

RESEARCH PAPER

**Khula in Pakistan: A Juridical Analysis of the Wife's Inalienable Right to Dissolution of Marriage and the Husband's Discretionary Authority**

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ABSTRACT

Khula, a type of divorce which permit Muslim women to initiate a marital dissolution, raise legal questions and require urgent court improvement. Even though Islamic theology fully supports the right of women to khula it is not something that is easy for a woman to get because there are legal hurdles that make it difficult for a woman to find a good lawyer who will help her get a fair trial. The article outlines the main challenges which hamper women from fully exercising their right of khula including procedural delay, judicial bias, expenses and social resistance. This delays many courts issues that put women under financial and emotional pressure since many procedures prolong the court proceeding. To address these challenges, the article also explores the kinds of drastic judicial reforms that are required to streamline the process of Khula. Some of the recommended changes include enhanced access to legal services, Mahr compensation ceiling guidelines, gender sensitive training for judges and magistrates, and enhanced processing of legal cases among others. Through implementation of these reforms, the current legal system shall meet international gender norms, and Islamic fairness and ensure that women seeking dissolution of marriage acquire justice, dignity and protection from unnecessary suffering.

**Keywords:** Khula, Divorce, Islamic Law, Judicial Reforms, Procedural Delays, Islamic Law, Maher, Family Courts.

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INTRODUCTION

One basic concept in Islamic law is khula, which grants women the right to demand the annulment of a marriage. Khula is derived from the Arabic word Khul which means to remove or to take off and allows the woman to initiate the process by returning her mahr or agreeing to pay another amount to the husband. Khula is a mutual procedure initiated often when a wife feels she is a victim of domestic violence or unhappy in the marriage; unlike talaq, which is a man's divorce to his wife. This right is anchored on the following Islamic values, justice, equity and fairness. (Kamali, 2016).

Islamic law is very much in favour of marriage, but the jurists also know that sometimes a marriage cannot work out and it has to end. Khula is a legal mechanism for women to divorce their husbands if they feel they can no longer keep the marriage within God's established parameters, according to the Qur'an (2:229) (Rehman, 2021). This view is also consistent with the Islamic law for the same reasons as many Hadits indicate that during the existence of the Prophet Muhammad (PBUH) women were allowed to seek khula. A famous Surah is the Prophet required Jamila to hand back the garden that was awarded to her as a dowry because of her complaint on marriage and granted khula (Hassan et al., 2020). This principle, which gives Islamic spun women right in divorce while ensuring justice to the husband is based on two significant notions of respect to each other and refraining from any form of harm.

## **LITERATURE REVIEW**

Judicial Law-Making: An Analysis of Case Law on Khula in Pakistan, which was written by Sir Muhammad Munir, analytically presents legal aspects of khual in Pakistan and also emphasizes the fact that khula helps women to protect their rights. The decision of the court under section 10(4) of the West Pakistani Family Courts Act, 1964 holds that if the husband is responsible for causing the problems in the marriage, he will not get anything and hence the interpretation of law must be modified.

“Judicial Khula: theory and practice” written by Muhammad Rafi and Syed Hujjat Ullah, states that khula holds significant importance within the judicial framework of Pakistan, which is founded upon the principles of Islamic thought. Regrettably, both the judiciary and legal professionals lack specialized expertise in this particular domain. Furthermore, the complete recognition of the Dar Uliffta system, which offers religious guidance, is lacking in Pakistan, thereby causing inconveniences for the wider populace (Javed et al., 2021).

“The Law of Khula in Islamic Law and the Legal System of Pakistan” written by Dr. Muhammad Munir, in this article, most Muslim jurists believe a woman requires her husband's permission to obtain khul’. Imam Malik and his students believe state, court, or spouse-appointed arbitrators can decide husband-wife disputes such as separation or union without their consent. Pakistani Supreme Courts' partly Maliki verdicts are supported by law. Federal Shariat Court affirms Pakistani Khula. Khul suggestions from the Council of Islamic Ideology suit the Qur'an and Sunnah somewhat (khan et al., 2021).

“Khula in Pakistan” this article is based on the concept of Khula in Pakistan, which states that Khula is a legal process in Pakistan that allows wives to obtain a divorce from their husbands. Khula is a term used to refer to a type of divorce in Islamic law, initiated by the wife. A Pakistani spouse has the option to initiate divorce proceedings by engaging the services of a lawyer. With the assistance of a competent attorney, the Pakistani khula process can be expedited. Obtaining a khula in court necessitates a compelling justification. The Pakistani Khula law grants preferential treatment to the wife. The court lacks the authority to compel a wife to cohabit with her husband against her will (Usman et al., 2021).

“In Pakistan, there is a divorce law” an article authored by Shahid Afridi, talks about the Khula process which can only be conducted within the family courts in Pakistan. It says that Khula

can only be granted by the family court, where the wife will need to prove certain grounds to the family judge through a family lawyer/attorney in order to get Khula. This article lacks a case study and scholars' opinions on the question of whether Khula is a pure fundamental right of a woman or a discretion of the husband (Khan et al., 2020).

## **CONCEPTUAL AND THEORETICAL FRAMEWORK**

This paper examines how laws social customs and money impact women seeking Khula an Islamic way to divorce. Through Khula marriage women can take control of their relationships by making financial payments to their spouses. The framework investigates how various independent variables, including the existing legal framework (Sharia law, domestic legislation, judicial interpretations), social factors (cultural norms, societal attitudes), economic factors (financial independence, access to resources), and judicial factors (biases, delays, access to justice), impact the dependent variable: The study examines the legal mechanism by which women acquire and complete their Khula rights. The different elements affect one another in confusing ways. When Islamic law strictly limits its interpretation and social approval of divorce makes life difficult for women who need to seek Khula. Financial limitations block women from getting legal help and money needed to fight their cases in court while reducing their chances for getting good results. The court system's bias against women plus slow court procedures makes it hard for divorce-seekers to get proper help. This research investigates how different problems work together to block women's access to Khula so the authors can provide solutions to these issues. The research proposes updated Sharia legal rules for women's rights plus faster courts and improved support services to help women when they need financial and legal assistance. Our approach helps build a law system that safeguards women's right to divorce while preventing them from suffering marital influence or coercion.

## **RESEARCH METHODOLOGY**

This analytical research aims to find the legal complexities surrounding the Khula in Pakistan, particularly examining, whether it is perceived as a right of women or a discretion of husbands. The methodology involves a thorough review of existing literature and legal provisions including Islamic law, domestic law and judgments of superior courts, emphasizing the comparison between Shariah principles and the domestic approach to see how they are similar or different. The study will use a method called phenomenology to understand how Khula works in Pakistani courts. This will be done through conducting in-depth interviews and focus group discussions. The ethical considerations will give priority to obtaining informed permission, maintaining confidentiality, and safeguarding privacy. Checking with participants and using different methods will make our findings more accurate. Our project involves using self-reflection, adaptable planning, and storytelling to examine the legal aspects of Khula in Pakistani courts (Khan et al., 2020).

## **THE ROLE OF KHULA IN PAKISTANI LAW**

The West Pakistan Family Courts Act of 1964 and the Muslim Family Laws Ordinance of 1961 both legalize khula in Pakistan. These laws allow a wife to seek khula in the Family Court. Even if the husband does not agree, the court may grant the divorce if it is convinced that

reconciliation is not conceivable (Hassan, 2019). Nevertheless, the wife must give the husband back her mahr or give him the equivalent in compensation.

Pakistani courts have gradually tended to uphold women's rights within the khula framework. In accordance with larger human rights frameworks, the judiciary frequently gives the wife's right to personal independence and freedom from an unhappy marriage top priority (Munir & Anjum, 2021). Although social and cultural influences may still have an impact on the process, this legal framework provides women who want a divorce on justifiable grounds—such as cruelty, neglect, or irreconcilable differences—with an efficient recourse.

## **THE CONCEPT OF KHULA IN ISLAMIC LAW**

Khula is a legal process under the Islamic law of which the wife seeks the dissolution of the marriage by paying a sum of money to her husband, usually the dowry. It is rooted in the Quran and Hadith and interpreted differently across the major Islamic legal schools: That is, there are four legal schools namely, Hanafi, Maliki, Shafi'i and Hanbali. This section looks at how khula is understood in these schools and offers the Quranic verses and Hadiths that form the basis of the practice.

The most important Quranic verse that serves as the foundation for khula is in Surah Al-Baqarah (2:229):

“Divorce is twice. If you want to continue [her], then do so in an acceptable fashion or else give [her] a good discharge. But it is not lawful for you that you should take anything of what you have given them as a marriage portion except when fear that they will not be able to keep [with] the bounds set by Allah. But if you fear that they will not keep [within] the limits of Allah, then there is no blame upon either of them concerning that by which she ransoms herself. These are the limits of Allah, so do not transgress them. And whoever transgresses the limits of Allah – it is those who are the wrongdoers” (Quran, 2:229).

This verse establishes the concept of khula, where a woman can seek divorce if both parties fear they will not be able to fulfill their marital obligations according to Islamic principles. The phrase "ransoms herself" refers to the wife compensating the husband, often by returning the mahr.

A critical Hadith related to khula is the case of the wife of Thabit ibn Qays. This incident, reported by Sahih al-Bukhari, is foundational for the practice of khula in Islamic law:

“The wife of Thabit bin Qays came to the Prophet (PBUH) and said, ‘O Allah’s Messenger! I do not blame Thabit for defects in his character or his religion, but I am afraid that I shall commit acts of disbelief.’ On that, Allah’s Messenger (PBUH) said to her, ‘Will you give back the garden which your husband has given you (as mahr)?’ She said, ‘Yes.’ Then the Prophet (PBUH) said to Thabit, ‘O Thabit! Accept your garden and divorce her once.’” (Sahih Bukhari, Vol. 7, Book 63, Hadith 197).

This Hadith forms the legal basis for khula, emphasizing that the wife can request a divorce in exchange for the return of the dowry, even when there is no fault on the husband's part. This underscores khula as a legitimate means for a woman to exit a marriage that she finds intolerable.

## **INTERPRETATION OF KHULA IN THE FOUR MAJOR ISLAMIC SCHOOLS**

Each of the four major Sunni schools of jurisprudence—Hanafi, Maliki, Shafi'i, and Hanbali—has developed its interpretation of khula based on these Quranic and Hadith foundations, though the differences are nuanced.

In Hanafi jurisprudence, khula is considered a contractual agreement where the wife offers a compensation (usually returning the dowry or something equivalent) in exchange for a divorce. It is seen as a mutual contract, where the husband must agree to the khula. However, the Hanafis emphasize that once the wife offers compensation and the husband accepts, the marriage is dissolved immediately.

In the light of the Maliki school of jurisprudence it is stated that in the cases when wife states harm or fear of not fulfilling her duties in the marriage relation the khula might be granted with the court even if the husband is an opponent.

The Maliki interpretation leans towards safeguarding the wife's interests and recognizing her right to a divorce, aligning closely with the Quranic verse that emphasizes "no blame" on either party if they fear not being able to keep within the limits set by Allah (Quran, 2:229).

In Shafi legal point of view, for khula is not absolutely Eight khula is not regarded as dissolution of marriage but is rather a mutual agreement between both the husband and wife for seeking divorce. This school says that divorce must be fair in the transaction, but the husband must agree for the divorce to go through (Al-Jaziri, 2017).

The Hanbali school of jurisprudence is primarily concerned with the wife's ability to seek divorce if the marriage is destructive and abusive: the school accepts the khula as a legitimate way for the wife to free herself, and although it does not adopt the aforementioned constructionistic tendency of the Hanafi and Shafi'i schools overtly, the emphasis here is on justice – though it may not be as onerous as the Hanafi school,

## **THE ROLE OF THE HUSBAND'S CONSENT**

Historically one of the most complicated questions regarding khula divorce was the condition of the husband's approval. It has led to the formation of different schools of thought which choose several different approaches to this problem.

In Hanafi school the khula basically is a contract. The wife seeks a compensation – normally in the type of the articles of marriage (mahr), whereas the husband presumably must consent to the annulment regarding the marriage. According to Hanafi jurists, khula is not permissible unless the husband agrees to them because they assume the relinquishing of financial rights of the husband which the wife gives up, such as mahr (Kamali, 2016).

Maliki jurists have however held the position that though consent is preferable, the husband's is not essential for khula to be legal. Where a wife can prove before the courts that her health is in danger or she feels that she will not be able to sustain the faith and marriage, a judge can grant her a khula despite the husband being against it (Rahman, 2015).

Like the Hanafi school of thought, the Shafi'i argues that khula is a contractual agreement cannot be effective without the consent of the husband. Then the wife is to pay some form of dowry, and the husband is to accept this as a condition for the divorce to happen. The Shafi'i school lays a lot of emphasis on the financial rights that are in the transaction, namely the return of the mahr which is with the husband.

The Hanbali school of the Muslim jurisprudence is the most flexible regarding the khula is most common in Saudi Arabia and a few areas in the Arabian Peninsula. Many Islamic scholars of Hanbali school however opine that the wife has the right to demand khula and if the husband declines the divorce, a court can compel the husband to grant her the divorce. The four sections of Hanbali jurists also are similar to the Maliki School in that they are as concerned with the protection of the wife and ensuring that she is not damaged and not forced to remain in a wife in an unsatisfactory or damaging marriage (Hassan, 2019).

## **COMPARATIVE ANALYSIS OF KHULA IN ISLAMIC AND SECULAR LEGAL SYSTEMS**

The Islamic Shariah, which concerns khula, the primary sources of the Islamic law comprise verses of the Quran and Hadiths. The Quran (Surah Al-Baqarah, 2:229) makes provision for khula because if the wife and the husband no longer wish to continue with the marriage, the wife can "buy herself back" by paying back her dowry or any amount acceptable to her husband. Other hadiths, including the famous one with the wife of Thabit ibn Qays, serve to strengthen the practice because the Prophet Muhammad (PBUH) permits khula when the woman returns her dowry.

Khula according to Islamic law is believed to be a contractual arrangement between the husband and wife; it is a conditional divorce the husband grants to the wife despite.

### ***Khula in Secular Legal Systems***

In civil, secular societies the laws of marriage and divorce are generally provided under civil or common law and contain no scripture. This poses certain difficulties in applying, for example, Islamic practices of khula within these frames, particularly in countries with large Muslim communities, but whose legal system is not based on the Shi'ite or Sunni canons but the secular law, India, Indonesia, or some states of the West, for example.

### ***Khula in Countries with the Dual Legal System***

As for Pakistan, Malaysia, and Egypt, for instance, federal systems have been noted to incorporate both Islamic and civil laws, especially in the realm of family law. In this case, khula is usually written in the respective family law statutes while the courts enable the act.

Egypt: Some reforms that have occurred within the Egyptian legal system have made it easier for women to get a khula, through the courts; the process does not require haggling. Women are allowed to get khula by repaying the mahr, notwithstanding; however, the Egyptian courts implement legally recognized procedures, such as mediation before granting divorce. It also carries

the recent socio-cultural essence that is equality of women to enable them process 'khula' without much hindrance.

### ***Khula in Secular and Non-Muslim Countries***

The so-called Khula phenomenon, in secular and especially non-Muslim countries, differs significantly from its practice in Pakistan.

As for the countries that are secular and belong to the category of countries with non-Muslim populations, including the USA and the UK, there may exist certain kind of non-official khula that has no legal standing in the countries' legal systems, however, may be legally valid in private agreements between certain parties. Here, Muslim women seeking khula may face additional challenges:

**UK:** The UK legal system permits the Islamic divorce processes performed under Sharia councils which are unofficial courts. Women can experience problems if a husband does not agree to accept the khula because Sharia council rulings are not enforceable. In many cases this means that woman has to go for civil dissolution of marriage or the khula to get full legal and financial release.

**US:** In some U.S states there is no law in place for khula and so most Muslims women go through the legal process. Due to non-acceptance of khula, it is basically designed as a private contract between husband and wife. Depending on state laws determining the validity of contracts and fairness it may be considered by family law courts as part and parcel of prenuptial or settlement agreements, but it cannot be enforced.

### **IMPACT OF SECULAR LAW ON ISLAMIC DIVORCE PRINCIPLES**

Nondiscrimination laws in secular states state for gender equity, equality of rights, and autonomy of the state in divorce matters. While these principles align with some Islamic ideals of justice and fairness, they can also complicate the Islamic process of khula:

**Autonomy vs. Religious Obligations:** Secular law focuses on the rights of an individual while on the other hand, Khula has religious responsibilities such as possessing the mahr. Further, while secular laws promoting equal sharing of properties as well as having different Islamic rules as needed in Khula causes several difficulties may arise in enforcing it **Judicial Intervention and Consent:** Islamic law allows for religious courts or community leaders to mediate khula cases. In secular contexts, the absence of these mechanisms leaves women reliant on those civil courts which may not approve or accept the Islamic divorce procedures. Civil legal systems do not always provide a means to address religious issues and therefore results of khula-seeking women are unpredictable.

**Socio-Legal Conflicts:** In some respect, secular and Islamic systems are diametrically opposite and may come into conflict in terms of certain aspects of social morality, such as relationship between man and woman or within a family. For instance, whereas secular law bans discrimination of gender, Islamic principles with regard to khula can be argued to lean more

towards favoring one party in the marriage. This one need reform, which is religiously sensitive, but at the same time makes both parties equally privileged.

### **CASE STUDIES: HOW KHULA ACTUALLY AFFECTS WOMEN**

Studies of certain cases can help to explain how khula works by unveiling the gap between their legal freedoms and social experience.

1. Case Study 1: Pakistan: A woman from a rural area of Pakistan filed for khula because her husband ignored and used to beat her. Despite the law's protection of her rights, she suffered huge pressure from her family and other community members who wanted her to drop the case. She seeks khula and was unable to get a job and faced rejection from society hence she got affected psychologically and her chance of marrying again will be limited.
2. Case Study 2: Egypt: In Egypt recently enhanced reforms meant a woman who wanted a khula had the chance to get it through the courts without having to engage in protracted negotiations. The legal process was however fast, she however cost scorn from her family who regarded her as infamous. She developed some mental illness issues resulting from social isolation and she found social support from a local women's organization to re-network.
3. Case Study 3: Indonesia: An Indonesian woman living in urban area asked her husband for khula after the man turned physically assaultive. She got her divorce backed by a progressive legal system, but she lost her family's support because of cultural taboo. She stressed and — anxious because of the process, but counselling that she received from a women's rights organization silenced all her emotions.

### **LEGAL CHALLENGES AND JUDICIAL REFORMS IN KHULA PROCEEDINGS**

Nevertheless, khula as a right recognized by Islamic law has numerous challenges facing women largely because of the underlying legal procedures, social and juridical prejudices, and perceived judicial inadequacies. Even though pursuing khula is now easier for the women one of the major hindrances is the time taking legal procedures. Even though, the Shari'ah encourages khula as one of the means to grant the women divorce without the process of spending long years in courts. Court systems in many Muslim-majority countries suffer from:

1. Case backlogs: CASR states that there are high volumes of cases and inadequate judicial resources contributing to delays thus the slow process of getting khula petitions resolved.
2. Multiple hearings and reconciliation efforts: The lower courts may insist on attempts at altering the reconciliations before delivering khula, despite its favorable objective in maintaining marital harmony and can take time before a woman is granted the order.
3. Complex procedural requirements: Some judicial systems have other paperwork and formalities which make it difficult and expensive for women to secure, especially those from the rural or low-income earner's background.

For instance, a khula case may last for months or even years in Pakistan because of provision of formalities such as mandatory mediation and reconciliation, and time-consuming hearings. Such

delays deny women the chance to get the desired relief on time; most of the time is associated with the added financial burden and psychological torture.

### **JUDICIAL BIASES AND GENDER DISCRIMINATION**

Inequality in the judiciary along the lines of gender is another major obstacle facing women in pursuit of khula. Islamic law allows women to seek divorce, but prejudices and gender stereotyped perceptions may color judge's mind and consequently reach decisions that are more in favor of the male partner or place additional restrictions on the wife. Common biases include:

1. Preference for male authority: A few courts may work in the husband's favor or demand his consent even when it is evident that khula should be granted without it.
2. Reluctance to grant khula without financial settlement: Judges typically require the man's return of the mahr and other properties for the purpose of effecting khula even if this is financially disadvantageous for the woman.
3. Negative perceptions of women's independence: Challenging gender norms or delicate stability of marriage appears to make female initiands to khula on the receiving end of judges' rather judgmental attitudes whereby the legal principle of equality and non-discrimination fails women in the eyes of law.

Such biases make women shy away from seeking khula because they fear the judicial process is unfavorable, and their petition may be dismissed, denied or attracted extra scrutiny.

4. Financial Accountability: Afros, Finances and Economic Disparities Legal costs of khula proceedings are thus another hindrance to the process. Women pursuing khula often face economic challenges related to:
  - a. Legal fees: Hiring a lawyer to help to go through legal formalities comes with a price, which may be burdensome for low-income earning women most of whom may not be financially competent.
  - b. Mahr repayment: Koran has always expected the wife to return the mahr as a form of penalty women, however, in most cases now, the man can end up withhold the amount stated under mahr in item 3 and take all sort of monies from the wife .
  - c. Loss of financial security: Generally, dependent women, fully or partially, on their husband's earnings risk being financially crippled right from the moment they file for khula; courts do not cater for interim maintenance.

Such financial constraints may discourage women from seeking khula or be forced to agree to unfavorable conditions and so defeating the purpose of the equality that khula offers.

### **SOCIAL AND CULTURAL RESISTANCE**

Khula is also associated with some degree of shame and the legal process can similarly be colored by cultural prejudice in this area by the judges and the other members of the court. The cultural and religious influence a woman belongs to plays a vital role in hating her to go for khula, this is because most cultures frown on divorce. These social and cultural pressures may manifest in the legal setting as well, leading to:

1. Judicial insistence on reconciliation: This is especially the case because judges may attempt to make an additional attempt at reconciliation based on the cultural norms of the society as a reason for khula even when the woman has grounds to seek for it.
2. Increased scrutiny of women's character: Women may be asked all sorts of questions regarding their character and intent, and judges scrutinize the lifestyle or action of a woman as part of the khula process.
3. These prejudices depict the societal ironies in which women have to navigate to quest their rights in civil law and development and make for a disheartening atmosphere for those women who, in a bid for liberation, seek khula.

To reduce delays and ensure timely resolutions, judicial systems can adopt reforms such as:

1. Expedited proceedings: They could streamline their processes and involve khula-specific quick tracks that allow courts to hear and decide petitions in those cases without unnecessary procedural sluggishness.
2. Reduction in mandatory reconciliation attempts: Nevertheless, efforts at reconciliation can be helpful where courts should not exact undue mediation measures particularly where there are allegations of abuse or severe marital dysfunction.
3. Simplified documentation: Reduction of certain procedural formalities while filing the khula petitions would definitely be beneficial to women especially from rural remote background and economically weaker section of the society.

For instance, Egypt's new legislation governs easy implementation of khula procedures through a short duration in welcoming the practice whereby a woman can easily obtain a khula through a simplified process devoid of cumbersome litigation, minimal mandatory mediation. Similar changes could be of equal aid to women in gaining early judicial relief without subjecting themselves to litigation.

### **TRAINING AND SUPERVISION AS A WAY OF CHALLENGING BIASED JUDGES**

To ensure that khula proceedings are impartial and free from gender biases, judicial reforms should include:

1. Gender sensitivity training: As for TR potential for addressing the problems in reviewed cases, gender sensitive education and learning based on the Islam fundamentals of justice can contribute to increase the awareness of the judges within the frameworks of the Khul'a procedure about women and their role in the marriage contract as well as their rights and responsibilities.
2. Judicial oversight: Ways may also have to be found on how best to supervise the Nj(league) particularly the Khula cases so as to be in a position to point out any beleaguered pictures of discrimination on the; part of the judges who preside over such cases.
3. Clear legal guidelines: Setting out definite criteria that can be used to determine the pronouncement of khula would eliminate jurisdiction and authority and free judges from offering their discernments on young women they happen to like.

Possible reforms of justice in Pakistan may encompass the formation of separate official family courts staffed with judges who deal with family and khula cases and will guarantee women fair treatment.

### **FINANCIAL ASSISTANCE AND THE ECONOMIC REFORMS**

There is need to undertake financial reforms that may help to ease the financial hardships women undergo to seek khula. Possible reforms include:

1. Legal aid services: Making the legal representation of women seeking khula cheaper through either full or partial legal aid could ensure they are not financially strained by the process.
2. Regulated mahr compensation: Judicial authorities could lay principles that would require a husband to pay a limited amount more than the mahr in regard to khula to avoid exploitation in this social aspect.
3. Temporary financial support: Finding the provisions for the alimony during the process of khula would open up opportunities to provide women with financial security and decrease the effects of financial subordination to a husband.

These economic reforms could have allowed women to apply for a khula without the danger of being rendered economically vulnerable and therefore implementing their rights in this area in a more liberate manner.

### **AWARENESS CREATION / COMMUNITY SENSITISATION**

Mass-education programmes are also paramount to reducing social resistance to change among Pakistani women and to ensure that existing support networks remain open to women who seek a khula. Such initiatives could focus on:

1. Promoting understanding of khula as a legitimate right: Community based interventions extension programs may be helpful in changing existing social perception about khula and enforce the principle of women right to divorce.
2. Involving religious leaders: It was also realized that partnering with religious leaders who recognize khula as a lawful permission in Islam may offer women the religious authority, they require to overcome other people's negativity.
3. Legal education workshops: It also stated that information education about women rights as may be presented in divorce courts could help women feel capable and prepared to defend their rights in a court.

### **CONCLUSION**

This research has been enlightening for bringing the following insights with regards to utilization of Khula (wife-initiated divorce) within legal system of Pakistan. The study shows that though Khula is an Islamic right of women the actual exercise of this right is impaired by the discretionary power of the husband, social pressure on women, and some formalities.

1. The coercion of the husband's consent as it is usually used as a bargaining power.

2. Peculiar legal formalities that make women shy away from seeking Legal redress.
3. An issue of extensive genital mutilation; many women are illiterate and do not have access to legal and social justice. (initiated divorce) within Pakistan's legal framework.

The findings reveal that while Khula is an Islamic right granted to women, its practical realization is hindered by the husband's discretionary power, societal stigma, and procedural barriers.

To address these challenges, the following actionable reforms are proposed:

### **Recommendations**

1. **Minimizing the Husband's Role:** Reform current laws and practices so that the amount that a woman can get in Khula cases is increased and the husband's consent is no more obligatory. Devolve competence of resolution of Khula to the family courts supported by reasonable causes by the wife and let her be independent in the process.
2. **Streamlining Procedures:** Reduce cycle time and ease the legal complexities for Khula. This can be done by there getting timelines in the disposal of the cases and there being special procedure training on the family court judges on fair and efficient handling of Khula cases.
3. **Enhanced Legal Support:** To advance and empower women under Islamic and Pakistani law, it suggests that organized entities that focus on the rights of women should commence programs to raise such awareness. Among them are awareness creation in the rural and urban areas and putting in place legal facility center which provide legal services for women who are having problems in their marriages at subsidized or free rates.
4. **Judicial Training:** : It is recommended that gender justice awareness and the rules of Islamic law governing Khula law interpretations and applications should be taught in special judiciary and legal professional development training.
5. **Integration of Mediation Services:** Urging litigants to reach agreements by using mediation services that are part of the court procedures while acknowledging and accepting the female's right to independence and supporting agreements over battles wherever possible.
6. Such reforms will help the legal system to enforce the rights of women as granted by Islamic law, protect female plaintiff's seeking Khula and enhance family law for women who face marital difficulties.

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