

DISCRIMINATION AGAINST PERSONS WITH DISABILITIES IN MARRIAGES: PROTECTIONS UNDER ISLAMIC LAW

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ABSTRACT

Persons with disabilities have historically been marginalized in all spheres of society, including, regrettably, marriage and other interpersonal relationships. Marriage has been viewed as an integral part of human existence as it allows procreation. It also fosters unity, love, companionship and in a larger sense, mutual relationship. All persons are entitled to enjoy all the above regardless of whether they possess a form of disability or not. Thus, Islamic law, which is all-encompassing, regulates every aspect of human lives as well as all inter-personal relationships. As such, the rights of persons with disabilities in a marriage is not an exception. This paper therefore seeks to examine the legal protection under Islamic Law available to persons living with disabilities in marriage. It also seeks to outline some of the cultural barriers which affect the accommodation of persons with disabilities in marriage. A combination of qualitative and quantitative approach has been adopted in this paper. The paper found out that persons living with disabilities are indeed marginalized in marriages but are strongly protected under Islamic law. It therefore recommends that a dialogue be fostered to ensure that the rights of persons with

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disabilities (as protected under Islamic law) is extended to the applicable laws that protects the rights of persons with disabilities.

Keywords: Disability, Discrimination, Islamic Law, Marriage.

Introduction

Compared to other creatures, man is the most intelligent being that Allah created on earth. This is evidenced by the fact that Allah gave him a unique cognitive capacity which accounts for his improved thinking ability.¹ Marriage holds a central place in Islam, it is viewed as a sacred contract and a means to establish family life, fulfil religious obligations, and promote mutual love.² However, across the globe, the lived realities of persons with disabilities and other marginalized group of people often diverge significantly from the protections and entitlements articulated in statutory provisions. Thus, the prospects of persons with disabilities getting married presents unique challenges due to a combination of socio-cultural factors.³

Disability, in an Islamic context, is seen as a test from God, and Islamic law emphasizes fairness and compassion toward disabled individuals. Nevertheless, societal norms and traditions often create barriers to the full inclusion of people with disabilities in marriage. This paper, therefore, examines the legal protection under Islamic Law available to persons living with disabilities in marriage. It outlined major cultural barriers which affect the accommodation of persons with disabilities in marriage. It addressed key questions such as: what are the legal protections accorded to persons with disabilities in relation to marriage under Islamic law? how do cultural attitudes shape the experience of persons with disabilities seeking marriage? etc.

¹ Fahrudin Ali Sabri, 'Islamic Law and Ethics: The Role and Obligations of Marriage for Individuals with Intellectual Disabilities International', *Journal of Law Dynamics Review* [2024] (2) (1) 55.

² Ibid.

³ Magret R. Austen, 'The Protection and Empowerment of People Living with Disabilities in Islamic Law', *UCLA Journal of Islamic and Near Eastern Law*, [2021] (19) (1)105.

Social Stigmas and Misconceptions around Marriage Involving Persons Living with Disabilities

Cultures, spanning across the Middle East, North Africa, South Asia, Southeast Asia, and Sub-Saharan Africa, exhibit various attitudes and stigmas towards disability⁴. Despite Islamic teachings emphasizing compassion, inclusivity, and equality, societal perceptions often prolong harmful labels and stigma. In many societies today, people living with disabilities are viewed as distinct and their disability sometimes viewed as a divine test or punishment, rooted in the concept of "ajz" (weakness). This perspective fosters a charity-based approach, where individuals with disabilities are seen as deserving of pity rather than involvement/empowerment. The overemphasis on physical ability reinforces cultural ideals of strength and virility, further marginalizing those with disabilities. These prevailing attitudes and stigmas have far-reaching consequences, including shame, embarrassment, fear of contagiousness, association with evil spirits, and limited social participation⁵.

This study, conducted within the Nigerian context, highlights the pervasive attitudes and stigmas surrounding disability in the country. Individuals with disabilities in Nigeria confront numerous obstacles, including limited access to education and healthcare, scarce employment and economic empowerment opportunities, and restricted social inclusion and participation.

Discriminatory Practices against Persons Living with Disabilities in Marriage

Discrimination, whether intentional or unintentional, is as old as human society itself.⁶ It refers to the unfair treatment of individuals who, despite being comparable to others in many ways, differ in certain aspects such as race, ethnicity, gender, colour, or ability. A discriminated person or group is often treated less favourably than others, resulting in inequality and exclusion.⁷

⁴ Ibid

⁵ Ghaly M., 'Disability in Islamic Law', *Journal of Islamic Ethics*, [2016] (1) (1), 158.

⁶ Rosita Fibbi, and others, *Consequences of and responses to discrimination* in Fibbi and others, *Migration and Discrimination* (Springer 2021) 68.

⁷ American Psychological Association, 'Discrimination: What it is and How to Cope', <<https://www.apa.org/topics/racism-bias-discrimination/types-stress>> accessed 18 September 2024.

The United Nations Convention on the Rights of Persons with Disabilities (CRPD) defined discrimination on the basis of disability as:

Any distinction, exclusion, or restriction on the basis of disability which has the purpose or effect of impairing or nullifying recognition, enjoyment, or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination...⁸

Building on this definition, discrimination generally refers to the unequal treatment of individuals based on observable differences, leading to the favouring of one group over another. Discriminatory practices, in turn, refer to specific actions or omissions that deprive persons with disabilities of the same privileges and opportunities enjoyed by others. This paper focuses on a specific aspect of discrimination, namely, the exclusionary practices and prejudicial treatment of persons with disabilities in marriage. This includes barriers to marriage, societal stigma, legal and cultural constraints that limit their ability to exercise their marital rights on an equal basis with others.

Although a segment of the Nigerian society exhibits positive attitudes towards persons with disabilities, interviews conducted in this study revealed that the predominant societal attitude remains largely negative. Many individuals with disabilities face rejection, social exclusion, and reluctance from others to associate with them, let alone consider them for marriage.

In Nigeria and many parts of the world, persons with disabilities experience various forms of discrimination, often exacerbated by entrenched misconceptions and negative beliefs.⁹ They are frequently treated as inferior beings, denied opportunities, and regarded as burdens. Research has consistently shown that women with disabilities face even greater levels of discrimination, as they struggle to integrate into society and are often perceived as dependent, undesirable, or even

⁸ Article 2, Convention on the Rights of Persons with Disabilities (2006) Treaty No. 2515 (3).

⁹ Kadir A (a Nigerian living with disability), Interview Conducted in Sango, Ilorin, Kwara State on the 20th September, 2024.

asexual.¹⁰ These perceptions significantly reduce their chances of finding life partners.¹¹

Negative perceptions, stigma, and societal biases have profound consequences for the marital prospects of persons with disabilities, affecting both their ability to marry and to sustain stable

relationships. Many respondents in this study reported that discriminatory attitudes originate not only from their communities but also from prospective in-laws and, in some cases, even from their own spouses after marriage. Some spouses hesitate to associate with them publicly, fearing social embarrassment or judgment.¹²

For women with disabilities, the intersection of gender and disability further compounds their vulnerability. These dual disadvantages create multiple layers of challenges, making it even more difficult for them to secure and sustain marriages.¹³ Many women with disabilities are perceived as burdens, even by their own partners, and in some cases, they are forced into early marriages by their families against their will.¹⁴

Several women interviewed for this study affirmed the immense difficulties they face in finding a marriage partner. Even when they succeed, additional obstacles emerge. Some spouses display a sense of superiority, believing that they married their disabled partners out of pity, for financial benefits, family prestige, or as a mere favour. Others enter such marriages for fetish or superstitious purposes, further exacerbating the psychological burden faced by disabled spouses.¹⁵

¹⁰ Fine M & A Asch 'Disabled women: Sexism without the Pedestal', *The Journal of Sociology and Social Welfare* [2014] (8) 233.

¹¹ Ibid

¹² Mariam Goni Modu and Ridwan O, (two Nigerians living with disabilities) interview conducted in Blaburi, Maiduguri, Borno State and interview conducted in Oyun, Ilorin, Kwara State on the 25th September 2024 and 20th September, 2024 respectively.

¹³ Falmata Muhammad Modu, (a Nigerian living with disability) interview conducted in Blaburi Lawanti, Maiduguri, Borno State on 25th September, 2024.

¹⁴ Pavan Kumar M & Anuradha SE 'Nonconformity Incarnate: Women with Disabilities, Gendered Law and the Problem of Recognition' *Economic and Political Weekly* 38, [2009] 44.

¹⁵ Women Enabled International and others, 'Submission to Special Rapporteur on the Rights of Persons with Disabilities, Report on the Right of Persons with

Tragically, many persons with disabilities, particularly those married to able-bodied individuals, live in deeply unhappy marriages, where they face neglect, physical abuse, and emotional distress. Some respondents recounted experiences of being abused, mistreated by in-laws, or even abandoned entirely. As a result, many disabled individuals expressed a preference for marrying other persons with disabilities, believing such unions would provide greater understanding and stability.¹⁶

In some communities, persons with disabilities are erroneously perceived as asexual, leading to the misconception that they have no need for marriage or romantic relationships. Conversely, in other cultural settings, they are stereotyped as hypersexual beings, further complicating their marriage prospects and societal perceptions.¹⁷

Cultural Barriers to Marriage for Persons Living with Disability in Nigeria

Culture has been defined as the whole way of life of a given group of people such as their ways of thinking, understanding, feeling, behaving and acting generally.¹⁸ Culture plays a profound role in shaping societal perceptions of disability, as it influences how religious teachings are interpreted and understood, often resulting in different attitudes and behaviours towards individuals with disabilities.¹⁹

Marriage and disability in many societies create a paradox. Islamic teachings for instance promote compassion and inclusion, but cultural and social obstacles frequently restrict people (Muslims inclusive) with disabilities from forming and maintaining fulfilling marriages.²⁰

In Nigeria, different cultural beliefs exist regarding the causes of disability, many of which are founded in superstition and

Disabilities’, <http://www.ohchr.org/issues.standard_health> accessed 20 September 2024.

¹⁶ Ese Ajuya, ‘Challenges of Living with Disabilities in Nigeria’, <<https://www.worldpulse.org/story/challenges-of-living-with-disabilities-in-nigeria-11688>> accessed 13 September 2024.

¹⁷ Anderson P and Kitchin R, ‘Disability, Space and Sexuality: Access to Family Planning Services’ *Journal of Social Science and Medicine* [2000] (51) 1169.

¹⁸ David Inglis, *Culture and Everyday Life*, (Routledge, London and New York, 2005) 5.

¹⁹ Ibid

²⁰ Al-Mahmood S., “Disability and Marriage in Islamic Perspective,” *Journal of Disability and Religion* [2018] (22) (2) 147.

misconceptions. Some communities attribute disabilities to witchcraft, bad luck, parental mistakes, supernatural influences, or curses from the gods.²¹

Among the Yoruba ethnic group, for instance, a prevailing belief held by some is that persons with disabilities are inferior beings who can be exploited for both social and economic benefits. This perception hinders their integration into society, making it difficult for them to be genuinely appreciated, accepted, and considered for marriage.²² Similarly, in the Urhobo ethnic group of Delta State, there is a strong belief that disabilities are caused by evil spirits, witches, or wizards and people living with disabilities are viewed as possessing supernatural powers.²³ As a result, people from these communities tend to avoid marrying individuals with disabilities, fearing negative spiritual consequences.

Furthermore, in many Nigerian tribes, before a marriage is contracted, families of both parties conduct mutual background investigations to determine whether there are any hereditary deformities or abnormalities within the other family. This practice marginalizes persons with disabilities, as they are often excluded from marriage due to concerns about genetic transmission of their conditions.

In addition to these cultural barriers, gender norms further put women with disabilities at disadvantage, particularly in tribes where male privilege is deeply ingrained. Our respondents identified several discriminatory attitudes that women with disabilities face when seeking marriage, including:²⁴

A. The unwillingness of able-bodied individuals to associate with

²¹ Theresa B. Abang, 'Disablement, Disability and the Nigerian Society, Disability, Handicap & Society', <<http://www.tandfonline.com/dio/abs/10.1080/02674648866780061>> accessed 16 September 2024.

²² Etieyibo Edwin and Odirin Omiegbe, 'Religion, Culture, and Discrimination Against Persons with Disabilities in Nigeria: Opinion Papers' [2016] (5) (1) *African Journal of Disability*, <<http://journals.co.za/doi/epdf/10.4102/ajod/v5i1.192>> accessed 27 November 2025.

²³ Odirin Omiegbe, *Culture and its Influence on Peoples' Behaviour: Towards Education of People Living with Disabilities in Nigeria*, in Handbook of Research on Cultural and Cross-Cultural Psychology, (United States, Vernon Press, 2023)196.

²⁴ Ahmad S.A, in an interview conducted in Apata area of Ilorin, Kwara State on the 20th September 2024.

them.

- B. The belief that they do not conform to societal beauty standards.
- C. Fears that they may give birth to children with disabilities.
- D. The assumption that they lack the ability to perform the roles of a wife and mother.

All respondents in this study affirmed that these cultural beliefs act as significant barriers to their full integration into society and their ability to marry.

Notwithstanding these challenges, some tribes in Nigeria exhibit more positive attitudes towards persons with disabilities. The Northerners, for example, view disability as part of God's divine plan and a test to humanity. Consequently, able-bodied individuals in these communities often treat persons with disabilities with kindness and compassion, recognizing their inherent dignity and worth.²⁵

Disability and Marriage Under Islamic Law

Islamic family law, provides a framework for accommodating individuals with disabilities, particularly in the context of marriage. Islamic jurisprudence upholds the inherent dignity of every individual, regardless of physical or mental ability, and recognises marriage as a means of safeguarding personal rights and promoting social stability.²⁶ As part of the Shari'ah framework, Islamic family law ensures the inclusion of individuals with disabilities in all aspects of religious and social life, particularly in marriage. It upholds their dignity and reinforces marriage as a fundamental right.²⁷ The Qur'an and Sunnah provide no restrictions on marriage for people with disabilities, reaffirming Islamic law's commitment to fairness, compassion, and inclusivity. For instance, in Surat al-Hujurat, Allah says:

²⁵ Falmata Muhammad Modu, (a Nigerian living with disability) in an interview conducted in Bulaburi, Maiduguri, Borno State on 25th September 2024.

²⁶ Mohammad Hossein M, 'Human Dignity, an Islamic Perspective', *Hekmat Quarterly Journal an International Journal of Academic Research* [2011] (4) 3.

²⁷ Vardit Risplar Chaim, 'Islamic Law of Marriage and Divorce of Disabled Person: The Case of the Epileptic Wife', <<http://www.jstor.org/stable/3693439>> accessed 27 November 2025.

O mankind, indeed, We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you.²⁸

This verse establishes that piety and righteousness, rather than physical or mental abilities, are the true measures of individual worth. Similarly, the International Islamic Fiqh Academy emphasises the rights of people with disabilities, asserting that families should ensure their basic needs, including marriage and housing, are met.²⁹ Thus, a marriage contract remains valid as long as both parties willingly consent and fully understand the circumstances.³⁰ In cases where a disability may affect marital responsibilities, honest disclosure is essential to prevent misunderstandings and potential disputes.

Islamic legal texts and scholarly interpretations, particularly from the classical schools of thought, address disability in marriage with a focus on mutual rights and responsibilities. The Hanafi, Maliki, Shafi'i, and Hanbali schools of jurisprudence generally agree that a marriage contract involving people living with disability is valid but may be annulled if one party conceals a serious disability that undermines marital harmony or prevents the fulfilment of essential obligations.³¹ Similarly, it is the unanimous opinion of jurists that any defect that prevents the enjoyment of sexual relations or marital responsibilities for instance, may be of legal effect to the validity of a marriage contract.³²

²⁸ Quran 49:13.

²⁹ International Islamic Fiqh Academy, 'Rights of People with Disabilities in Islamic Jurisprudence' Resolution No. 213 (9/22), <<https://iifa-aifi.org/en/33105.html>> accessed 17 March, 2025.

³⁰ Shrey Pradicta, 'Concept of Consent in Muslim Marriage' (2021) 1(9) *International Journal of Law Research and Applications*, available at <<https://www.ijlra.com/paper-details.php?isuur=2083>> accessed 17 March, 2025.

³¹ Karim Fatimah and Nurul Hanan Bt Che Harun, 'Marital Dissolution due to Sexual Disability in Selangor Shariah Court: A Legal Juristic Study' [2024] (8) (1) *Al-Risalah: Journal of Islamic Revealed Knowledge and Human Sciences (ARJIHS)*, 29.

³² Ghaly, M., 'Islam and Disability : Perspectives in Islamic Theology and Jurisprudence' Faculty of Religious Studies, Leiden University', <<https://hdl.handle.net/1887/12617>>, accessed 14 November, 2025.

Continuing, Islamic law emphasizes compassion and support for individuals with disabilities in marriage. If a spouse becomes disabled after marriage, Islamic teachings encourage patience and support from the other partner. This principle is reflected in the Hadiths and the actions of Prophet Muhammad (PBUH), who consistently emphasized mercy and mutual care in marital relationships.³³ This aligns with the broader Islamic value of providing care for the vulnerable, ensuring that their rights and dignity are preserved. The religion of Islam stresses the importance of kindness and empathy in marriage generally, hence, partners with disability are equally entitled to be treated with kindness and mutual support.³⁴

Islamic law upholds the principles of equity, compassion, and justice in marriage and does not discriminate against disabled individuals in marital matters.³⁵ In fact, numerous Islamic teachings emphasize the protection and welfare of vulnerable individuals, including those with disabilities. Marriage in Islam is defined as a legal and moral contract based on mutual consent, and disability is not considered an inherent impediment to marriage under Islamic jurisprudence.³⁶

Islam upholds the dignity and rights of all individuals, regardless of physical or mental conditions. The Qur'an and Hadith consistently reinforce the principle that human worth is determined by righteousness and moral character rather than physical traits or social status. Allah (SWT) declares in the Qur'an:

O [people!] Behold, We have created you all out of a male and a female, and have made you into nations and tribes, so that you might come to know one another. Verily, the noblest of you in the sight of God is the one who is most

³³ Bukhari: 9 (89).

³⁴ Shabnam Banoo and others, 'Rules of Marriage in Islam: A Comparative Analysis, *Journal of Emerging Technologies and Innovative Research*, [2024] (11) (4) 226.

³⁵ Sofiandi, A. and others, 'Explore the Foundations and Principles of Islamic Family Law', *ANAYASA: Journal of Legal Studies*, [2024] (1) (2), 173.

³⁶ Bazna, M. S., & Hatab, T. A., 'Disability in the Qur'an: The Islamic Alternative to Defining, Viewing, and Relating to Disability', <http://doi.org/10.1300/j095v09n01_02> accessed 15 November 2025.

deeply conscious of Him. Behold, God is all-knowing, all-aware.³⁷

Since all human beings originate from the same parents (Adam and Hauwa) and are all member of the same human family, it stands to reason that everyone should have the same level of equality when it comes to human dignity. Allah (SWT) determines a person's worth based primarily on their ethical growth and spiritual maturity than on their physical traits or financial accomplishment. To convey this lesson so clearly, the Prophet Muhammad (SAW) says: 'Verily, God does not look at your bodies or your appearances but looks into your hearts'.³⁸

The above serves as a clear directive for inclusiveness, protection, and attentiveness to the needs of all individuals regardless of their disabilities. Islamic law establishes guidelines ensuring the dignity and equal rights for all, mandating that Muslims approach and interact with persons with disabilities with kindness, respect, and support.

Building on this foundation, Islamic law provides specific rules that dictate how Muslims should approach and interact with individuals living with disabilities. These rules are derived from the fundamental principles of Islam, shaping the attitudes and responsibilities of believers towards ensuring equal treatment, respect, and support for all. One of these foundational principles is the belief in '*Qadar*' (divine destiny).³⁹ This teaches that all events, including disabilities, occur according to Allah's wisdom and decree. It fosters acceptance, patience, and the obligation to support those facing challenges, rather than viewing disabilities as misfortunes or burdens.

Another principle is the concept of reward and punishment in Islam. The Qur'an and Hadith emphasises that acts of kindness, assistance. This reinforces the moral and religious duty of Muslims

³⁷ Quran 49:13.

³⁸ Muslim: 2564.

³⁹ Zuleyha Keskin & Rinto Azhar, 'Navigating Belief in Qadar (Destiny) with the Contemporary Understanding of Risk Management', *International Journal of Islamic Thought* (2024) (25) 194.

to treat every individual with kindness, fairness, and dignity, regardless of their physical or mental condition.⁴⁰

Similarly, it is stated in the Qur'an that "whosoever does an atom's weight of good will see it, and whosoever does an atom's weight of evil will see it".⁴¹ In another verse of the Quran, Allah (SWT) stipulates that:

O you who believe, let not people ridicule [other] people; perhaps they may be better than them; nor let women ridicule [other] women; perhaps they may be better than them. And do not insult one another and do not call each other offensive names."⁴²

The above shows that Islam gives a great deal of attention to all groups within society; each has their own rights, including persons with disability. In fact, in early Islamic history, inclusion and active participation of persons with disabilities was encouraged, preached and indeed practiced. A noteworthy example during the life of Prophet Muhammad (SAW) was his appointment of Abdullah ibn Umm Maktum (a blind man) as the governor of Medina and leader of prayers.⁴³

In addition, Ibn 'Umar (R.A) narrated that the Messenger of Allah (PBUH) said:

The Muslim is the brother of his fellow Muslim; he does not wrong him or let him down. The one who meets the needs of his brother, Allah will meet his needs. Whoever relieves a Muslim of distress, Allah will relieve him of distress on the day of Resurrection."⁴⁴

⁴⁰ Jalal Alharbi, Towards an Understanding of Compassion from an Islamic Point of View, <<https://doi.org/10.1111/jocn.14725>> accessed 27 December, 2025.

⁴¹ Quran 99: 7–8; Hiam Al-Aoufi and Others, 'Islam and Cultural Conceptualization of Disability', *International Journal of Adolescences and Youth's*, [2012] (17) (4), 212.

⁴² Quran 49:11.

⁴³ Sarah Saleem Binmahfooz, 'Understanding Disability in Islam: An Overview of the Current Research and Evidence', *JASPS Journal*, [2024] (3) (2) 393.

⁴⁴ Bukhari: 2442, Muslim: 2580 (Sahih Hadith).

Furthermore, marriage is another example of a right a capable Muslim should not be denied. The Qur'an states that this right is for all Muslims: 'Among His signs is that He created you wives from among yourselves that you may find repose in them'.⁴⁵

It is trite under Islamic law that a person with disability who can fulfil the roles and responsibilities of marriage have the right to get married.⁴⁶ During the lifetime of the Prophet (SAW), the story of Julaybib (narrated earlier in this paper), shows the extent to which the Prophet (SAW) took active steps to show his followers that people with disabilities are equally humans and should also enjoy marital rights just like others.

Julaybib was described as a man that was not only ugly but also dwarfed. He was equally from an uncommon family. However, Julaybib was a good Muslim but, due of his perceived serious physical and social disadvantage; Julaybib was discriminated against by members of his community. Observing this, the Prophet (SAW) sorted the hands of the most eligible single lady in marriage for him to ensure that Julaybib becomes accepted by society and accorded his deserved prestige. Julaybib enjoyed this privilege until he was martyred in a battle while fighting alongside the prophet. The Prophet buried him himself and said: "He [Julaybib] is of me and I of him," thus, proclaiming that the disadvantaged/ disabled people are equal to others.⁴⁷

The above specifically depict that where a person with a disability can fulfill the roles and responsibilities of marriage, they have the right to marry and are protected under Islamic law, hence, they should not be discriminated against.⁴⁸

Despite the discussions above, cultural interpretations often influence the application of these legal principles. In many societies, such as Nigeria, cultural biases and stigma surrounding disability sometimes

⁴⁵ Quran 30: 21.

⁴⁶ Izaida Ibrahim and Muhammad Fahmi Ismail, 'Muslims with Disabilities: Psychosocial Reforms from an Islamic Perspective', *Journal of Disability and Religion*, [2017] 15.

⁴⁷ Maysaa S. Bazna and Tarek A Hatab, 'Disability in the Quran: the Islamic Alternative to Redefining, Viewing and Relating to Disability', *Journal of Religion, Disability and Health*, [2005] 9 (1) 20.

⁴⁸ Ibid

overshadow Islamic legal provisions.⁴⁹ While Sharia encourages, the marriage of individuals with disabilities, societal attitudes many a times discourage such unions or place undue pressure on families to conceal disabilities. This discrepancy between Islamic legal teachings and cultural practices presents a challenge, particularly when examining how Islamic family law can be more effectively implemented to support individuals with disabilities in Nigeria's socio-cultural context.

Conclusion

This study has explored the intersection of Islamic legal principles, cultural interpretations, and societal attitudes regarding the rights of persons with disabilities in marriage. While Islamic law firmly upholds the dignity and equality of all individuals, guaranteeing the right to marriage for persons with disabilities, cultural stigmas, misconceptions, and discriminations continue to hinder the full realization of these rights. The gap between Islamic legal provisions and societal practices presents a major challenge, necessitating urgent social reorientation to ensure that persons with disabilities are no longer marginalized in their pursuit of marriage and family life.

A major finding of this study is that Islamic law does not consider disability as an impediment to marriage. The Qur'an and Hadith promote fairness, compassion, and inclusivity, while historical precedents, such as the Prophet Muhammad's (PBUH) intervention in the marriage of Julaybib, establishes the importance of supporting individuals with disabilities in their marital aspirations. All four Sunni schools of Islamic law, Hanafi, Maliki, Shafi'i, and Hanbali, recognize the validity of marriage for persons with disabilities, if there is mutual consent and transparency regarding any conditions that might affect marital responsibilities. At the same time, Islamic legal provisions allow for annulment (*faskh*) in cases where disabilities were concealed, not as a means of discrimination but rather as a measure to ensure justice and informed decision-making.

Despite these legal protections, cultural biases and social misconceptions continue to restrict the marriage opportunities of persons with disabilities, particularly in Nigeria. Many individuals face

⁴⁹ Etieyibo Edwin and Odirin Omiegbe, 'Religion, Culture, and Discrimination Against Persons with Disabilities in Nigeria: Opinion Papers' [2016] (5) (1) *African Journal of Disability*, <<http://journals.co.za/doi/epdf/10.4102/ajod/v5i1.192>> accessed 27 November 2025.

rejection, exclusion, and discriminatory attitudes, often driven by superstitions, misconception and concerns about hereditary conditions. Women with disabilities experience double discrimination, as gender norms and cultural expectations regarding motherhood, caregiving, and physical ability further limit their prospects of marriage. These challenges are exacerbated by legal and institutional shortcomings, including guardianship laws that may allow undue control over women with disabilities and restrictions on the ability of individuals with intellectual disabilities to consent to marriage.

To bridge the gap between Islamic legal principles and societal realities, there is an urgent need for comprehensive reforms and awareness campaigns. First, religious and community leaders must actively promote the correct Islamic teachings on disability and marriage, challenging harmful cultural narratives that contradict the principles of fairness and inclusion. Educational initiatives should be introduced to ensure that Islamic legal perspectives on disability rights are widely understood and applied in personal, communal, and legal settings. This will help dismantle deep-seated biases and foster an environment where persons with disabilities can exercise their marital rights without discrimination.

In addition, legal frameworks must be strengthened to prevent discriminatory practices in marriage. Governments and Islamic legal authorities should harmonise national disability laws with Islamic legal principles, ensuring that persons with disabilities have equal access to marriage without undue legal or societal restrictions.

Furthermore, the mechanisms for supporting marriages involving persons with disabilities must be improved. The Islamic emphasis on patience, care, and mutual assistance in marriage should be reinforced through community support structures, including financial assistance, marital counselling, and disability-friendly accommodations for couples. Families should be encouraged to support rather than hinder the marital aspirations of their disabled members, and legal measures should be in place to ensure that disabled spouses are not abandoned or mistreated after marriage.