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Islamic Family Law in Practice: Religious Guidance Services in Türkiye

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ABSTRACT

This study explores how Muslims in Türkiye navigate the moral and religious complexities of marriage and divorce when Islamic legal norms diverge from state civil law. Drawing on applications submitted to Family and Religious Guidance Bureaus between 2019 and 2024, this research employs a mixed-methods design combining application record analysis with in-depth interviews with Diyanet personnel. The findings reveal that a substantial proportion of applicants seek guidance specifically because Islamic legal institutions such as talaq, mahr, and iddah lack direct equivalents in civil law, creating situations of normative uncertainty. Applicants caught between these two legal systems often experience genuine moral distress, particularly when their religious status diverges from their civil legal status. Thematic analysis identified four strategic approaches that personnel employ to help applicants navigate this legal pluralism, including informing and enlightenment, conciliatory bridge-building, religious-legal balance seeking, and institutional boundary determination. The study demonstrates that guidance bureaus function as crucial intermediary spaces where citizens reconcile their religious obligations with civil legal requirements. These findings contribute to understanding how religious guidance institutions mediate the tensions inherent in legal pluralism, though approaches tailored to the diverse needs of different demographic groups require further development.

Keywords:

Islamic family law, legal pluralism, moral negotiation, religious guidance, Türkiye.

Introduction

The family institution in contemporary Türkiye takes shape under the influence of both traditional values and current legal regulations. Marriage and divorce processes represent areas where the interaction between religious practices based on Islamic principles and the civil law system is most intensely experienced. This situation brings about a search for guidance regarding the legal and religious questions that citizens encounter in their family lives.

Islamic legal tradition regards marriage as foundational to social order (Atar 1996), with institutions including *nikah*, *mahr*, and *talaq* reflecting comprehensive family regulations (Bilmen

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1968). Turkish civil law, inspired by the Swiss Civil Code since 1926, treats marriage as a secular legal contract. Divergences between these systems appear in marriage establishment, divorce processes, and post-divorce rights. Islamic institutions like unilateral talaq, mahr, and conditional declarations lack civil law equivalents (Bilmen 1968), while civil law property regimes and alimony arrangements differ from Islamic practices (Dural, Ögüz & Gümüş 2018). These divergences create not merely administrative complications but genuine moral dilemmas for observant Muslims who seek to fulfill both their religious obligations and their duties as citizens (Yılmaz 2016).

In the literature, these differences between Islamic law and civil law have been examined mostly at the theoretical level (Aydın 1985; Akgündüz 1988). However, empirical data remains limited regarding what kinds of questions these differences raise in daily life and the dimensions of citizens' search for guidance on these matters. The Family and Religious Guidance Bureaus operating under the Presidency of Religious Affairs constitute an important data source in terms of their function as a bridge between these two legal systems.

Changes experienced in the family institution in recent years and the increase in divorce rates (TÜİK 2023) also affect the demand for religious guidance services. Particularly in the post-2020 period, the effects of the pandemic process on family relationships have further increased the importance of these guidance services. In this context, systematic analysis of applications made to family and religious guidance bureaus provides valuable information about society's problems and solution-seeking behaviors regarding the family institution.

The main purpose of this research is to systematically analyze marriage and divorce-related applications made to Family and Religious Guidance Bureaus between 2019 and 2024 in terms of demographic characteristics and topic categories, to determine how the sociodemographic characteristics of applicants shape application topics, and to evaluate the effects of differences between Islamic law and Turkish civil law on guidance processes.

This study examines applicant demographic patterns, topic category transformations (2019-2024), statistical relationships between demographic characteristics and application topics with their effect sizes, difficulties created by legal system discrepancies, and personnel strategies for managing these differences.

Academic examination of Turkish family institutions has addressed both sociological and legal dimensions. Duben and Behar (1996) analyzed Istanbul families' transition from traditional to modern structures, while Kandiyoti (1997) examined how modernization transformed gender roles within families, providing frameworks for interpreting contemporary family challenges. Comparative analyses between Islamic and civil law systems form this study's theoretical foundation. Bardakoğlu (1993) systematically compared Islamic family law principles with modern legal thought, while Çeker (2003) examined divergences in marriage conceptualization. International scholarship by Esposito (2001) and Nasir (2009) identified compatibility and conflict points across Islamic countries' family law domains.

Research on Presidency of Religious Affairs guidance services remains limited. Existing literature comprehensively addresses theoretical dimensions of Islamic-civil law differences, yet empirical data on citizens' daily questions remains limited. Systematic gaps exist regarding demographic characteristics' relationships with guidance topics, effect sizes of demographic factors, legal differences' guidance process impacts, and personnel coping strategies. This research addresses these gaps through mixed-methods analysis of 346 applications and interviews with 18 personnel.

Theoretical Framework

Legal Pluralism Theory and the Turkish Context

The complex legal structures of modern societies are characterized by "legal pluralism" rather than the existence of a single legal system, a situation in which different legal norms interact with each other (Griffiths 1986). Merry (1988) defines legal pluralism as the functioning of religious,

traditional, and local legal systems alongside state law within the same social field. This situation emerges particularly prominently in the field of family law.

Legal pluralism in Türkiye stems from the historical interaction between the Ottoman-Islamic legal tradition and the civil law system. Berman (2007) conceptualized this situation as "legal hybridization" and analyzed how different legal traditions overlap in social practice. In the Turkish context, this overlap concentrates particularly around the family institution and raises the question of "according to which law citizens should live."

Santos (1987) emphasizes that the "legal uncertainty" created by legal pluralism increases the need for counseling and guidance, especially for marginal groups (in this research, individuals experiencing family problems). This theoretical perspective is of critical importance for understanding the function of Family and Religious Guidance Bureaus. As Sezgin (2013) demonstrates in comparative contexts, individuals navigating between state-enforced religious family laws and secular legal systems often experience profound uncertainty about the moral validity of their choices.

The Institution of Marriage and Divorce in Islamic Law

The institution of marriage in Islamic law is expressed in fiqh literature with the concept of "nikah." This institution has been accepted not merely as an individual choice but as an indispensable institution for the protection of social order and the continuation of the lineage (Zuhayli 1989). Certain conditions must be fulfilled for the establishment of a nikah contract. The competency of the parties, the declarations of offer and acceptance, witnessing, and the determination of mahr are the main ones among these conditions. Mahr constitutes a distinguishing feature of Islamic family law. This mandatory property payment from husband to wife ensures women's economic security upon widowhood or divorce (Bilmen 1968).

The Family Institution in Turkish Civil Law

Turkish civil law, adopting a secular foundation since 1926, defines marriage as a legal contract between parties (Akıntürk & Karaman 2013). The system establishes marriage age requirements, property regimes, and divorce procedures through court decisions. The regime of participation in acquired property functions as the statutory matrimonial property regime, with alternative arrangements available by spousal agreement (Dural, Ögüz & Gümüş 2018).

Civil law comprehensively addresses alimony arrangements and child protection. Custody, alimony, and personal relations rights are regulated according to the best interests of the child principle (Demir 2019). These arrangements aim to protect children's physical and emotional development following parental separation.

Fundamental Differences Between the Two Legal Systems

The differences between Islamic law and Turkish civil law extend across a wide spectrum, from the foundation of the institution of marriage to divorce processes. These differences constitute the main source of legal uncertainties that citizens encounter regarding their family lives. The most fundamental difference in terms of approach to the institution of marriage is that the nikah contract, which Islamic law regards as a religious institution, is treated as an entirely secular contract in civil law. This situation leads to uncertainties, particularly regarding the legal status of couples who have only performed a religious nikah (Çeker 2003).

The most prominent difference in divorce processes is that in Islamic law, the man has the unilateral right to talaq, whereas in civil law, divorce can only occur by court decision. This situation creates complex circumstances such as couples who are considered divorced according to Islamic law still being considered married according to civil law (Bardakoğlu 1993). Differences regarding financial rights concentrate particularly around the institution of mahr. Mahr, which is an inalienable right of the woman in Islamic law, is an institution that has no direct

correspondence in civil law. This situation creates legal uncertainties regarding the collection of mahr claims (Sağlam 2016).

Significant differences also exist regarding children's rights. While custody is generally accepted as a right belonging to the father in Islamic law, civil law considers both parents in accordance with the principle of the best interests of the child. This difference leads to hesitations particularly regarding the status of children after divorce.

Methodology

Research Design

This research employed the "Explanatory Sequential Design" from mixed-methods research designs (Creswell 2014). In this design, quantitative data were first collected and analyzed, and then qualitative data were obtained to explain and interpret the quantitative findings in depth. The main purpose of the research is to determine the demographic characteristics and sub-category distributions of applications made to Family and Religious Guidance Bureaus, and then to understand the effects of differences between Islamic law and Turkish civil law on guidance processes.

Study Group

In the quantitative dimension of the research, a total of 346 applications made to the Uşak Mufti Office, Family and Religious Guidance Bureau on marriage and divorce topics between 2019 and 2024 were examined. Sample Selection Criteria included applications recorded between 2019 and 2024, applications classified in the sub-categories of nikah, infidelity/adultery, divorce/post-divorce problems, and pre-marital/engagement period, and applications with complete demographic information (age, gender, education, occupation, marital status). Sample size (n=346) satisfies G*Power requirements for Chi-square tests with medium effect size ($w=0.30$), 95% confidence level, and 80% power.

Within the scope of qualitative research, interviews were conducted with a total of 18 Diyanet personnel working in Family and Religious Guidance Bureaus. Personnel demographics included 11 males and 7 females with average professional experience of 12.4 years. Participants were selected through maximum variation sampling method, ensuring the inclusion of personnel from different experience levels, age groups, and service durations in the research.

The qualitative sample size was determined based on the theoretical saturation criterion. Guest, Bunce, and Johnson (2006) report that 6-12 interviews are sufficient for homogeneous groups. In this research, theoretical saturation was achieved by interviewing 18 participants, and it was observed that no new themes emerged after the 15th interview. The qualitative-quantitative fit ratio was realized as 1:19.2, which is at an optimal level for mixed-methods research (Creswell & Plano Clark 2017).

Data Collection Instruments

Quantitative data were obtained from official application records at Uşak Mufti Office Family and Religious Guidance Bureau. Records contain application date, topic category, gender, age group, education, occupation, marital status, and question text. The first seven fields were used for quantitative analysis, while question texts comprised qualitative data for content analysis. Records were anonymized during export.

The second source of qualitative data consists of semi-structured interviews conducted with 18 personnel working in Family and Religious Guidance Bureaus. The interview form consists of 4 basic research questions. The form was shared with participants through a Google Form link, and opinions were collected in this way.

Data Analysis

Quantitative data were analyzed using SPSS 28.0. Relationships between variables were examined with chi-square test of independence, with effect sizes calculated using Cramer's V coefficients. Significance level was set at $p < 0.05$ with 95% confidence intervals.

There are two independent qualitative data sources in this study.

First are the question texts directed to the guidance bureau. Question texts were analyzed with content analysis. All texts were first comprehensively scanned, then recurring patterns were extracted with inductive/descriptive coding. Codes were grouped into topic clusters (for example, talaq, mahr, conditional declaration, iddah; alimony, property regime, custody, etc.). Category definitions, scope-boundary (inclusion/exclusion) notes, and sample quotations were recorded in a codebook. MAXQDA 2022 was used in coding, and anonymization was applied in the report to protect the privacy of applicants.

Second are the semi-structured interviews conducted with 18 personnel working in Family and Religious Guidance Bureaus. Personnel interviews ($n=18$) were analyzed using thematic analysis (Braun & Clarke 2006). Independent coding by two researchers produced 247 open codes, condensed into 4 main themes: Legal Pluralism Management, Gender-Based Approach Differences, Religious-Legal Balance Seeking, and Institutional Boundary Determination.

Findings

Demographic Distribution of Applications

Gender and Age Group Characteristics: Distinct patterns are found in the demographic characteristics of applicants. In the gender distribution, female applicants ($n=265$, 76.6%) have a significantly higher proportion compared to male applicants ($n=81$, 23.4%). This finding shows that women seek guidance approximately three times more than men on marriage and divorce topics.

Table 1. Demographic and Socioeconomic Characteristics of Applicants

Characteristic	Category	n	%
Gender	Female	265	76.6
	Male	81	23.4
Age Group	25-40 years	184	53.2
	41-60 years	87	25.1
	19-24 years	63	18.2
	61 years and over	10	2.9
	18 years and under	2	0.6
Educational Status	High School	130	37.6
	Middle School	79	22.8
	Primary School	67	19.4
	University	63	18.2
	Literate	7	2.0
Occupation	Housewife	189	54.6
	Self-employed	46	13.3
	Civil Servant	46	13.3
	Worker	34	9.8
	Student	18	5.2
	Retired	13	3.8
Marital Status	Married	230	66.5
	Single	116	33.5

This statistical finding is also supported by the observations of Diyanet personnel. "Generally, it is the women who carry more of the sense of responsibility in the family and who seek solutions first when there is a problem. Men usually come because their spouses direct them. Women

contact us on their own initiative, men more out of necessity" (Personnel 4, Female)."In female applicants, there is more of a search for emotional support. She asks 'What should I do religiously in this situation?' In men, the question 'What is the legal equivalent of this?' weighs more heavily" (Personnel 11, Male). This situation can be explained by women taking on more relationship responsibility in traditional family roles. At the same time, it reflects the tendency of women to want the rights they have obtained in civil law to gain legitimacy from a religious perspective as well.

Socioeconomic Indicators: The fact that high school graduates have the highest rate in applications (37.6%) shows the intensity of the religious guidance seeking of individuals with medium-level education in family problems. The total rate of primary and middle school graduates (42.2%) is significantly higher than university graduates (18.2%). This suggests that individuals with higher education may tend to prefer alternative application channels in solving family problems. Diyanet personnel evaluate this situation as: "People with higher education levels generally do their own research first, obtain information over the internet. When they come here, they also ask more specific questions. They come saying 'I read this about this topic, is it correct?' Those with lower education levels ask more generally 'What should I do in this situation?' They expect the whole solution from us" (Personnel 9, Male).

Marital Status: In the marital status distribution of applicants, married individuals (n=230, 66.5%) made applications twice as much as single individuals (n=116, 33.5%). This reveals that married individuals feel a more intense counseling need regarding the continuation and protection of the institution of marriage.

Topic Categories and Change Over Years

General Distribution of Application Topics: Analysis of application topics reveals a distinct hierarchy. The most frequently applied category is "Divorce/Post-Divorce Problems" (n=143, 41.3%), followed by "Nikah" topics (n=101, 29.2%) and "Pre-Marital/Engagement Period" topics (n=59, 17.1%).

Table 2. Frequency Distribution of Application Topics

Topic Category	n	%
Divorce/Post-Divorce Problems	143	41.3
Nikah	101	29.2
Pre-Marital/Engagement Period	59	17.1
Infidelity/Adultery	43	12.5

These data indicate that problems related to the continuation of the family institution constitute the largest part of the guidance demand. The high rate of the divorce category reveals that citizens feel an intense counseling need regarding the protection of existing marriages.

Change in Topic Categories Over Years: The change in topic categories over time contains differentiating trends. Progressive increase is observed in the "Divorce/Post-Divorce Problems" category, rising from 38.3% in 2019 to 50.1% in 2024. This shows that 5 out of every 10 applications made in 2024 are on divorce topics.

Table 3. Annual Distribution of Main Topic Categories (%)

	2019	2020	2021	2022	2023	2024
Divorce/Post-Divorce	38.3%	38.4%	32.8%	46.0%	45.6%	50.1%
Nikah	29.8%	29.6%	43.8%	32.2%	16.2%	19.9%
Pre-Marital/Engagement	17.0%	27.7%	17.2%	16.1%	14.7%	9.8%
Infidelity/Adultery	14.9%	4.3%	6.2%	5.7%	23.5%	20.2%

Personnel 8 shared the following observations about the reasons for this increase: "The stay-at-home process during the pandemic in 2020 increased intra-family tensions. Many couples got to know each other more closely during this period, and sometimes problems emerged. We have been observing a marked increase in divorce-related applications since 2021" (Personnel 8, Male). Another personnel observed: "In recent years, especially among young couples, there is a tendency to 'divorce immediately.' In the past, families would intervene, but now that individualism has increased, couples decide more quickly. They ask us 'how do we divorce religiously?'" (Personnel 15, Female).

This trend parallels the increase in national divorce rates in TÜİK (2023) data (16.2% increase). Nikah applications peaked in 2021 (43.8%) before declining to 19.9% by 2024. Infidelity/adultery applications fluctuated dramatically, reaching 23.5% in 2023 from 4.3% in 2020. These trends reflect that the focus points of guidance services change over time and the increasing importance of divorce problems.

Relationship Between Socio-Demographic Characteristics and Application Topics

Gender-Based Topic Preferences

The relationship between topic categories and gender was examined with the chi-square test of independence. The analysis showed a statistically significant relationship with small-to-medium effect size between the variables, $\chi^2(3, N=346)=14.82, p=.002$, Cramer's $V=0.207$; 95% CI [0.123, 0.312]. In the assumption check, it was seen that the expected frequencies were sufficient in all cells.

Table 4. Distribution of Topic Categories by Gender and Cell-Level Significance

Topic Category	Female n (%)	Male n (%)
Nikah	65 (24.5%)	36 (44.4%)*
Divorce/Post-Divorce	112 (42.3%)	31 (38.3%)
Pre-Marital/Engagement	49 (18.5%)	10 (12.3%)
Infidelity/Adultery	39 (14.7%)	4 (4.9%)
Total	265 (100.0%)	81 (100.0%)

Post-hoc analysis revealed men apply significantly more for nikah counseling ($z=3.45, p=.0045$), while gender differences in other categories were statistically unsupported.

Relationship Between Education Level and Topic Preferences

The relationship between topic categories and education levels was examined with the chi-square test of independence. Since the "literate" level was very rare, this level was combined with primary school to satisfy assumptions, and the analysis was conducted on 4 education levels (Primary School, Middle School, High School, University). The results showed that the general relationship was not significant: $\chi^2(9, N=346)=15.82, p=.071$, Cramer's $V=0.123$; 95% CI [0.097, 0.207]. Haberman adjusted residuals were used to test cell-level differences, and Bonferroni correction was applied; no cell was significant after correction (lowest corrected $p=0.115$). Although raw deviations indicated positive trends in the University×Pre-marital/engagement cell and negative trends in the University×Infidelity/adultery cell, these trends were not statistically supported.

Table 5. Distribution of Topic Categories by Education Levels and Cell-Level Significance

Topic Category	Primary School n (%)	Middle School n (%)	High School n (%)	University n (%)
Divorce/Post-Divorce	35 (47.2%)	36 (45.5%)	51 (39.3%)	21 (33.3%)
Nikah	17 (23.0%)	24 (30.4%)	39 (30.0%)	21 (33.3%)
Pre-Marital/Engagement	11 (14.9%)	12 (15.2%)	18 (13.8%)	18 (28.6%)
Infidelity/Adultery	11 (14.9%)	7 (8.9%)	22 (16.9%)	3 (4.8%)
Total	74 (100.0%)	79 (100.0%)	130 (100.0%)	63 (100.0%)

Since an assumption violation was observed for the detailed levels in the initial analysis (Primary School, Middle School, High School, University, Literate), "Literate" and "Primary School" were combined; the result is again not significant at the detailed level with Monte-Carlo/permutation $p \approx .097$.

Age Group-Based Topic Distribution

The relationship between topic categories and age groups was examined with the chi-square test of independence. Since some expected frequencies were small in extreme age groups (especially 18 and under, 61+) in the assumption check, the findings were also verified with permutation/Monte-Carlo approach. The analysis showed a statistically significant relationship of medium size between the variables, $\chi^2 (12, N=346) = 89.85, p < .001$, permutation $p \approx .0002$, Cramer's $V = 0.294$.

Table 6. Distribution of Topic Categories by Age Groups and Cell-Level Significance

Topic Category	18 years and under n (%)	19-24 years n (%)	25-40 years n (%)	41-60 years n (%)	61+ years n (%)
Divorce/Post-Divorce	0 (0.0%)	9 (14.3%)*	88 (47.8%)	39 (44.8%)	7 (70.0%)
Nikah	0 (0.0%)	20 (31.7%)	55 (29.9%)	23 (26.4%)	3 (30.0%)
Pre-Marital/Engagement	0 (0.0%)	32 (50.8%)*	14 (7.6%)*	13 (14.9%)	0 (0.0%)
Infidelity/Adultery	2 (100.0%)*	2 (3.2%)	27 (14.7%)	12 (13.8%)	0 (0.0%)
Total	2 (100.0%)	63 (100.0%)	184 (100.0%)	87 (100.0%)	10 (100.0%)

Table 6 shows the distribution within age groups (within-column percentages) and cell-level significance. In post-hoc evaluation, Bonferroni correction was applied to Haberman adjusted residuals. Accordingly, in the 19-24 age group, pre-marital/engagement applications are higher than expected, while divorce/post-divorce is lower than expected at the same age. In the 25-40 age group, pre-marital/engagement is lower than expected. The 100% infidelity/adultery application rate in the 18 years and under group cannot be statistically interpreted as it is based on only 2 cases ($n = 2$). No significance was found in other cells after multiple comparison.

The findings show that topic preferences differ markedly by age. While in young adults (19-24) counseling concentrates on pre-marital/engagement themes, the divorce theme is relatively low at the same age; in ages 25-40, pre-marital applications relatively decrease. This pattern indicates that counseling needs change significantly with life stage.

Occupation-Based Distribution

The relationship between topic categories and occupation groups was examined with the chi-square test of independence. Since expected frequencies were relatively small in some cells, the results were also verified with permutation/Monte-Carlo approach. The analysis showed a statistically significant relationship at a small-to-medium level between the variables, $\chi^2 (15, N=346) = 36.14, p = .0017$; permutation $p \approx .0018$; Cramer's $V = 0.187$ (approximate 95% CI [0.169, 0.263]). In post-hoc examination, Bonferroni correction was applied to Haberman adjusted residuals. Accordingly, only lower-than-expected frequency in the Housewife \times Nikah cell is significant. No significance was found in other cells after multiple comparison. This pattern indicates that nikah process-related applications by housewives proceed relatively low compared to the general distribution of occupation groups; other differences were not statistically supported.

Table 7. Distribution of Topic Categories by Occupation Groups and Cell-Level Significance

Topic Category	Housewife n (%)	Self- employed n (%)	Civil Servant n (%)	Worker n (%)	Student n (%)	Retired n (%)
Divorce/Post- Divorce	81 (42.9%)	20 (43.5%)	21 (45.7%)	15 (44.1%)	2 (11.1%)	4 (30.8%)
Nikah	39 (20.6%)*	18 (39.1%)	19 (41.3%)	11 (32.4%)	8 (44.4%)	6 (46.2%)
Pre- Marital/Engagement	37 (19.6%)	3 (6.5%)	3 (6.5%)	6 (17.6%)	7 (38.9%)	3 (23.1%)
Infidelity/Adultery	32 (16.9%)	5 (10.9%)	3 (6.5%)	2 (5.9%)	1 (5.6%)	0 (0.0%)
Total	189 (100.0%)	46 (100.0%)	46 (100.0%)	34 (100.0%)	18 (100.0%)	13 (100.0%)

There is a significant but small-to-medium strength relationship between occupation groups and application topics. After correction, only nikah-themed applications in the housewife group remained lower than expected; differences observed in other occupation-topic combinations were not statistically supported. This finding suggests that counseling applications related to the nikah process are at higher rates in working groups (civil servants, self-employed, etc.) compared to housewives, while they proceed relatively low among housewives.

Marital Status-Based Topic Preferences

The relationship between topic categories and marital status was examined with the chi-square test of independence. In the assumption check, it was seen that all expected frequencies were sufficient (lowest expected ≈ 14.4). The analysis showed a statistically significant relationship at a medium-to-high level between the variables, $\chi^2(3, N=346) = 60.65, p < .001, \text{Cramer's } V = 0.419$. In post-hoc evaluation, Bonferroni correction was applied to Haberman adjusted residuals. Accordingly, among singles, pre-marital/engagement themed applications are higher than expected, while divorce and infidelity/adultery are lower than expected. Among married individuals, divorce and infidelity/adultery are higher than expected, while pre-marital/engagement is lower than expected. No significant difference was found in nikah applications after multiple comparison.

Table 8. Distribution of Topic Categories by Marital Status and Cell-Level Significance

Topic Category	Married n (%)	Single n (%)
Divorce/Post-Divorce	113 (49.1%)*	30 (25.9%)*
Nikah	61 (26.5%)	40 (34.5%)
Pre-Marital/Engagement	17 (7.4%)*	42 (36.2%)*
Infidelity/Adultery	39 (17.0%)*	4 (3.4%)*
Total	230 (100.0%)	116 (100.0%)

The findings show that counseling application topics differ markedly according to marital status. While singles apply more in pre-marital/engagement themes, divorce and fidelity violations (infidelity/adultery) themes become prominent among married individuals. No significant difference was observed in nikah applications. This pattern indicates that counseling needs at different stages of the marriage life cycle strongly differentiate application topics.

General Evaluation of Relationships Between Demographic Characteristics and Topic Preferences

Analysis results indicate that each demographic variable has different levels of effect. When effect sizes are examined, the effect of marital status on application topics (Cramer's $V=0.419$) carries practical importance beyond statistical significance. This value shows that 49.1% of married individuals concentrate on divorce topics while 36.2% of single individuals concentrate on pre-marital topics.

Table 9. Effect Sizes of Demographic Variables on Topic Categories

Demographic Variable	Test Value	p-value	Effect Size	Interpretation
Gender	$\chi^2 = 14.82$.002**	$V=0.207$	Small-Medium Effect
Education Level	$\chi^2 = 15.82$.071	$V=0.123$	Not Significant
Age Group	$\chi^2 = 89.85$	<.001**	$V=0.294$	Medium Effect
Occupation	$\chi^2 = 36.14$.0017**	$V=0.187$	Small-Medium Effect
Marital Status	$\chi^2 = 60.65$	<.001**	$V=0.419$	Large Effect

In practical terms, marital status is 41.9% determinant in predicting application topic. The finding that no significant relationship was found between education level and application topics ($p=.071$) shows that socioeconomic factors have limited effect in shaping guidance preferences, contrary to expectations. This finding suggests that the need for religious guidance is felt by all social segments independent of education level.

Practices Valid in Islamic Law but Not Recognized in Turkish Civil Law

Content analysis of the questions asked by applicants reveals practices that are valid in Islamic law but do not produce legal consequences in Turkish civil law. The category in question covers a total of 79 applications (22.8%) and constitutes a significant part of family guidance services.

Table 10. Practices Valid in Islamic Law but Not Recognized in Civil Law

Application Category	n	%
Divorce by Talaq	38	11.0
Mahr Obligation	22	6.4
Conditional Talaq Declarations	15	4.3
Iddah Period Application	4	1.2

Analysis results indicate that the most intensive category is the issue of "Divorce by Talaq" ($n=38$, 11.0%). Within the scope of the research, applicants ask questions such as "My spouse told me many times that if you go to your sibling's house you are divorced with 3 talaqs, and I went" (Application 002). Diyanet personnel explain their guidance approaches on this issue as follows. "Although the verbal talaq declarations of spouses require divorce religiously, we emphasize that they have no legal validity and that the official divorce process must take place through the court" (Personnel 7, Male). Applicants are told that even if they are divorced religiously, their legal rights (alimony, property division) can only be protected through official divorce.

Mahr obligation ranks second ($n=22$, 6.4%), and the question "Is a nikah performed without mahr valid?" (Application 016) constitutes one of the typical examples of the category. Personnel 12 adopt the following approach regarding mahr. "We say that mahr is a religious right, but that it must be explicitly written in the marriage contract or secured with an agreement in order to be legally demandable" (Personnel 12, Female). In the mentioned situation, applicants are informed about alternative ways to assert their rights in legal processes.

Conditional talaq declarations ($n=15$, 4.3%) and iddah period application ($n=4$, 1.2%) constitute other important categories. On these topics, personnel emphasize the importance of being aware of religious obligations, but since these practices have no correspondence in civil law, they advise applicants to consider both their religious responsibilities and legal realities. One

of the personnel expresses the situation as: "We explain that the iddah period is a religious obligation, but that this period has no effect on official paperwork or legal processes" (Personnel 3, Male).

The results obtained reveal that citizens feel an intense counseling need in situations where the fundamental institutions of Islamic law, namely talaq and mahr practices, create incompatibility with the civil law system, and that personnel develop a balanced guidance approach in this situation.

Issues Regulated in Civil Law but Interpreted Differently in Islamic Law

Topics that have comprehensive regulations in Turkish civil law but have alternative approaches in Islamic law contain distinct patterns. The category within the scope of research covers a total of 30 applications (8.7%) and reveals the differences in approach between the two legal systems.

Table 11. Topics Regulated in Civil Law but Interpreted Differently in Islamic Law

Issue Category	n	%
Court Divorce	12	3.5
Alimony Arrangements	8	2.3
Property Regime Differences	5	1.4
Custody Rights	3	0.9
Marriage Age Restrictions	2	0.6

In this category, the issue of "Court Divorce" shows the highest frequency (n=12, 3.5%). Applicants ask questions such as "My spouse and I lived together for 6 years by having only a civil marriage ceremony and officially separated by applying to court. One year has passed and I want to get back together with my spouse" (Application 003). Analysis results reveal that couples who divorce by court decision experience uncertainty about their situation from a religious perspective.

Alimony arrangements rank second (n=8, 2.3%), and the differences between the social security-oriented approach of civil law and the family-based alimony understanding of Islamic law create hesitation among applicants. One of the personnel explains this situation as follows. "In civil law, alimony is usually calculated focused on material needs, but in Islamic law, alimony covers not only money but also basic needs such as shelter, food, and clothing. We try to explain this difference to citizens" (Personnel 16, Male). Property regime differences, custody rights, and marriage age restrictions constitute other important sub-categories.

General Evaluation of Legal Differences

The findings reveal the intensity of the systematic counseling need in the interaction area between Islamic law and Turkish civil law. A total of 109 (31.5%) of 346 applications concentrate on topics that directly contain legal differences. The research results reflect that Family and Religious Guidance Bureaus function as a bridge between Islamic law and civil law. A significant portion of applicants seek solutions in accordance with Islamic law for the purpose of fulfilling religious obligations and considering their afterlife responsibilities. This situation explains the intensity in the talaq issue category (n=38, 11.0%). One of the personnel summarizes this situation as: "Citizens wonder what their situation is before God, especially in sensitive matters like divorce. They want to be cleared not only legally but also religiously" (Personnel 6, Male).

This finding illuminates the religious dimension of the divorce category having the highest rate (41.3%) in quantitative analysis. It has been determined that applicants are uncomfortable with civil law reducing complex human relationships such as marriage and divorce entirely to legal procedures. This situation manifests itself particularly in applications in the alimony and property division categories. "There are those who think that civil law focuses only on material and legal consequences and neglects the spiritual dimension. That's why they need religious guidance" (Personnel 1, Female) summarizes this situation.

The age and education level differences identified in demographic findings contain explanatory information on this matter. Particularly individuals who are older or more attached to traditional family structure prioritize religious guidance. "We see that for some segments, religious nikah carries great importance in addition to the civil marriage. For these people, religious guidance may be a more primary source in solving their family problems" (Personnel 10, Male). This view supports the high rate of the nikah category (29.2%) in quantitative findings.

Guidance Processes from Personnel Perspectives: Thematic Analysis Findings

Thematic analysis of interviews conducted with Diyanet personnel (n=18) explains the fundamental dynamics that emerge in guidance processes under four main themes. These themes reveal how the differences between Islamic law and Turkish civil law are managed and the diversity of strategies developed by personnel.

Theme 1: Legal Pluralism Management (n=18, 100%): All personnel have developed systematic strategies on marriage and divorce topics. These strategies consist of three dimensions, namely informing and enlightenment, conciliatory bridge-building, and pragmatic solution-oriented approach. "We explain to the person in detail the rights they have both religiously and legally" (Personnel 18, Male). This approach is systematically applied in applications containing legal differences (31.5%).

Theme 2: Gender-Based Approach Differences (n=15, 83.3%): Personnel systematically observe the different motivations of male and female applicants. While women seek emotional support and spiritual legitimacy, men focus on pragmatic and legal solutions. "Women say 'What should I do religiously?' while the question 'What is the legal equivalent?' weighs heavily among men" (Personnel 11, Male). This difference becomes particularly evident in nikah applications (44.4% versus 24.5%).

Theme 3: Religious-Legal Balance Seeking (n=16, 88.9%): Personnel have developed approaches to systematically establish balance between religious obligations and legal requirements. Although the preservation of family unity takes priority, the protection of legal rights is also emphasized. "We make efforts for the continuation of the family, and when that is not possible, we direct them toward protecting their legal rights" (Personnel 5, Female). This theme is directly related to the high rate of the divorce category (41.3%).

Theme 4: Institutional Boundary Determination (n=12, 66.7%): Personnel adopt a conscious approach to clarifying the boundaries between religious guidance and legal counseling. While clearly stating that their area of duty is religious guidance, they make systematic referrals for legal processes. "We provide religious guidance, and we state that they must definitely consult a lawyer for legal processes" (Personnel 14, Male). This boundary determination is of critical importance in applications containing legal differences (31.5%).

Table 12. Summary of Thematic Analysis Findings and Relationship with Quantitative Data

Main Theme	Participant Rate	Related Quantitative Finding	Impact Level
Legal Pluralism Management	n=18 (100%)	Legal difference: 31.5%	Very Strong
Gender Dynamics	n=15 (83.3%)	Female applications: 76.6%	Strong
Religious-Legal Balance	n=16 (88.9%)	Divorce category: 41.3%	Strong
Institutional Boundaries	n=12 (66.7%)	Referral mechanisms	Medium

Integration of Themes with Quantitative Findings: Thematic analysis results show strong consistency with quantitative findings. Legal pluralism management strategies (Theme 1) with the high rate of applications containing legal differences (31.5%), gender dynamics (Theme 2) with the high application rate of women (76.6%) and the intensity of men in nikah applications

(44.4%), religious-legal balance-building efforts (Theme 3) directly overlap with the dominant position of the divorce category (41.3%).

Negative Case Analysis: Three atypical cases were identified during the analysis process (16.7%). Two personnel (Personnel 2 and 17) prioritize legal dimensions in religious guidance, while one personnel (Personnel 9) emphasizes only the religious framework. These cases clarified the boundaries of the themes and revealed the diversity in personnel approaches.

Discussion

This research reveals Turkish family institutions operate within Islamic-civil law system tensions. Results empirically support Atar's (1996) determinations regarding family law's central role in social order protection. Particularly, 31.5% of applications concentrating on legal difference topics demonstrates system incompatibilities transform into concrete citizen problems.

Demographic findings reveal family guidance service demand relates closely to gender dynamics. Women's threefold higher application rate (76.6% versus 23.4%) aligns with Kandiyoti's (1997) analyses that modernization transformed family roles. Women's higher infidelity/adultery applications (14.7% versus 4.9%) suggests intra-family power dynamics shape guidance-seeking. The gendered pattern of help-seeking also reflects broader dynamics in Muslim family contexts, where women often bear disproportionate responsibility for maintaining religious propriety within households (Tucker 2008).

Thematic analysis reveals personnel's systematic legal pluralism management strategies, supporting Santos' (1987) theoretical framework regarding legal uncertainty's counseling needs. All personnel (n=18, 100%) adopting "informing and enlightenment strategies" suggests institutionally developed approaches. Gender dynamics findings deepen Kandiyoti's (1997) family role transformation analyses, with personnel systematically observing women seeking emotional support and men pursuing pragmatic solutions.

Talaq emerging as most intensive counseling category proves Cin's (1974) analyses regarding Islamic-civil law incompatibility. Applicants caught in "religiously divorced but legally married" dilemmas indicate legal pluralism uncertainties. Mahr applications verify Bilmen's (1968) determination that mahr distinguishes Islamic family law, supporting Sağlam's (2016) analyses regarding collection problems.

Education level's non-significant relationship with topics ($p=.071$) suggests religious guidance needs transcend socioeconomic status. Age group differentiation (19-24: pre-marital 50.8%; 25-40: divorce 47.8%) supports Duben and Behar's (1996) family transition analyses. Marital status's strong effect (Cramer's $V=0.419$) shows marriage stage needs differ markedly. Married individuals' divorce concentration (49.1%) reflects modern marriage sustainability concerns, revealing family institution transformation complexity.

Diyanet personnel's balancing strategies expand Aybey's (2017) evaluations regarding counseling service effectiveness. Personnel providing guidance considering both religious and legal frameworks demonstrates institutionally developed reconciliation mechanisms, exemplifying Nasir's (2009) analyses regarding Islamic-civil law interaction compatibility and conflict points.

Conclusion and Recommendations

This research revealed the effects of differences between Islamic law and Turkish civil law on guidance processes by conducting a systematic analysis of 346 applications made to Family and Religious Guidance Bureaus between 2019 and 2024. The findings of the study explain the complexity of the transformation experienced by the family institution in Türkiye in the context of legal pluralism and the dimensions of the guidance need created by this situation.

The main findings of the research show that religious and legal reference systems operate simultaneously in solving problems related to the family institution. The concentration of 31.5% of applications on topics containing legal differences reveals that citizens intensely experience

the tension between the two legal systems. This situation presents the contemporary reflections of the historical analyses of Aydın (1985) regarding the transformation experienced by Islamic-Ottoman family law in the modern period.

Thematic analysis findings revealed the multidimensional structure of guidance processes. The four main strategic approaches developed by personnel exemplify at the practical level the "intermediary institution" function envisioned in the legal pluralism theory of Merry (1988). These findings show that family counseling services not only transfer information but also function as a bridge between different legal systems. Beyond their informational function, these bureaus serve as spaces where citizens can articulate and process the moral weight of decisions that carry implications in both religious and civil domains. Family and Religious Guidance Bureaus effectively bridge Islamic and civil law systems through personnel balancing strategies. Strengthening this model requires enhancing personnel competencies in both religious sciences and legal knowledge.

Another important finding presented by the research is the gap created by current legal regulations not adequately considering the religious sensitivities of citizens. Particularly the dilemmas experienced by citizens on topics such as mahr, iddah, and talaq reveal the need to consider religious values in legal reforms. In this context, it is recommended to adopt more inclusive approaches to ensure social consensus in regulations related to family law.

Future research should test these findings across different regions and larger samples, examining how rural-urban differences, socioeconomic levels, and religiosity degrees shape guidance demands. Life cycle-specific guidance models warrant further investigation.

This research demonstrates that Turkish family institution operates within legal pluralism tensions, creating intensive guidance needs. Family and Religious Guidance Bureaus function as effective intermediary institutions bridging Islamic law and civil law systems. Developing and disseminating this model remains critical for social cohesion and family institution protection.

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Conflict of Interest Statement

The authors declare that they have no personal, financial, or professional relationships that could bias or be perceived to bias the research, analysis, or conclusions presented in this paper.

Authors' Contributions

- 1. Fatma Ebru Sarica:** Conceptualization, methodology design, data collection, quantitative and qualitative data analysis, writing – original draft, and writing – review & editing.
 - 2. Nihat Tosun:** Supervision and validation.
- Both authors have read and approved the final version of the manuscript.

Ethics Statement

This research was conducted in accordance with ethical standards and guidelines. Approval was obtained from the Uşak University Ethics Committee (Decision No: E.237720, Date: 03.10.2024) prior to data collection. Written informed consent was obtained from all interview participants, who were informed of the study's purpose and their right to withdraw at any time without

consequence. All personal data from application records and interviews were anonymized to protect participant privacy and confidentiality.

References

- Akgündüz, A. 1988. *The Pious Foundation and Ottoman Practise*. Ankara: Turkish History Association.
- Akıntürk, T., & Karaman, D. 2013. *Türk medeni hukuku: Aile hukuku* [Turkish civil law: Family law]. İstanbul: Beta Basım.
- Atar, F. 1996. *İslam aile hukuku* [Islamic family law]. İstanbul: Şule Yayınları.
- Aybey, S. 2017. *The Importance of Religious Advisors in Family Communication Problems*. Journal of Theology Faculty of Bülent Ecevit University, 4(1), 19-33.
- Aydın, M. A. 1985. *Osmanlı aile hukuku* [Ottoman family law]. İstanbul: Marmara Üniversitesi İlahiyat Fakültesi Vakfı.
- Bardakoğlu, A. 1993. *İslam hukuku başlangıcı* [Introduction to Islamic law]. Ankara: Diyanet İşleri Başkanlığı Yayınları.
- Berman, P. S. 2007. *Global legal pluralism*. Southern California Law Review 80(6): 1155-1238.
- Bilmen, Ö. N. 1968. *Hukukî İslamiyye ve İstılahatı Fıkhiyye Kamusu* [Encyclopedia of Islamic law and fiqh terminology] (8 vols.). İstanbul: Bilmen Yayınevi.
- Braun, V., & Clarke, V. 2006. *Using thematic analysis in psychology*. Qualitative Research in Psychology 3(2): 77-101. doi: 10.1191/1478088706qp063oa
- Cin, H. 1974. *İslam ve Osmanlı hukukunda evlenme* [Marriage in Islamic and Ottoman law]. Ankara: Ankara Üniversitesi Hukuk Fakültesi.
- Creswell, J. W. 2014. *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (4th ed.). Thousand Oaks: Sage Publications.
- Creswell, J. W., & Plano Clark, V. L. 2017. *Designing and Conducting Mixed Methods Research* (3rd ed.). Thousand Oaks: Sage Publications.
- Çeker, O. 2003. Fıkıh dersleri: *İslam hukuku* [Fiqh lessons: Islamic law] (vol. 2). Bursa: Emin Yayınları.
- Demir, R. 2019. The Protection of The Personality of The Child Under Turkish Civil Code. Suleyman Demirel Law Review, 9(2), 271-303.
- Duben, A., & Behar, C. 1996. *Istanbul households: marriage, family and fertility, 1880-1940*. Cambridge University Press.
- Dural, M., Öğüz, T., & Gümüş, M. A. 2018. *Türk özel hukuku: Aile hukuku* [Turkish private law: Family law] (vol. 3). İstanbul: Filiz Kitabevi.
- Esposito, J. L. 2001. *Women in Muslim Family Law* (2nd ed.). Syracuse: Syracuse University Press.
- Griffiths, J. 1986. *What is legal pluralism? The Journal of Legal Pluralism and Unofficial Law* 18(24): 1-55.
- Guest, G., Bunce, A., & Johnson, L. 2006. *How many interviews are enough? An experiment with data saturation and variability*. Field Methods 18(1): 59-82. doi: 10.1177/1525822X05279903
- Kandiyoti, D. 1997. *Cariyeler, bacılar, yurttaşlar: Kimlikler ve toplumsal dönüşümler* [Concubines, Sisters and Citizens: Identities and Social Transformation]. İstanbul: Metis Yayınları.
- Merry, S. E. 1988. *Legal pluralism*. Law & Society Review 22(5): 869-896. doi: 10.2307/3053638
- Nasir, J. J. 2009. *The Islamic Law of Personal Status* (3rd ed.). Alphen aan den Rijn: Kluwer Law International.
- Sağlam, H. 2016. Is mehir a marriage insurance in Islamic law? Universal Journal of Theology 1(1): 1-19.
- Santos, B. de S. 1987. *Law: A map of misreading. Toward a postmodern conception of law*. Journal of Law and Society 14(3): 279-302. doi: 10.2307/1410186
- Sezgin, Y. 2013. *Human Rights under State-Enforced Religious Family Laws in Israel, Egypt and India*. Cambridge: Cambridge University Press.
- Tucker, J. E. 2008. *Women, Family and Gender in Islamic Law*. Cambridge: Cambridge University Press.

- TÜİK. 2023. *Evlenme ve boşanma istatistikleri, 2022* [Marriage and divorce statistics, 2022]. Ankara: Türkiye İstatistik Kurumu. <https://data.tuik.gov.tr/Bulten/Index?p=Evlenme-ve-Bosanma-Istatistikleri-2022-49437>. [Retrieved: 15 October 2024].
- Yılmaz, İ. 2016. *Muslim Laws, Politics and Society in Modern Nation States: Dynamic Legal Pluralisms in England, Turkey and Pakistan*. London: Routledge.
- Zuhayli, V. 1989. *Al-Fiqh al-Islami wa Adillatuh* (vol. 9). Damascus: Dar al-Fikr.