises maternal rights while enforcing appropriate paternal responsibility can therefore reduce the risk of treating women as the sole bearers of the economic and emotional consequences of marital breakdown.

4.2 Custody, dignity and women's vulnerability after separation

Separation and divorce can produce circumstances in which women experience uncertainty concerning housing, maintenance, access to children, social acceptance and future family arrangements. These difficulties should not be assumed to affect every Muslim woman in Kampala in the same way, but they are important issues for family counselling and future empirical investigation.

A woman may fear that challenging a former husband's conduct will lead to the withdrawal of financial support. Another may face pressure from relatives who believe that custody must follow a particular customary practice, even where the arrangement is unsuitable for the child. In other circumstances, a

mother may be expected to continue providing daily care while the father disputes the costs associated with that care.

Islamic teachings can offer a principled response to such situations by requiring fairness, discouraging oppression and distinguishing between a mother's caregiving responsibilities and a father's financial obligations. Qur'an 2:233 is particularly relevant because it explicitly prohibits harming either parent through the child and links childcare arrangements with reasonable financial provision and consultation. The dignity of a Muslim woman should not depend on whether her marriage remains intact. Nor should divorce be understood as automatically extinguishing her religiously recognised contributions to the upbringing of her children. The mother remains a person with moral agency and legitimate interests, while the child's welfare remains central to any custody arrangement.

At the same time, protecting maternal dignity does not require disregarding the father's rights or portraying every custody disagreement as evidence of oppression. A balanced Islamic framework requires examination of the actual circumstances, the conduct of both parents and the needs of the child.

4.3 Maternal priority and the limits of generalised assumptions

Classical Islamic jurisprudence commonly recognises maternal priority in the custody of young children, subject to conditions and qualifications that vary across the schools. However, maternal priority is not equivalent to an unconditional entitlement in every possible circumstance.

Custody decisions may require consideration of the child's age, health, established relationships, the caregiving capacity of each parent, safety, stability and other relevant factors. Contemporary scholarship has therefore questioned approaches that rely exclusively on fixed assumptions about gender or kinship without sufficiently evaluating the individual child's needs.

Sibawayhie, Zuhri and Yakin (2026), for example, examine the relationship between classical maternal preference, contemporary caregiving realities and child-centred justice. Their analysis provides a useful basis for considering how the purposes of custody rules may be applied in changing family circumstances. For Muslim families in Kampala, the implication is that religious principles should not be reduced to slogans such as “the mother always wins” or “the father decides everything.” Neither formulation accurately captures the complexity of Islamic family jurisprudence.

Instead, religious leaders and family advisers should help parents understand both the established jurisprudential rules and the reasons for which custody arrangements are intended to protect children. Where schools of law differ, the relevant legal and religious authorities should explain those differences carefully rather than present one interpretation as universally uncontested.

4.4 Custody and the religious upbringing of children

For many Muslim families, custody includes concern about a child's Islamic education, moral development, participation in religious life and connection with the wider Muslim community. These concerns can become particularly sensitive when parents separate and disagree about schools, religious instruction, residence or extended-family involvement.

Islamic teachings emphasise the responsibility of parents to nurture faith and moral conduct. However, religious upbringing should not be used as a pretext for denying a child appropriate education, medical care or protection. Nor should religious disagreement be treated as sufficient evidence of parental unfitness without careful consideration of the circumstances.

A constructive approach would encourage parents to agree on practical matters such as attendance at school, Qur'anic education, religious observances, medical care, discipline and communication. When agreement is impossible, an appropriate mediator or legal authority may help determine arrangements that protect the child and respect the applicable law.

The objective is not to turn custody into a contest over which parent can claim greater religious authority. It is to ensure that the child receives consistent moral guidance, emotional security and responsible care.

5. Paternal Responsibility, Maintenance and Continuing Parental Obligations

5.1 Financial maintenance is distinct from physical custody

One of the most important contributions of Islamic teachings is the recognition that day-to-day custody and financial maintenance are separate but interconnected responsibilities.

Qur'an 2:233 places provision for the mother and child in the context of breastfeeding and assigns the father responsibility for reasonable maintenance in the circumstances addressed by the verse. Qur'an 65:6–7 further discusses housing, expenditure according to means and the principle that a person should not be burdened beyond his capacity.

These teachings establish an important distinction: a father does not cease to have financial responsibilities simply because a child resides with the mother. Equally, the award of custody to the father does not eliminate the mother's continuing moral responsibilities or any obligations that may arise under the applicable law.

In practice, maintenance may include food, clothing, shelter, healthcare, education and other reasonable expenses associated with a child's age and circumstances. The exact legal obligations and their enforcement must be determined with reference to applicable law and the facts of each case.

For Muslim women in Kampala, clear understanding of this distinction may help address situations in which maintenance is incorrectly treated as a favour to the mother rather than support for the child's needs. Financial provision should not be used as leverage to compel reconciliation, restrict lawful contact or humiliate a former spouse.

Similarly, where a father genuinely experiences financial hardship, Islamic teachings require consideration of his capacity rather than the imposition of impossible demands. Responsible maintenance involves honesty, reasonable planning, transparent communication and a serious commitment to meeting the child's needs.

5.2 Responsible fatherhood after divorce

Islamic family ethics do not reduce fatherhood to financial contribution alone. Children also require protection, affection, moral guidance, supervision and appropriate participation in their development. A

father who pays maintenance but has no meaningful involvement in a child's life may fulfil some responsibilities while neglecting others, depending on the circumstances.

The appropriate involvement of a father should nevertheless be distinguished from a right to unrestricted access regardless of safety. Where contact is safe and beneficial, parents should avoid unnecessarily excluding one another from significant aspects of the child's life. Where contact poses a credible risk, protective restrictions may be necessary.

The Qur'anic prohibition against harming either parent through the child supports a model of responsible fatherhood that does not exploit custody to control the mother. It also discourages fathers from abandoning children emotionally or materially because their relationship with the mother has ended.

For Muslim communities in Kampala, religious education programmes could reinforce the idea that divorce terminates neither parenthood nor the duty to act with justice. Fathers should be encouraged to maintain appropriate involvement in schooling, healthcare, moral development and the emotional lives of their children.

5.3 The child is not a means of retaliation

Custody disputes can become destructive when parents use children to communicate anger, punish former partners or mobilise relatives against one another. A child may be denied contact with a parent, exposed to hostile comments, pressured to take sides or made to feel responsible for the separation.

Such conduct is difficult to reconcile with the Qur'anic instruction against harming parents through their children (The Qur'an, 2:233). It also undermines the ethical responsibilities associated with parenthood. A practical application of Islamic teachings requires parents to avoid speaking abusively about one another in front of children, withholding essential information about health or education, and making access arrangements dependent on unrelated personal disputes. Where communication is unsafe or highly conflictual, structured communication through an agreed intermediary may be more appropriate.

The principle is not that parents must maintain a friendly relationship after divorce. Rather, they should maintain the degree of respectful cooperation that is safe and necessary to protect the child.

6. Child Custody and the Ugandan Legal Framework

6.1 Constitutional protection of the family and children

The Constitution of the Republic of Uganda (1995 as amended) provides an essential legal framework for analysing child custody. Article 31 recognises the rights of men and women in marriage and the duty and right of parents to care for and bring up their children. Article 33 addresses the dignity and rights of women, while Article 34 provides for children's rights, including the right to know and be cared for by their parents, subject to laws enacted in their best interests (Constitution of the Republic of Uganda, 1995). These provisions are relevant to Muslim women's domestic lives because they establish that parental responsibility and children's welfare are matters of legal significance, not solely as private questions of religious interpretation.

The constitutional framework also cautions against treating custody as a mechanism for undermining women's dignity or children's rights. Religious teachings can inform the ethical decisions of Muslim families, but custody arrangements must also be considered within the applicable Ugandan legal framework.

6.2 The Children Act and the welfare principle

The Children Act, Cap. 62, as amended, establishes the welfare of the child as the paramount consideration in relevant decisions concerning upbringing. Section 3 identifies factors that include the child's ascertainable wishes and feelings, physical, emotional and educational needs, the likely effects of changes in circumstances, the risk of harm and the capacity of parents or other caregivers to meet the child's needs. Section 5 addresses the duty to maintain a child, including provision for education and guidance, adequate diet, clothing, shelter and medical attention. Section 6 addresses parental responsibility (Children Act, Cap. 62, ss. 3, 5–6).

The welfare principle has important implications for custody disputes involving Muslim families. It requires attention to the actual circumstances of the child rather than relying exclusively on parental status, economic power or the preferences of extended family members.

For example, where a mother has been the child's primary caregiver, that established relationship may be relevant to continuity and emotional security. Where a father demonstrates a stable and safe caregiving arrangement, his capacity may also be relevant. Where either parent presents a credible risk of abuse or neglect, that risk must be taken seriously.

The statutory framework also recognises that delay in resolving matters affecting children can prejudice their welfare. This is particularly significant where a child remains uncertain about residence, schooling, financial support or contact with a parent while adults engage in prolonged disputes.

The Children (Amendment) Act, 2016 also introduced provisions concerning custody applications, interim custody orders and custody by agreement. These provisions are relevant to the availability of formal legal mechanisms where urgent protection or an agreed arrangement is needed (Children (Amendment) Act, 2016, s. 18).

6.3 Complementarity and the limits of religious dispute resolution

Islamic principles and Uganda's child-welfare framework share important areas of ethical compatibility, including parental responsibility, protection against harm and concern for children's welfare. Nevertheless, the two frameworks are not identical, and the compatibility of particular rules or procedures must be assessed rather than assumed.

A religious ruling may guide a Muslim family's moral understanding, but it should not automatically be treated as a substitute for a legally binding custody order or for the statutory procedures applicable in Uganda. Similarly, a private agreement between parents should not be assumed to resolve every legal issue, particularly where safety, enforceability or the child's welfare is in question.

Religious leaders and mediators can play valuable roles in explaining Islamic responsibilities, facilitating communication and encouraging voluntary agreement. However, serious disputes involving violence, abuse, neglect, threats, contested custody or non-compliance with legal obligations may require assistance from competent legal and child-protection authorities.

The appropriate relationship is therefore one of constructive engagement: Islamic teachings can inform ethical conduct and family reconciliation, while Ugandan law supplies the relevant legal standards and procedures for protecting children and resolving disputes.

7. Islamic Teachings as Practical Solutions to Child Custody Challenges

7.1 Replacing adversarial conflict with consultation

The Qur'anic emphasis on consultation in matters concerning children offers a practical starting point for reducing avoidable disputes. Parents should, where safe and feasible, discuss residence, schooling, healthcare, maintenance, religious education, holidays and communication before disagreements become entrenched.

Consultation does not require a mother to surrender her rights or a father to accept an arrangement that endangers the child. Rather, it requires both parents to consider the child's needs honestly and to distinguish between genuine welfare concerns and personal grievances.

In Kampala, family advisers and religious leaders could encourage written parenting agreements that specify each parent's responsibilities, arrangements for school-related decisions, maintenance expectations and procedures for resolving disagreements. Such agreements should be reviewed for consistency with Ugandan law and should not prevent a parent from seeking protection when circumstances change.

7.2 Strengthening mediation while protecting vulnerable parties

Islamic traditions value reconciliation and constructive settlement of disputes. Qur'an 4:35 describes the appointment of arbiters from the husband's and wife's families in the context of serious marital discord. Although this verse concerns marital reconciliation rather than a complete legal code for child custody, it illustrates the value of structured intervention where private efforts have failed.

Mediation may be particularly useful when parents disagree about access, school arrangements, financial responsibilities or communication. A competent mediator can help clarify misunderstandings, identify shared interests and establish realistic commitments.

However, mediation is not appropriate as a compulsory first response in every situation. Where there is coercive control, domestic violence, child abuse or a substantial imbalance of power, an informal process may expose the vulnerable party to further pressure. Safety assessment and appropriate legal protection must take priority where necessary.

Religious leaders should therefore be trained to distinguish ordinary disagreements from cases requiring referral to legal professionals, social welfare officers or other competent authorities. Reconciliation should never be used to pressure a woman or child to remain in an abusive situation.

7.3 Improving religious literacy among parents

Some custody disputes are intensified by incomplete or selective understandings of Islamic teachings. Parents may rely on isolated statements about maternal priority, paternal authority or remarriage without appreciating the broader jurisprudential discussion and the responsibilities that accompany those principles.

Mosques, Islamic educational institutions and Muslim family organisations in Kampala could provide structured education on ḥaḍānah, parental maintenance, children's rights, divorce, mediation and responsible co-parenting. Such programmes should acknowledge legitimate differences among Islamic schools and explain how religious principles interact with Uganda's legal framework.

Educational initiatives should target both men and women. Women need reliable information about their rights and available remedies, while men need clear guidance about financial responsibility, appropriate parental involvement and the prohibition against using children to punish former spouses.

The purpose of religious literacy is not merely to increase knowledge of legal terminology. It is to ensure that Islamic teachings are translated into conduct that protects children and upholds justice within the family.

7.4 Supporting women's economic security

Economic insecurity can complicate custody arrangements when a parent lacks adequate housing, childcare, transport or the means to meet daily expenses. Islamic teachings on reasonable maintenance provide a normative basis for addressing children's material needs, while Uganda's statutory framework reinforces parental duties to maintain children.

Community organisations and relevant institutions can complement these obligations by helping mothers access appropriate legal information, skills development, employment opportunities and social support. Such assistance should not be presented as a replacement for a parent's legal obligations.

Economic empowerment can strengthen a woman's capacity to provide stable care and participate confidently in decisions affecting her children. However, custody should not be reduced to a contest over income. A child's welfare requires a broader assessment of safety, emotional relationships, continuity, caregiving capacity and material circumstances.

7.5 Establishing child-centred family counselling

Family counselling can help parents recognise the emotional effects of conflict on children. Children should not be required to act as messengers, provide evidence against one parent, choose sides prematurely or carry responsibility for resolving adult disagreements.

A child-centred approach informed by Islamic ethics should encourage age-appropriate listening, emotional reassurance, stable routines and protection from unnecessary exposure to conflict. It should also recognise that children's wishes and feelings may be relevant without making children responsible for deciding complex legal disputes.

In circumstances where parents cannot communicate directly, a neutral intermediary, written communication or an appropriately supervised arrangement may help preserve essential coordination. The appropriate method will depend on the child's needs, safety concerns and the applicable legal requirements.

7.6 Promoting institutional collaboration

A sustainable response requires cooperation among Islamic scholars, imams, Muslim family organisations, legal practitioners, social welfare professionals and child-protection institutions. Religious authorities can explain Islamic obligations, while legal practitioners can clarify rights, procedures and enforceability. Social welfare professionals can contribute assessments of children's needs and family circumstances.

Such collaboration can help prevent two common problems: treating religious advice as a complete substitute for legal protection, and treating family disputes as purely legal matters without recognising the moral, spiritual and relational concerns that shape Muslim domestic life. A coordinated approach should include referral pathways for urgent protection, access to reliable information about custody and maintenance, training for mediators, and opportunities for parents to receive guidance before disputes escalate.

8. Discussion: Reconciling Maternal Rights, Paternal Responsibility and Child Welfare

The analysis demonstrates that child custody in Islamic teaching cannot be adequately understood as a contest between the mother and the father. It is better understood as a set of interrelated responsibilities directed towards the child's wellbeing, with the rights of each parent considered within that broader framework.

Maternal priority in relevant classical jurisprudential contexts recognises the significance of early caregiving and the child's relationship with the mother. Paternal maintenance obligations recognise that financial responsibility should not be confused with physical custody. The Qur'anic prohibition against harming either parent through the child rejects retaliatory behaviour, while consultation offers a basis for cooperation. The objectives of Islamic law further encourage attention to safety, education, religious development, family relationships and material security.

These principles are particularly relevant to Muslim women in Kampala because domestic life is shaped by the interaction of religious commitments, economic circumstances, family relationships and national law. Yet it would be methodologically inappropriate to assume that every Muslim woman experiences custody disputes or that all disputes arise from religious misunderstanding. The article therefore identifies issues that merit attention rather than claiming to establish their frequency or distribution.

A central implication is that the effective influence of Islamic teachings depends on how they are interpreted and practised. A parent may invoke religion while behaving in ways that contradict the principles of justice, compassion and non-harm. Conversely, a family may apply Islamic values constructively by agreeing on maintenance, protecting the child's emotional wellbeing and seeking mediation before conflict becomes destructive.

Islamic teachings provide an important normative resource, but their practical effectiveness cannot be guaranteed by religious language alone. Knowledge must be accompanied by accountability, appropriate institutional support and a willingness to prioritise the child. Where informal settlement fails, the availability of lawful remedies remains essential.

The welfare principle in Ugandan law provides a significant point of engagement. Its attention to the child's needs, feelings, circumstances, safety and caregiving capacity is compatible with the broader ethical argument that custody should protect the child rather than merely reward one parent. Nevertheless, specific Islamic jurisprudential rules and statutory requirements must still be examined within their respective legal contexts.

Ultimately, the most constructive approach is neither to dismiss Islamic jurisprudence as irrelevant to modern family life nor to assume that every traditional interpretation automatically resolves contemporary custody questions. It is to engage Islamic sources carefully, recognise legitimate jurisprudential differences, apply child-centred reasoning and respect the legal framework governing families in Uganda.

9. Recommendations

Based on the foregoing analysis, the following recommendations are proposed.

First, strengthen Islamic family education. Mosques, Islamic institutions and Muslim community organisations in Kampala should provide accessible education on child custody, maintenance, maternal rights, responsible fatherhood and the prohibition against using children as instruments of retaliation.

Second, promote child-centred mediation. Where it is safe and appropriate, trained mediators should assist parents in developing practical arrangements for residence, education, healthcare, religious upbringing, maintenance and communication. Mediation should not replace protective or judicial intervention in cases involving abuse, coercion or serious risk.

Third, improve legal awareness among Muslim women. Women should have access to reliable information about the Constitution, the Children Act, custody procedures, maintenance obligations and available protection mechanisms. Religious advice should be complemented by competent legal guidance where necessary.

Fourth, encourage responsible fatherhood. Religious leaders and community organisations should emphasise that a father's obligations do not end with marital separation. Appropriate financial provision, emotional involvement, moral guidance and respect for the child's mother remain important aspects of responsible parenting, subject to the child's welfare and safety.

Fifth, recognise maternal caregiving without imposing exclusive responsibility. Custody assessments and family counselling should recognise the significance of a mother's caregiving history while avoiding the assumption that mothers must bear all childcare responsibilities or that fathers are incapable of providing suitable care.

Sixth, improve referral and institutional collaboration. Muslim family advisers should establish appropriate referral pathways to legal practitioners, social welfare officers and child-protection authorities. Clear referral procedures are especially important where there are allegations of violence, abuse, neglect or unlawful withholding of children.

Seventh, support further empirical research. Future studies should investigate the experiences of Muslim women in Kampala through interviews, focus groups and case studies, subject to ethical

safeguards. Research could examine knowledge of ḥaḍānah, experiences of mediation, access to maintenance, the role of extended families, and the relationship between religious advice and formal legal remedies.

10. Conclusion

Child custody is a critical aspect of the domestic life of Muslim women because it concerns not only the physical residence of children but also maternal dignity, paternal accountability, economic security, religious upbringing and the continuity of family relationships. Islamic teachings provide a substantial framework for addressing these matters through compassion, justice, consultation, reasonable maintenance and protection against harm.

The Qur'anic instruction that neither parent should be harmed through the child is particularly significant. It rejects the use of children as instruments of retaliation and supports a model of parental responsibility in which the welfare of the child takes precedence over personal hostility. Prophetic traditions recognising maternal caregiving further demonstrate the importance of the mother's role, while Islamic teachings on maintenance establish that financial responsibility should not be confused with physical custody.

Nevertheless, the application of Islamic jurisprudence requires careful attention to differences among legal schools, the circumstances of individual children and the distinction between religious guidance and legally enforceable decisions. In Uganda, the constitutional and statutory frameworks provide essential standards for protecting children and determining custody-related matters.

For Muslim women in Kampala, the constructive influence of Islamic teachings will be strongest when religious knowledge is translated into fair maintenance arrangements, responsible fatherhood, protection from abuse, informed mediation and respect for the child's developmental needs. Islamic teachings should not merely be invoked to defend competing parental claims; they should guide parents towards conduct that protects the vulnerable and fulfils their responsibilities before Allah and society.

The central conclusion is that the most faithful and socially beneficial application of Islamic family principles is not measured by which parent prevails in a custody dispute, but by whether the resulting arrangements preserve the child's welfare, uphold justice between parents and sustain the conditions necessary for healthy development. Through informed religious guidance, legal awareness, institutional cooperation and child-centred decision-making, Islamic teachings can make a meaningful contribution to strengthening domestic life among Muslim families in Kampala, Uganda.

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