



Original Article

Analysis of Women's Land Rights: The Practices in North Shoa Zone in Oromia Region

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Abstract

The prevalence of awareness of the law and/or rights and its practices, institutions that support women to exercise their rights, challenges, and effects of failure to exercise women's right to land. This article focuses on identifying and critically analyzing the experiences of women in accessing land rights taking the case of the North Shoa Zone of Oromia National Regional State. The specific objectives were to critically analyze legal and practical challenges to women's right to land as well as to analyze cultural, and other social norms about women's right to land and to explore practical challenges in the case of North Shoa Oromia Regional state. This article followed a qualitative research approach and collected primary data from interviews with judges, prosecutors, defense attorneys, Lawyers, and individual experts from the judiciary, land administration bureau, and other government officials. Moreover, this article has utilized various primary authorities such as international, national, and regional laws, proclamations, regulations, books, and cassation decisions are used in conducting this article. Secondary data were collected from different institutional reports (court, Women's and Children's Affairs Office, social affairs, land administration bureau, and others if any). This article finds and examines women's right to land and the problem encountered women's right to land. Women are considered marginalized groups in the community and many factors affect the right of women's access to land which include lack of awareness of their rights, facing

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financial problems to claim their rights, and interpretation of the law by judges in district court vary from time to time including the issue of registration of the contract of donation on the day of marriage. Thus this article aims to analyze the legal as well as practical challenges that exist in North Shoa about women's land rights. To analyze legal as well as practical challenges that exist in North Shoa the researcher while conducting research identified that women's right to land is affected due to lack of awareness, lack of qualified experts, and this study is not only concerned with identifying the problem rather recommending that the government must take care of women's right as well as other vulnerable groups by analyzing existing problems with possible solutions in implementing all rights of women's through effective and efficient manners, developing an institution which ensure the protection of women's rights since women's plays a vital role in the socio-economic and political arena of the area.

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1. Introduction

The interest in writing articles on women's rights to access to land stems from two reasons: professional background and personal observation of the court cases (including the decisions of the FDRE House of Federation) involving women's access to land. This article is written based on cases entertained in a court of law since several land cases raised when the local women file cases against their relatives, spouses, parents, and so on are evident. As a person who deals with civil cases mostly involving women's access to land rights, this article had ample chance of understanding the women's challenges in accessing rural as well as urban land. The majority of the civil cases are entertained in Oromia courts in general related to the issues including family matters, succession matters, and land administration matters and from this most of the cases in the court of law in North Shoa involve women's land access issues. There are instances where the Women's Access to Land issue reaches the House of Federation and the FDRE constitution

is interpreted to safeguard the interests of the women as well as ensure international and national principles related to women's right to land.

History shows a constant exclusion of women's concerns from national policies and legislations, and it's just recently that states started to recognize the rights of women after the adoption of human rights instruments through the instrumentality of the United Nations, Even though there are laws protecting women's access to justice in relation women's right to land at international and national level, discrimination against women has continued to be rendered invisible and making the rights a reality has remained difficult.

Land is one of the most contested issues in Ethiopia's political and legal history. Land is not only property but also highly attached to identity. The issue of land in Ethiopia is interrelated with the socio-political and economic affairs of its people. The Ethiopian constitution dictates that land is the property of

nations and nationalities of the country.¹ When the issue of gender – women as an identity (socially constructed marker) comes in, it gets even more complicated. Taking this socially, politically, and legally complex matter to the courtroom makes it interesting as well as challenging to dispose of.

Land rights are legally recognized land claims enforced by legally established and formed institutions. Women's land rights require a deep understanding of the relationship between legal and social recognitions as well as the relationship between legal provisions and their enforcement. Ethiopian women's right to land includes the right to use, own, access, control, transfer, inherit, or make legal decisions on land. Nevertheless, the inequalities of opportunities in access to and control over resources have made women more vulnerable to poverty than men in many parts of the world.² The reason why the writer focuses on this topic emanates from the rationale and common belief that exists regarding the fact that in economies/countries with women's right to land protected, their socio-economic and political development will be enhanced.³ Different researchers and policymakers understand women's right to land and its proper practice are strongly related to effective and sustainable development, food security, and low socio-political issues. Besides, Ethiopia's law reiterates women have equal rights with men where this research has assessed the legal and practical issues that exist

concerning women's right to land as well as access to justice in this regard.⁴

This article was given due focus on the effective implementation of laws, policies, and programs related to women's right to land to play roles to respect, protect, and fulfill women's right to land and other resources in Oromia's National Regional State of North Shoa zone. Besides, the study also helps to bring to light various critical issues related to women's right to land and raises various issues relating to women's right to access justice concerning cases brought before a court of law in the study area. Furthermore, the writer will assess women's rights problems either social, economic, political, or cultural that will impact exercising their rights related to the land ownership of the area under study. Land law or policies is a system that regulates lands and Women's right to land including the right to use, to own, to access, to control, to transfer, to inherit, or to give legal decisions on land.

This article focused on identifying various problems related to women's land rights and Data from Primary and Secondary Sources has been employed and analyzed. Based on the analysis of the facts collected through interviews, and Focus Group Discussions, various problems exist that affect women's right to land. In Oromia in general and Specially in North Shoa Courts Of Oromia Region lack of Awareness about the existence of pro bono service for Vulnerable groups, lack of adequate manpower with legal Knowledge, lack of Legal and institutional framework for

¹ Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995, Article 40(3).

²<https://www.fssethiopia.org/wp-content/uploads/2021/07/Policy-Brief-No.-43-EN.pdf>

³ Hadera Tesfa, *Women and Land Right in Ethiopia, A Comparative Study of Two Communities in Tigray and*

Oromiya Regional States, The Eastern African Sub-Regional Support Initiative for the Advancement of Women (EASSI), 2002, P. 11

⁴ *Supranote 2*, at Art - 35

the enforcement of women's rights, interpreting direct law without considering the intention of the law, the cultural stereotype that affects women's right to land are among the main factors for the realizations of the various right that women are having on land including the right to use, transfer, control, as well as there an also economic barrier that hinder women's no to exercise their right or hinder women's not to claim there right in the court of law due to lack of transportation and traveling cost. Data That was gathered and analyzed around the area also shows the existence of challenges with women's right to land in North Shoa Courts of Oromia. Therefore, this research analyzed the overall problems or barriers that hinder the effective utilization of women's rights of women's through collecting data from interviews, FGD group discussions, reviewing various literature, and analyzing Cases that were decided in the North Shoa Zone selected Woreda.

The issue of Women's Access to Land Rights is very crucial it is a widely held belief that economies and countries with protected women's land rights experience enhance socio-economic and political development. Women's rights to land rights have a strong connection with effective, sustainable development, food security, and reduced socio-political issues since Ethiopia showed its great commitment to protecting women's rights in general and their right to use and control land fruits on equal footing with men and the constitution tries to give special emphasis to the protection of women's property rights including acquisition, administration, control, use and transfer of the lands.⁵Even though the laws stipulate the rights of women on equal footing with men,

sometimes women face a wide variety of problems in their daily lives, and above all access to land rights is the most damaging aspect. When a woman who is a victim of not having land is not provided with effective access to justice on their right, not only her right to have land is violated but also her right to life, dignity, and own property is also violated; her interest to be respected and counted as an important and equal member of society is also jeopardized, and above all it implies socio-economic development of the country.

Women in any society face major obstacles to their right to land, due to unequal gender norms and relations, women have a lower socio-economic status, compared to the male status which limits their opportunities to access, control over, and ownership of the land.⁶ The existence of problems that limit women's rights is also prevalent in the North Shoa zone of Oromia Regional State. This article also tries to identify international and national policy frameworks for women's right to land ownership and the degree to which those rights are secure through review and understanding of whether the court treats women equally to land rights, Women execute judgment given for women's about land rights, cultural problems exist against women's not to have equal right on the land, women's right to land is tolerated in family or marriage, the law recognizes the equal opportunity for women and men about land law, or the barrier or challenges exist against women not to exercise right to land.

This article, therefore, focuses on the critical analysis of women's right to land and their practice at different levels of the court as well as tries to identify international and national

⁵ FDRE Constitution Art 34, 35,40, 89

⁶ FAO,2011b, World Bank, 2009 PP 63-70

policy frameworks concerning women's right to land and the barrier that affects implementation of women's land right, challenges women's face in exercising their right is identified and analyzed in accordance to the law.

2. Objective of the Study

Thus, this article has the objective to identify the major problems relating to women's right to land and practices in the North Shoa Zone of Oromia National Regional State.

3. Method of the Study

The writer employed qualitative research methods. This is because qualitative research seeks to understand a given research problem or topic from the perspectives of the local population it involves.⁷ It will be helpful especially in effectively obtaining culturally specific information about the values, opinions, behaviors, and social contexts of a particular community/population. This may be supported somehow with secondary data to be collected from different relevant zonal institutions' publications and reports. The method to obtain primary data is face-to-face interviews in the study area, concerned officials of land administration, judges, prosecutors, attorneys, and women's and children's administration officials. In addition, the researcher tries to use another primary source FDRE Constitution Federal Land Administration Proclamation, the Federal Rural Land Administration and Use Proclamation, and the Oromia Land Administration and Use Proclamation, with its regulation on women's land rights. This study also uses relevant materials like cassation decisions as secondary sources as well as the

research focuses on the law and practices of the concerned organ / Law enforcement agency.

Reports are taken from these courts that engage their judicial power and discussions with selected judges to share experiences on the benefits women gained in exercising their right to land as well as challenges they face with exercising their right were part of the data to be used in the research. This is because, in the Oromia region, district courts have the jurisdiction to entertain cases related to land issues, marriage issues, and succession issues. Besides, discussions with the judges will be helpful as stated before to have a deep understanding of the practice as they know the challenges faced and a practical understanding of cassation decisions in different district-level courts. On the other hand, primary data will be collected from sample women in different districts, discussions with focus groups, and individual experts on the subject.

Furthermore, material resources that the researcher may use include federal and Oromia cassation bench decisions, land-related proclamations and regulations, study reports, land laws, and women's rights materials.

Generally, the researcher applied qualitative methods to clarify concepts, explore problems, analyze practical cases in the court of law, critically analyze the problem, and measures to demonstrate by taking information from various cases relating to women's rights, the decision of the cassation bench both at regional and federal level. It mainly focuses on the analysis of legal documents and works of literature on the selected legislations and laws. Here, the relevant international legal

⁷ Qualitative Research Methods: A Data Collector's Field Guide

instrument including the existing literature, policies, and laws will be analyzed.

Land ownership can be a vital source for the development of society, the socio-economic as well as political rights of the society at large are dependent on the land. Secure access to land provides valuable safety for the community so long as secure land rights are ensured. In this research, the researcher tries to analyze women's land rights from the point of international and national legal frameworks. CEDAW by itself states that state parties shall ensure women the right to equal treatment in land and agrarian reform as well as in land resettlement schemes. Both spouses must enjoy the same rights in respect of the ownership, acquisition, management, administration, enjoyment, and disposition of property as well as land rights.⁸ This chapter presents an analysis of cases entertained in North Shoa court about women's land rights by using such international and national legal frameworks. Practical cases from various FFIC courts related to women's land rights have been presented and analyzed. As per the methodology described in the preceding chapter, primary data was collected by interviewing individuals and based on the focus group discussion conducted. The feedback received from both interviews and focus group discussions conducted were further analyzed with practical cases and their findings were summarized in this chapter. Besides, the summary of findings from primary data was supported and presented in further detail supported by secondary data collected from reports and other publications in the area regarding the study topic.

4. Results and Discussions

4.1 Women's Land Rights: A Practical Case Analysis

The acquisition procedure of land is stipulated under the law. Oromia regional state land law says that anyone who wants to be a farmer has a right to get land freely from the government, especially women have the right to free access to rural land without any discrimination.⁹ On this issue the researcher tries to interview, the land bureau officers interviewed in Degem and Girar Jarso woreda, and in both Woreda officer of the land administration bureau says that:

“The only mechanism of getting land in urban for women is for housing purposes through forming associations with other persons, and in rural, women may ask for land for their livelihood; nevertheless, there is not enough land that was under the administration of the government, and due to this acquisition of lands for women is only done through donation, inheritance, marriage”¹⁰

Although the law says that women and men have equal land rights, the community believes that men are “the head of household” and he discriminates the fate of the women's access to land in most cases. Especially, in rural areas, even though the community in the marriage lives together in peace the community gives recognition of the head of the family, to the man, and in case of divorce the divorced woman, traditionally, may lose her right over the land. This discriminatory practice affects

⁸ CEDAW Art 16

⁹ Proclamation 248/2015 Art 7

¹⁰ Interview with Chuni ketema on October 9, 2023

and prevents women from acquiring ownership of land, even sometimes elders through the ADR mechanism settle disputes by only giving a small plot of land and rarely do women go to the court of law to safeguard their rights.

These days there are attempts to address such issues in urban areas, and in rural areas, the problem seems to be intact. For instance, the Degem Woreda land administrator argued that

*“Currently, there is some awareness in urban areas on equality of gender, but in rural areas, it is men considered as the head of the family, it is who decides all social, economic, and cultural issues including how they use their lands either for themselves or by giving the contract to the other, in addition to this during marriage concluded for their children it is not women/wife who gives lands rather husband decide in marriage ceremony without the consent of the wife”*¹¹

This shows that even if there are clear laws that ensure the equality of men and women in all aspects, practically it shows the inequality of men with women.

Traditionally, the right to own land is curtailed through traditional practices such as “semania (marriage contract) or ‘gojo much’ (alimony). Thus, the marriage contract by itself has its problems. Nowadays in Oromia in general and North Shoa in particular, a woman and man conclude marriage through a contract of marriage called “Semania.” In this contract,

both spouses consent to conclude a marriage, and land is often given to the couples as a gift by their parents – often saying “gojo much” (alimony). However, when the couple divorce, for whatsoever reason, the parents of the bridegroom take his land back or argue that since the husband had no right over the land, literally it cannot be common property of the spouses. There are plenty of cases where the divorced spouses claim to a court of law demanding partition of the land – as common property of the couples. Whereas, the parents intervene in the case and prove that the land belongs to them. Since the court often decides based on the evidence produced (since the land originally belonged to the parents of the divorced husband) – the woman will eventually lose her right to the land.¹² In the above case between *Imabet Xaasoow V. Aster Goraw* husband and wife live for only one and half years. In case the parents intervene the case, the lower court decides that so long as they live together and the family gives lands to the spouse, the land is common irrespective of the year they live together and gives the verdict that land is common property. The family of the husband took appeal and the Oromia cassation bench decided that land is not common property rather it is family property because both spouse lives together only for one and half years, in such scenario either men or woman conclude marriage for the sake of land and this affects the land rights of the family and due to this so long as the marriage does not last for long period the family have right over their lands and decide in favor of the family of the husbands.

¹¹ An interview with Beharu Dessee, Hailu Ketema. Mulatu Bekele in Degem town on October 10, 2023

¹² Oromia cassation decision on volume 5 between *Imabet xasow and Aster Goraw* on file number 300610 on July 09 2019

The writer argues that marriage is concluded to live together for a long period, so in case marriage is concluded between spouse families, relatives from both sides give donations of either land or any other property. The Family law stipulates that the property before marriage is personal so long as it is registered as personal property otherwise, it is deemed to be common property, Donations are also given to both spouses and no one challenges any donation on the day of marriage.¹³ So, after the marriage is concluded the spouse lives together for the enhancement of family well-being, even if they have children within one and half years, no objection is raised on the land so long as they live together and this ensures the sustainability of the marriage between the spouses. National and international legal frameworks also ensure that both man and woman have equal rights over their marriage and property, but in case the marriage does not last long why does the community by itself take or intervene in the case in the court of law to take lands from both sides in favor of husbands most of the time is that it shows that that family by itself does not need a marriage of the spouse and it brings insecurity of marriage. So the writer recommends that registration of property or land is mandatory for the family by deciding that the land given to both spouses is only common so long as they live together for certain explained years and until the donation contract has such explained year the land is common property for both of the spouse and those who intervene the case from the family case shall have the burden of proof as they do not donate the land for the family. Since the law stipulates that a spouse lives for a long life,

limiting the spouse's life based on the divorce issue is not fair and logical so long as love, compassion, and tolerance that exist during marriage must also continue during divorce.

4.2 Right to Use Land

In modern times, women and men have equal recognition under the policy, laws, directives, and another legal framework, but women's protection from non-discrimination of women does practically not exist. In rural communities, even after the marriage is dissolved and the land partition is finalized, women cannot use the land since they don't have a means of production and since they lack agricultural experience – the land will remain the property of her ex-husband or his kinsmen. Even when a woman tries to use the land, the family of her husband disrupts women's usage of the land. The researcher did FGD and an interview about women's right to use land and those who participated in the interview were judges, prosecutors, attorney's land administration bureau officers, women's affairs officers, elders, and those who participated in four FGDs including both men and women, spiritual and social community leaders and expertise of land as well as women's affairs bureau state that women are after they get lands either from their husbands through court litigation or arbitration do not effectively use the land they get due to customary stereotype as well as women's are claiming their land rights at the time of divorce and they have no attitude of ownership of lands while they are in marriage. In addition to this customary practices that promote male supremacy in society still prohibit women not to exercising their rights. The analysis done based on FGD and Interviews as well as case analysis concerning

¹³ Oromia Family code Art 73, 79

women's rights shows that legal awareness of women is currently good but still, women in remote areas, and rural areas need due care for the full implementation of their rights irrespective of customary practice on the ground.¹⁴ Generally, the researcher did FGD and an interview about this topic those who participated in the discussion stated that women after they get land due to customary stereotypes do not effectively use their right to use the land.

In addition to this Oromia Family law indicates that personal property means the property that spouses possess on the day of their marriage, or which they acquire after marriage by succession or donation.¹⁵ In most cases, land comes through succession or donation and in case marriage is concluded there are no legal rules that handle the issue of land whether land that one spouse possesses before marriage becomes common or personal. Is unanswered question as well as the other issue that was raised about this is how many years a spouse shall live together to share their parties in case the marriage is divorced is another challenges that affect women's right to land about case-related to land.

In the above-raised issue the argument that exists between judges in the Oromia region North Shoa court, in general, is some judges argue that land is common property of nation nationalities and peoples of Ethiopia and spouses that conclude marriage have full right to exercise and to have an equal portion of the land in case of divorce on one hand and the other group argue that land is personal property so long as one of the spouse have previous

ownership and according to family law, the spouse that has personal right before marriage and property that exist before marriage is personal property, the land also becomes the personal property of the individual.¹⁶

On this issue, the federal cassation bench decides various cases by taking into consideration that land is the common property of nation and nationalities and peoples of Ethiopia, and the only criteria that the federal cassation bench underlines in its decision is whether the spouse whose marriage is dissolved by divorce is use that land during marriage and fulfill their livelihood or not is the main concern of the bench. If we take the case that was decided by the cassation bench on volume 19 file number 113973 case between *Xejitu Urga V. Gemeda Roba* so long as the land which is the cause of the dispute was used by husband and wife for a long period the land is a common property by stating that the right everyone has is the right to use rural land is the right to use it as it exists, So in the case above more than 20 years the spouse lives together and family intervenes the issue and cassation bench decide in the favor of spouse. In addition to this in volume 22 file number 138286 between *Calume Muleta v. calashi qelbesa* both women and men have equal rights in controlling, transferring managing the issue of lands which ensures the equality of men and women.¹⁷

What the researcher tries to analyze under this topic is that there are plenty of similar case in which the family of the husband intervene in the case and this intervention of the family affects women's rights irrespective of the

¹⁴ FGD done in with social and community leaders in Degem

¹⁵ Oromia Family code Art 73

¹⁶ FGD done in Degem, Girar jarso, Debrelibanos.

¹⁷ Cassation decision Volume 22 File number 138286 case between Calume muleta Vs Calashi Qelbessa

judgment of cassation decision since the case started from the district court up to cassation bench they must attend at the court of law, adjournment needs times not in a week sometimes up to years or above that, they do not have enough money for traveling and transportation, they face challenges in an urban area, while they are going to supreme court at the regional and federal level. Currently, the Oromia court stated that such cost is minimized due to the technological advancement of E-filing among all woredas even though it has its drawbacks.

In addition to this, the other challenges that affect women's right to use is that in case one of the spouses raises an argument of succession. Family law stipulates property that comes from inheritance is deemed to be personal as the researcher raised in the above paragraph. In this issue, the Oromia Supreme cassation also gives the final decision on a case that has a family and succession nature. In this claim so long as the spouse lives together, whether it is registered or not, whether it comes from succession or not is not an issue in land-related cases. At both federal and regional cassation benches main focus on the land issue during the dissolution of marriage is not clear for how many years the spouse lives together to share the land, rather is women and men live together for a long period by using the land for the wellbeing of the family and for the livelihood of the family they have equal right to share lands. At regional and federal cassation bench to protect the rights of women either on land or other issues is highly appreciated since both courts interpret the law through the mechanism of judicial activism by checking,

the socio-economic as well as political rights of women, women and men who lives together for long times have equal right over the land during dissolution of marriage. The long period gaps create spouses who need not marriage but rather property by the name of marriage and this disintegrates the family and raises for the Caffee Oromia to enact another land laws that limit the years for spouses to share lands in case of divorce. The issue is whether the spouse uses that land for their livelihood or not, whether they ensure effective utilization of the land is the main concern of the court and decided that land that was obtained through succession but in marriage, the spouse uses that land and one of spouse have half of the right to use that land in case marriage is dissolved or, children of one of the spouses have half right to heir to the land.¹⁸

Currently, the Oromia rural land proclamation stipulates that for anyone, either woman or man, to have lands or to get lands after divorce, the spouse should have to wait for 10 years. Under Proclamation 248/2015 Article 10/4/ property of lands which is not owned individually or jointly by agreement becomes common property so long as they have been used for ten years as well as the spouses are subsisting on the income from the land for the time being.¹⁹ Under this law, the rationale behind this law is that both woman and man concluded marriage in previous times for the wellbeing of the family without bad acts, currently in need of land from both man and woman conclude a marriage, and due to this Caffee Oromia enact 10 years for a spouse to live together to share lands by aiming that improve land utilization and declining those

¹⁸ Oromia cassation bench Volume 10 File Number 393039 between Tarikuwa uma and Kumsa Dirriisa

¹⁹ Proclamation 248/2015 Art 10

who conclude marriage for the need of lands. As a researcher I argue and recommend that Land is the backbone of society's socio-economic and political phenomena ensuring access to land for the community is mandatory. The FDRE constitution stipulates that the ownership of land is the Nations, nationalities, and peoples of Ethiopia, and ownership right over the land is not an individual right rather it is a common right, the only right that the community has over the land is the possession right which gives the right to use lands. On one hand, the rationale behind enacting such a period for spouses is to ensure and protect marriage based on the law and to avoid marriage concluded in need of land, and on the other hand land is the common property of all society. The woman or man must stay for ten years to share the land inherited and this affects the rights of women because marriage is concluded on free consent between spouse and family of the husband also gives lands based on their interests, and since conflict is inevitable between spouse, the law must protect women's from not to lose their land rights. In case of conflict occurs and divorce is mandatory so long as the husband does not register his lands as personal property both husband and wife have equal rights of ownership as citizens of Ethiopia and the only difference is possession of rights. In possession of lands, it is not logical for women or men to stay 10 years to share lands So long as in principle marriage is concluded for a long life.

As a researcher, I believe and recommend that once the marriage is concluded the family law stipulates that property that is not personal is common after the day of marriage and anyone

who needs land as a personal possession right must register until there is no registration so long as women and men use lands for their family livelihood and those family who donates or lands comes through inheritance is common property irrespective of the year and the husband must register that land is not common rather it is personal and until the husband and family of a husband need to give their land for spouse on the day of marriage without any interference by their free and full consent I believe that it is common property.

The other challenges that exist regarding women's right to land in North Korea are the Land donation contract during marriage. It is the culture of the society to give land on the day of marriage for the spouse from the family of the husband in the family of the wife's house. But in that scenario on the agreement of the marriage the father of the husband gives his land even without the consent of the mother of the husband and donates lands on the marriage contract. The challenge was raised 1/ In case the father of the husband and mother of the husband conclude divorce they file all their lands which belong to their children through donation this affects those who have rights over the land and the spouse raises that she is not signed on the day of marriage and no means of approval 2/ In case the spouse whose land donated is divorced the family of the spouse who gave lands intervene the issue in a court of law 3/ No registration mechanism for those lands that are donated during the day of marriage and due to this all case that is brought in North Shoa produce serious challenges to dispose of fairly.²⁰

²⁰ Previous federal cassation bench decision Volume 19 File Number 113973

One of the cases that the researcher tries to analyze is the case of *Gannat Gannanaw v. Damxo Birhanu*.²¹ The lower court reviewed that the land belonged to the family of her ex-husbands, and they gave to the spouse on the marriage days, and used the land for the livelihood of themselves the court overruled the intervention claim of the family of the husband.²² Under the judgment given in Wara Jarso Woreda, the court reasoned that the “family of a spouse gives land for spouse and the spouse used the land for a long period time, as well as family donates lands as per the culture of the society and due to this, they decided land is property of the spouse and have an equal right to share the lands upon divorce.” North Shoa Zone/ High court under file number 90917 overrules Wara Jarso Woreda's verdicts that land was given by the family to the spouse through donation, but such donation upon conclusion of marriage is not being registered in the land administration bureau, due to this land that was used for more than four years between husband and wife is decided for family of husband and this show that different view exists on the land issue and this affects women’s right because she lives together for almost 4 years, use the land for their livelihood and the love, compassion, and tolerance from the family of husband on the day of marriage is lost during divorce and such rights affect women’s right to own and use lands effectively as they use during the marriage.

The researcher infer that family of the husband whose lands belong intervene the case and such difference of judgment on the same issue affects women’s right to lands because in the

area women are those who leave the house in case of divorce, and develop a sense of that women’s does not have right to claim lands because of land donation is not registered and I recommend that as family laws clearly stipulate the burden of proof is on the husbands as it is personal property because according to customary practice while marriage is concluded family gives their lands to the spouse and on the day the spouse conclude marriage and after that spouse uses that lands together for their family livelihood and no intervention exist while they live together and such intervention is only developed during marriage dissolved and To avoid such scenario husband must register lands as personal property or its family property only given for us until we live together, which brings commitment and honesty among spouse.

In the above case, the family of the husband intervened and their intervention was overruled took an appeal to the North Shoa High Court under file number 90917, and the high court varied the decision of the lower court on 07/02/2016 by saying that land that was decided for spouse in the lower court was registered in by the family of the spouse, mother of husband does not sign on donation contract, donation contract is not registered in land administration bureau.²³ The researcher interviews one of the judges of the high court who resides in the family case benches. In an interview done with the judge noted that:

“ I have been a judge for more than 12 years on both lower and higher courts and currently am a high court judge in North

²¹ This case was brought to Wara Jarso Woreda court under file number 01936 and decided on June 13 2020

²² Wara jarso FIC file number 01936

²³ North Shoa High court file number 90917 on October 18,2023

Shoa, on the issue raised above and other similar cases, donation contracts for a spouse by families are most of the time not registered in land administration bureau, during the marriage only the family of the husband gives land for spouses and spouses use for a long period and in case divorce occurs, family matters disintegrate and this affect women's right to land either spouse or family is affected, so I recommend that donation contract must be registered in the land administration bureau. In addition to this, most family matters about land in various Woreda courts of North Shoa raise two arguments, on one hand, if the family gives land to a spouse it is not mandatory to register, only using lands for livelihood is enough, on the other hand the argument raised is using the land is not a warranty rather the contract must be registered, and based on the”²⁴

As a researcher, the constitution gives recognition for the customs and culture of the society under Article 34/4/ gives recognition for the marriage concluded by the religion and customary practices. So most of the country marriage in rural areas is concluded through customary practice and this raises the question

of what is the customary practice of the society about marriage. From this as a researcher is one of the observers of the custom of the society in the area, the family of husbands in most of the rural areas give land on the day of marriage by donation to use the land for their livelihood, so the spouse uses that lands for their livelihood and the family does not ask about that lands as it is their property, the society in the area lives together and use lands they get through donation during the marriage, and even they give donation for their children while their children conclude marriage and as long as the land is given for the spouse in accordance to the custom of the society, the land is the common property of the spouse so long as they use the lands for their livelihood and I recommend that no need of registration for those marriage concluded through customary ways except the spouse by itself believes that registration is necessary for himself or family and register the donation contract.

Another case is *Luuccoo Kebede v. Nadhi Geetahun*,²⁵ the spouses lived together in Jidda from 2015 up to 2019 and they divorced by Jidda court decision. The issue raised was on the land and the court decided that the land was not common and proved by evidence. The high court varied this judgment and held that land is the common property of spouses and have the right to get their shares on file number 72598 on 29/3/2013, after the judgment was rendered family of the husband brought opposition to the high court on file number 72598 on 13/3/2015 and the high court also vary his judgment after hearing all evidence both spouses have no rights since marriage

²⁴ Interview with Ato Merga Xaasoo, Kumsa Yadeta, Muleta Dadhi, and Fedhas Nuguse in North Shoa high court in November 7, 2023

²⁵ *Luuccoo Kebede v. Nadhi Geetahun*. file number 23882 on day February 24 2020

contract which have the gift of lands from the family of husband or those who apply for opposition and by analyzing that transfer of rural land user right by inheritance or gift to another shall be registered by the office and certified by the name of the person to whom the right to use of land is transferred.²⁶ This shows that the judgments given in lower court and high court vary from time to time, and they play a vital role in affecting women's rights that they have on land.

In the above case, the family of the husband intervened or applied for opposition and the high court overruled their application by saying that the family now the case while the husband and wife have a suit in a court of law and after judgment is given by high court the opposition by family is against the right of parties speedy trial and family of a spouse takes to appeal to the supreme court and the court decide that it is their right to intervene/ apply opposition and reverse the case to the high court and high court analyze the case that the donation contract is not registered by component organ, but on the contract of donation on the marriage days from the family of husbands, husbands father sign the contract of donation. This shows that on one hand, the custom of the society is a donation of the contract on the day of marriage that does not need the full family husband's consent, and on the other hand, those families whose consent is taken claim their right when divorce occurs. From this, the researcher infers that marriage done through customary ways needs due care especially in case the donation of land exists and the spouse must ensure their right since once the land is given for the spouse's use they must protect their right through registration

because it minimizes conflict among spouse and in case the family of husband especially the mother of husband does not give consent they must read the contract of donation and as a researcher, I recommend that contract of donation must be registered and such contract is not only for the day of marriage rather for the whole life of the spouse and mandatory to register or the elders “Yaa’ii firaa” Walitti makaa” or on the day of relative combination the family of both spouses must discuss the contract of donation, and such one side contract of donation affects their rights. As a researcher court should interpret the law in line with national, international as well and regional legal frameworks, since as one wing of the government court should analyze family matter cases since marital property rights are governed by statutes of the law like family law, property law, land administration law and contracts agreed by spouse at the time of conclusion of marriage. In addition to this only using registration criteria by the court also affects women and the court should have to analyze in line with the customs of the society sometimes the existence of registration criteria is unknown in some rural areas and the court should have to take not only plain view of the law rather interpret in accordance to the law, customs of the society, generally accepted norms around the area.

The Oromia rural land administration regulation states that the right to use lands through inheritance or donation shall be registered with the office and the certificate of the owner of the land shall be given to the person whose land was given.²⁷ On the other hand cassation bench of the Federal democratic

²⁶ Jida Woreda FFIC File number 23882 and North Shoa high court file number 72598

²⁷ Oromia Rural Land administration regulation Number 151/2005 Art 15/9

republic of Ethiopia decides on unpublished books currently cassation bench decides that due to special circumstances of rural land donation given to a spouse on the day of marriage does not need registration in the land administration bureau by saying that since family gives based on their consents.²⁸

The other challenge against women's right to use land is the administrative barrier of the land administration bureau. Because the law stipulates that any contract relating to the land issue in Oromia either donation or contract to use lands effectively, or lands that were obtained through succession must be registered in land administration.²⁹ But the practice is no registration of the contract, especially on the use of lands through "Land rent" or "Hirta" or "Contract" The man or husband is culturally recognized as head of household, and no cross-check from the land administration bureau existence of consent from women's parties while registering these contract. In case an issue is raised in a court of law between families either a contract of donation, inheritance, or any land rent contract does not register, and in the case of land rent's husband is considered the head of the household and enters into a contract with third parties without the knowledge of another spouse and this develops that those who do not give consent against the parties at the suit and this challenges that existed in Land Administration bureau. The Land Administration Bureau should have a mandatory duty to register all contracts by the law, and there is no practice among the Land Administration Bureau regarding the necessity of other parties in case of land rents and this

develops an argument from other parties that their lands are not rented since one party do not gives consents.

In the case of *Tesfaye Negash v. Weyinishet Tesemma*,³⁰ both husband and wife, lived together for around nine years, when the issue of land partition popup, the husband argued that the land that was used by both of them was not their common property, rather it was his or her husband's land, but the document in the file is land is registered by the name of husband, contract of hirta according to the culture of society is done between husband and his own family, this contract is not registered in the land administration bureau, and the Degem FIC overrule that the land is not the common property of the husband and wife.³¹ The high court decided that the land is registered by the husband, the land is used by both of them for a long period, the contract of Hirta is not registered, and gave a verdict that it is the common property of both husband and wife.³² This tells us that, the court needs to take into consideration, not only the black letters of the law but also the local practices, and norms such as the practice of hirta, and how the spouses utilize their land during the marriage. Thus, it is not only the length of the years in which the spouses retained the marriage, how they have been utilizing the resource and developing it for the common well-being of their family that needs to be taken into consideration. Especially, the courts need to be sensitive to women's rights and the injustices they had to fight in the process of accessing their equal right to the land. The court should not discriminate the spouses either intentionally or

²⁸ Unpublished Federal cassation File number 235739, 107840,197998,206535

²⁹ Oromia Rural land administration regulation Number 151/2005 Art 3/12/.7/7/

³⁰ The case started in Degem town under file number 52316

³¹ Degem Woreda FIC File number 52316

³² See file number 90890 – decided on October 23 ,2022

unintentionally for such a decision has far-reaching consequences on the fundamental rights, freedoms, and liberty of the women. The judiciary need not advance a patriarchal structure through its unfair decisions; rather it has to be a place where women get relief from the unfair treatment they often receive from the families of their ex-husband. However, the judges often see the cases as narrow legal issues for they are trained to decide the cases based on the law. However, I argue that the judges need to also observe the wide-ranging effect of their decisions.

In Debre Libanos Woreda land administration bureau officer also stated that:

“the law says that any contract done on rural land must be registered, and during registration parties who have the right to sign the contract must sign in the office, but due to lack of awareness among society, educational barrier among officers of land administration, lack of clear working rule in office contract of lease, or HIRTA is not registered in a certain situation and in case the issue is raised in the courtroom based on the contract, the court orders us whether the contract is registered or not? And land bureau administration officer gives an answer to the court, and in such a scenario, the community has no awareness of

*how registration is held and gives a contract of leas or hirta by culture and this affects their right to lands since in our culture contract is signed by the husband without knowledge of wife/women.”*³³

There are many international and national legal documents as far as women's land rights are concerned. Article 9/4/ of the constitution states that all international agreements ratified by Ethiopia are an integral part of the law of the land. The Government of Ethiopia has promulgated various land-related laws with FDRE's provisions for protecting the land rights of women. The FDRE constitution recognizes gender equality and equal rights with men regarding the use, transfer, administration, and control over lands Articles 25, 34, 35, and 40 Of the Constitution also prohibit laws and customary practices that discriminate against women. Oromia courts do not have a bench for the right issue like that of federal proclamation 1234/21 but have a constitutional granted duty to interpret the law in line with the above principles. As a researcher I recommend that the judiciary must have a duty to cross-examine all decisions related to women's rights with the principle of justice, the principle of equality and the government also should have a duty to establish a good governance task force at the district level for those who cross check the decision of district court up to cassation bench. Such good governance task force works with NGOs, the Human Rights Commission, and social and women's affairs and ensures

³³ Interview held with Jaalata Shifarraa head of land bureau Administration, Efrem yohanis, Sifan Bekele In Debrelibanos on December 10 2023

responsibility for those who violate stipulated women's rights.

4.3 Challenges to Women's Access to Justice

Women's access to justice includes the right to appear in court which is physical accessibility of courts and the right of any person to appear in court without any fear or discrimination and trust in the justice system. The implementation of this right requires giving awareness to the right holder of its rights and avoiding problems that could become an obstacle when the right holder chooses to exercise his/her rights. In our case, women's right to appear in court is not sufficiently being implemented because for one thing women barely know the legal protections provided in countries' legislations and when they do know major substantive issues and try to take their case to court they face many hindrances from many directions and in case of conflict arise between wife and husband they do not file their case to the court of law about divorce, rather they try to fix and divorce each other according to the culture that exists in the area, and elders sometimes do not share lands rather women's takes only perishable equipment's that they use in house and land remains in the male, women has to opportunity either back to her family or migrating to urban to ensure her life to live, even the community exclude that by saying that marriage is divorced due to her fault for not having or protecting her marriage.

“one of the elders who gives his suggestion on the marriage during an interview done in Degem town is working as a

customary court judge in the town and most family cases are brought to customary court, which is very important to handle the family issue, but even though the community brought the case to the customary court and handle the issue, the community believes that since the modern court decides family matters, it is unnecessary to bring the case to customary court by believing that judgment execution for the spouse is most of the time difficult due to security issue, and As a customary court judge I recommend that before going to the disputes in the courtroom the society must bring their case to customary court and government must adjust the system of customary court in line with the modern court to handle the case effectively and efficiently to protect, respect and ensure not only women's right.”³⁴

As a researcher, the question that was raised under the above issue is whether the customary court of modern court safeguards the interest of women or not. is that most of the community in the zone lives together not only by modern laws but rather by customary laws. Currently, customary courts are established in the Oromia region in general and North Shoa zone specifically. Customary courts safeguard the

³⁴ Interview done with Ob Nagasa Asafa , Getacho Bayana, Bekele Gari Degem customary court judges in Degem town on date August 21 2023

interest of women by bringing peace between spouses, a family of the spouse community, and other parties in disputes, in customary court no need for registration formality and they protect women's rights based on the custom of society so long as customary courts are based on the customary laws. In addition to this the way they handle the case does not bring transportation costs, it is efficient, effective and does not have formal procedures like that of modern courts and I recommend that the law that imposes family issues must be started from the customary court before it comes to regular courts.

In addition to this, women usually appear in court for issues of divorce cases, and in such situations, those women in most cases are attending their cases by being outside of their homes because mostly the man/husband in the case will keep the common abode by kicking the wife out of the house and those women will face the unfortunate situation of wondering around carrying and holding babies with them and in such circumstance those women will lose hope about going about their case because they will not have a place to put their children, even though the issue of babysitting areas in organizations to welcome women has been taken as one goal of the government it has not been implemented in many areas especially in judicial sectors by the initiative of the government and this is something that needs the attention of the community at large if we are going to improve the right to access to justice for women.

In the above challenges, one attorney suggests the existence of problems during divorce stating that

“I am a private lawyer/attorney working almost for more than ten years in North Shoa and the problem that I see about women during divorce is most of the time women do not bring their case to the court of the law, they want to negotiate by through neighboring elders, but if the issue is high, in the culture of society believes that men do not leave his house, rather women left the house, and while the case is brought to the court of law for divorce women with children lack money, comes from the family house and this brings psychological trauma and final they left their case and as a lawyer I recommend that the government should have a duty to implement the right of women's through developing various initiative which enhances women's right as well as the social worker must take training to support women's not to divorce the family.”³⁵

In many circumstances especially in cases of dissolution of property, there are acts by the defendant and other organizations transferring property rights from one person to another without the knowledge of the plaintiff women or absence of willingness on the part of advocates and prosecutors to help the women be able to gather evidence and successfully prove her case. All those situations affect women's right to access justice and should be

³⁵ Interview done with Lawyer Demelash Adare , Fayisa Ishetu, Birhanu Abraham on November 12 2023

changed through time. most of the time due to cultural influence in North Shoa, It is the only man who owns administers lands, and pays taxes for the government and they cooperate each other with each land administrative body to hide documents, change documents, add unnecessary documents which affect women's right is sometimes affect women's right at the outcome of the case may become against the women's.

One of officer of land administration bureau officers in Fiche town interview stated that

“In any activities related to lands men always perform all activities like administering lands, giving contracts of lands, collecting fruits from lands, selling the property obtained from lands, and paying taxes, all the above activities are done by men or husbands and, while women/wife are in house husbands done any activities either legal or illegal and from the side of land administration practically for those contract whose existence of wife Is a mandatory officer of land administration does not take as mandatory issue and only allow for men to sign and this affects women's right and as a professional worker I recommend that women's should have full right to exercise their right as well as control their lands and to do this land administration bureau

officer shall have a duty to take care of all contracts related to lands to perform their works according to the laws”³⁶

The other issue that the researcher tries to analyze is the pro bono service expected from an attorney is that, the provision of pro bono services provided by licensed advocates (which is administered by the attorney general office), Legal aid programs launched by NGOs charity organizations, and professional associations (such as Ethiopian Women Lawyers Association and Ethiopian Lawyers association) and Legal aid clinics established within public universities like Salale university. Implementations of the mandatory pro bono service can potentially go a long way in improving access to justice for the most disadvantaged groups such as women but it's not effectively implemented and its wrong implementation most times results in women losing their cases. According to the current practice in North Shoa Judiciary organ either at first instance or high court level there is no clear data that show that pro bono service is concluded according to the law or lawyer would attend to a case when it is scheduled to do so without knowing what the case is about and with no substantive contribution to it and other times other lawyer may or may not attend to that same case and it all depends on the availability and willingness of those scheduled attorneys because there are no such checking mechanisms as to whether they have adhered to such obligation.

One of the attorneys in the district states that

“An attorney has a mandatory duty to serve vulnerable groups

³⁶ Interview done with Mulgeta Gindo Girar jarso woreda land administration officer on Septmeber 7 2023

for 50 hours in a year and almost all attorneys do not need to give pro bono service except experienced attorneys all rural areas vulnerable groups need pro bono service and the number of attorneys in the district area by itself is small and due to this lawyer or attorney does not sacrifice their time since there are no clear regulatory rules except on final days of the year during payment of their bill.”³⁷

In this issue an interview held with one of the zonal prosecutors in North Shoa State that

“I have worked as a public prosecutor for more than 7 years in the North Shoa prosecutor's office and as I observed the law clearly puts the burden on the attorney for 50 hours and another legal service provider, but for disadvantaged group pro bono service is mandatory, and sometimes it is difficult to get effective pro bono service from attorney due to lack of time from attorney side, lack of ways to ensure who needs pro bono service from those who in needs and this affect women's right while in needs and as a prosecutor I recommend that those in need of pro bono service are helped currently even though its scope is not high

the government institution office must support all peoples effectively and efficiently based on the evidence since sometimes those in need of pro bono service does not get the service rather those who have the capacity get pro bono service by bringing false document and this affect the right of women's.”³⁸

As a researcher, I recommended that the emergence of experienced attorneys to give pro bono service to individual women and other vulnerable groups is mandatory. Pro bono service is an important way for lawyers to contribute to their communities and help those who may not be able to afford legal representation. In addition to this lawyer in the region or zone through pro bono legal services, legal education and training, advocacy, and policy works, participating in community events to protect women's rights, mentoring law students and young lawyers, and engaging in these activities lawyers can make a positive impact on their communities and contribute to the advancement of justice and the rule of law

4.4 Problems from the Demand Side

4.4.1 Lack of Knowledge about Official Procedures and Available Assistance

Women barely know the legal protections provided in countries' legislations and when they do know the general legal protections provided in countries legislations either in common sense or through information from others, they do not know the proper official procedures they have to go through to take their

³⁷ Interview with Yobsan Alamu, Ayinalem Nuguse, on July 6 2023 In debrelibanos attorney office

³⁸ Interview with Tasfaye Hurisa, On November 10 2023 In jida attorney office

case to court. They do not know how they will be eligible for legal assistance and where to find it either. The absence of knowledge about the available assistance mechanisms might be the result of their way of life with a sense of frustration about getting to know the legal system's reluctance to find a way to find support in legal cases or even the fact that judicial and other justice sectors do not present themselves as an institution working for every individual and not just the haves.

4.4.2 Lack of Finance

The majority of women in our country are economically disadvantaged and dependent on their close ones and when they come in conflict with people who they used to depend on, they will come to face the harsh realities of being thrown away and accept injustice. Many women complain about lack of information about substantive rights and the official procedures they have to go through when their rights are violated, yet still, Some women claim that even if they have information about their substantive rights and procedures, they will not be able to go through their cases because they don't afford to pay a lawyer as long as the case goes and they will end up losing their case when they are out of money. In some cases, the court upon a claim of parties hires a defense attorney in case parties apply for a defense attorney from the government. In one case that occurred in Hambiso town husband and wife lived as wife and husband or irregular union for more than 15 years, but conflict occurred between them and the husband claimed his wife to pay the rent of a house in her own house by hiring private attorney, another wife also

intervenes in the case, and finally with the support of public defense wife won the case.³⁹

4.4.3 Problems from the Supply Side

Lack of willingness to give attention to vulnerable persons

Vulnerable members of society such as women should be given special treatment and care in every circumstance. In the case of access to justice, people from the supply side are not usually open to understanding the challenges women face in bringing their cases to court and resort to assistance mechanisms or procedures. There are also problems in case of litigation that it becomes difficult to gather important evidence and witnesses supporting their case, and they also face discrimination in different sectors that they will not be treated like any other male members of society and they do not get heard.

Lack of adaptability of justice sectors to the needs of women

As per the special care and assistance that women need when they approach courts, justice sectors are expected to be open to disadvantaged women to hear their cases and adjudicate them whenever they are justifiable. Justice sectors as one form of organization that serves the public should not only consider their legal obligations but also the cultural, religious, and other issues that circumscribe women and should work to ease the challenges that women face because of such issues.

Cultural and religious stereotypes

Ethiopia is known as a country with various customary practices as well as religious practices. Barriers that prevent women's access to, control, and use of land and other productive resources often include inadequate legal

³⁹ Degem FIC File number 52154 on October 25 ,2023 between Mokonin Ararsa and Askala Kabbee

standards and/or ineffective implementation at national and local levels, as well as discriminatory cultural attitudes and practices at the institutional and community levels, low conscious participation of women, and lack of competent political leadership.

The researcher also interviewed those who participated in FGD and Degem Woreda women's and children's affairs bureau head stated that

“Women face various challenges due to lack of knowledge, low support from the government in creating awareness about their rights, and lack of legally trained professionals in their office in case the issue which affects women's rights is raised we as an office of women's and Children affairs face challenges and I recommend that for social, economic, political and other development of the country women's share parts of all this in the country and the government must give support for the implementation of their rights”⁴⁰

5. Conclusions and Recommendations

The issue of women's right to land is a complex and multifaceted one that varies greatly across society. In many parts of the world, women have historically been denied access to land ownership and control due to deeply entrenched norms and customary practices. Cultural and social norms often restrict

women's ability to own and control land as well as limit their right to access resources, decision-making power, and opportunities for economic empowerment. In the world in general and Ethiopia specifically, efforts to address women's right to land have gained due concern through enacting legal reforms that promote gender equality in land ownership of women either during inheritance or donations. Addressing women's right to land requires a comprehensive approach that addresses the underlying social, economic, and cultural factors that perpetuate gender inequality, and securing women's right to land is crucial for achieving gender equality and empowering women to participate fully in their communities and economies. In Ethiopia as well as in Oromia various challenges affect women's right to land. Specifically in North Shoa women left their right to use land due to economic challenges. In case women face legal issues related to land rights women may struggle to afford legal representation and sometimes they do not get pro bono service which affects the right to land. Legal proceedings also have various costs including court fees, documentation, and administrative expenses in the area study conducted most women left their houses with only daily shelter, and in case the marriage is dissolved in a court of law they do not have an interest in a court of law due to economic problems that they face. In addition to this based on the above analysis existence of weak implementation of laws also affects women's right to land, women also face another challenge upon divorce, women may face the risk of being dispossessed of land that

⁴⁰ An interview with women and children's affairs office head Masarat shifarra , Tigist Feyisa and Weyinishet ketema on septmeber 21 2023 in Girar Jarso woreda

was associated with their marital status, especially in the area where the law is not interpreted. Cultural and societal pressures may compel women to relinquish their land rights during marriage, making them vulnerable to land dispossession in case of marriage dissolution. Sometimes due to a lack of decision-making power, women may have limited decision-making power when it comes to land and property acquired during marriage, which can affect their ability to use, manage, or dispose of land assets. Another issue that needs due concern is property acquired during marriage is not registered in the woman's name or as common property and this raises issues in case divorce occurs as well as women's economic dependence on their spouse can affect their ability to assert and maintain land rights, especially if they lack independent financial resources.

In many cultures and societies, family intervention in divorce can significantly impact women's right to land and property. Such intervention often reflects deep-rooted social, cultural, and economic dynamics that can leave women vulnerable in land distributions and ownership rights and women may lack legal protection against unfair or biased decisions made through family interventions, leaving them without adequate resources as well as bringing emotional and psychological pressures, impacting their ability to have lands during dissolution of marriage.

The other issue that needs due concern from the CA analyzed is that nonregistration of donation contracts of land can indeed have significant implications for women, particularly when it comes to land rights and property ownership, and such absence of lack of documentation system can affect women's right to land acquired during the marriage, without a formal

record of the marriage, as well as donation contract women face obstacles in providing evidence of their entitlement to a land asset, making it difficult to pursue legal remedies. Sometimes Administrative barriers in the registration of contract of donation on and after the day of marriage affect women because a variety of administrative processes, systems, and practice affects women's right to own and use lands. Administrative bureaucracy, inaccessible documentation or data-centered area, lack of clarity in the land tenure system, lack of support from the government on creating awareness on registration mechanism of donation contracts.

Generally, the writer tries to analyze women's land rights from a practical point of view in analyzing existing laws those barriers that affect women's right to land are not only based on non-implementation of legal rules rather it is due to the lack of knowledge of official procedure and available assistance, lack of finance, lack of willingness to gives to vulnerable groups from the government side, non-observance of justice sector about culture custom of the society about the case of lands, Cultural and religious stereotypes and all this affects women's rights and the government must protect women's rights about land to ensure socio-economic as well as political power of the country.

The problem with women's equal rights to access and use land is multifaceted and needs multiple interventions to address. The problem goes deep into the system (institutional) and culture that requires short-term and long-term interventions. Capacitating legal experts including judges and employees in other concerned offices including the women's affairs bureau, land administration bureau, attorneys, prosecutors, and other stakeholders

to ensure women's right to land and access to justice. In addition to this creating awareness through public media, public gatherings, educational sector to educate all women to make national campaigns on women's rights and the challenges they face.