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Research Article

A Critical Analysis Of The Rights Of Divorced Woman Under Islamic Law

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Abstract. The phenomenon of marriage dissolution has existed before Islam and has persisted ever since. Indeed, if the contemporary world situation is indictable of any trend, it appears to foretell a continuing increase in divorce rates; the gradual decline in some societies is offset by the continuing rise in others. This paper investigates on critical analysis of the rights of divorced woman under Islamic Law. The paper start with brief introduction on the right of maintenance (shelter, clothing and food) in Revocable Divorce. The paper further explain the right to inheritance from divorced wife. The paper end with the analysis on the position of Divorcee in Islamic Law according to the views of Muslim Scholars and the right to demand payment for nursing and custodian of children of fail marriage. Analytical research methodology was used in this paper. Data are drawn from books, articles, scholarly journals etc.

Keyword: Critical, Rights, Divorced, Woman, Islamic Law.

INTRODUCTION

Muslim today are divorcing in larger number than before. There are clearly problem within families that have not been address; dysfunction, miscommunication and in a number of cases violence and abuse which ranges from abusing children's rights of failed marriages as well as the rights of such a divorced wife as guaranteed under Islamic law. The Muslim is ordered to try all possible means to avoid a divorce. It is suggested, for example, Allah says:

"If you fear a serious breach between two (husband and wife) then appoint a judge from his people and a judge from her people, if they desive agreement, Allah will bring about between them"[1]

It was due to such teaching of the holy Qur'an, the holy prophet (P.B.U.H) declared that, divorce is the most hateful of all thing which have been disapproved of God, though permitted in certain circumstance. The holy prophet (P.B.U.H) reported to have said:

"The most hateful thing that is permissible is divorce"[2]

The idea that, a Muslim husband can divorce his wife at will and when he likes is totally wrong and opposed the teaching of Islam, because Islam has given full and equal right to the women. She is not like a piece of household article which can be thrown away or sold when it is not required.

The phenomenon of marriage dissolution has existed before Islam and has persisted ever since. Indeed, if the contemporary world situation is indictable of any trend, it appears to foretell a continuing increase in divorce rates; the gradual decline in some societies is offset by the continuing rise in others.[3] However, Islam has taken a position between categorical proscription and unqualified liberalization of divorce.

Rights Of Divorced Woman During Waiting Period (Iddah)

The fact that the waiting period is at least a partial extension of the marital link is probably indicated by the rules of maintenance during that period. The woman whose divorce has been initiated and pronounced by the husband is fully entitled to complete maintenance as long as she is still in the waiting period. She has the right to continue her occupation of the some home as before the divorce or to be furnished with relatively comfortably lodging facilities. She moves there from, unless she has committed an evident offense of indecency.[4]

Along with this right, the man, the repudiator is fully responsible for her food, clothing and if necessary, service, just as if the marriage were still completely intact, by which time she will probably have adjusted to the new changes in her life.[5]

However, when marriage is dissolved, the wife will have to observe a waiting period (iddah). This period is the right of the husband or the right of the general law

[1] Q. 4 V 35
[2] Abu Dawud, vol 2 Hadith no. 1332
[3] Berelsan and Steiner (1992) pp 311 - 312
[4] M.A Ambali: the practice of musulm family law 3th editon 2014 page 225
[5] M.A Ambali: the practice of musulm family law 3th editon 2014 page 178

and woman cannot re-marry during this period. This ruling applies to the following cases.

Right Of Maintenance (Shelter, Clotting And Food)

Shelter/Housing in Revocable Divorce

The reason to provide decent housing for the wife:

There is consensus among Shiite and general scholars concerning the housing. They all believe that revocable divorce is entitled to alimony and housing [6]

Alimony consists of all conventional expenses including housing. In verse 6, Al-Talaq, Holy Quran, read that "Allow them to reside where you reside, according to your means, and do not harass them in order to make things difficult for them." Some require men to provide housing in revocable iddah. Others believe in housing and alimony for revocable divorce. In this regard, Imam Musa Kazem stats that" the woman who is divorced stays in her husband`s home until the end of iddah period. She is entitled to alimony and housing."[7]

Woman's Alimony in Revocable Iddah: There are different ideas concerning the fact that the woman is entitled for alimony during revocable iddah. The woman who is passing the iddah period is like a wife. Therefore revocable divorce does not definitely cancel the act of marriage because the husband can continue the sexual intercourse during this time and sexual intercourse means the marriage goes back to the initial condition.[8]Alimony is an agreed topic in revocable divorce in all Islamic religions and rules. In fact, since the marriage has not been completely cut, the woman is entitled to alimony.[9] The quality of alimony is based on the woman`s dignity including food, clothing, and housing.[10] In short, revocable divorce does not lead to the definite cancellation of marriage. It is followed by the husband and wife until the expiration of iddah. This is mainly because the man can go for sexual intercourse during iddah period. Such intercourse leads to marriage. That is why scholars believe that iddah period is the extension of marriage with certain rules. One of these rules is the obligation of husband to pay the alimony either the woman is pregnant or not. The only exception is woman`s disobedience.[11]

The right of women to accommodation at the expense of the husband after their separation as a result of a divorce or death up to the end of waiting period (iddat) is guaranteed by virtue provision of the holy Qur'an. For pregnant women and those who are divorced in a manner that allows for reconciliation. But if the conditions

[6]https://www.iium.edu.my/deed/lawbase/risalah_maliki/book33.html accessed 16/08/2022

[7]https://www.iium.edu.my/deed/lawbase/risalah_maliki/book33.html accessed 16/08/2022

[8]Immigration and Refugee Board of Canada, *Nigeria: Divorce law and practices among Muslims, including grounds, procedures, length of process, property dispositions, child custody and consequences for the woman and her family*, 7 November 2012, NGA104210.E, available at: https://www.refworld.org/docid/50b4c9402.html [accessed 17 August 2022]

[9]Safaee, 1996: Journal of Law, Policy and Globalization www.iiste.org ISSN 2224-3240 (Paper) ISSN 2224-3259 (Online) Vol.104, 2020

[10]AzimiGorgani, H, and Pour Reza, A. (2005).Couples` Rights after Divorce.Journal of Legal Law and Civilization, No. 23.

[11]AzimiGorgani, H, and Pour Reza, A. (2005).Couples` Rights after Divorce.Journal of Legal Law and Civilization, No. 23.

(pregnancy and revocable of termination of the marriage contract) are absent, three opinion are expressed on the maintenance of such women.[12]

1. The Hanafi hold that a divorced woman pregnant or not revocable divorced or not, is entitled to full maintenance. They argue that since Qura'an stipulated accommodation for them. It follows she observes the iddat in the interest of the divorced man.[13]
2. Opposed to this opinion is the view of the Hambali among other that are neither entitled to accommodation nor any other maintenance facilities. They base their argument on a popular Hadith collected by both Buhari and Muslim that Fatima Bint Quais said that my husband divorce me during the time of the prophet (PBUH) and he did not provide any kind of maintenance for her (no accommodation and not any other kind of maintenance). It was reported that the prophet (PBUH) who told her "accommodation and maintenance are for a women whose husband divorced her in a manner that reconciliation is possible within iddat others and that what the prophet (PBUH) told her was that there would be no kind of maintenance for her except if she was pregnant.[14]
3. But Caliph Umar and Aisha may Allah be pleased with both of them, reacted differently to the view based on the reported experienced of Fatima Bint Quasis[15]. Umar said we cannot ignore the word of God."Lodge them where you live" and the practice of the prophet (PBUH) for the statement of a woman" We are not certain whether her memory retained what buttressed by them quoting Qur'an 65:1. They the argue saying that the essence of full maintenance is for the hope that God would bring new thing to pass. They convincingly argue what new thing is being expected when the separation is in a way that does not leave room for reconciliation? Immam Maliki and Shafi'i go by this opinion.[16] They restrict the right of a women who is irrevocable repudiated and she is not visible pregnant to accommodation only.[17]

Stoppage of Maintenance

The right of woman to claim separate maintenance allowance ceases when she lives under the same roof with the husband who maintain the home. It stop when she is disloyal or non-co-operative like refusing him cohabitation or any other emotional satisfaction on going out without the husband's consent, while he has no power to enforce his disapproval of her going out. It also stops, when they separate in manner that they cannot renew the marriage within the stipulated period of iddat. Such circumstances for the forfeiture of maintenance include the third divorce in succession or three divorces pronounced three times angrily within a moment other forms are the separation initiated at the instance of the women (khul') or denial of

[12] As-Sayyid (4031/1983) FiqhusSunnah-DarulFikr, Lebanan, 4th Edition Vol. 2 p148-14

[13] Al-Sabuni, M. A. (1423 A.H), Al-Miraath Fi al-Shari'ah Al- Islamiyyah, Dar-Al-Sabuni, First Edition

[14] Sahihul Muslim Vol 2 No 1786

[15] Qur'an 65:6

[16] As Sayyid (4031/1986) FighusSunnah, DaraulFikr, Lebanon, 4th Edition Vol 2 p.149.

[17] As Sayyid (4031/1986) FighusSunnah, DaraulFikr, Lebanon, 4th Edition Vol 2 p.123

responsibility for the paternity of a pregnancy or a child call li'an.[18]

Right To Inherit From Her Husband

By virtue of marriage, Qur'an 4:12 has established mutual rights of inheritance between husband and wife and either party can initiate the termination of the union, though the process defend on who initiates it. A divorced woman under Islamic law can inherit her husband as far as she remained within her waiting period (Iddah). However, jurist draw some argument as when such right is said to lapse due to some circumstance, this work will provide some of these juristic views in the coming paragraph(s)

One of the grounds of inheritance in Islam is Al-Zawaj (Valid Marriage) (الزواج). A valid marriage contract also makes one of the spouses eligible to inherit the other

Views With Regard To The Right Of Divorced Woman To Inherit Her Husband

Then from here, the researcher will focus on his comparative analysis of the position of divorcee in Islamic law of inheritance by bringing the views of some jurists among the schools of law and their reasons, and discussion will commence by divorce during death sickness or inheritance of divorced woman or divorcee and her position according to the Muslim Scholars:

If a man divorced his wife revocable (TalaqRaji'i) and died, it has been unanimously agreed by Muslim Jurists that she will inherit him (the ex-husband), if her Iddah (waiting period) did not expire at the time of his death. But if the divorce was irrevocable (TalaqBa'in), then she cannot inherit him at all, whether her Iddah did expire or not.[19] However, it should be noted that, if the irrevocable divorce (TalaqBa'in) was pronounced during the death sickness, and the deceased died due to the same sickness, the four Islamic schools of jurisprudence have different views.[20]

Hanafi School: Imam Abu Hanifah is of the view that if the Talaqba'in is pronounced during the death sickness and the Iddah period did not expire, it is only then she is allowed to inherit him. However, if the Talaq was pronounced due to her own request against any amount during his death sickness, then she has no right to inherit him. Hanafischool‟s reason is that, the Iddah (period) itself it is part of marriage rulings and the scholars similitude or compare her divorce as Talaq Al-Raja'i (revocable divorce).[21]

Maliki School: Imam Malik on the other hand opines that if the Talaq was Ba'in and pronounced during death sickness, she is entitled to inherit her ex-husband, whether her Iddahad expired or she had married another man, or whether it was pronounced on her own request. In Fath al-Jawad if he divorced her irrevocably in his

[18] M.A. Ambali: the practice of Muslim Family law 3rd edition 2014 p239

[19]Fauzan, A. F. (2017), Al-Tahqiqat Al-Mardhiyyah Fi al- Mabaahaat al-Fardhiyyah,Saudiyyah, Makkah Dar AhlulQur‟an Li-NashriWa Al-Tauzi‟i. Third Edtion

[20] Bin Haider, 1975, International Journal of Research and Innovation in Social Science (IJRISS) |Volume II, Issue XI, November 2018|ISSN 2454-6186

[21]Fauzan, A. F. (2017), Al-Tahqiqat Al-Mardhiyyah Fi al- Mabaahaat al-Fardhiyyah,Saudiyyah, Makkah Dar AhlulQur‟an Li-NashriWa Al-Tauzi‟i. Third Edition p.234.

illness she will inherit him even after expiation of Iddah even if she married.[22] Maliki Schools reason, says in the book of Al-Dhiya'uala Al- Dhurrat al-Bayda'u "The inheritance stands even if she married due to the Athar narrated by Urwa that "Uthman said to Abdul-rahman bin Auf when he divorced his wife Tamadurbint Al-Asbagh, if you die I will allow her to inherit you.[23]

Shafi'i School: According to Imam Shafi"i, if the Talaq was ba'in, whether it is pronounced during death sickness or during his health, she is not entitled to inherit him. Shafi"ischool"s reasons because it was divorce by him irrevocably before his death, and if she loses her inheritance from him just like he divorces her during his health condition.[24]

Hanbali School: According to Imam Ahmad Bin Hanbal, if the Talaqba'i n was pronounced during the death sickness, she has the right to inherit him whether her Iddah expires or not. However, if she had married another person, before the death of her ex-husband, then she has no right to inherit him and if she converted to another religion she has no right again to inherit him. Hanbalischool"s reason is that if he divorces her deliberately in order to prevent her from her right share the Shari"ah cannot consider his intention even if she finishes or did not finish her Iddah she is entitle to inherit him.[25]

The Most Preponderant View:

According to the researcher of Imam Ahmad because the reason for giving her right of inheritance is that he divorced her in order to deprive her or deprive her from inheriting him. This decision cannot change due to expiation of her Iddah so as to punish him[26]. Allowing her to inherit before expiration of Iddah as said by Hanafiyyah has no meaning because the divorce is in existence during Iddah or after the Iddah, she only allowed inheriting in order to punish the husband and prevent people from committing that act.[27] Allowing her to inherit after she married another husband based on malikiyyahwiew will make her to inherit more than one husband at a time and this is not allowed by the consensus. Depriving her from inheritance totally as said by shafi'iyyah is not right because "Usman bin Affan (R.A) gave the right of inheritance to Tamadur Bint al-Asbagh al-Kalbiyyah when Abdurrahman Bin Auf divorced her during his death sickness.[28]

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[22]IbnRushid, A. (1989), Bidayah Al-MujtahidWaNihayat Al- Muqtasid,Makkah, MaktabatNizaar Mustapha. at p.223

[23] Bin Nasir, 1990 at p.263

[24] . Fauzan, A. F. (2017), Al-Tahqiqat Al-Mardhiyyah Fi al- Mabaahaat al-Fardhiyyah,Saudiyyah, Makkah Dar AhlulQur"an Li-NashriWa Al-Tauzi"i. Third Edition.

[25]IbnQudamah, A. A. (1419 A. H), Al-Mughni, Riyadh, Dar- Alam Al-Maktabah, Fourth edition.

[26]AzimiGorgani, H, and Pour Reza, A. (2005).Couples` Rights after Divorce.Journal of Legal Law and Civilization, No. 23.

[27]AzimiGorgani, H, and Pour Reza, A. (2005).Couples` Rights after Divorce.Journal of Legal Law and Civilization, No. 23.

[28]AzimiGorgani, H, and Pour Reza, A. (2005).Couples` Rights after Divorce.Journal of Legal Law and Civilization, No. 23.

The reason why the researcher prefers this view is that it is a moderate view it didn't abstain totally and it didn't allowed totally, Allah knows the best.

Finally, the research sheds light about the most important aspect which is the position of divorcee in Islamic law of inheritance. The Researcher came to a conclusion that the divorcee as discussed in the research is of three types with regard to inheritance:

1. Revocable divorced woman: Muslim scholars unanimously agreed that she can inherit him as long as she is in her Iddah period.
2. Irrevocable divorced woman: Muslim scholars unanimously agreed that she cannot inherit him whether her Iddah expired or not.
3. Irrevocable divorced woman during death sickness: Muslim scholars have four different views. The most preponderant view is the view of Hanbali School of law which says she is allowed to inheritance even after Iddah period as long as she did not marry another husband and also she did not converted to another religion.

Right To Demand Unpaid Dowry In Case Of Delayed Dowry (Mahr)

Dowry (Mahr) in Divorce: A mahr is an agreed upon compensation for the wife that is obligatory on the husband before the act of intercourse occurs, especially in shi'a Islam. In recent years some younger women have agreed to marry with high amounts of mahr with the intention to divorce shortly after for an easy profit.

In such a case, (where mahr has not been fixed at the time of marriage), even if the divorce takes place after consummation, the divorced woman is still entitled to the mahr-e-misl, a mahr which is customarily given in her family of birth, according to jurist. It may be noted that in most of the Qur'anic verses regarding divorce, payment at for feeding, maintenance for iddah, mata-e-Talaq, etc., the expression "just and fair, just and reasonable, equitable" have been use to emphasize involvement of these qualities while setting the payments in such a way as not to impose a burden on the divorcing husband or the divorced wife.[29]

However, payment of unpaid mahr (dowry) at the time of divorce is like clearing up incomplete accounts between them.

In these cases the Islamic jurisprudence has clear guidance depending on who asks for the divorce and whether or not the wife is still virgin. If the husband asks for a divorce and intercourse has occurred, he pays full mahr, if the husband asks for a divorce and the wife is still a virgin, the husband pays of the dowry; if the wife asks for a divorce and she is not a virgin, the husband has half the mahr; and if the wife asks for a divorce and is still a virgin, then no mahr is required to be paid by the husband. However, there may be other financial obligations depending on the length of marriage, whether there are any kids involved and their ages, and the Property that they own under joint ownership.

[29] M.A. Ambali: the practice of Muslim Family law 3rd edition 2014 p236

Other Financial Obligations In Divorce:

Depending on the length of marriage, whether intercourse occurred or not or if any kids are involved and income levels for either husband or wife, the husband may be required to provide a monthly maintenance support for the children to ensure their well-being.

However, under the common law system, unlike the American laws where the couple split assets earned during the marriage, Islamic laws does entitle the wife to a split of the husband's assets at divorce.

The following hadiths of the prophet clarified more on the issue of maintenance:

Fatima bint Qais reported that Abu 'Amr b. Hafs divorced her absolutely when he was away from home, and he sent his agent to her with some barley.She was displeased with him and when he said: I swear by Allah that you have no claim on us. She went to Allah's Messenger (may peace be upon him) and mentioned that to him. He said: There is no maintenance due to you from him, and he commanded her to spend the 'Idda in the house of Umm Sharik, but then said: That is a woman whom my companions visit. So better spend this period in the house of Ibn Umm Maktum, for he is a blind man and yon can put off your garments. And when the 'Idda is over, inform me. She said: When my period of 'Idda was over, I mentioned to him that Mu'awiya b. Abu Sufyan and Jahm had sent proposal of marriage to me, whereupon Allah's Messenger (may peace be upon him) said: As for Abu Jahm, he does not put down his staff from his shoulder, and as for Mu'awiya, he is a poor man having no property; marry Usama b. Zaid.I objected to him, but he again said: Marry Usama; so I married him. Allah blessed there in and I was envied (by others).[30]

Fatima bint Qais reported that her husband divorced her during the life time of Allah's Prophet (May peace be upon him) and gave her a meagre maintenance allowance.When she saw that, she said: By Allah, I will inform Allah's Messenger (May peace be upon him), and if maintenance allowance is due to me then I will accept that which will suffice me, and if it is not due to me, I will not accept anything from him.She said: I made mention of that to Allah's Messenger (may peace be upon him) and he said: There is neither maintenance allowance for you nor lodging.[31]

Fatima bint Qais reported that her husband al-Makhzulmi divorced her and refused to pay her maintenance allowance.So she came to Allah's Messenger (may peace he upon him) and informed him, whereupon he said: There is no maintenance allowance for you, and you better go to the house of Ibn Umm Maktum and live with him for he is a blind man and you can put off your clothes in his house (i.e. you shall not face much difficulty in observing iddah there).[32]

Analysis by the researcher of the Position of Divorcee in Islamic Law of Inheritance according to the views of Muslim Scholars:

Inter-inheritance between husband and wife is possible until their relationship ceases either by divorce or the annulment of marriage. But inter-inheritance is

[30]Sahih Muslim. Book 9, Number 3512
[31]Sahih Muslim Book 9, Number 3513
[32]Sahih Muslim Book 9, Number 3514

possible during revocable divorce and within the limits of the “Iddah”. On the other hand, marriage annulment and definite divorce stops inheritance between husband and wife as soon as they depart, unless the husband is accused of divorcing his wife in order to deprive her from inheritance especially during the last illness in which death occurs (maradulmaut). It is appropriate to firstly define maradulmaut, explaining the effects of Tasarrufat (Operations) duingmaradulmaut because the topic of discussion is falling under the operations of the deceased during maradulmaut that is position of irrevocably divorced woman divorce irrevocably during maradulmaut.

If a man divorces his wife during MaradulMaut, whether by TalaqBa’in or TalaqRaj’i, the Talaq is effective. If the man dies before expiry of her Iddah, she remains his heir and will inherit in his estate. If he dies after the expiry of the Iddah, she will not inherit in his estate[33]

Right to demand payment for nursing and custodian of children of fail marriage

Custody of Children:

The word "custody" is taken from "care", showing child`s care by mother. Islamic law terminology for custody of children is “Hadanah” which means the side or part of the body that lies below the armpit. The word is used to express the action of another-bird using its wings to protect its chicks. It is in this sense that the word is used to convey the protection a mother gives to her young child in Islamic Law. Therefore, this right starts by mother. The disagreement lies in the end of custody. Women are generally entitled to their legal and legitimate right including:

1. The right of breast feeding
2. The right of custody

Mothers should not be banned from their children.[34] Mother breastfeed her child up to 2 years. This is her right and father cannot separate the child from her mother. God says: *"mother may breastfeed their children up to two years and the father is required to supply food and clothing*."[35]

It means the protection and shielding of the young ones from the hazards of life at their tender age. Hadanah involves looking after a child in terms of maintaining where he lives, preparing his bed and beddings, preparing his food, taking care of his dress and taking good care of his personal hygiene. It does not leave out looking after the child at the tender age spiritually and intellectually so that when he or she overcomes the weakness of infancy and childhood, he will be able to stand on his own and face the challenges of life and perform the responsibility demanded of him.

[33]MajlisulUlama of South Africa, 2008, Al-Mar`atusSalihah. The Pious Woman, IdaraIsha`at-e-diniyat, New Delhi 1st Edition p78

[34]SuratulBaqarah (Q6 verse 233)

[35]SuratulBaqarah (Q6 verse 233)

Islamic law entrust the custody of the children at their age to the lenient, tender and safe hands of their mothers. This is in keeping with the practice of Islam to do the right things in their proper order.

Hadanah- custody of children is given to women because they are most considerate and appropriate in all matters of guardianship. The principle of Shariah as Al-Qarafiy puts in his book, Dhakhira, is to put aquare pegs in square holes by given first consideration to the most competent hand in any given issue. For instance, in military expedition, priority is given to the experienced and bold person whole capable of creating panic in the minds of the opponents. An intelligent, pious and clever person is given first consideration in matters of judicial appointment. When it comes to entrusting the property of orphans to the competent hands, a person who has the skill to make the wealth grow is given priority. So a woman is of low rating in imamship (leading prayer or political leadership) whereas she is considered first in guardianship of children because of her special leniency, gentility and considerable patience.[36]

The reason for giving priority to the mother is that she has proper right to guardianship and breast feeding (nursing) of the child. This is because she is more skilful and more capable of discharging the duty better than man. With regards to hadanah she is endowed with patience and time to attend to the problems of the child both of which she has more than man. So she is given the priority in the interest of the welfare of the child.[37]

This is the golden principle that guided the Holy prophet (S.A.W) in the decision that became the precedent to settle the custody of a child between man and his divorced wife.

"AbdullahiIbn Umar said that a woman complaint to the Apostle of Allah saying:

"This is my child, my stomach was his, above my thigh was his playing centre, my breast was the reservoir to quench his thirst. His father wants to take him from me." He replied her saying: "You have better claim to the guardianship than his father as long as you have not remarried."[38]

Whenever the husband divorces her pregnant woman, he must pay the alimony until the delivery and child birth. Then, the husband is obliged to pay the wage of breastfeeding.[39]

CONCLUSION

In this regard, though marriage is an act of Ibadah but yet; there is time it will becomes impossible to work, it is better to separate amicably rather than drug on indefinitely making the family home a well in such circumstance the immediate victims are the children as pointed out earlier it is noteworthy to mention that is Islam marriage is a contract another contract should be made to work but not when it

[36]Aliy b. Abdul Salami At-Tasuli (1370H/1951),Al-bahjah, commentary on Tustafah Al-babi Al-halabi, and sons press, Cairo, Vol.1,p. 405.

[37]As-sayyid (1403/1983) Fiqhus-sunnah, Darul-fikr, Lebanon, 4th edition, Vol.II,P. 287

[38]As-sayyidSadiq, op-cit, p.289 https://www.al-islam.org/child-custody-islamic-jurisprudence-saeid-nazari-tavakkoli accessed 16/08/2022

[39] Al Bahaiqi, Sunan al Kubra (Beirut:Dar al Kotob Al- Ilmiyah) vol.8, p. 8

becomes humanly impossible it is only in such unavoidable circumstance that divorces are permitted in shariah. After a Valid divorce under Shariah, the wife as well as her children is entitled to some rights. Such rights of divorced women are paramount which the focus of this research work was. Therefore, the research makes a critical analysis of the rights of divorced woman under Sharia

RECOMMENDATION

From the totality of what has been discussed in the research work, the following recommendations are made:

- That Muslims, both individually and collectively should awake from their slumber to acquire knowledge generally and especially on matters affecting their lives both here and in the hereafter they should remember that each and every one of us will be accountable to Allah (S.W.T) as an individual as well as collectively.
- Husbands should not only maintain their wives but they should do it properly.
- Husband should not leave her and her children at home without anything to eat after separation; since the Shariah have made it compulsory upon him to maintain her during Iddah in a revocable divorce. Therefore, men should desist from such bad acts.
- Government should improve its dispensation of justice by appointing judges who are fit and proper to hold the office those who can discharge their duties with honesty and dignity.
- Government should established council that shall consist of elderly people who are learned in Islamic law and be charge with the function of reconciling marital disagreement secretly and whereby the matter failed, the such a matter be forwarded to the protect the image of the families stability, peace and harmony.
- Religious leaders (scholars) and elders should wake up to the task and live up to their responsibility in practical terms with a view to enlightening their followers and subject on dangers and consequences of divorce.
- Couples should forgive each other for the sake of Allah, for the sake of their children and themselves they should not exaggerate things and complicate matter because children rely on them, look up to them for their happiness.

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