

THE TREND OF KHULA AMONG WORKING WOMEN IN CONTEMPORARY PESHAWAR: PSYCHOLOGICAL EFFECTS, CAUSES AND PREVENTIVE MEASURES

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ABSTRACT

In recent years, the phenomenon of *khula* has shown a noticeable increase among working women in Peshawar, reflecting wider social, economic, and cultural transformations in contemporary society. This study examines the growing trend of *khula* among employed women, with a particular focus on identifying the key factors contributing to marital dissolution and exploring effective preventive measures. The research adopts a mixed-methods approach, combining quantitative and qualitative techniques to ensure a comprehensive analysis. Primary data were collected through structured questionnaires and in-depth interviews with working women who have sought *khula*, as well as legal practitioners and family counsellors. Secondary data were obtained from court records, academic literature, and relevant Islamic jurisprudential sources.

The findings indicate that financial independence, shifting gender roles, marital incompatibility, domestic conflict, lack of awareness regarding marital rights and obligations, and the influence of modern social norms play a significant role in women's decisions to seek *khula*. The study also reveals that increased legal awareness and easier access to family courts have empowered women to pursue legal separation when marital reconciliation fails. Furthermore, the research highlights gaps in marital communication, family support systems, and religious guidance as contributing factors.

Based on the findings, the study proposes several preventive measures, including premarital and postmarital counselling, strengthened family mediation mechanisms, religious education rooted in Islamic principles, and targeted awareness programs for both spouses. By integrating empirical data with Islamic and social perspectives, this research offers a balanced understanding of the issue and provides practical recommendations aimed at reducing marital conflict and promoting family stability among working women in contemporary Peshawar.

KEYWORDS: Khula, employed women, Peshawar, marital conflict, gender dynamics, Islamic law, preventive strategies.

INTRODUCTION:

Before the advent of Islam, various religions and nations formulated different laws and regulations to maintain the marital relationship between husband and wife and to ensure its continuity. These rules were, no doubt, in accordance with the social needs and circumstances of their respective times. In the pre-Islamic era, a highly unjust form of divorce was prevalent among the Arabs. A husband could divorce his wife as many times as he wished and take her back whenever he desired, resulting in a state of legal disorder. The right to divorce was exclusively held by men, while women remained oppressed and helpless. Similarly, among the followers of Hinduism, women had no right to seek divorce from their husbands, regardless of the injustice or mistreatment inflicted upon them.

In contrast, Islam is a comprehensive and just religion that has granted women an honourable and dignified status in every era. After marriage, if a woman, due to a valid religious reason, finds it difficult to continue marital life with her husband, she is granted the right to seek separation. This right is known as *khula*.

Islamic Shariah, just as it grants a man the right to divorce a woman whom he dislikes and with whom he finds it impossible to maintain marital harmony, also grants a woman the right to seek separation from a man whom

she dislikes and with whom she is unable to continue marital life. *Khula* is a woman's right of release, which she may exercise in unavoidable circumstances in return for compensation. The concept of *khula* entails that, upon receiving such compensation, the husband dissolves the marital bond.

Concept of Khula

Khula is a form of divorce in which the husband agrees to dissolve the marriage in return for financial compensation. Islamic Shariah, just as it grants a man the right to divorce a woman whom he dislikes and with whom he finds it impossible to maintain marital harmony, likewise grants a woman the right to seek *khula* from a man whom she dislikes and with whom she is unable to continue marital life. *Khula* is the woman's right of release, which she may obtain in unavoidable circumstances in exchange for compensation. The concept of *khula* includes the dissolution of the marital bond by the husband upon receiving such compensation. The jurists (fuqaha) are also of the view that when a woman attains separation from her husband by offering financial compensation, it is termed *khula*. Linguistically, *khula* means to remove one thing from another. In technical usage, it signifies separation or removal, derived from the root meaning "to take off" or "to detach," such as removing a garment. For example:

خَلَعَ النِّعْلَ وَالنَّوْبَ¹

"He removed his shoes and clothes, or separated them from himself."

Since, through *khula*, a woman comes out of the marital bond with the man, the juristic meaning of *khula* in Islamic law is to relinquish the marital contract (*milk al-nikah*).

Allamah Ibn al-Humam writes:

إزالة ملك النكاح ببذل بلفظ الخلع.²

To terminate the marriage by offering compensation, using the term *khula*. (*Khula* refers to the dissolution of the marital bond, *milk al-nikah*.)

In *المجمع الفقهي الإسلامي* (Al-Majma' al-Fiqhi al-Islami) *khula* is defined in the following words:

فهو فراق الزوج زوجته بعوض مقصود لجهة الزوج بلفظ طلاق أو خلع، واشترط الفقهاء ضرورة.³

"*Khula* refers to creating a separation between husband and wife in exchange for compensation, whether it is termed as divorce or *khula*. Jurists have stipulated the condition of necessity in this matter."

Definition of Khula in Islamic Jurisprudence:

Allama Burhan al-Din Marghinani, in his work, defines *khula* in the following words:

"*Khula* is the dissolution of the marriage in exchange for compensation. The acceptance of the wife is a condition; without her consent, *khula* cannot take place, and it must be expressed in specific terms, not by other words. If there is discord between husband and wife, and there is a concern that they will not be able to observe the provisions of Shariah, there is no harm in opting for *khula*. Once *khula* is effected, it results in an irrevocable divorce (*talaq bain*), and the compensation agreed upon must be paid by the woman."⁴

Permissibility of Khula According to the Quran and Sunnah:

Khula is permissible in Islamic Shariah. In this regard, the following verse of the Holy Quran guides us that a woman may seek *khula* in exchange for compensation:

وَالْمُطَلَّقاتُ يَتَرَبَّصْنَ بِأَنفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ وَلَا يَحِلُّ لَهُنَّ أَنْ يَكْتُمْنَ مَا خَلَقَ اللَّهُ فِي أَرْحَامِهِنَّ إِنْ كُنَّ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَيَعْلَمْنَ أَنَّ فِي ذَلِكَ إِصْلَاحًا وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ وَاللَّهُ عَزِيزٌ حَكِيمٌ⁵

Divorced women shall keep themselves waiting for three periods, and it is not permissible for them to conceal what Allah has created in their wombs, if they believe in Allah and in the Last Day. Their husbands are best entitled to take them back in the meantime, if they want a settlement. Women have rights similar to what they owe in a recognised manner, though for men, there is a step above them. Allah is Mighty, Wise.

The basis for the conditional nature of *khula* is the following verse, also known as the Verse of *Khula*, in which Allah the Exalted says:

الطَّلَاقُ مَرَّتَانٍ فَإِمْسَاكَ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ بِإِحْسَانٍ وَلَا يَحِلُّ لَكُمُ أَنْ تَأْخُذُوا بِمَا آتَيْتُمُوهُنَّ شَيْئًا إِلَّا أَنْ يَخَافَا أَلَّا يُقِيمَا حُدُودَ اللَّهِ فَإِنْ خِفْتُمْ أَلَّا يُقِيمَا حُدُودَ اللَّهِ فَلَا جُنَاحَ عَلَيْهِمَا فِيمَا افْتَدَتْ بِهِ تِلْكَ حُدُودُ اللَّهِ فَلَا تَعْتَدُوهَا وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَأُولَئِكَ هُمُ الظَّالِمُونَ⁶

Divorce is twice; then either to retain in all fairness, or to release nicely. It is not lawful for you to take back anything from what you have given them, unless both apprehend that they would not be able to maintain the limits set by Allah. Now, if you apprehend that they would not maintain the limits set by Allah, then, there is no sin on them in what she gives up to secure her release. These are the limits set by Allah. Therefore, do not exceed them. Whosoever exceeds the limits set by Allah, then those are the transgressors.

The option of *khula* has been granted, but the Holy Quran also commands that a husband, if he intends to divorce, cannot coerce his wife into taking *khula* out of a desire to receive compensation, even if he has already given her a reasonable amount as dower (*mahr*). As Allah the Exalted states:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَحِلُّ لَكُمْ أَنْ تَرْتَدُّوا النِّسَاءَ كَرَاهًا وَلَا تَعْضِلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا آتَيْتُمُوهُنَّ إِلَّا أَنْ يَأْتِيَنَّ بِقَاضِيَةٍ مُبَيَّنَةٍ وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا⁷

O you who believe, it is not lawful for you that you should forcibly take women as inheritance. Do not hold on to them so that you may take away some of what you have given them, unless they commit a clearly shameful act. Live with them in the recognised manner. If you dislike them, then it is quite likely that you dislike something, and Allah has placed a lot of good in it.

In another place in the Holy Quran it is said:

وَإِنْ أَرَدْتُمْ اسْتِبْدَالَ زَوْجٍ مَكَانَ زَوْجٍ وَآتَيْتُمْ إِخْدَاهُنَّ قِنْطَارًا فَلَا تَأْخُذُوا مِنْهُ شَيْئًا أَنْتُمْ أَخَذْتُمُوهُنَّ بِهُنَّتَيْنِ وَإِنَّمَا مَبْنِئًا⁸

If you want to take a wife in place of the one (you have), and you have given her plenty of wealth, then do not take any of it back. Would you take it through imputation and open sin?

Moreover, the Noble Hadiths also mention *khula*. However, *khula* must be sought by the woman for a valid reason. Seeking *khula* without any legitimate cause or for a trivial grievance is warned against in the Hadiths. The Prophet (peace be upon him) said:

«أَيُّمَا امْرَأَةٍ اخْتَلَعَتْ مِنْ زَوْجِهَا مِنْ غَيْرِ بَأْسٍ لَمْ تَرَحْ رَائِحَةَ الْجَنَّةِ»⁹

A woman who takes *khula* from her husband without any valid reason will not experience the fragrance of Paradise.

In a Hadith narrated in *Al-Tabarani*, it is stated as follows:

عَنْ عُقْبَةَ بْنِ عَامِرٍ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِنَّ الْمُخْتَلِعَاتِ، وَالْمُنْتَزِعَاتِ هُنَّ الْمُنَافِقَاتُ»¹⁰

Seeking *khula* out of quarrelsomeness or merely to dissolve the marriage is hypocritical.

In the light of the Quran and Hadith, it is clear that marital life is meant to be peaceful, and mutual respect between spouses is essential. At the same time, if marital relations deteriorate to a point where continuing the relationship becomes impossible, then separation becomes the better option. When a man exercises this right, it is called *divorce*, and it is equally permissible for a woman to request separation. This request for separation by the woman is termed *khula*.

As narrated in a Hadith, a woman came to the Prophet (peace be upon him) to complain about her husband, and he instructed the husband to accept compensation from the woman. This narration is reported from Abdullah bin Abbas (may Allah be pleased with him):

أَنَّ امْرَأَةً ثَابِتَ بْنِ قَيْسٍ أَتَتْ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَتْ: يَا رَسُولَ اللَّهِ، ثَابِتُ بْنُ قَيْسٍ، مَا أَغْتَبُ عَلَيْهِ فِي خُلُقٍ وَلَا دِينٍ، وَلَكِنِّي أَكْرَهُ الْكُفْرَ فِي الْإِسْلَامِ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَتَرَدِينَ عَلَيْهِ حَقِّقَتَهُ؟» قَالَتْ: نَعَمْ، قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «اقْبَلِي الْحَدِيقَةَ وَطَلِّقِيهَا تَطْلِيقَةً»¹¹

Thabit bin Qais's wife came to the Prophet Muhammad (peace be upon him) and said, "O Messenger of Allah! I have no complaint against him regarding his character or religion. However, I do not like disbelief in Islam" (meaning she could not fulfil her marital rights while remaining with him). The Prophet (peace be upon him) then asked her, "Can you return the garden (which he gave you as dower)?" She replied, "Yes." The Prophet (peace be upon him) said to Thabit (may Allah be pleased with him), "Accept the garden and divorce her."

Shariah Ruling on Khula:

The following situations are mentioned regarding *khula*:

- One situation is that if the husband loves his wife greatly, the woman should exercise patience and avoid seeking *khula*. This is considered *mustahabb* (recommended).
- If the circumstances are appropriate, then seeking *khula* without a valid reason is *makruh* (disliked), as is evident from the Hadith in which a warning was given by the Prophet (peace be upon him) that Paradise would be forbidden to such a woman. Since this demand is trivial and unnecessary, it is considered *makruh*. However, despite being disliked, the *khula* will still take effect. The evidence for this is found in the following verse of the Holy Quran: فَإِنْ طِبْنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَرِيئًا¹². (Then, if they forego some of it of their own will, you may have it as pleasant and joyful.)

- According to the Hanafi school, the same ruling applies: if *nushuz* (disobedience, animosity, or cruelty) is found, then it is *makruh* (disliked) for the husband to demand any compensation in return for *khula*. This is because he has already caused hardship to the woman by creating discord, and demanding additional compensation would further increase her suffering. In such cases, *khula* should be granted without any compensation.

According to the Hanbali school, *khula* is considered *sunnah* (recommended) when the woman is genuinely entitled to request it.¹³

Thus, it is clear that *khula* is permitted in Islam. Just as a man is granted the right to divorce, a woman is also given the right in Shariah to seek separation if she finds life with her husband difficult. She may obtain *khula* either with or without compensation, through mutual agreement, and gain her release. *Khula* is valid even without the husband receiving any compensation, and after *khula*, the woman will be considered divorced with an irrevocable (*talaq bain*) status. Allama Husqfi (may Allah have mercy on him) states:

(و) حكمه ان (الواقع به) ولو بلا مال (وبالطلاق) الصريح (على مال طلاق بائن).¹⁴

"The ruling of *khula* is that it results in an irrevocable (*talaq bain*) divorce, whether it is accompanied by financial compensation or not."

Khula is generally considered *makruh* (disliked) and is only permissible when there is a genuine fear that either the husband or wife will be unable to observe the limits set by Allah, leading to a deterioration of proper marital conduct, or when the husband's appearance or behaviour is disagreeable to the wife.

From the perspective of civil law, nearly all legal systems in the world permit *khula*. However, it is generally subject to the condition that the husband's consent is obtained, as reflected in the first reported case in the Indian subcontinent, where the right to *khula* was recognised.

In which the Judicial Committee of the Privy Council ruled that *khula* 'was not available without the consent of the husband under Islamic law'¹⁵.

Similarly, in several rulings, the judiciary has declared the right to *khula* invalid without the husband's consent. For example, the Lahore High Court delivered a judgment in the case of *Umar Bibi vs. Muhammad Din*. Likewise, in another case, the right to *khula* was also deemed invalid without the husband's permission.

Divisional Bench of the Lahore High Court rejected appeals by two women who were seeking divorce on the basis of *khula* against the consents of their husbands.¹⁶

Conditions of Khula:

1. For *khula* to be valid according to Shariah, the husband must accept it. Since *khula* results in an irrevocable (*talaq bain*) divorce¹⁷, observing the *iddah* (waiting period) is obligatory after the *khula* takes effect.

2. "Items that can serve as *mahr* (dower) can also be offered as compensation for *khula*, and even things that cannot be given as *mahr* may serve as compensation for *khula*. For example, an amount less than ten dirhams can be offered as compensation for *khula* even though it cannot constitute *mahr*."¹⁸

The Shariah procedure of *khula* is that the husband takes some compensation from the wife and then releases her. *Khula* is generally considered *makruh* (disliked) and is only permissible when there is a genuine concern that either the husband or wife will be unable to observe Allah's limits, resulting in a breakdown of proper marital conduct, or if the husband's appearance or behaviour is disagreeable to the wife.¹⁹

'Iddat' of Khula:

The waiting period a woman observes after *khula* is called the '*iddat*' of *khula*, and its duration is one menstrual cycle.

عَنْ ابْنِ عَبَّاسٍ، أَنَّ امْرَأَةً تَابِتِ بْنِ قَيْسٍ اخْتَلَعَتْ مِنْ زَوْجِهَا عَلَى عَهْدِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ «فَأَمَرَهَا النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ تَعْتَدَ بِحَيْضَةٍ»²⁰

"Ibn Abbas R.A Narrated that: The wife of Thabit bin Qais was granted a *khula* from her husband during the time of the prophet S.A.W. So, the Prophet S.A.W ordered her to observe an *iddah* of a menstruation."

This Hadith establishes that the '*iddat*' of *khula* is different from that of a woman who is divorced²¹, and its duration is one menstrual cycle.

According to Hanafi jurists, *khula* is considered a form of divorce; therefore, just as there is a waiting period after divorce, the '*iddat*' after *khula* is also obligatory. *Khula* results in an irrevocable (*talaq bain*) divorce. A woman who menstruates must observe three menstrual cycles (*iddat*) after separation, whether through *khula* or divorce. If she does not menstruate, she must observe *iddat* for three lunar months.

Types of Khula:

There are two types of *khula*:

1. *Khula* without compensation (*ghayr mu'awwad*)
2. *Khula* with compensation (*bi'l-mu'awwad*)

Nature of Khula without Compensation:

If a husband says to his wife, "I have granted you *khula*," without mentioning any compensation, then:

- If the husband intends to divorce, the divorce will take effect; otherwise, it will not, because the term *khula* is considered by jurists as one of the figurative expressions of divorce.
- If the husband intended to pronounce three divorces, then three divorces will be effected; if he intended two, then, according to Hanafi jurists, only one divorce will take place.²²

Explanation of Khula with Compensation:

In this type of *khula*, compensation is mentioned, for example, when the husband says, "I have granted you *khula* in exchange for compensation." Although the term *khula* applies to both types, in linguistic and Shariah terminology, it is primarily understood in this second sense.

This is why, if the husband claims that he intended to divorce, the court will not accept his statement, because the mention of compensation outwardly indicates the intention of *khula*, not divorce. Therefore, the apparent meaning cannot be overridden by the husband's assertion.

Conversely, if the husband says to his wife, "I have granted you *khula*," without mentioning compensation, and later claims that he did not intend divorce, then, in the absence of evidence indicating divorce, his statement will be accepted. This is because, without mentioning compensation, the expression can be used in both the sense of divorce and non-divorce.

The Issue of Khula and Pakistan's Judicial System:

When a woman seeks separation due to adverse circumstances and does not wish to remain with her husband, such as when he is severely oppressive, insane, dangerous, detestable, or engages in immoral behaviour, leading to a complete breakdown of marital relations, she may demand *khula* from her husband. If the husband consents and the matter is settled amicably, the issue is resolved.

If no agreement is reached, the woman may take her case to court. In response to her petition, the court will summon the husband and direct him to grant *khula* to his wife in exchange for some compensation or *mahr*. If the husband complies with the court's order, the woman will receive a formal decree of *khula*. If he refuses, the judge may order imprisonment for disobedience until he grants the *khula*. This process applies when the court deems the woman's demand for separation and *khula* valid and justified.

Another scenario arises when a woman files a case for *khula* in court, and despite two or three notices, the husband fails to appear. In such cases, the judge may exercise authority and issue the *khula* decree in her favour, which will be legally and Shariah-compliant. In this context, Maulana Maududi (may Allah have mercy on him) writes:

“If a woman requests *khula* and the man does not consent, the judge will order him to release her. All narrations indicate that the Prophet (peace be upon him) and the Rightly Guided Caliphs commanded that, in such cases, compensation be accepted and the woman be released. The judge’s order carries binding authority, meaning the obligated party must comply, and if he does not, the judge may imprison him. In Shariah, the judge is not merely an advisor whose ruling is optional for the parties; if that were the case, having courts open to the public would be meaningless.”²³

It is clear that it is wrong to assume that the right of *khula* rests solely with the husband and that if he refuses, his wife cannot obtain her release. The right of *khula* belongs not only to the husband but also to the judges of Islamic courts in Shariah-governed countries.

RESEARCH METHODOLOGY

This study is based on a quantitative research approach. Peshawar District was selected as a case study. Initially, detailed interviews were conducted with working women who had obtained *khula*, and the implications of *khula* were examined. For this purpose, primary data were collected from approximately 25 working women using a simple random sampling technique. The ages of the women ranged between 40 and 50 years, and all of them had obtained *khula* more than one year prior.

It should be noted that these women shared their personal details with the assurance of confidentiality; therefore, pseudonyms are used in this study. The data collection process took approximately two and a half to three months, as the women were initially hesitant to disclose any details.

Subsequently, case details related to *khula* filed in the Peshawar High Court were obtained, and the observations derived from these cases were incorporated into the study. In addition, discussions were held with a professor and expert in mental health and depression from Shaheed Benazir Bhutto Women University.

The results of the study were derived in light of these observations. Questions were asked through a structured interview method, and the study employs graphical analysis to present the findings.

Causes and Reasons for the Increasing Trend of Khula:

Age Difference Between Spouses:

The age gap between husband and wife is often a contributing factor to divorce and *khula*. Age differences can lead to varying expectations, priorities, and levels of maturity, which may create misunderstandings and conflicts within the marriage. When spouses are at different life stages, their interests, communication styles, and perspectives on responsibilities can diverge, increasing the likelihood of marital tension. In some cases, significant age disparities may also affect emotional compatibility, mutual respect, and the ability to maintain a harmonious relationship, ultimately prompting one spouse, often the woman, to seek *khula* as a means of resolving irreconcilable differences.

Non-Payment of Mahr (Dower):

One significant reason for women seeking *khula* is the non-payment of *mahr* by the husband. In Islamic marriage, *mahr* is a mandatory gift from the husband to the wife, symbolising respect, commitment, and financial security. When the husband delays, neglects, or refuses to pay the agreed *mahr*, it creates feelings of injustice and financial insecurity for the wife. This breach of marital obligation often leads her to seek *khula* as a legitimate way to end the marriage and protect her rights.

Conflicts with Mother-in-Law and Sister-in-Law:

An important reason in this context is the disputes between the mother-in-law (*saas*) and sister-in-law (*nand*), or between the wife and mother-in-law. In many households, these conflicts are a major cause of disagreements between husband and wife. A lack of tolerance, unwillingness to compromise, and failure to adopt a conciliatory approach often disrupt family harmony and create an environment where marital relations suffer, sometimes leading the wife to seek *khula* to escape the hostile atmosphere.

Lack of Mutual Harmony:

It is often observed that in our society, families joining through marriage may come from different backgrounds, environments, and mindsets. This difference means that husbands and wives need time to understand each other, learn about each other’s habits, and recognise each other’s preferences in daily matters. Until this mutual harmony is established, marital life cannot progress smoothly. Just as harmony between different societies and religions fosters peaceful relationships, the same principle applies to this sacred bond, where mutual understanding and compatibility are essential. Although this issue may appear minor at first, in reality, it often marks the beginning of marital problems.

Criticism Between Spouses:

Criticism within a marriage can weaken and damage the marital bond. While it is natural for spouses to have occasional complaints about each other, problems arise when these complaints escalate into persistent criticism.

When criticism reaches the level of attacking the character of the other spouse, it creates serious conflict and becomes a cause of rifts in the marital relationship.

Violence Against the Wife:

Violence against a wife is also a major reason for seeking *khula*. Such violence may include physical abuse, verbal insults, unnecessary beating, and humiliation. Regardless of whether the woman is educated or not, this oppression becomes unbearable. As a result, she is compelled to approach the court to seek *khula* and obtain her legal release from the marriage.

Neglect in Providing Maintenance (Nafaqah):

In many cases, working women not only support themselves after marriage but also, under their husband's request, provide for other family members. Sometimes, even if the husband is employed, he may fail to provide *nafaqah* (maintenance) for his wife. Such situations often compel women to seek *khula* to gain relief from the marriage. Unemployment and a lack of financial resources frequently lead to domestic disputes, as the basic needs of the household remain unmet, ultimately resulting in separation.

Childlessness:

Childlessness is recognised as a significant factor influencing the decision to seek *khula* in marital relationships. In many societies, including contemporary urban contexts, the inability to conceive can create emotional strain, social pressure, and interpersonal tension between spouses. Couples may experience mutual frustration and disappointment, which, if unresolved, can escalate into frequent conflicts and dissatisfaction within the marriage. In cases where the wife faces societal or familial pressure due to infertility, or when the husband unfairly attributes blame, the marital bond may weaken. This persistent strain often leads women to consider *khula* as a legitimate and necessary option to resolve irreconcilable differences, maintain personal dignity, and avoid continued emotional distress.

Second Marriage:

Islam permits a man to marry up to four wives under specific conditions, and similarly, the Muslim Family Laws Ordinance allows polygamy with legal restrictions. According to the law, a man must obtain permission from the Union Council before contracting a second marriage. If he marries without obtaining this approval, the first wife has the legal right to file for *khula* through the court. In such cases, the lack of consent and transparency creates marital discord, undermining trust and emotional security. This legal provision empowers women to protect their rights and ensures that polygamy does not become a source of exploitation or injustice, thereby influencing the incidence of *khula* in contemporary society.

Employment of Women:

When a balance between employment and household responsibilities is not maintained, it often creates tension within the marital relationship. Contemporary social research indicates that the dual burden on working women (home and job) frequently increases marital conflicts, and if the husband does not provide support, the woman may resort to seeking *khula*.²⁴ The Islamic jurisprudential principle of *raf' al-darar* (removal of harm) also permits this, granting a woman the right to separation if she continues to experience mental or emotional distress.²⁵

Social Effects of Khula on Women

Islam is a religion in harmony with human nature, and to ensure the stability of natural and social systems, it has bound men and women within the institution of marriage, establishing rules and regulations to maintain this bond. As a result, the family system in Islam is stronger and more aligned with natural requirements compared to other religions. In cases of disputes or conflicts between husband and wife, forgiveness, patience, and tolerance are encouraged. However, due to human instincts and social disparities, if the marital relationship becomes unworkable, men are granted the right to divorce, and women are granted the right to *khula*, enabling them to separate and pursue their own paths.

In traditional societies, awareness of *khula* among women is minimal, which prevents them from exercising this Shariah-sanctioned right when marital life becomes intolerable, forcing them to live under unnecessary confinement. Conversely, educated women who are well aware of their rights can exercise this right, but in male-dominated societies, such women are often socially stigmatised for asserting themselves and escaping oppression. Meanwhile, men who divorce their wives do not face similar social disapproval. In both cases, divorce or *khula*, the woman is usually considered at fault and becomes a subject of social scrutiny. The social consequences of this judgment affect her and her children throughout their lives. This section provides a brief overview of these effects.

Expression of Social Disapproval

Islam ensures the dignity and respect of women by safeguarding their rights to chastity and honour. However, in practice, women who seek *khula* are often viewed unfavorably by society, and their actions are considered undesirable. Such women frequently face social stigma, and it is rare for a man to be willing to marry them

afterwards. In this study, among the women interviewed, 60% confirmed that societal attitudes were discouraging and harmed their confidence and social standing.

Obstacle to Second Marriage

Islam permits a man to marry up to four wives under certain conditions, and similarly, the Muslim Family Laws Ordinance allows polygamy with legal restrictions. According to the law, a man must obtain permission from the Union Council before contracting a second marriage. If he marries without this approval, the first wife has the legal right to file for *khula* or annulment (*tansiq-e-nikah*) through the court.

Under the Pakistani Muslim Family Laws Ordinance (1961), a man cannot enter into a second marriage without the Union Council's permission. If the husband does so without consent, the wife may seek legal recourse to obtain *khula* or annulment. Jurists also state that if a second marriage causes significant harm to the first wife, she is entitled to seek separation.²⁶

Negative Effects on Children's Education and Upbringing

Education and upbringing shape a child into a civilised and virtuous individual. The importance of proper education and training in forming a complete personality cannot be denied. From the moment a child is born, the habits and behaviour of the parents leave a deep impact on their development. A mother's lap is considered the child's first school, and the mother is the child's first teacher. While the mother fulfils her role in nurturing and character-building, she simultaneously faces challenges in maintaining her own confidence and upholding her dignity and values against the adverse influences of society.

However, when a woman obtains *khula* from her husband, the child loses the care, affection, and guidance of the father. Even though the mother is present, exposure to various external influences and conflicting messages can negatively affect the child's psychological development and character formation, leaving lasting impressions on their personality and moral outlook.

Negative Role of In-Laws and Parental Families

It has been observed in society that, at times, the husband's parents play a role in creating marital discord, while in other instances, the wife's mother significantly contributes to conflicts that may lead to *khula*. A mother may summon her daughter home over minor issues, escalating disputes to the point of separation. Conversely, some families train their daughters to handle marital life poorly, teaching them to provoke disputes rather than exercise patience and understanding. Misconceptions are instilled, such as believing that a mother-in-law can never be like a mother, never sharing feelings with the husband's elder brother's wife, or manipulating the husband to secure property in the wife's name. Approximately 50% of women interviewed confirmed these assumptions.

The negative influence of in-laws appears as a recurring factor in the causes of divorce and *khula*, as noted by researchers like Humaira Fayyaz. When examining the reasons behind marital dissolution, many are linked to issues often considered minor in daily life, such as dishonesty, suspicion, lack of appreciation for the marital bond, egotism, undue interference by the wife's parental family, imbalance in governmental laws, avoidance of responsibilities, undue involvement of extended relatives, lack of counseling, interference by the wife in the husband's affairs, reporting minor issues to her parental home, and hostility toward in-laws.²⁷

Psychological Effects of Khula on Women:

A Research-Driven Analysis Emotional Distress and Psychological Trauma

Women pursuing *khula* often encounter intense emotional and psychological challenges, including fear, anxiety, guilt, shame, and ongoing mental strain. Research shows that these difficulties are widespread, particularly in environments where societal stigma and pressure amplify feelings of isolation and helplessness. In the absence of adequate emotional or social support, such stressors can erode self-esteem and heighten the risk of long-term mental health issues, including depression and chronic anxiety.²⁸

A woman's daily life can become increasingly burdensome due to scrutiny and pressure from family, neighbours, and acquaintances, further intensifying psychological stress and a sense of social isolation. Clinical observations from hospitals in Peshawar confirm that many women experience depression as a result of these pressures. Without an effective social protection system, women face obstacles at every stage of life following separation. The parents of the divorced lady also highlighted these challenges, underscoring the profound mental and emotional impact of marital dissolution on women.

Societal Stigma and Its Impact

In Pakistan, women who initiate *khula* frequently encounter societal disapproval, social exclusion, and judgment from family and community members. This stigma often translates into social, economic, and familial marginalisation, which is closely associated with psychological distress, including anxiety, depression, and reduced overall life satisfaction.²⁹

Effects on Self-Esteem and Quality of Life

Research highlights that divorce or *khula* can have a detrimental impact on women's self-esteem, mental well-being, and quality of life. In traditional social settings, where marital dissolution carries heavy stigma, women may struggle with a loss of identity and social role, further undermining their confidence and emotional resilience.³⁰

Cultural Pressures and Psychosocial Determinants

Domestic conflict, emotional abuse, and patriarchal cultural norms—common precursors to *khula* can significantly impair women's mental health and self-worth. Cultural expectations often reinforce negative stereotypes about women who leave marriages, adding to their psychological burden and increasing vulnerability to emotional disorders.³¹

Need for Support Systems

The availability of social and psychological support systems plays a crucial role in mitigating the negative effects of *khula*. Studies stress the importance of counselling, institutional support, and community resources to help women navigate separation, protect mental health, and promote social reintegration (JDSS).

Psychological Effects on Working Women

Working women face additional pressures after *khula* or divorce, as they must balance professional responsibilities with emotional and domestic challenges. Common psychological effects include loneliness, social distrust, diminished self-esteem, and fear of inadequate domestic security. However, some women report a sense of mental relief and empowerment, particularly after escaping prolonged domestic stress or abuse. Surveys among working women in Peshawar indicate two trends: a gradual increase in *khula*, reflecting greater awareness and empowerment, and higher prevalence in urban areas, where women are more financially independent and capable of making separation decisions.

Broader Social Implications

The rising rate of *khula* and divorce represents a significant social concern, weakening the family system, which is the fundamental unit of society. Family stability is essential for human development, children's upbringing, and moral guidance. Marital dissolution affects not only the spouses but also has long-term repercussions on future generations. While factors such as immorality, financial constraints, or tolerance issues may contribute, the root cause lies in the erosion of social structures, growing materialism, and weakened interpersonal relationships. In contemporary society, personal relationships are increasingly deprioritised, while material pursuits and electronic devices dominate, further affecting family cohesion and social stability.

CONCLUSION

Overall, *khula* has profound psychological, social, and emotional impacts on women, exacerbated by societal stigma, cultural norms, and insufficient support structures. Addressing these challenges requires comprehensive policies, counselling services, and community interventions to ensure women's mental well-being and promote family stability during and after marital separation.

Based on survey data and previous studies, the following trends have been observed among working women in Peshawar regarding *khula*:

1. Gradual Increase in Khula Rates

Survey results indicate that the rate of *khula* among working women in Peshawar has been steadily increasing over the past decade. This rise reflects a growing awareness of legal and religious rights, as well as greater empowerment among women to make decisions about their marital life.

2. Higher Prevalence in Urban Areas

The survey also revealed that urban women in Peshawar are more likely to seek *khula* compared to their rural counterparts. Factors contributing to this trend include financial independence, higher education, and increased exposure to social awareness about women's rights.

3. Psychological Impact Post-Khula

The study found that women undergoing *khula* experience significant psychological challenges, including feelings of loneliness, decreased self-esteem, anxiety, and fear regarding domestic security. While some women report relief and mental freedom, the majority face emotional distress exacerbated by societal judgment and familial pressure.

Findings and Implications

The rising rate of divorce and *khula* has become a pressing social concern, gradually undermining the family system, which serves as the cornerstone of society. A stable family is crucial for human continuity, child development, moral upbringing, and social cohesion. Marital breakdown affects not only the couple but also has lasting implications for future generations.

It is important to recognise that *khula* is not solely caused by immorality, financial hardship, or intolerance. While these factors can contribute to marital dissolution, the deeper issue stems from the fragmentation of

social structures. Increasing individualism, materialism, and reduced interpersonal communication have weakened family bonds and diminished the perceived value of relationships. In contemporary society, reliance on technology and material pursuits often overshadows the nurturing of familial and marital connections.

This study specifically aimed to explore the social, psychological, economic, and cultural factors influencing *khula* among working women in Peshawar. Primary data were collected from a sample of approximately 25 employed women who had obtained *khula*, using a simple random sampling technique. Structured interviews were conducted to obtain in-depth responses, and the findings were analysed graphically.

The study identified several key factors contributing to *khula*:

1. Delayed marriage due to the pursuit of higher education.
2. Low income or financial instability of the husband.
3. Husband's substance abuse.
4. Marriage to significantly older men.
5. Physical, emotional, or psychological abuse by the husband.
6. Desire for a male child.

These findings underscore the complex interplay of social, psychological, and economic dynamics driving *khula* in contemporary Peshawar. Understanding these factors provides insight into the broader familial and societal challenges associated with marital dissolution and highlights the need for targeted interventions to strengthen family stability.

Recommendations

The findings of this study convey a clear message to policymakers: the continuity of a successful marital life requires that spouses remain attentive to each other's needs across all aspects of life. Societal equality fosters domestic security, mutual respect, and dignity, which in turn strengthen marital stability for both men and women. Islamic teachings similarly emphasise these principles. A review of women's rights in Muslim societies underscores that Islam does not discriminate between men and women, and therefore, protecting women's rights is essential. Based on this study, the following recommendations are proposed:

1. **Prevent Misuse of Khula Laws:** The government should monitor and prevent the misuse of khula laws. Lower courts and family courts sometimes convert divorce petitions into khula cases, which need correction.
2. **Activate Mediation Mechanisms:** The Quran encourages the use of mediators to resolve marital disputes. Although union council-level mediation committees exist legally in Pakistan, they are largely inactive, contributing to rising khula rates. These mediation committees should be made fully functional.
3. **Support for Khula-Seeking Women:** Women who obtain khula often face societal rejection. The government should establish mechanisms to provide financial and social support for such vulnerable women.
4. **Restrict Khula to Last Resort:** Khula is an extreme measure and should only be pursued after all avenues of reconciliation have been exhausted.
5. **Establish Oversight Committees:** Local governments should form oversight committees to ensure the protection of spouses' rights and to address complaints effectively.
6. **Promote Awareness and Education:** Society-wide awareness campaigns should be launched to educate people on the sanctity of marriage and the importance of resolving disputes constructively, preventing unnecessary dissolution of marital bonds.
7. **Protect Dignity in Cases of Separation:** While discouraging divorce and khula, society should ensure that women affected by separation retain their dignity and social respect.

Integrate Family and Religious Education: To prevent youth from moral and social deviation, schools, colleges, and universities should emphasise family values and religious education. Curricula should include teachings on family systems and the moral accomplishments of previous generations. Experience shows that Muslims living in non-Muslim countries rely on religious education to guide their children. Therefore, presenting family laws within a religious framework is essential to strengthen family cohesion and prevent marital breakdown.

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