

## Impact Of Divorce Laws On Women's Rights In Pakistan

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### Abstract

The way women's rights are influenced relies on the treatment and definition of divorce according to Pakistani laws. They define the limits for women to exercise their rights. The rules mentioned above pertain to Islamic law concerning the matter, along with specific legal texts like the Ordinance of Muslim Family Laws (1961) and the Dissolution of Muslim Marriages Act of 1939. Women cannot independently initiate a divorce and are required to go through the courts to obtain a Khula, unlike men. Typically, the legal procedure for Khula extends over a lengthy period. Due to facing a divorce, women may face challenges with their finances and are looked at by others. The project proposes solutions to the problems noted in this area by examining divorce laws from a female perspective. Therefore, the primary purpose of this paper is to analyze the challenges that exist in these laws and suggest a way that ensures justice for Pakistani women and the country by ensuring equality for all.

**Keywords:** Divorce Laws, Khula, Pakistan, Talaq, Women's Rights

### Introduction

Laws governing divorce in Pakistan, and hence women's rights, rely on the legal structure brought by the British and on Islamic practices (Murtiza, 2024). Laws intended to support women are frequently thwarted by societal norms and judgment (Faizi et al., 2024). Because of weak law enforcement, biased courts, and favoritism against women, they often face difficulties in securing justice, their finances, and custody of any kids (Shabbir et al., 2022). Moreover, it is frequently highlighted that various institutional problems keep people from using their legal entitlements (Khan & Ahmed, 2024).

Additionally, after the Muslim Family Laws in 1961, only marriages that were registered were permitted, and Arbitration Councils were brought into being (Rizwan, 2022). A Muslim woman can request a divorce from a judge using any of the Act's stated reasons, such as cruelty or desertion (Murtiza, 2024). Yet, previous traditions can hinder the application of the legal system. It is challenging for many women to show any proof that their partners have abused or abandoned them (Razaq et al., 2024). It is difficult for women to obtain a divorce, as they are required to handle more duties throughout the process (Arshad et al., 2024).

The research analyzes the challenges women encounter during divorce and suggests where the law might be improved. It provides solutions for legislators and officials to overcome obstacles faced by women going through divorce (Ahmad et al., 2023). According to the study, Pakistan needs to approve new laws, involve courts more in cases, and encourage transformation to ensure gender equality (Shafiq et al., 2024). Additionally, improving the structure of institutions and ensuring all women can get good legal help can significantly help them secure justice (Islam et al., 2023).

### **Research Justification**

Gender seems to play a role in the outcomes of divorce cases in Pakistan. Due to poorly enforced laws and attitudes, it is often hard for women to gain what is rightfully theirs regarding child custody, money, and settlements. Due to specific customs and expectations in certain communities, divorce and defending rights are not easy for many women. These problems force women to remain in unhealthy or unhappy marriages, preventing them from appealing to the courts for help. To help achieve gender equality and justice, one must first recognize the issues and legal challenges that women face.

In many ways, this research seeks to broaden our understanding of Pakistani divorce laws and the effect they have specifically on women. It's essential to examine the problems women encounter during divorce proceedings in order to formulate helpful answers to these complex problems. The study offers a novel viewpoint on gender equality in Pakistan and proposed legislative changes. It is clear that in order to ensure fairness and equality, the research seeks to highlight the obstacles that women face and identify how to respect the rights of women going through divorce.

### **Research Objectives**

1. To discuss the historical context of divorce laws in Pakistan.
2. To highlight the theoretical context of divorce laws on women's rights in Pakistan.
3. To analyze the leading laws that govern divorce laws in Pakistan.
4. To identify the key challenges regarding the impact of divorce laws on women's rights in Pakistan.
5. To explore the opportunities for minimizing the impact of divorce laws on women's rights in Pakistan.
6. To propose effective prevention and intervention strategies.

### **Research Methodology**

This study employed a systematic review methodology, with research objectives established accordingly. A comprehensive literature review was conducted (Komba & Lwoga, 2020). Research findings were categorized based on their content (Hiver et al., 2021; Petticrew & Roberts, 2006), and classified information was incorporated into the study by organizing it into headings (Gan et al., 2021; Pawson et al., 2005). The evaluation of classified information and titles formed the basis of the study (Page, 2021; Rahi, 2017), ensuring the integrity of the research subject and its contents (Egger et al., 2022; Victor, 2008). The criteria for selection are enlisted.

1. **Relevance:** Researches that directly addressed the questions posed by this study are included.
2. **Quality:** Studies that meet a certain quality threshold (e.g., methodological rigor, bias risk) are included. Most of the researches are from Scopus indexed and Clarivate Analytics journals and reputed publishers.
3. **Recency:** Consideration of the publication date to ensure that the review reflects the most current evidence. Most of the studies are from the last three years.
4. **Language:** Only studies published in English are included.
5. **Data Completeness:** Previous studies must provide sufficient data on outcomes of interest for practical synthesis; it is also ensured in this research.

This study did not use primary data from human participants; therefore, no ethics clearance letter from the ethics committee was required.

### Literature Review

Divorce in Pakistan is based on Islamic rules and laws brought by the British, which negatively influences women's rights. The laws created to help women are often unable to be upheld due to traditional views and the prejudices against them in society (Faizi et al., 2024). Financial support cases, parental care disputes, and achieving justice itself present considerable challenges for women, especially when legal execution falters and unfair judgments prevail (Khalid et al., 2023). While legal frameworks such as the Muslim Family Laws Ordinance (1961) and the Dissolution of Muslim Marriages Act (1939) are meant to govern divorce proceedings, their consistent application seems far from guaranteed. While Khula (judicial divorce) is now a choice for women, many prejudices, delays in court, and dependence on financial support prevent them from making use of it (Qarnain et al., 2025).

Laws on divorce in Pakistan rely on Islamic ideals of justice and equality. Islamic law seeks to protect women in marriage and during divorce, though the ways societies practice this law often do not support these principles (Hussain & Faizi, 2024). According to feminist law, divorce laws have essential effects on women's rights, and their interpretation and successful application should always include gender sensitivity (Ahmad, 2024). Women in Pakistan must deal with the impact that religion, culture, and laws have on divorce statutes (Ashraf et al., 2023). Many times, ideas taken from Islamic law and well-established practices favor men when couples go through a divorce (Murtiza, 2024).

When getting a divorce, women often worry about their financial stability. After divorce, many women do not have access to enough resources or help because few such opportunities exist for them (Iftikhar et al., 2023). Many times, the situation becomes more difficult when fathers and mothers fight for custody, as courts are known to side with fathers due to patriarchy (Aziz et al., 2023). Navigating the legal system is also difficult for many women who are unaware of the rights they have (Saleem et al., 2022). It becomes difficult for women when Mehr and maintenance payments are not enforced and when child custody matters take a long time to settle.

Many possibilities for improving the legal situation of women in matters of divorce appear in Pakistan. Changes to the law may target areas where issues arise and ensure just financial and

child custody arrangements (Ahmed et al., 2024). The role of judicial activism is significant for women's rights and leads to the development of laws that support gender sensitivity. Promoting awareness about their rights is essential to empowering women. Working with NGOs and women's rights organizations can help harden efforts to pass new laws (Iftikhar et al., 2023). We should make sure that custody disputes are dealt with smoothly, that those not meeting their financial obligations are given tougher consequences, and that more legal aid is available to women to receive what they deserve successfully.

### **Historical Context of Divorce Laws in Pakistan**

The history of divorce laws in Pakistan combines elements of religion and the laws of the British colonial period. In those days, couples married and separated following guidelines mixed with Islam and rules brought by the British, which regularly undermined female rights (Sajida & Sabreen, 2024). After Pakistan became independent in 1947, steps were taken by the government to improve family laws for the protection of women. Because of this, the Muslim Family Laws Ordinance (MFLO) was adopted in 1961 (Ansari et al., 2022). The objective of the MFLO was to set marriage, divorce, and inheritance guidelines in accordance with Islamic rules, as well as to deal with gender inequality (Khan & Ahmed, 2024).

On the other hand, the application of the Muslim Family Laws Ordinance (MFLO) has not been even because many societies still resist and rely on patriarchal attitudes. Gradually, interpretation and new laws in the legal system have changed some things, yet achieving equal rights between men and women is still a challenge (Khan, 2024). Through the years, creating laws on divorce in Pakistan has caused a constant conflict between the old Islamic rules and the new modern laws, making the protection of women's rights necessary at all times (Qarnain et al., 2025). Learning from the past will help with identifying problems in divorce for women and making improvements to the legal system (Abbasi, 2022).

### **Theoretical Context of the Impact of Divorce Laws on Women's Rights in Pakistan**

According to the laws in Pakistan, fairness and equal treatment are guided by the principles of Islamic jurisprudence. According to Islamic law, women are given the opportunity to divorce and receive support for their finances. In some cases, using traditional beliefs can lead to a reduction in women's rights.

Exploring how Pakistani divorce laws treat women's rights can be done using feminist legal theories. This idea means that applying and interpreting laws should consider gender issues, mainly when dealing with problems in society. How women go through divorce trials is determined by the way religion, culture, and laws all meet at that point. It's interesting how deeply ingrained social habits can be and how they can sometimes overshadow even the most well-intentioned beliefs, like the Islamic encouragement of justice and equity. It's imperative to understand the ins and outs of divorce laws, especially when we're trying to address those situations where women might face unfairness. It's not just about what the laws say but about how they're actually applied in real life.

### **Challenges to the Impact of Divorce Laws on Women's Rights in Pakistan**

Since Pakistan laws are based on Islamic belief and are established by the Muslim Family Laws Ordinance (MFLO) 1961, they feature a procedure for dissolving a marriage between couples. Even so, many barriers prevent these laws from positively influencing women's rights. Such problems happen because of problems in the system, differences in laws, and traditional cultural beliefs that too often weaken women. A strongly patriarchal view among Pakistani people is among the most significant issues women have to face. Many women who want a divorce still encounter prejudice and shame. Because people describe them as dishonorable or rebellious, they are discouraged from using their legal rights. Women who cannot work independently due to lack of money may face additional challenges in courts and after the divorce.

Many men take advantage of the divorce system, creating a significant issue. In Islamic law, men have the right to divorce (Talaq) by their own decision, and it can be used without consideration. While the MFLO states that males must seek resolution with the Union Council, men often ignore or understand things in another way. As a result, women usually resort to Khula, which requires them to show the reason for divorce, and tends to lose the money they received as part of the dowry. Because of the differences between women and men in divorce proceedings, women are disadvantaged.

Furthermore, why laws are unclear and procedures take a long time makes everything more complicated. It is common in Pakistan for cases involving divorce to take many years before being resolved by the court. At this point, women can experience emotional, financial, and physical abuse. Being unaware of their rights often prevents women in rural areas from getting what is rightfully theirs. A lot of women don't know how to begin a divorce case or seek child custody or alimony. It also proves to be a huge obstacle due to financial dependence. In instances where women do not have many jobs to choose from, they depend on their husbands for money. Because divorce usually removes their income, it becomes difficult for them to take care of themselves and their children. Even though maintenance is in the law, not all women find it possible to claim the financial support they are entitled to.

Issues concerning child custody are not always easy to resolve. According to Islamic law, custody of children is granted to mothers until they are two years old and doesn't consider fathers' legal guardianship rules. Oftentimes, divorcing women give up custody to get released from their responsibilities to their families, which violates their rights.

In addition, women facing divorce struggle due to the lack of legal aid and support. Because legal help is expensive, many women cannot use it, and state-sponsored assistance does not meet their needs. Although organizations such as NGOs and women's rights groups close this gap, they can only help very few people living in rural regions.

### **Opportunities for Women's Rights in Pakistan**

Even as divorce laws in Pakistan are strict for women, they open doors for advancing women's rights and giving them more authority over their lives. If Pakistan fills existing gaps and advances how Islamic law is understood, it may better protect women's rights at the time of and following a divorce.



A significant opportunity is educating people about the rights women have under the law. Most women from rural communities are not informed about their rights set by the Muslim Family Laws Ordinance (MFLO) 1961, such as getting a khula or claiming maintenance (nafaqa). Women can be informed about these provisions through workshops, legal help centers, and campaigns run by various businesses, government groups, or NGOs. Having greater knowledge allows women to stand up for what they deserve and fight against injustices.

A further chance is making sure laws are reformed to address any ambiguities and ensure both genders are treated equally. Because men often seek only a unilateral divorce, its application should be tightly controlled. The rules on arbitration and reconciliation for divorce in the MFLO can be enforced better to prevent someone from using divorce to oppress others. Women's economic security post-divorce might be improved if the haq Mehr issue in Khula is addressed.

The judicial process gives individuals a chance to create positive developments. Making court proceedings more efficient means women are more likely to receive justice easily and swiftly. Divorce cases are managed more professionally and quickly by family courts since they have specially trained staff. Moreover, when women use mediation to settle their disputes, it helps lessen the problems they may face and the related costs involved.

Opportunities in economic empowerment play an essential role, too. Many times, a divorce places women in a challenging financial situation due to the low number of women in the workforce. Programs aimed at educating women and training can help them focus on becoming financially stable. Programs and government schemes designed for divorced women can supply them with the necessary resources to restart their lives.

There are opportunities for changing child custody laws. According to Islamic law, mothers care for their little ones, but usually, fathers keep the guardianship, which can lead to lengthy disputes. Making reforms can ensure that things like financial and social pressures do not force a mother to give up custody. Lawyers make it possible for women to be fairly represented in court during custody cases.

Such organizations have a crucial role in shaping society today. They may access legal processes and lawmaking, provide help to women requiring legal support, and spread information about women's rights. Additionally, they can partner with experts in Islamic law to ensure the justice system meets the demands of gender equality. When these organizations are part of efforts led by the government, they work to improve the support available to women intending to divorce.

### **Discussion**

Divorce laws for women in Pakistan face challenges due to the influence of legal, social, and cultural factors. Khula provisions in the Muslim Family Laws Ordinance (renamed Family Laws Ordinance 1961) give women in Pakistan the option to seek a divorce from a court. While filing for divorce offers women a choice out of bad marriages, the process can be complicated. An illustration is that women are expected to waive their right to receive money and must go through a complicated legal process that can stop them from seeking a divorce. Therefore, law

changes are required to prevent women from facing financial difficulty when they go through a divorce.

To some, divorce brings shame upon women, although many believe women are often the ones responsible for their failure. As society pushes them and they cannot pay for their expenses, female victims are usually trapped in relationships that are unhappy or even abusive. The problem can be addressed by making laws more favorable to women and by helping change people's attitudes. It is difficult for many ex-wives to provide for themselves and their families because maintenance regulations are weak. If we enhance these rules and help more women access jobs and education, the problem can be solved.

Rules for child custody usually work in mothers' favor for young kids, but because the cases are often protracted, these laws burden women with more stress. Actions that focus on a child's well-being and help women understand their rights are necessary. Overall, divorce laws support women in Pakistan, but many gaps still exist. Women's rights will only be truly protected, and they will feel confident during divorce when legal, social, and economic changes happen.

### **Conclusion**

Women in Pakistan have mixed feelings about how divorce laws from Islamic jurisprudence have been outlined in the Muslim Family Rules Ordinance (1961). Many women have a way out thanks to Khula, but because of public disapproval, a lack of money, and lax legal enforcement, it fails to be very effective. Among their many hardships, women face delays in court, weak economies, and unequal battles over custody of their children. Therefore, it becomes clear that there should be significant legal and social changes.

There are still ways to make positive changes in the situation. People should be aware of women's rights, laws should be equal for everyone and the system should run more efficiently for women to feel comfortable using them. For many, getting an education and developing work skills can provide a reliable flow of income and enforcing child support helps much after a divorce. Working together, these parties can help establish Islamic law that ensures both men and women are treated equally.

To resolve this issue, we must introduce economic advancement, societal improvements, and changes in divorce laws. Pakistan could ensure that women have secure and proper rights during a divorce by reforming laws to treat men and women equally and building an environment that supports all parties. Because of this, society will become fairer and more welcoming to all.

### **Recommendations**

1. **Strengthen Legal Awareness Campaigns:** Carry out nationwide efforts to teach women about the necessary laws, such as Khula and others involved in divorce cases, and set up support systems for them.
2. **Streamline Judicial Processes** Introduce courts that process divorce and custody cases quickly and systems where cases can be managed online to help ensure quick outcomes.
3. **Enforce Financial Rights** Husbands who do not pay the Mehr (dower), or maintenance should be punished more severely so women get what they deserve after the divorce.

4. **Promote Economic Independence:** To encourage economic independence and provide vocational and financial education for women.
5. **Reform Child Custody Laws:** Ensure the Guardian and Wards Act, 1890, is updated so the interests of the child are put first and fair custody is granted to mothers.
6. **Train Judges and Lawyers:** Arrange gender sensitivity sessions for judges and attorneys to prevent unfairness towards women at the time of divorce.
7. **Enhance Legal Aid Services:** Provide more legal aid to women living in rural areas to assist them in dealing with legal matters.
8. **Encourage Mediation and Counseling:** Establish family mediation centers to resolve disputes amicably and reduce the emotional and financial burden of prolonged court battles.
9. **Amend Outdated Laws:** Rewrite laws from the colonial era, for example, the Dissolution of Muslim Marriages Act, 1939, to meet today's problems and conform to recent Islamic views.
10. **Collaborate with NGOs and Activists:** Collaborate with women's activists and organizations to campaign for new laws on gender equality in divorce.

### **Research Limitations**

There are some limitations to this study on how divorce laws affect women's rights in Pakistan. First, relying only on existing books and laws could make the findings general, but using data from the experiences of affected women could supply more detailed details. The second reason is that the research emphasizes formal rules and their execution without mentioning that mediation by families or others in the community is typical in rural regions. The third disadvantage is that the information is not always current and often written about cities, so it is not suitable for rural areas. Lastly, the study does not consider how class, ethnicity, and religion can play a significant role in the impact of divorce laws on women. Therefore, more studies are needed using different approaches and views to understand women's rights in divorce cases in Pakistan more accurately.

### **Research Implications**

The study on this topic matters for policymakers in Pakistan, as well as for lawyers and advocates working on women's rights. It marks out the problems caused by laws being insufficiently followed and encourages significant changes to give equal status to women. The evidence collected from these studies may lead policymakers to modify laws that do not sufficiently protect women, for example, the Muslim Family Laws Ordinance (1961) and the Dissolution of Muslim Marriages Act (1939). It stresses that the judiciary should train its staff to become more aware of gender issues to ensure equal treatment during divorce and custody cases. In addition, the results support NGOs and women's rights organizations in creating specific initiatives and campaigns. The research works to resolve financial issues, disputes over custody, and challenges to accessing justice for women in Pakistan. This study concludes that if lawmakers and law practitioners join forces, laws regarding divorce will better protect women.

### **Future Research Directions**

There is a need for future research on the impact of family laws on women's rights in Pakistan to study areas that are not yet thoroughly examined. Initially, researchers could analyze how traditions and beliefs affect court judgments, especially in villages, to discover measures for



addressing sexism. Studies should also learn about the lasting effects divorce has on women, both economically and emotionally, and explain the best forms of rehabilitation. Thirdly, studying the divorce laws in other Muslim nations could help guide improvements in Pakistan's laws.

Furthermore, future studies could review the strength of current legal aid and mediation services and discover which actions offer the best approach for more people to seek justice. Considering the opinions of men, religious figures, and leaders within society on divorce laws could teach us everything we need to know about community attitudes and inform those planning awareness campaigns. They could lead to a deeper effort to address the unfairness in divorce laws experienced by men and women.

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