



Post-Divorce Maintenance (Maa'ta) for Muslim Women: Harmonizing Shariah Principles with Contemporary Legal Practices in Bangladesh and Modern World

Syeda Afroza Zerin 

Department of Law, Uttara University, Dhaka, Bangladesh
Email: syeda@uttara.ac.bd

Asaduszaman Sohag 

Department of Law, Uttara University, Dhaka, Bangladesh
Email: sohag.bup18@gmail.com

Md. Niamur Raquib 

Department of Law, Uttara University, Dhaka, Bangladesh
Email: niamur@uttara.ac.bd

Abstract

Post-divorce maintenance (Maa'ta) for women in Islamic law is often a controversial topic, particularly regarding the interpretation and application of laws that vary across different countries. In Bangladesh, despite the Muslim-majority population, the legal framework governing women's post-divorce rights, specifically related to maintenance or maa'ta, remains unclear and has not been formally regulated. This study aims to analyze the application of Islamic law regarding post-divorce maintenance in Bangladesh's religious courts, as well as to explore the challenges faced by women in this context. The methodology used is a qualitative approach with a case study design, where data is collected through semi-structured interviews with judges, lawyers, and Islamic law experts, as well as observations of the judicial process in religious courts. In addition, documentation related to court decisions and legal regulations is also analyzed. The findings indicate that, although Islamic law recognizes women's right to post-divorce maintenance, its implementation in Bangladesh remains limited and uneven, with some cases not receiving any maintenance after the iddah period. This study contributes by identifying legal gaps and highlighting the need for reform to protect women's rights to post-divorce maintenance, while also providing insights for the development of a more responsive Islamic legal policy in Bangladesh to meet evolving social needs.

Keywords: Maintenance, Post-Divorce, Maa'ta, Shariah Law, Muslim Women, Modern World.

Introduction

Marriage in Islamic law is governed by principles that emphasize the well-being of both parties, especially women. One of the debated topics is the husband's obligation to provide maintenance to his wife after divorce. This concept is mentioned in Islamic law through two key terms, "Maa'ta" and "Nafaqa." "Nafaqa" refers to the husband's duty to provide financial support during the marriage, while "Maa'ta" is more about a gift or compensation given to the woman after divorce, intended to offer emotional and financial support post-divorce. However, debates arise regarding the duration and amount of this support, particularly regarding whether Maa'ta should be equated with continued maintenance after the 'iddah period (waiting period post-divorce). Many Muslim countries have created regulations addressing this issue to protect women's rights, but in Bangladesh, this matter remains vaguely defined in the existing legal system.¹

Bangladesh, with its majority Muslim population, faces significant challenges in implementing Islamic law related to women's rights after divorce, particularly in relation to the obligation to provide Maa'ta. While several other Muslim countries have passed laws granting women the right to post-divorce financial support, this remains unclear in Bangladesh. In 1999, in the case of Hefzur Rahman, the Supreme Court of Bangladesh differentiated between Maa'ta and maintenance, stating that Maa'ta was not a continuing obligation but rather a gift or compensation, aimed at providing justice and support. This interpretation adds complexity for women who find themselves financially disadvantaged after divorce, especially when they do not receive continued maintenance after the 'iddah period.²

In a broader context, Islamic law regarding post-divorce maintenance varies among different schools of thought (madhhabs), with some, such as Hanafi and Hanbali, interpreting the obligation more strictly, while others, such as Maliki and Shafi'i, adopt a more liberal approach. This article seeks to examine the current legal status in Bangladesh regarding women's rights post-divorce, assess the application of Sharia principles, and highlight how this contrasts with the social reality. The authors also emphasize the need for legal reforms to align Sharia law with modern developments, ensuring that women's rights to maintenance after divorce are clearer and more just.³

¹ Muhammad Samad, "Marriage in Changing Family Pattern of Bangladesh: The Present Trends," *International Journal of Social Work and Human Services Practice* 3, no. 4 (2015): 155-61.

² Muhamad Ismail, Robitho Alam Hadi Faisal, and Zainur Zainur, "Marriage and Divorce in Islamic Law: Sociological Implications for Modern Muslim Societies," *Journal of Islamic Law El Madani* 4, no. 1 (2024): 25-37.

³ M Azizzullah Ilyas, "Islam Dalam Demokrasi Bangladesh," *Fokus: Jurnal Kajian Keislaman Dan Kemasyarakatan* 4, no. 01 (2019): 48-66.

Judicial rulings and common knowledge in Muslim countries based on traditional interpretations of Islamic law hold that wives are only entitled to three months of spousal support during the religiously mandated waiting period (*'Iddat al talaq'*)⁴ after a divorce and not to any financial support whatsoever. Their claim that "*Maa'ta*" and "*Nafaqa*" are distinct goes a long way. "*Nafaqa*" means maintenance in Arabic. The two primary sources of Islamic law, the Quran and the Hadith, make reference to both of these concepts: *maa'ta* and *nafaqa*.⁵

The issue of women's rights, particularly in the context of post-divorce maintenance, has been explored in several studies, yet significant gaps remain, especially regarding the interpretation and application of Islamic law in Bangladesh. Previous research, such as Oktaviani's⁶ study on the role of UNICEF in addressing human rights violations in Bangladesh, particularly child marriage, provides insight into the broader context of women's rights but does not delve into post-divorce issues. Similarly, Febriana⁷ examines the regulation of child marriage dispensation in Bangladesh and Indonesia, focusing on the legality and social implications of such marriages, but does not address post-divorce maintenance or the financial security of divorced women. Ningsih & Afriansyah⁸ explore gender inequality and violence against women in Bangladesh, providing valuable insights into the challenges faced by women, yet fail to consider the post-divorce economic implications for women under Islamic law. These studies highlight critical issues related to women's rights in Bangladesh, but they do not fill the gap concerning the lack of clear legal provisions for post-divorce maintenance, which is crucial for the financial and emotional well-being of divorced women. This gap in literature underscores the need for further research focused on how Islamic law is applied in Bangladesh to provide post-divorce financial support and the role of judicial interpretation in shaping these outcomes. Therefore, this study is significant in addressing the absence of comprehensive research in this area.

⁴ Mohammad Tusi, 'Concise Description of Islamic Law and Legal Opinions' (ICAS Press 2008).

⁵ *Holy Qur'an* 2:236, 2:241, 33:28 and 33:49; 'Sahih Al-Bukhari' <<https://sunnah.com/bukhari:5264>>; 'SAHIH MUSLIM', *Sahih Muslim* <https://www.iium.edu.my/deed/hadith/muslim/009_smt.html>.

⁶ Oktavianti, N. A. (2022). Peran United Nations Children's Fund (Unicef) Dalam Menangani Pelanggaran Hak Asasi Manusia Di Bangladesh Tahun 2016-2019: Studi Kasus Pernikahan Anak.

⁷ Febriana, M. C. (2023). Studi Komparasi Pengaturan Dispensasi Perkawinan Anak Di Indonesia Dan Bangladesh (Doctoral dissertation, Universitas Pembangunan Nasional Veteran Jakarta).

⁸ Ningsih, Y., & Afriansyah, R. (2022). Upaya Penanganan Ketidaksetaraan Gender dan Kekerasan terhadap Kaum Wanita di Bangladesh: (Studi Kasus: Kekerasan terhadap Wanita di Bangladesh). *Aufklarung: Jurnal Pendidikan, Sosial dan Humaniora*, 2(3), 264-275.

Research Methodology

This study uses a qualitative approach⁹ with a case study design to analyze the application of Islamic law regarding post-divorce maintenance in Bangladesh, specifically women's rights. Data will be collected through semi-structured interviews with judges, lawyers, and Islamic law experts, as well as observations of the judicial process in religious courts in Bangladesh. Additionally, documentation such as laws, court decisions, and related literature will be used to enrich understanding. Data analysis will employ thematic analysis, where data from interviews, documents, and observations will be coded and grouped to identify key themes such as the interpretation of Islamic law, differences in legal application, and challenges faced by women. Data validity will be ensured through triangulation, by comparing information from various sources to ensure consistency in findings. This research focuses on the religious court system in Bangladesh and does not address the legal systems in other countries, providing in-depth insights into the application of Islamic law in the context of post-divorce maintenance in Bangladesh.

Post Divorce Maintenance: View of several Muslim Shariah Schools

When seeking to understand Islamic law, one must first go to the Holy Quran and the Sunnah, which are the foundational sources of Islamic sharia.¹⁰ Not only does the Quran address some issues of civil, criminal, and family law directly,¹¹ but it also includes broad concepts of social justice, making it the foundational text of Islamic sharia.¹² Concern for the welfare of society's weakest members, justice that is both impartial and administered in an honest and forthright manner are all hallmarks of the Holy Quran's ethical character.¹³ Islamic sharia law also draws on ijma and qiyas, two secondary sources that arose to explain matters not explicitly addressed in the Quran and Sunnah.¹⁴ Later on, other schools of law (madhhabs), most notably the Hanafi, Maliki, Shafi, and Hanbali schools expand upon the traditional Islamic sharia laws

⁹ Brodsky, A. E., Buckingham, S. L., Scheibler, J. E., & Mannarini, T. (2016). Introduction to qualitative approaches. *Handbook of methodological approaches to community-based research: Qualitative, quantitative, and mixed methods*, 13-22.

¹⁰ Ahmed Souaiaia, 'On the Sources of Islamic Law and Practices' (2005) 20 *Journal of Law and Religion* 123 <<https://www.cambridge.org/core/journals/journal-of-law-and-religion/article/abs/on-the-sources-of-islamic-law-and-practices/87274CD4999552C666DABFA12E108F60>> accessed 15 December 2025.

¹¹ Nisrine Abiad, *Sharia, Muslim States and International Human Rights Treaty Obligations: A Comparative Study* (BIICL 2008) <<http://books.google.com/books?id=dex7TKuoUhgC&pgis=1>> accessed 6 February 2026.

¹² Fayyazur Rehman, 'Post-Divorce Maintenance for Muslim Women in Pakistan and India' (1998) 2 *Bangladesh Journal of Law* 26 <<https://biliabd.org/wp-content/uploads/2021/08/Fayyazur-Rahman.pdf>> accessed 15 December 2025.

¹³ NJ Coulson, *A History of Islamic Law* (Tylor & Francis Group 1971) <<http://islam-and-muslims.com/Coulson-History-Islamic-Law.pdf>> accessed 15 December 2025.

¹⁴ Rehman (n 6).

obtained from the primary sources by jurisprudential interpretations, which are referred to as Fiqh. The majority of Muslim nations in the contemporary era have codified Islamic sharia laws that include principles from both the Sunni and Shiite schools of law, or that incorporate principles from a combination of these two or more schools.¹⁵ A Muslim woman has the legal right to receive alimony from her husband according to Islamic law. The conventional understanding of Surah Al-Nisa (4): Verse 34, which starts: is a major source for the long-standing Islamic sharia notion that the male is the 'provider.'

“Men are the protectors and maintainers of women because Allah has given the one more (strength) than the other and because they support them from their means.”¹⁶

A Muslim woman has the right to maintenance while the marriage is subsistence, according to Islamic sharia law. However, the length of time a woman is entitled to support after a divorce remains a contentious topic. Muslim jurists have contended that a wife's right to maintenance from her husband does not end with the iddat period, as stated in Sura-al-Baqrah verses 225 and 240, but continues reasonably after the marriage ends.¹⁷ According to Hedaya, a woman is entitled to post-divorce support and housing during her iddat if her divorce is due to rejection for any reason other than her own.¹⁸ In this particular context, the Quranic verse 65:6 instructs men to financially assist their divorced spouses throughout the iddat period. Statutory laws of several Muslim nations uphold the long-established right of women to maintenance upon the dissolution of a marriage, known as iddat.

An appropriate amount of support should be given for divorced women, as stated in Verse 241 of Sura-al-Baqarah. The virtuous are obligated to do this. In other words, a Muslim husband is required by the holy Quran to support the woman he divorced financially after a divorce. However, scholars from the four legal traditions disagreed on how to understand some passages in the Quran that pertain to the topic. A more stringent stance has been taken by Hanafi scholars. Very narrowly is maa'ta interpreted by the Hanafi's. Verses 236 and 237 of chapter II of the Quran, which address the topic of divorce prior to consummation of the marriage, use the same word:

¹⁵ *ibid.*

¹⁶ Surah Al-Nisa (4): Verse 34,

¹⁷ Asaf AA Fyzee, *OUTLINES OF MUHAMMADAN LAW* (3rd ed, Oxford University Press - OUP 1965) <<https://law.nus.edu.sg/sjls/wp-content/uploads/sites/14/2024/07/393-1965-7-mal-jul-242.pdf>> accessed 15 December 2025.

¹⁸ Charles Hamilton, *The Hedaya, Or Guide: A Commentary on the Mussulman Laws* (2nd ed, Premier Book House 1982) accessed 16 December 2025.

“Anyone who wants to do the right thing should provide a decent amount as a present to a woman who has been through a divorce before consummation or fixation of her dower, regardless of their financial situation. The Quran states that if a couple gets a divorce before consummation but after a dower has been fixed for them, half of the dower is owed to them. If they absolve themselves or the man's portion is absolved, then that is the closest thing to righteousness”¹⁹

Therefore, according to Hanafi jurists, maa'ta must be paid only in cases where the woman has been divorced prior to consummation and no mahr or dower has been stipulated²⁰ The Hanafi scholars, on the other hand, disregard Sura-al-Baqarah verse 241, which commands a husband to provide his wife with appropriate support. Giving a gift to a divorced wife is commendable in other situations as well.²¹ Even when seen through the limited lens of Hanafi jurists, the idea that a husband should provide some consolation gifts to his divorced wife is neither in conflict with or forbidden by Muslim law. Depending on the husband's financial situation, ancient Hanafi jurists described the necessary maa'ta, or gift, owed to the wife in a divorce that occurred before consummation or when an amount of mahr had been established, as clothes and fabric.²²

Similar to the Hanbali School, it did not acknowledge maintenance payments made after a divorce that went past the iddah term. When a husband is required to pay maa'ta to his wife in the event of a talaq divorce, Shias and other Sunni schools have a different view than Hanafi and Hanbali scholars.²³ Taking a more sophisticated approach, the Shaafi School maintains that a woman is entitled to post-divorce assistance regardless of who was at fault in

¹⁹ Quran, II: 236-237.

²⁰ Raihanah Abdullah and others, 'Financial Support for Women under Islamic Family Law in Bangladesh and Malaysia' (2015) 21 Asian Journal of Women's Studies 363 <<https://www.tandfonline.com/doi/abs/10.1080/12259276.2015.1106853>> accessed 23 February 2026.

²¹ Mohammad Azharul Islam and Azizun Nahar, 'Rethinking the Plights of Divorcee under Islamic Family Law' (2011) 22 Dhaka University Law Journal 93 <https://www.researchgate.net/profile/Mohammad-Islam-412/publication/365195397_Rethinking_the_Plights_of_Divorcee_under_Islamic_Family_Law/links/6369ed272f4bca7fd03e7a87/Rethinking-the-Plights-of-Divorcee-under-Islamic-Family-Law.pdf> accessed 28 February 2026.

²² Neil Benjamin Edmonstone Baillie, *A Digest of Moohummudan Law on the Subjects to Which It Is Usually Applied by British Courts of Justice in India* (Smith, Elder and Co, 65, Cornhill 1865) <https://books.google.com.bd/books?hl=en&lr=&id=NoZEAQAAMAAJ&oi=fnd&pg=PR8&dq=Neil+B.+E.+Baillie&ots=J5KkVQi_MO&sig=sM3iiu9T2jFrZWBGPEiEuBX7XpY&redir_esc=y#v=onepage&q=Neil%20B.%20E.%20Baillie&f=false> accessed 23 February 2026.

²³ Ayesha Shahid, 'For the Sake of Justice: Protecting Divorced Women's Rights in Pakistan by Re-Examining the Sharia Principle of Mutat (Post-Divorce Maintenance)' (2010) 6 Journal of Islamic State Practice in International law 40 <<https://pureportal.coventry.ac.uk/en/publications/for-the-sake-of-justice-protecting-divorced-womens-rights-in-paki/>> accessed 23 February 2026.

the divorce.²⁴ In contrast to the two major schools of thought, the Shaafi and Maliki scholars take a more liberal and accommodating stance. The egalitarian teachings of the Quran were disregarded by adherents of various schools of thought, who subsequently took more rigid stances. Therefore, Muslim legal scholars have diverged from Islamic teachings in their interpretation of a divorced woman's entitlement to maintenance. Consequently, Muslim women in the Indian subcontinent have had to deal with the fallout of differing interpretations of this kind of thing, and the result seems to be an almost dogmatic belief that women who get a divorce do not deserve maintenance payments afterward, even after the religiously mandated waiting period has passed. Divorced Muslim women have additional challenges and often end up on the brink of destitute in this situation.²⁵

Post Divorce Maintenance in Bangladesh

The Hanafi School of Sunnah is followed by Bangladesh. The Hedaya makes it quite clear that a woman may only get post-divorce maintenance and housing during her iddah if her divorce was due to someone else's rejection, not her own fault.²⁶ Now the issue is, what happens to women whose biological families are unable to support them financially after a divorce? In Bangladesh, this is still vaguely defined. On the other hand, Hafiz-ur-Rehman vs. Shamun Nehar Begum²⁷ was the first case to bring up the topic of maintenance after a divorce. Using pertinent passages from the Quran, the Bangladeshi higher court provided a detailed explanation of maa'ta. According to Justice Latifur Rahman, *maa'ta* means certain benefits, privileges and gifts in any form by whatsoever name you call it, is incumbent on the righteous as enjoined by Allah in the Holy Quran. Divorce is the only occasion for its distribution.²⁸ The husband's financial situation, the specifics of the divorce, and the length of the marriage will all play a role in determining the maa'ta. The maa'ta may be paid in installments if that's more convenient for you. Therefore, maa'ta is thought of as a reimbursement, indemnification, or consoling gift. According to the case of Hefzur Rahman vs. Shamsun Nahar Begum,²⁹ it differs significantly from the usual support of a divorcee. The Court's interpretation

²⁴ Ayesha Shahid, 'Post-Divorce Maintenance for Muslim Women in Pakistan and Bangladesh: A Comparative Perspective' (2013) 27 International Journal of Law, Policy and the Family 197 <https://www.researchgate.net/publication/270528215_Post-Divorce_Maintenance_for_Muslim_Women_in_Pakistan_and_Bangladesh_A_Comparative_Perspective> accessed 28 February 2026.

²⁵ Fayyaz-ur- Rehman, 'ISLAMIC LAW OF MAINTENANCE FOR WIVES IN PAKISTAN AND AFGHANISTAN SINCE 1960' (University of Peshawar 2004) <<http://localhost:80/xmlui/handle/123456789/3413>> accessed 23 February 2026.

²⁶ Hamilton (n 11).

²⁷ *Hefzur Rahman v Shamsun Nahar Begum* (n 3).

²⁸ *ibid.*

²⁹ *ibid.*

of the Holy Quran and previous rulings led it to the following conclusion: "Considering all the aspects, we finally hold that a person, after divorcing his wife, is bound to maintain her on a reasonable scale beyond the iddah period for an indefinite period that is to say till she loses the status of a divorcee by remarrying another person".³⁰ The possibility that Muslim law in South Asia may undergo modifications in light of the Quran was greatly encouraged by this historic judgement. Many saw it as a watershed moment in judicial activity, and others even saw it as a progressive ruling.³¹

In response to criticism from Islamic conservative groups who perceived the decision's supporters as anti-Islamic, the Appellate Division reversed the High Court Division's ruling.³² However, at the beginning, the Appellate Division of the Supreme Court noted that maa'ta is something a divorced woman is entitled to and that her ex-husband is legally obligated to pay (4 MLR 1999 AD 41), as it is logically inferred from Quranic verse II: 241. But the issue was whether, as the High Court Division had done, maa'ta could be equated with maintenance. Based on the interpretations offered by Hedaya and Fatawa-i-Alamgiri, the Court concluded that the term maa'ta in this verse of the Quran was never meant to imply providing a woman with a formal, consistent, and lawful supply of her basic needs. It is a present given to a lady who has just gone through a divorce as a consolation for the pain she has endured. Because it is a gift, the courts have never had to enforce it.³³ The learned court finally decided:

"The right to maa'ta, which is often interpreted as maintenance beyond the iddat period, may be legally guaranteed for lower-class women who are impoverished and endure cruelty and injustice at the hands of their husbands. One may make the case that Muslim women should be able to benefit from laws that have already been passed in other Muslim nations; such laws should not violate Muslim personal law and should instead be in harmony with the principles of fairness, tolerance, and compassion that the holy Quran demands of all true Muslims." ³⁴

From every verse about maintenance, it is clear that the Quran takes a compassionate and concerned stance towards women who have been divorced. Therefore, judges should highlight the egalitarian ideals of the Quran in relation to those who are destitute and facing impoverished situations. The Appellate Division judges seemed to have passed up a once-in-a-generation chance to legislate post-divorce maintenance, unlike other nations like Egypt, Turkey,

³⁰ *Ibid.*

³¹ Alamgir Muhammad Serajuddin, *Muslim Family Law, Secular Courts and Muslim Women of South Asia: A Study in Judicial Activism* (Oxford University Press 2004) <<https://lawcat.berkeley.edu/record/451553>> accessed 23 February 2026.

³² *ibid.*

³³ *ibid.*

³⁴ 4 MLR 1999 AD 41

Brunei Darussalam, Tunisia, Yemen, Iraq, and Malaysia.³⁵ Despite the Court's acceptance of maa'ta as a consoling or compensatory gift to the wife, the courts failed to address the issue. However, in an unreported 1989 family lawsuit (Mst Razia Akhter vs. Abul Kalam Azad), the court granted maintenance to the mother for the iddat period, which began five months after the talaq and ended when the son was born. Both the legislative statute and conventional Islamic law support this durational extension. The Muslim Family Laws Ordinance of 1961 specifies in section 7(5) that a talaq will not take effect if the woman is pregnant when it is executed, and it will remain in force until the pregnancy is completed. However, the topic of maintenance payments after a divorce is left unaddressed in section 9 of this Ordinance. Without this kind of legal protection, a divorced woman may be left without financial support during the post-divorce period. This can be especially difficult for women, who may be going through a difficult transitional period after the dissolution of their marriage, especially if they are denied maintenance or receive it for a shorter period of time than the iddat period.

Laws Regarding Post-Divorce Maintenance in Modern Muslim World: Pakistan

All communities in Pakistan have their matters heard under a single-family court system.³⁶ But East Pakistan ruled over Bangladesh until the independence struggle. For that reason, all regulations that were in effect in Bangladesh up to 1971 will also apply here. A woman has the right to support for the iddat period and for periods when she was not maintained, as stated in Section 9 of the Muslim Family Laws Ordinance, 1961.³⁷ A husband in Pakistan is legally obligated to support his wife; if he fails to do so for no legitimate reason, the wife has the right to sue him for maintenance³⁸ under section 9 of the Muslim Family Laws Ordinance of 1961. Under Pakistan's Criminal Procedure Code, she may also seek a court order directing the payment of her support.³⁹ A maintenance complaint must be filed within six years.⁴⁰ In this context, it is important to note that the Pakistani Law and Justice Commission has re-

³⁵ *ibid.*

³⁶ Cassandra Balchin, 'Family Law in Contemporary Muslim Contexts: Triggers and Strategies for Change' Wanted: Equality and Justice in the Muslim Family Law 209 <<https://arabic.musawah.org/sites/default/files/Family%20law%20in%20contemporary%20Muslim%20Context.pdf>> accessed 25 December 2025.

³⁷ Shahid (n 15).

³⁸ Jamal J. Ahmad Nasir, *The Status of Women under Islamic Law and Modern Islamic Legislation*, vol 1 (H.H. Prof. Eugene Cotran, Mark Hoyle and Martin Lau eds, 3rd ed, Brill 2009) <<https://ijtihadnet.com/wp-content/uploads/The-Status-of-Women-under-Islamic-Law-and-Modern-Islamic-Legislation.pdf>> accessed 23 February 2026.

³⁹ *ibid.*

⁴⁰ The Limitation Act, 1908.

examined the issue of maintenance payments after a divorce.⁴¹ In light of modern society's evolving requirements, it has proposed a "Post-Divorce Mutat" for spouses, as mandated by the Quran, by reviewing the Muslim Family Law Ordinance 1961 and the West Pakistan Family Courts Act 1964, both of which are fifty years old.⁴²

Morocco:

The Moudawana (Personal Status Code) was revised in 2004 in Morocco as a result of a wide-ranging alliance of women's organizations that managed to overcome resistance from the religious right.⁴³ In the event of a divorce, regardless of who was at fault, the husband is obligated to provide a consolation gift to the wife according to this Moroccan family code.⁴⁴ 'Mutual rights and duties of the spouses' includes, among other things, managing the house and children's affairs jointly, and, in an unusual reference, sharing decisions on family planning (in Morocco) and the 'spacing of births.' This approach is widespread in both the 2004 Moroccan law and the 2005 Algerian amendments, which essentially replace the previous lists of gender specific rights and duties pertaining to husband and wife with a single provision.

Egypt:

Muslim family law governs all Muslim spouses in Egypt.⁴⁵ The Hanafi School of thought was the principal foundation of Egyptian personal law before codification. In maintenance and divorce cases,⁴⁶ judges were compelled to execute clearly unfair verdicts (PLD 1978, Quetta 55). For these and other reasons, Egypt began to follow some of the maintenance practices advocated by the Maliki and Shafi schools of thought.⁴⁷ When a husband wants a divorce but neither of them wants it, the Egyptian courts will decide.⁴⁸ Following consummation, the rules require women who have been divorced to pay mataa or mut'a in addition to maintenance.⁴⁹ In addition, if a husband fails to pay maintenance, the arrears are considered a debt against him until they are paid

⁴¹ Jamal J. Ahmad Nasir (n 29).

⁴² *ibid.*

⁴³ Balchin (n 27).

⁴⁴ John L Esposito, *Women in Muslim Family Law* (Syracuse University Press 2001) <<https://press.syr.edu/supressbooks/1231/women-in-muslim-family-law-2nd-edition/>> accessed 23 February 2026.

⁴⁵ Balchin (n 27).

⁴⁶ Dr. Faustina Pereira, 'Post Divorce Maintenance for Muslim Women and the Islamist Discourse' in Harsh Kapoor (ed), *Women Living Under Muslim Laws* (Dossier 22 1991) <<https://www.wluml.org/wp-content/uploads/2003/07/D22.pdf?>> accessed 23 February 2026.

⁴⁷ *ibid.*

⁴⁸ *ibid.*

⁴⁹ *ibid.*

or dismissed.⁵⁰ Additionally, demands for maintenance that are more than one year old will not be considered.⁵¹ Furthermore, a wife's permitted employment outside the house is not considered disobedience if she does not misuse her right to work or if it goes against the interests of her family, provided that her husband didn't ask her to stop.⁵²

Turkey:

Following a long lobbying effort by the country's women's movement,⁵³ the Turkish Parliament adopted 1030 revisions to Turkey's Civil Code, while simultaneously abolishing the previous code of 1926. "The family is the foundation of Turkish society and is based on equality between spouses," states the revised Article 41 of Turkey's Constitution.⁵⁴ But in a divorce proceeding, the spouse who is unjustifiably abandoned might be considered the aggrieved party and seek damages and alimony.⁵⁵ Thus, if one spouse is facing financial hardship as a result of the divorce, that spouse may seek alimony from the other spouse to cover their living expenses indefinitely, as long as they are not more vindictive.⁵⁶ The ability of the paying spouse to pay alimony should be considered while determining its amount.⁵⁷ It used to be that a woman had to be financially stable before her husband could sue her for alimony.⁵⁸ Discrimination against males and the introduction of modern art led to its removal.⁵⁹ As a result, the payments for alimony are now equally due from both parties. However, alimony payments might be made in installments or all at once, as determined by the court.⁶⁰ When one spouse remarries or dies, the other's right to receive periodic compensatory damages and alimony payments immediately ends.⁶¹ If the beneficiary no longer be impoverished, live a dishonorable life, or cohabit with another person as husband and wife outside of a legal marriage, the court may decide to revoke the same payments (article 176 of the Civil Code). Some of the arts have a connection with it.⁶² According to the Code, the parties have the option to initiate a case in the jurisdiction

⁵⁰ *ibid.*

⁵¹ *ibid.*

⁵² *ibid.*

⁵³ Balchin (n 27).

⁵⁴ Ela Anil and others, 'THE NEW LEGAL STATUS OF WOMEN IN TURKEY Written By'.

⁵⁵ Elâ Anil and others, 'Turkish Civil and Penal Code Reforms From a Gender Perspective: The Success of Two Nationwide Campaigns' <www.wwhr.org> accessed 23 February 2026.

⁵⁶ *ibid.*

⁵⁷ Anil and others (n 45).

⁵⁸ Turkish Civil Code.

⁵⁹ Anil and others (n 45).

⁶⁰ *ibid.*

⁶¹ *ibid.*

⁶² *ibid.*

where their respective domiciles are located. In addition, the statute of limitations for maintenance claims is mentioned.⁶³

Post-Divorce Maintenance: Prospects and Bangladeshi Context:

There is a strong religious component to an Islamic marriage contract. The parties are able to set conditions, just as in any other contract. Be cautious nevertheless, since the parties may be unable to deviation from some Shariah ordains, and the contract and its terms may not be able to exceed Islamic standards. Although there is some disagreement among jurists as to the specific kind of circumstances that may be introduced inside the Shariah framework, scholars and jurists agree that this is possible and can be shown by considering past practices. One thing that Islamic law brought to the table, as Mona points out, was the legality of specific, voluntary clauses in contracts. During the Ottoman era, marriage contracts were concluded in accordance with Sharia rules, as seen in Egyptian court documents. These contracts also included extra substantive requirements. In urban areas, it was usual for marriage contracts to provide that the husband could not have more than one wife and that the woman might seek restitution, divorce, or both in the event that the husband violated this promise or treated her unfairly. The husband was bound by the contracts to provide for his wife's children from a prior marriage and to stay with her for the agreed upon duration of time. Without giving up any of her financial rights, a woman might petition a Sharia court for a judicial divorce (tatliq) in the event that her husband violates the marital contract. If the contract so provides, she could also be entitled to damages.⁶⁴ According to Munir⁶⁵, the companions of the Prophet (PBUH) also engaged in this practice:

“Abd al-Rahman ibn Ghunaym narrates that a couple came to „Umar (the Second Caliph) in his presence, and woman complained that her husband, having agreed at the time of their Nikah to keep her in her paternal home, should now abide by it and not take her out of there. Umar ultimately ruled in her favour”⁶⁶

⁶³ Turkish Civil Code.

⁶⁴ Mona Zulficar, 'The Islamic Marriage Contract in Egypt' in Asifa Quraishi and Frank E. Vogel (eds), *The Islamic Marriage Contract: Case Studies in Islamic Family Law* (Harvard University Press 2008) <<https://api.law.wisc.edu/repository-pdf/uwlaw-library-repository-omekav3/original/3b10f69a03d4e6d5bff6d121f8ab36aee3a29baf.pdf>> accessed 23 February 2026.

⁶⁵ Muhammad Munir and <https://iui.academia.edu/DrMuhammadMunir>, 'Stipulations in a Muslim Marriage Contract with Special Reference to Talaq Al-Tafwid Provisions in Pakistan' (2005) 12 Yearbook of Islamic and Middle Eastern Law Online 235 <https://www.academia.edu/355195/_Stipulations_in_a_Muslim_Marriage_Contract_with_Special_Reference_to_Talaq_al_Tafwid_Provisions_in_Pakistani_Law_12_Yearbook_of_Islamic_and_Middle_Eastern_Law_2005_2006_pp_235_262_> accessed 23 February 2026.

⁶⁶ Abu Isa Muhammad ibn Isa al- Tirmidhi, *Sunan Tirmidzi* (Maktabah Madniyah) Vol 1, 347].

Thus, any stipulations may be sustained in a marriage so long as it is valid according to Shariah rather than null and void. This may serve as an obvious safeguard for a woman's future, particularly when it comes to maintenance payments after a divorce. But the fact that the requirements must be within Islam's allowed level is what has to be addressed. That is something to think about while discussing marital contract stipulations and maintenance payments after a divorce.

We do not have any formal regulatory requirement in Bangladesh. There is room for negotiation in the Kabin-nama, the official marriage form in Bangladesh. "Description of special conditions, if there is any" is stated in Column 17 of the standard form. Following this, in columns 18, 19, and 20, there are provisions pertaining to (i) talaq al-tafwid, (ii) the limitation of the husband's ability to divorce, and (iii) the raising of questions about the arrangements of any documents pertaining to dower, etc.

In order to a marriage to be legally recognized as an Islamic marriage within the bounds of Shariah, certain stipulations must be included in Column 17. A legislative fix that defines the boundaries and parameters of requirements could be the way to go. Nevertheless, the usage of Mata'a in Kabin-nama column 17 might be brought to light till then. Divorced women who are financially disadvantaged would greatly benefit from Mata'a, even if it does not exist in the form of post-divorce maintenance in its simplest form.

Comparative Analysis of Post-Divorce Maintenance and Maa'ta in Several Muslim Countries⁶⁷

Based on the comparison of several countries, it can be seen that the implementation of post-divorce maintenance and *maa'ta* varies according to the Islamic legal school and the national legal system of each country. Bangladesh and Pakistan, both of which are based on the Hanafi school, tend to limit maintenance to the *iddah* period, although Pakistan provides broader provisions through the Muslim Family Laws Ordinance 1961, allowing the possibility of extended maintenance and the legal right to claim support. Meanwhile, Bangladesh still faces limitations in formal regulations, so the protection of women after divorce has not been fully guaranteed. This indicates that the interpretation of Islamic legal schools alone is not sufficient without strong legal regulations and clear implementation mechanisms. In contrast, Morocco, Egypt, and Turkey demonstrate more progressive models of protection for women after divorce. Morocco, through the 2004 *Moudawana* reform, requires the husband to provide a consolation gift (*maa'ta*) regardless of fault,

⁶⁷ Nor Mohammad Abdoeh, *Perbandingan Hukum Keluarga Di Dunia Muslim (Benua Asia, Afrika, Dan Eropa)*, 1st ed. (Kab. Semarang: The Mahfud Ridwan Institute, 2022).

reflecting an approach based on social justice and the protection of women's rights. Egypt strengthens maintenance obligations through legal enforcement mechanisms for overdue payments, while Turkey, although secular in nature, even allows indefinite alimony based on the former spouse's financial needs. This comparison confirms that the success of post-divorce maintenance protection largely depends on legal reform, commitment to gender justice, and the effectiveness of legal implementation in social practice.

Country	Islamic Legal School	Post-Divorce Maintenance (Maa'ta)	Key Legal Considerations	Implementation
Bangladesh	Hanafi	Only during the iddah period, depending on the husband's fault.	Maa'ta is considered a consolation gift, not a consistent maintenance obligation. No formal regulation for post-iddah support.	The Supreme Court has debated the scope of maa'ta but has not established comprehensive post-divorce support beyond the iddah.
Pakistan	Hanafi	Maintenance is provided during the iddah period and longer if needed.	Under the Muslim Family Laws Ordinance (1961), a woman has the right to maintenance during the iddah period and potentially longer.	The right to sue for maintenance is enshrined in law, with a six-year period for filing maintenance claims.
Morocco	Maliki & Shafi'i	Consolation gift required from the husband after divorce.	The 2004 Moudawana reform requires the husband to provide a consolation gift, irrespective of fault.	Reform has been influenced by women's rights movements, providing a more equitable approach to divorce.
Egypt	Hanafi (and some Maliki & Shafi'i influence)	Maintenance and maa'ta provided in some cases.	Maintenance is obligatory after divorce and can be enforced. If a husband fails to pay, arrears are treated as debt.	The legal system follows a combination of Hanafi and other schools, with an enforcement mechanism for overdue maintenance.
Turkey	Secular (formerly Hanafi)	Alimony can be indefinite, based on financial need.	A spouse who faces financial hardship due to divorce can seek alimony. Both spouses may be	Alimony payments may be made in installments or a lump sum, with clear conditions for termination

			required to provide alimony.	(remarriage, financial stability).
--	--	--	------------------------------	------------------------------------

Conclusion

The conclusion of this study shows that, although Islamic law recognizes women's right to post-divorce maintenance, its implementation in Bangladesh remains unclear and limited, especially beyond the iddah period. The existing legal ambiguity, as demonstrated by the Supreme Court ruling in 1999, fails to guarantee continued support for divorced women, unlike other Muslim-majority countries that have more comprehensive post-divorce maintenance regulations. A comparative analysis with countries such as Pakistan, Morocco, Egypt, and Turkey indicates that while Bangladesh lags in legal reform, these countries have adopted more progressive models that integrate Islamic principles with modern legal standards to ensure financial support for divorced women. Furthermore, the findings highlight the need for significant legal reform in Bangladesh to establish clear and enforceable regulations that provide post-divorce maintenance beyond the iddah period. Additionally, judicial training and greater integration of Quranic and Sunnah studies are recommended to ensure judges can apply Islamic law in a way that guarantees justice and supports women's economic rights. Moreover, integrating women's rights movements and public awareness into the legal reform process would contribute to ensuring gender justice and the protection of women's rights in Bangladesh. The recommendations from this study suggest that Bangladesh should establish clear and enforceable legal provisions for post-divorce maintenance that extend beyond the iddah period to ensure that divorced women receive financial support in accordance with Islamic law. **Judicial Training:** Judges should be provided with comprehensive training on the interpretation and application of Islamic law, with a focus on gender equality and the financial rights of divorced women. **Policy Integration:** The government should collaborate with women's rights organizations to integrate modern legal standards with traditional Islamic principles to ensure a balanced approach to post-divorce maintenance. **Public Awareness:** Programs should be implemented to raise awareness about women's rights under Islamic law, particularly regarding post-divorce maintenance, to ensure better societal understanding and legal compliance.

Bibliography

Abdoeh, Nor Mohammad, *Perbandingan Hukum Keluarga Di Dunia Muslim (Benua Asia, Afrika, Dan Eropa)*, 1st ed. (Kab. Semarang: The Mahfud Ridwan Institute, 2022).

- Abdullah, Raihanah, and others. (2015). *Financial Support for Women under Islamic Family Law in Bangladesh and Malaysia*. *Asian Journal of Women's Studies*, 21(3), 363-376. <https://doi.org/10.1080/12259276.2015.1106853>
- Abiad, Nisrine. (2008). *Sharia, Muslim States and International Human Rights Treaty Obligations: A Comparative Study*. BIICL. <https://books.google.com/books?id=dex7TKuoUhgC>
- Anil E and others, 'Turkish Civil and Penal Code Reforms From a Gender Perspective: The Success of Two Nationwide Campaigns' <www.wwhr.org> accessed 23 February 2026
- Anil E and others, 'THE NEW LEGAL STATUS OF WOMEN IN TURKEY Written By' Azharul Islam M and Nahar A, 'Rethinking the Plights of Divorcee under Islamic Family Law' (2011) 22 Dhaka University Law Journal
- Souaiaia, Ahmed. (2005). *On the Sources of Islamic Law and Practices*. *Journal of Law and Religion*, 20, 123. <https://www.cambridge.org/core/journals/journal-of-law-and-religion/article/abs/on-the-sources-of-islamic-law-and-practices/87274CD4999552C666DABFA12E108F60>
- Baillie, Neil Benjamin Edmonstone. (1865). *A Digest of Moohummudan Law on the Subjects to Which It Is Usually Applied by British Courts of Justice in India*. Smith, Elder, and Co. https://books.google.com.bd/books?hl=en&lr=&id=NoZEAQAAMAJ&oi=fnd&pg=PR8&dq=Neil+B.+E.+Baillie&ots=J5KkVQi_MO&sig=sM3iu9T2jFrZWBGPEiEuBX7XpY
- Balchin C, 'Family Law in Contemporary Muslim Contexts: Triggers and Strategies for Change' Wanted: Equality and Justice in the Muslim Family Law 209 <<https://arabic.musawah.org/sites/default/files/Family%20law%20in%20contemporary%20Muslim%20Context.pdf>> accessed 25 December 2025
- Brodsky, Alexander E., Buckingham, Susan L., Scheibler, Jessica E., and Mannarini, Tiziana. (2016). Introduction to qualitative approaches. In *Handbook of Methodological Approaches to Community-Based Research: Qualitative, Quantitative, and Mixed Methods* (pp. 13-22).
- Coulson, Noel J. (1971). *A History of Islamic Law*. Tylor & Francis Group. <http://islam-and-muslims.com/Coulson-History-Islamic-Law.pdf>
- Esposito, John L. (2001). *Women in Muslim Family Law* (2nd ed.). Syracuse University Press. <https://press.syr.edu/supressbooks/1231/women-in-muslim-family-law-2nd-edition/>

- Faustina Pereira, 'Post Divorce Maintenance for Muslim Women and the Islamist Discourse' in Harsh Kapoor (ed), *Women Living Under Muslim Laws* (Dossier 22 1991) <<https://www.wluml.org/wp-content/uploads/2003/07/D22.pdf>> accessed 23 February 2026
- Fyzee, Asaf Ali Asgher. (1965). *Outlines of Muhammadan Law* (3rd ed.). Oxford University Press. <https://law.nus.edu.sg/sjls/wp-content/uploads/sites/14/2024/07/393-1965-7-mal-jul-242.pdf>
- Hamilton, Charles. (1982). *The Hedaya, or Guide: A Commentary on the Mussulman Laws* (2nd ed.). Premier Book House.
- Ilyas, Muhammad Azizzullah. (2019). *Islam Dalam Demokrasi Bangladesh. Fokus: Jurnal Kajian Keislaman Dan Kemasyarakatan*, 4(1), 48-66.
- Islam, Mohammad Azharul, and Nahar, Azizun. (2011). *Rethinking the Plights of Divorcee under Islamic Family Law*. *Dhaka University Law Journal*, 22, 93-112. https://www.researchgate.net/profile/Mohammad-Islam-412/publication/365195397_Rethinking_the_Plights_of_Divorcee_under_Islamic_Family_Law/links/6369ed272f4bca7fd03e7a87/Rethinking-the-Plights-of-Divorcee-under-Islamic-Family-Law.pdf
- Jamal J. Ahmad Nasir, *The Status of Women under Islamic Law and Modern Islamic Legislation*, vol 1 (H.H. Prof. Eugene Cotran, Mark Hoyle and Martin Lau eds, 3rd ed, Brill 2009) <<https://ijtihadnet.com/wp-content/uploads/The-Status-of-Women-under-Islamic-Law-and-Modern-Islamic-Legislation.pdf>> accessed 23 February 2026
- Tusi, Mohammad. (2008). *Concise Description of Islamic Law and Legal Opinions*. ICAS Press.
- Munir M and <https://iiui.academia.edu/DrMuhammadMunir>, 'Stipulations in a Muslim Marriage Contract with Special Reference to Talaq Al-Tafwid Provisions in Pakistan' (2005) 12 Yearbook of Islamic and Middle Eastern Law Online 235 <<https://doi.org/10.1163/22112987-91000133>> accessed 23 February 2026
- Nasir, Jamal J. Ahmad. (2009). *The Status of Women under Islamic Law and Modern Islamic Legislation* (Vol. 1). H.H. Prof. Eugene Cotran, Mark Hoyle & Martin Lau (Eds.), Brill. <https://ijtihadnet.com/wp-content/uploads/The-Status-of-Women-under-Islamic-Law-and-Modern-Islamic-Legislation.pdf>
- Pereira, Dr. Faustina. (1991). *Post Divorce Maintenance for Muslim Women and the Islamist Discourse*. In H. Kapoor (Ed.), *Women Living Under Muslim Laws* (Dossier 22). <https://www.wluml.org/wp-content/uploads/2003/07/D22.pdf>

Rehman F, 'Post-Divorce Maintenance for Muslim Women in Pakistan and India' (1998) 2 Bangladesh Journal of Law 26 <<https://biliabd.org/wp-content/uploads/2021/08/Fayyazur-Rahman.pdf>> accessed 15 December 2025

Rehman F-, 'Islamic Law Of Maintenance For Wives In Pakistan And Afghanistan Since 1960' (University of Peshawar 2004) <<http://localhost:80/xmlui/handle/123456789/3413>> accessed 23 February 2026

Serajuddin Muhammad, *Muslim Family Law, Secular Courts and Muslim Women of South Asia : A Study in Judicial Activism* (Oxford University Press 2004) <<https://lawcat.berkeley.edu/record/451553>> accessed 23 February 2026

Shahid, Ayesha. (2010). *For the Sake of Justice: Protecting Divorced Women's Rights in Pakistan by Re-Examining the Sharia Principle of Mutat (Post-Divorce Maintenance)*. *Journal of Islamic State Practice in International Law*, 6(1), 40-50. <https://pureportal.coventry.ac.uk/en/publications/for-the-sake-of-justice-protecting-divorced-womens-rights-in-paki/>

Shahid, Ayesha. (2013). *Post-Divorce Maintenance for Muslim Women in Pakistan and Bangladesh: A Comparative Perspective*. *International Journal of Law, Policy, and the Family*, 27(2), 197-215. <https://doi.org/10.1093/lawfam/ebt004>

Souaiaia A, 'On the Sources of Islamic Law and Practices' (2005) 20 Journal of Law and Religion 123 <<https://doi.org/10.2307/4144685>> accessed 15 December 2025

Tusi, Mohammad. (2008). *Concise Description of Islamic Law and Legal Opinions*. ICAS Press.

Zulficar, Mona. (2008). *The Islamic Marriage Contract in Egypt*. In A. Quraishi & F. E. Vogel (Eds.), *The Islamic Marriage Contract: Case Studies in Islamic Family Law*. Harvard University Press. <https://api.law.wisc.edu/repository-pdf/uwlaw-library-repository-omekav3/original/3b10f69a03d4e6d5bff6d121f8ab36aee3a29baf.pdf>

The Limitation Act, 1908

Turkish Civil Code