

REFORMING DIVORCE (TALĀQ) DYNAMICS: INSIGHTS FROM KATSINA STATE, NIGERIA

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Abstract: The rising incidence of divorce among Muslim communities has over the years prompted a critical examination of the complexities and implications of divorce dynamics within the context of Islamic law. The prevalence of divorce is not common to a particular Muslim region to the exclusion of others, it is a problem that bedevils Muslim States. A report by the Saudi Ministry of Economy and Planning (2006) indicated that one woman is unilaterally repudiated through *Talāq* by her husband every 40 minutes. Thus, an average of 36 women gets divorced every day in Saudi Arabia. In Turkey, studies have shown that the marriage duration of 41.9% of couples ranges between 1-6 years. In Katsina state, however, the cumulative average of rate of marital dissolution among the 45 marriages from the 15 families sampled in the study is 53%, while the median life span of the marriages is 4 years. The absence of statistical data in Katsina State is hampering efforts at painting the true picture of the problem, but studies have indicated the severity of the problem. The lack of reform within the Islamic legal framework has pushed some Muslim civil society organizations to lobby political authorities toward reforming the divorce process. These political leaders often resort to legislation by fiat as evident in several states; Tunisia, Algeria, Morocco, and Bangladesh. It is against this background that this paper attempts to address the gap in insular, traditional religious research methodologies that target this burning socio-religious issue by advocating for a pragmatically informed approach rooted in the lived realities of the affected communities, this approach is not far from renewed calls by some contemporary Islamic legal scholars who are increasingly advocating for the adoption of pragmatic method in addressing the discourse on reforming divorce processes. The research method employed in this study involves focused group discussions, meticulous data analysis via some theoretical perspectives, and thematic identification to unravel the multifaceted dimensions of divorce dynamics in Katsina State, Nigeria. The findings underscore the need for equitable reforms integrating legal, religious, and societal perspectives to create a fairer, more respectful framework for marital dissolution. The paper concludes with recommendations for collaborative, community-engaged efforts, awareness initiatives, and further research endeavors to foster comprehensive understanding toward targeted interventions to address the challenges posed by divorce dynamics in the study area.

Keywords: Māliki legal framework, divorce dynamics, focused group discussion, socio-cultural impacts, economic implications, marital stability, reform.

Introduction

“I cannot risk having yet another daughter being fired (divorced) by her husband, I’d rather invest in her education, and guide her to live a purposeful and chaste life in my home”.

Above is an epigraph depicting the situation of a father who had four of his daughters flimsily divorced irrevocably. Over the years, divorce cases have been on the rise in Katsina State. Though there is no statistical data to rely on, if the above-cited case is anything to go by, then the ratio of occurrence of divorce (in this family sampled) is 4:4. The topic of Reforming Divorce holds significant importance in addressing the increasing divorce dynamics within Katsina State. There has been a surge in divorce cases, as exemplified by the parent's concern over his daughters' marital stability. This epigraph highlights the urgency and gravity of the issue, underlining the poignant impact of divorce on individuals and families within the community.

The prevalence of divorce in Katsina State signifies a societal challenge that necessitates attention. Understanding and addressing the underlying causes and implications of divorce within the context of legal and religious traditions is critical in preserving familial integrity and fostering social stability and well-being. The phenomenon of divorce is not characteristic to Muslim societies alone as it is increasingly becoming prevalent across the globe. Rising divorce rates in North America, Europe, and Asia have become a significant social issue, reflecting changing attitudes towards marriage and family life. In the United States, approximately 40 to 50% of marriages end in divorce, with the rate for subsequent marriages climbing to around 60%. Similarly, Canada reports that about 38% of first marriages end in divorce within 30 years. In Europe, the trend is equally alarming; for example, Belgium and Portugal have divorce rates exceeding 60% for first marriages. Asia has also recorded a significant increase in rates of divorce. In Asia, divorce rates have been rising significantly, reflecting changing societal norms and attitudes towards marriage. For instance, in China, the divorce rate has seen a dramatic increase, with approximately 30% of marriages ending in divorce as of recent years, a stark contrast to the lower rates observed in previous decades. Similarly, in India, while traditionally low, divorce rates are beginning to rise, particularly among urban populations, where the rate is estimated at around 13%. In Malaysia, the divorce rate has also increased, with reports indicating that nearly 30% of marriages end in divorce within the first five years. In contrast to the trends in marriages, the report also revealed an increase in divorce rates, surging to 43.1 per cent, reaching 62,890 in 2022 from 43,936 compared to the previous year. Both Muslim and non-Muslim divorce rates increased, with Kedah, Sabah, and Perlis showing the highest spikes among Islamic divorces, while Putrajaya, Johor, and Melaka led the rise in non-Muslim divorces. The report quoted the chief statistician of the Department of Statistics Malaysia (DoSM), Datuk Seri Dr. Mohd Uzir Mahidin who said: “the statistics unveil critical social trends and dynamics within the country, revealing shifts in marriage and divorce patterns that warrant attention and further study”.

These statistics underscore a broader societal shift towards accepting divorce as a viable option for resolving marital dissatisfaction, influenced by factors such as increased individualism, economic independence, and changing gender roles. It is also interesting to note that this trend is happening in Muslim climes such as Malaysia despite restrictions put in place; unilateral divorce must go through the court process, it can only be filed after two years into the marriage by a single petition from any of the spouses through the fault-based model (الطلاق للضرر). Malaysian law does not provide for a purely no-fault divorce. These restrictions couched under the fault-based system were articulated in order to safeguard the sanctity of marriage. In family law discourse, divorce systems are broadly classified into; fault-based divorce, and non-fault-based divorce. In the fault-based system, the law stipulates that the party seeking the divorce must state specific reasons why the marriage is ending by placing fault with the other spouse. According to Hartini, Ilham, and Yousoff, the fault-based divorce law was designed to

protect the institution of marriage. Al-Jazīrī, while commenting on the principal provisions of the four Sunni schools of thought relative to marital dissolution opines that the spirit of Islamic law aligns with the fault-based system as there is no room for non-fault-based divorce. This according to him stems from the purpose of the law giver (Maqsid Al-shari') – Allah, because the divine intent behind the institution of marriage was permanence (Al-baqa) and perpetuity (Al-dawam). Nonetheless, Sharia recognizes the right of the wife to seek for divorce through the non-fault-based system known as Khul', a form of mutual divorce initiated by the wife. In this scenario, the wife can seek a divorce by offering compensation to her husband, often returning part or all of her bridal gift (mahr).

Indonesia also operates the fault-based system. Divorce law in Indonesia emphasizes that divorce must be filed for a reason. And the accompanying reason must also be adopted by the religious court. Hartini et.al argued that non-adoption of the no-fault divorce in Indonesia has exacerbated the contestations and efforts of one party in marriage toward finding fault with the other through the proof processes as evident throughout Indonesia today. As such, they contend that Indonesia needs to consider the use of the no-fault divorce system for obvious reasons; (i) Islamic law recognizes no-fault divorce through Khul' (ii) There is prevalence of defamation stemming from efforts of the aggrieved party to by hook or crook show fault of the other, an action that contravenes Islamic teachings. In 2023, Indonesia recorded approximately 463,654 divorces, reflecting a 10.2% decrease from the previous year, which had 516,344 cases. Despite this decline, the divorce rate remains high compared to earlier years, with a notable increase from 447,743 cases in 2021. The primary reasons for divorce include constant conflict and arguing, which accounted for 251,828 cases, followed by financial issues and domestic abuse. The data indicates that 75.21% of divorces were initiated by wives, highlighting significant gender dynamics in marital dissolution. The provinces with the highest divorce rates include West Java, East Java, and Central Java, underscoring a nationwide trend that reflects changing societal values regarding marriage and family stability.

As evident from our epigraph, divorce rate among Muslims in Katsina State and by extension, other states or regions in Nigeria surpasses that of Malaysia, Indonesia, among other OIC member states cited in this paper. The reason? Not farfetched! These states adopt the fault-based divorce system, as such they record far less divorce rate compared to Katsina State which has 53% rate as per the families sampled. The study used 15 households drawn from the three senatorial zones of the state. The cumulative number of girls married off by these families is 45, while the cumulative number of girls divorced is 24, and the average life span of the marriages is 4 years.

Dearth of data and/or formal statistics about marriage dissolution in Nigeria necessitated our reliance on qualitative research approach through sampling a few households. This method involves gathering in-depth insights from a small, specific group rather than relying on large-scale quantitative data. While this approach provides valuable anecdotal evidence and highlight individual experiences (refer to the epigraph), it may not accurately reflect broader trends or generalize to the entire population. This approach is often used when comprehensive data is lacking, allowing researchers to explore the nuances of marital dissolution dynamics within specific communities or contexts. Some researchers investigating the menace of divorce rate in Nigeria often rely on this type of approach, while others utilize secondary data obtained from Nigeria population census to describe the prevalence and patterns of marital dissolution, indicated by divorce and separation, across regions, states, sex, and age groups. Ntoimo and Akokuwebe, relying on secondary data obtained from 2006 census posited that in Nigeria, the crude rate of marital dissolution stands at 11 per 1,000 people, while among the ever-married

population, this rate rises to 29.5 per 1,000. The highest rates of marital dissolution are observed in the South-South and North-East regions, with the South-East region reporting the lowest rates. Additionally, a greater number of females have experienced divorce or separation compared to males. Age-specific marital dissolution rates vary significantly, ranging from 24 to 132 per 1,000 for ever-married females and from 15 to 24 for males. They further contend that there is little scholarly research on the prevalence and patterns of marital dissolution in Nigeria.

In Nigeria, lack of data and statistics on marriages and divorce as obtained in other countries has always been a clog in the wheel for researches on divorce dynamics and its impact on social stability. The Nigeria General Household Survey-Panel (GHS-Panel), part of a broader regional initiative in Sub-Saharan Africa, is a collaborative effort involving the National Bureau of Statistics (NBS), the Bill and Melinda Gates Foundation, and the World Bank. This nationally representative survey, which includes approximately 5,000 households, allows for longitudinal analysis of income-generating activities and socio-economic outcomes in Nigeria. The 2023/24 GHS-Panel marks the fifth round of the survey, following previous rounds conducted in 2010/11, 2012/13, 2015/16, and 2018/19. Though, comprehensive in its scope covering various socio-economic and agricultural topics, notably lacks statistics on marriage dissolution. This omission is significant as marriage and divorce data are essential for understanding family dynamics, social stability, and economic factors within households. The survey focuses on areas such as migration, health, labor, food security, and community needs, yet does not address the implications of marital status changes on household welfare and economic conditions. Including statistics on marriage dissolution could enhance the analysis of household structures and contribute to more effective policy-making aimed at supporting families in transition. Furthermore, understanding the rates and factors associated with divorce could inform social programs designed to address the needs of single-parent households and children affected by marital breakdowns, thereby providing a more holistic view of the socio-economic landscape in Nigeria.

National departments of statistics are essential for collecting marriage and divorce data, which provide crucial insights into family dynamics and societal trends. However, as indicated earlier, Nigeria faces a significant challenge due to the lack of comprehensive statistics on marriage dissolution. This gap hinders policymakers from designing effective social programs and allocating resources to support families, particularly those affected by divorce. Without accurate data, issues such as inheritance rights, social security access, and the legal status of children born from dissolved marriages (*haḍānah* or *kafālah*) remain unaddressed, thereby perpetuating inequalities. Additionally, the absence of these statistics limits researchers' ability to analyze the socio-economic impacts of marital status changes, which are vital for understanding broader population dynamics. As Nigeria continues to develop its General Household Survey-Panel in collaboration with international partners, addressing this statistical gap is crucial for fostering informed policy decisions that promote family welfare and gender equality.

In Katsina State, the legal and religious framework is heavily influenced by the Māliki legal tradition, which significantly impacts family law, including divorce processes. According to Al-Jazīrī, the Maliki law recognizes two broad classifications of divorce systems; fault-based and no-fault-based systems. The former is a prerogative of both spouses, while the latter is the exclusive right of the female spouse only. He further contends that unilateral repudiation (*Talaq*) by husbands even when the wives are not fault is against the spirit of *Fiqh Al-Islami* (Islamic Law). *Talaq* by unilateral repudiation that is not linked to any valid fault is termed *Al-*

talāq Al-Muharram (prohibited talaq) which according to Al-Jazīrī is discountenanced. And most Talāq in Katsina state fall within this category of Talaq. Unilateral repudiation (Talāq) presents a challenge to the socio-religious-cum-legal fabric of contemporary Muslim societies in Nigeria requiring reforms. Al-Shak’ah discussed the imperative of Takāful Al-Ijtimāī (social security) in form of alimony to provide a financial buffer for female spouses after divorce. Al-Shak’ah’s thesis was corroborated by Al-Sabūnī who x-rayed the interpretive implications and exegetical import of Al-taṣrīh Bil Ihsān, which according to him implies alimony. These legal interpretations are particularly relevant to Katsina state where families are burdened not only by those returnee wives (divorcees), but by children from their Ex-husbands. This is more so because alimony may serve the purpose of deterrence toward stemming the tide of toxic repudiative masculinity which is a push factor for Talaq in Katsina state.

While efforts to reform divorce dynamics through comprehensive research and policy reviews are underway, the lack of reliable statistics on marriage dissolution remains a critical issue. This deficiency hampers the ability to understand the full implications of divorce on families and society. Establishing platforms for intellectual discussions by Marital Support Organizations can facilitate a deeper investigation into these dynamics, allowing for public insights that could inform equitable frameworks for marital dissolution. Addressing the national problem of inadequate marriage dissolution statistics is essential for creating informed policies that mitigate the adverse effects of divorce and promote social welfare in Katsina State in particular, and Nigeria in general.

Literature Review

1. The Māliki Legal Tradition and Divorce

Within the Māliki legal tradition, divorce is regulated by specific principles and procedures derived from Islamic law. The husband's authority in the divorce process is a key feature, as the husband holds the right to unilaterally pronounce divorce (Talāq) “without any legal repercussion”. This unilateral divorce pronouncement has notable implications for divorce dynamics within Katsina State, potentially impacting marital relationships and contributing to prevailing societal challenges. Understanding the nuances of the Māliki legal tradition's influence on divorce processes is crucial for comprehensively addressing the complexities associated with divorce dynamics in Katsina State and for proposing meaningful reforms that align with legal and religious considerations.

a. Principles of Divorce Within Māliki Legal Tradition

Within the Māliki legal tradition, the principles of divorce are governed by specific tenets derived from Islamic legal sources. Emphasizing the authority of the husband in the divorce process, the Māliki school of thought outlines the following key principles:

- 1) Talāq (Repudiation): Like other Sunni schools of thought; Hanafī, Shāfī, and Hambali, under the Māliki legal tradition, the husband holds the unilateral right to pronounce divorce (Talāq). This authority is firmly entrenched in the interpretation of Al-dalālāt (legal evidence) within the Māliki school, wherein the husband retains the prerogative to initiate and finalize the divorce process unilaterally.
- 2) Arbitration and Reconciliation: The Māliki legal tradition advocates for the possibility of reconciliation following the pronouncement of divorce. Arbitration procedures are available to encourage dialogue between the estranged spouses, providing an opportunity for reconciliation during the Iddah period.
- 3) Taklīf (Legal Capacity): The Māliki legal tradition considers the husband's legal capacity (taklīf) as the primary factor in the validity of the divorce pronouncement.

This aspect underscores the husband's responsibility for the consequences of the divorce pronouncement, as the process must adhere to certain prescribed legal and religious criteria.

- 4) Iddah (Waiting Period): Following the pronouncement of divorce, the wife must observe a waiting period known as Iddah. During this period, which serves various purposes including confirming or negating the possibility of pregnancy, the divorced woman remains in the husband's care, and is not permissible to remarry until the completion of the mandatory waiting period.

2. Prescribed Legal Criteria for Divorce

The Islamic legal tradition has provided a comprehensive guideline that aims to regulate husbands' behavior within the purview of divorce processes. These guidelines which are contained in the sharia (divine prescriptions) based primarily on the revealed sources, provide minimum requirements for legal practices relative to divorce matters. It is desirable for our proposal of reforming divorce at this juncture to provide a concise historical sketch of the evolution and development of Islamic law (fiqh) sourced from the Sharia (divine commandments) through the persistent use of the Usūl Al-fiqh (Islamic jurisprudence) framework. The bulk of the divine prescriptions contained in the revealed sources are immutable since they are sourced to the lawgiver (Al-shāri') – Allah. It is, however, pertinent to note that the Sunnah also symbolizes the prophetic practice that aims to guide all legal exercitatorial processes. Hence, as buttressed by Ishaq,

“Fiqh is the bulk of knowledge or laws formulated through the exercise of independent use of intelligence and personal thinking in the distillation [and delineation] of the inherent and explicit divine injunctions contained in the Quran and Sunnah”.

This therefore distinguishes fiqh from Sharia, for while Sharia is immutable, fiqh is largely mutable, particularly, when aspects of legal actions (Muā'malāt) are sequestered from those relating to rituals (Ibādāt). It is this character of mutability that gives Islamic law the quality of a mature legal system akin to major modern legal systems (common law and civil law systems). Even orientalist couldn't help but vouch for its unique systemic quality. Joseph Schacht affirms that

“Though Islamic law is a sacred law, it is by no means irrational it was created.... by a rational method of interpretation.”

In a bid to systematize Islamic legal science, Imam Al-Shafi' in his Risālah, presented a general jurisprudential view of Islamic law. Where he expounded the broader normative questions such as; what is law? Why do we obey it? What is the nature of obligation? How can a judge discover and apply the law? What are the qualifications of a judge? How are laws validated? What is the role of morality in Islamic law? Thus, Al-risālah Al-shafi' was the first systematic code to deal with legal epistemology in Islam.

In an attempt to prescribe legal criteria for divorce, the Mālikis classified divorce relative to its association with the Sharia moral quotients (Ahkām Al-shar'iyyah) into:

- a. Wājib (mandatory): marriage separation becomes compulsory when the husband is unable to discharge his marital responsibilities

- b. Muharram (prohibited): marriage repudiation becomes haram if the separation will lead to evil(s) such as; trauma for the wife, children, etc.
- c. Makrūh (detestable): divorce becomes detestable when done without any genuine reason that justifies its invocation. This is so because of the legal maxim that stresses that:
أن الأصل في الطلاق عدم الجواز
- d. Mandūb (recommended): divorce is recommended when the wife is morally tainted.

And concerning the period of divorce pronouncement, Al-Jundi classified it into:

- a. Sunni (traditional): for a divorce to qualify as Sunni, i.e. one that conforms to the Sunna, it must;
 - 1) be pronounced once at a time;
 - 2) when the woman is in a state of purity from any normal natural bleeding;
 - 3) No previous marital intercourse must have occurred during the period of purity;
 - 4) not during the iddah of a previous divorce
- b. bid'iy (heretical): when any of the above rules are violated, it becomes a heretical repudiation.

3. Does a Heretical Divorce Count?

Though the A'imma (Abu Hanīfa, Mālik, Shafī, and Ahmad) opined that a heretical divorce counts, there are minority opinions which emanated from these schools of thought indicating that such divorce is ineffective because of the hadith of the prophet (pbuh):

عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ أَحْدَثَ فِي أَمْرِنَا هَذَا مَا لَيْسَ مِنْهُ فَهُوَ رَدٌّ

Since all heretical endeavors are legally ineffective, discountenance of Al-talāq Al-bid'iy is logically more appropriate. At this juncture, it is equally pertinent to stress that Al-talāq Al-Muharram may as well neatly fit into this discourse. Zāhiriyyah stayed aloof from other schools of thought in rejecting the effectiveness of Al-talāq Al-bid'iy. In the same vein, notable figures from the Salaf reject the effectiveness of a heretical divorce. These include; 'Ikrimah, Tāwūs, Muhammad bn Ishaq. Among the Muta'akhirīn (latter scholars), Ibn Taymiyah and his disciple Ibn Al-Qayyim have also held the same opinion. Among the contemporary Ulama, Ibn Uthaymīn held a similar view.

- a. The Efficient Cause (Illah) of Rejecting the Effectiveness of a Heretical Divorce

ومقصود تحريم الطلاق البدعي -وهو الواقع في الحيض أو في الطهر الذي جامع فيه الزوجة- منع وقوع الطلاق في زمان يكثر فيه عند غالب الناس، حفاظاً على إبقاء عقد الزوجية، ودرءاً لمفاسد الطلاق الكثيرة التي يبغضها الله تعالى. والقول بوقوع طلاق البدعة يعود على هذه الحكمة الجليلة بالإبطال

In the excerpt above, Ibn Mahfūz opines that since the undercurrent wisdom behind prohibiting heretical divorce is delimiting its incessant occurrence in a period when divorce became prevalent in order to safeguard the sanctity of marriage, then upholding its efficacy amounts to negating the efficient cause.

- b. Legal Consequences of Heretical Divorce

Legal consequences in this context refer to the outcomes or penalties that result from a person's actions in the case of divorce pronouncement that are deemed to violate the prescribed legal criteria for divorce hitherto mentioned. Thus, there is unanimity among the

schools as regards the legal consequences. In his Magnum Opus; Mukhtasar, Al-Jundi gave the consequences as follows:

- 1) The husband will be ordered to recall the wife by the Kadi;
- 2) If he refuses, he shall be threatened with imprisonment;
- 3) If he is recalcitrant, he should be imprisoned;
- 4) If he is still adamant, he may be flogged in the court;
- 5) If he still refuses, the court shall return the wife to him by judicial order.

The prophetic practices in this regard are crystal clear. He was vehemently opposed to such an attitude from Ibn Umar.

عن عبد الله بن عمر رضي الله عنهما : «أنه طلق امرأته وهي حائض، فذكر ذلك عمر لرسول الله صلى الله عليه وسلم فتعيط منه رسول الله صلى الله عليه وسلم، ثم قال: ليبراجعها، ثم ليؤمسيكها حتى تطهر، ثم تحيض فتطهر، فإن بدا له أن يطلقها فليطلقها طاهرًا قبل أن يمسه، فتلك العدة، كما أمر الله عز وجل». وفي لفظ: «حتى تحيض حيضه مستقبلاً، سوى حيضتها التي طلقها فيها». وفي لفظ «فحسبت من طلاقها، وراجعها عبد الله كما أمره رسول الله صلى الله عليه وسلم [صحيح] - [متفق عليه]

In the hadith, the prophet (pbuh) said; that is the Iddah as commanded by Allah:

{يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ: سورة الطلاق 1}

The Iddah referenced in the verse refers to the scenario alluded to in the hadith of Ibn Umar cited above. Where husbands are only permitted to divorce their wives in their iddah (when they're not menstruating and before they have sexual intercourse with them). But one question that does not stop begging for an answer is: 'Why does the legal code on the consequences of heretical divorce fade away in the legal space despite the ubiquity of cases where it may apply in Katsina State? Why is there a marked difference between legal theory and legal practice in this regard?

The principles defined within the criteria enshrined in the hadith and which are further expounded by the Māliki legal tradition exemplify the significance of these criteria and the authority attributed to the husband in the divorce process, but which are seldom adhered to. Thus, shaping the dynamics of marital dissolution within the societal context of Katsina State. Understanding these principles is essential in comprehensively analyzing the impact of divorce dynamics and formulating potential reforms that consider legal, religious, and socio-cultural aspects inherent in the state.

4. Quranic Step-by-Step Guide to a Proper Divorce

The principles of arbitration and reconciliation as provided in the Quranic framework may lead to efforts aimed at resolving marital disputes and potentially preventing divorces. However, the effectiveness of these processes in preserving marriages is not adequately harnessed since it is mostly invoked after divorce despite clear prescriptions directing that divorce should come as the last resort when all arbitral avenues are exhausted. The virtues of Ṣulh (arbitration) are frequently extolled throughout the Quran as the preferred mechanism for marital dispute resolution. It is prescribed as the first line of action between the couples at the initial instance, and then subsequently in the presence of their guardians as highlighted in the following verses.

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ ۚ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ ۚ وَاللَّاتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاصْرَبُوهُنَّ ۚ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۗ إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا (النساء: 34)

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِّنْ أَهْلِهِ وَحَكَمًا مِّنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا ۗ إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا (النساء: 35)

وَإِنْ امْرَأَةٌ خَافَتْ مِن بَعْلِهَا نُشُوزًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا ۚ وَالصُّلْحُ خَيْرٌ ۗ وَأُخْضِرَتِ الْأَنْفُسُ الشُّحَّ ۗ وَإِنْ تُحْسِنُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا [النساء: 128]

الطَّلَاقُ مَرَّتَانِ فَإِمْسَاكٌ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ بِإِحْسَانٍ وَلَا يَجِلُّ لَكُمُ أَنْ تَأْخُذُوا مِمَّا 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 فَأُولَٰئِكَ هُمُ الظَّالِمُونَ ﴿البقرة 229﴾

A purpose-based rationalization of the context depicted in Quran 2 & 4 respectively, reveals that there is a hysteron proteron (Al-taqdīm wal-ta'khīr) in the arrangement of the cluster of verses that address the issue of marital disputes leading up to divorce. The presentation of the arbitration process in Quran 4, does not imply the establishment of a deliberate procedure that follows after divorce as in Quran 2, but rather, the procedure should proceed from bottom-top respectively clearly signifying a hysteron proteron. In the case of an irrevocable divorce, according to Ṣabūnī, Al-tasrīh bil ihsān alluded to in Q 2: 229 refers to alimony. Alimony, also referred to as spousal support or maintenance, is a legal obligation for a person to provide financial support to their spouse after marital separation or divorce. The purpose of alimony is to address any unfair economic effects of a divorce. The alimony case is particularly relevant in the socio-legal discourse of northern Nigeria due to the prevalence of divorce and the increasing vulnerability of women folk after being divorced.

5. Implications of Divorce in the Area of Study

The surge in divorce rates and marital dissolution in the area of study most of which fall within the remit of heretical divorce and/or prohibited divorce, can have several potential implications:

- a. Unilateral Divorce Pronouncement: The husband's unilateral authority to pronounce divorce (Talāq) 'without any legal repercussion', as per the contemporary norm, has contributed to a higher frequency of divorce pronouncements, thereby leading to an increased divorce rate within the community, impacting the stability of marital relationships. Determining the ubiquity of unilateral repudiation of wives by their husbands in Katsina State is a difficult undertaking due to the absence of data. But Faith-based Muslim organizations dedicated to Marital Support may help in this regard. By simply creating a social media platform where victims, families, and/or stakeholders can report such cases. This will be doubly significant. One, it will provide a glimpse into the magnitude of the menace. Two, it will add impetus to the pressure on the ulama, the traditional and political institutions, the civil society, as well as the legal profession to engage the discourse with the view to reform the divorce dynamics in the state.
- b. Impact on Marital Power Dynamics: The exclusive prerogative of the husband in the divorce process has influenced institutional power dynamics, potentially affecting the agency of legal structures within marital relationships. This imbalance of power has influenced the decision-making processes within marriages and contributed to strains in arbitral processes.

- c. Legal and Socio-Religious Dynamics: The interplay between the legal and socio-religious dimensions of divorce, as influenced by the arrangements within the legal framework, has over the centuries shaped community norms and perceptions regarding divorce, marriage, and family structures in the area of study. This interconnection between legal and social norms has been marred by a blatant disregard and hesitation for a proper adjudicatory process as provided by the Māliki standard legal references in the area of study.
- d. Social and Psychological Impact: The prevalence of divorce can have social and psychological implications on individuals, families, and the broader community. Divorce has disrupted social structures and familial support systems, impacting social cohesion and well-being.

6. Epistemic Base

There has been a renewed call for the development of a sound epistemic base upon which all rationalization of social and religious issues will be based. Simply put, a pragmatic approach that will lead research processes such that sound and logical conclusions may be arrived at. Alu Mari' emphasized that it's high time we break from those lopsided unscientific approaches where in the name of research that pertains to religious matters, scholars resort to sitting in the comfort of their rooms to produce fatwa or certain legal literature intended to direct moral actions. The complexities of contemporary social phenomena demand a resort to pragmatic approaches that entail the rationalization of social and religious issues in light of current realities. Since Al-kawn (the civic space) is the Kitab Allahi Al-Şāmit (the silent divine scripture) where inspirations may be drawn, and where lessons may be learned, therefore, neglecting it will only bequeath a half-baked process that results in the issuance of a fatwa that is far from reality. It is for reasons such as this, that Şalih Alu Al-Shaikh opines that when a community is faced with two conflicting fatwas, they should heed that issued by someone more acquainted with their situation. The vitality that once characterized Islamic law is lost as a result of taqlīd (legal imitation) that took hold from the fourth to twelfth centuries of the hijra. At that material time, geographical entities adopted any of the major schools of thought that circumstances imposed on them. According to Ishaq, efforts were merely put into fine-tuning of opinions of leaders and sub-leaders of each school. Thus, successive jurists made only a few rules in the spirit and character of their schools. This period is also characterized by codifications of existing rules produced by past jurists. These include; Mukhtaşar, Risāla, and Tuhfah, among others. The burden of this phenomenon led to hesitation by Ulama from venturing into exercitatorial activities to address contemporary issues. While problems keep compounding, there is a dearth of realistic solutions to them within the legal codes. To remedy this problem, Muslim climes had to resort to legislation by fiat. For example, the Moroccan Code of Islamic Law of Personal Status (1959) in a bid to regulate the abuse of the liberty for polygyny among men, requires that a license must be obtained. Similarly, in Algeria, Iraq, and Indonesia, administrative and judicial authorization must be sought before polygamy is permitted. It is, however, noteworthy, that the prevalence of divorce is not characteristic to the Muslim Northern Nigeria alone, it is a menace that bedevils Muslim states. A report by the Saudi Ministry of Economy & Planning (2006) indicated that one woman is unilaterally repudiated through Talāq by her husband every 40 minutes, thus an average of 36 women gets divorced every day. Records have shown that in 2006 13,140 divorce cases were recorded in Saudi Arabia. Since then, there has been a sharp increase which is feared to peak at 20% in subsequent years. Similarly, Sibel and Deniz investigated reasons for divorce in Turkey in

2010. Their findings show that 60.1% of all appeals were made by women, and the marriage duration of 41.9% of couples ranges between 1 – 6 years. 48.4% of the reasons for divorce are conflict-based, of which 38.7% pertain to psychological violence, and 19.4% were financial problems. It is for reasons such as these, that many Muslim climes move to reform the divorce process. Thanks in part to Al-Musawa's activism for fair divorce processes in Muslim states focusing on addressing the systemic inequalities that women face within personal status codes, particularly during divorce.

Table 1: Developments in Muslim Family Law Globally

POSITIVE DEVELOPMENTS IN MUSLIM FAMILY LAW GLOBALLY	
DIVORCE	
EQUAL RIGHT TO DIVORCE	TUNISIA, TURKEY: All divorces must go through the court. The grounds for divorce are equally available to both spouses. Divorce through unilateral repudiation (<i>talaq</i>) by husband is not recognized.
TALAQ DIVORCE	ALGERIA, MAURITANIA: A divorce by way of repudiation by the husband can only be effectuated through the court. BANGLADESH, PAKISTAN The standard marriage form includes a provision on the curtailment of a husband's right to divorce. MOROCCO: Divorce by <i>talaq</i> can only be effectuated under judicial supervision. The wife and children must have received all vested rights before it is authorized.
KHUL' DIVORCE	ALGERIA A wife can obtain a <i>khul'</i> divorce in court without the consent of the husband upon payment of compensation.

Source: www.musawah.org

It is obvious that since the Sharia legal discourse couldn't keep pace with the fast-changing sociocultural landscape requiring swift reforms to arrest the growing social ills, the political leadership had to resort to legislation by fiat as evident from table 1 above. During the classical period, the legal material used by Fuqaha to derive the legislative process was custom. This was perfectly exemplified by the Mālikiyya which emphasizes the custom of the people of Madinah as the basis to arrive at legal rules. This device was later used in common law, thanks to the influence of Muslim legal scholars like Qaid Brun who helped Henry the 2nd in his reform project of the British common law in the 1200s AD. This later became the distinctive feature that sets the common law apart from civil law which relies on legislation to issue legal rules through codifications. Peterson argues that the strength of common law lies in this legal instrument as such it is a gift from God. Nonetheless, common law has also fallen into the same pitfall as civil law since it no longer looks to society as legal material to derive rules but rather the legislature. Arguably, the Māliki doctrine of the practice of the people of Madinah strengthens the social contract within the Muslim polity because the legislative process is fully democratized as it derives from the people. The principle of *Al-iṣṭislāh* (public good) derives from this scheme as against *Istihsān* (juristic preference) or *Iṣṭishāb* (presumption of continuation of the legal force of a ruling due to the absence of a better alternative) used by Hanafīs and Shafīs respectively. Using the Māliki principle hitherto highlighted, this paper articulates legal research on the dynamics of divorce in Katsina state by aggregating the sentiments of parents whose daughters suffer traumatic experiences resulting in unilateral repudiation (*Talāq*) by their husbands. It is hoped that this endeavor will open up discussion on

the matter such that Islamic legal scholarship will initiate a scholarly engagement toward reforming divorce.

Method

Focused Group Discussion (FGD), a qualitative methodology, is widely used to elicit responses about certain socio-religious issues at individual community levels or the wider global community. In a bid to explore the divorce dynamics in the area of study, FGD is employed and was also found to be suitable since it reveals a plethora of in-depth knowledge and insightful understanding toward exploring the relationship between the lack of reform within the divorce process and the deteriorating nature of marital stability in the state, and this constitute the variables of our study. The study population consisted of fifteen participants drawn from the three senatorial zones of Katsina state. The participants (all of whom are family heads with an average age of 50 years) were randomly selected from Katsina, Funtua, and Daura LGs. To allow for a holistic understanding of the complexities of divorce dynamics, a multidisciplinary approach that integrates legal studies, sociology, and economics is employed to comprehensively analyze the results of the study. For legal studies, the theorem touches on Islamic legal scholarship to understand legal processes and implications surrounding divorce. From a sociological perspective, the "Structural Functionalism" theory is used to provide a valuable understanding of how the family and community structures function and how gender roles are maintained within society. Additionally, the theory provides a critical perspective on gender roles, power dynamics, and the experiences of women within the context of divorce and family structures. In terms of economics, theories related to household economics and the impact of divorce on individuals and communities offer a comprehensive understanding of the economic implications. Thus, the "Economic Theory of Divorce" appears to be a relevant theoretical framework. This theory focuses on the economic implications of divorce, including the division of assets, child support, and alimony, as well as the impact of divorce on the financial well-being of individuals and families. It also examines how divorce influences the economic stability of households, particularly for divorced wives and children, which aligns with the findings that divorce has significant financial ramifications on individuals and families. By incorporating the Economic Theory of Divorce, the study provides valuable insights into the economic consequences of divorce in Katsina State.

Data collection

After gathering the selected participants (five in each LG), the population was clustered into three Focus Groups, and the study purpose was explained to them. After accepting to participate in the study, the researcher asked them about the interview place and time. Before commencing each interview, participants were assured that the contents of the interviews would only be used for research purposes. And if at any point, a participant feels he can no longer continue collaborating with the researcher, he could withdraw at any stage. The study conforms to the extant ethical guidelines provided in the Umaru Musa Yar'adua University, Katsina Research Policy. The average time of each interview discussion was 60 minutes. Discussions were recorded after the participants' permission. The discussions began with the general theme; "broader implications of incessant divorce rates and marital dissolution within the studied area", "insights into the interconnectedness of legal and socio-economic dynamics and their effects on community well-being and development", and "case for reforming the divorce processes". The procedure involves; probing, further questioning, taking notes during the FDs, as well as

observation. The sampling process continued up to the satiety level which was achieved after 2 sessions, when no new data, code, or category was obtained.

Data analysis

The record from each session was transcribed after listening again and again and subsequently reading several times to grasp overall themes from the FD. This continued until codes, categories, and main categories were identified and final themes were formed. To verify the credibility of the data, two methods were employed; prolonged engagement with the data, and thorough checking. Furthermore, codes and categories were translated from Hausa into English

Result and Discussion

Result

After analyzing the data, three main categories (Māliki Legal framework, impact on marital dynamics, and socio-cultural and economic impacts) were obtained in addition to divorce rates in these families and the cumulative average (see table 2). The main theme, categories, subcategories, and coding samples are shown in Table 3 below.

Table 2: Data on Divorce Rate

Narrative	Statistics
Number of families sampled	15
Cumulative no. of Girls Married-off	45
Cumulative no. of girls divorced	24
Cumulative Average of Divorce Rate	53%
Average life Span of Marriage	4 yrs

Table 3: Themes, main categories, sub-categories, and codes

Theme Main	Category	Subcategory	Code
Legal and Religious Traditions	Māliki Legal Framework	Principles of Divorce within Māliki Tradition	L-01
		Authority of Husband in Divorce Process	L-02
		School of Thought Limiting Husband's Authority	L-03
Implications of the Māliki Framework	Impact on Marital Dynamics	Unilateral Divorce Pronouncement	I-01
		Marital Power Dynamics	I-02
		Reconciliation and Arbitration	I-03
		Social and Psychological Impact	I-04
	Sociocultural and Economic Impacts	Financial Implications	S-01

		Employment and Workforce Participation	S-02
		Child Welfare and Education	S-03
		Social Support Networks	S-04
		Housing and Property Ownership	S-05
		Community and Social Services	S-06

1. **Māliki Legal Framework:** This category pertains to the discussions surrounding the existing legal framework for divorce in the context of Māliki Islamic law. It demonstrates that it is essential to explore how the current legal structure aligns with the needs and experiences of the community members. The discussions center on the procedures for divorce, the rights and responsibilities of spouses, and the application of Islamic jurisprudence in divorce cases. The perspectives and experiences of the participants within this legal framework prove crucial for potential reforms. Issues singled out by participants include; the authority of the husband in the divorce process. They also wonder how excesses are difficult to be checked by the legal institutions. Participants also decry the abuse of *talāq* (unilateral repudiation) by husbands. Theorem (propositions) emanating from Islamic legal scholarship since the classical period have sought to check the excesses of husbands by imposing some stringent measures around the legal force of *talāq*. Literature cited has indicated that countries such as Malaysia and Indonesia recorded “fewer” divorce rates compared to Katsina due to their restrictions on divorce; it must be based on fault subject to the consideration of religious courts. By this, it means these climes do not allow Al-talaq Al-muḥarram (unilateral repudiation with no valid fault).¹ Interestingly, the participants opined that the barrier to legal reform may be attributed to the failure of judicial authorities to amend divorce processes through codification in the civil procedure. Al-Jazīrī as indicated in the literature review held that there were scholarly opinions from the four schools of thought that point to the ineffectiveness of heretical *talāq*. As for the *ẓahiriyyah* school, heretical divorce is discountenanced. Similarly, later scholars who are not bound to their Madhāhib restrictions such as; Ibn Taymiyyah and his disciple Ibn Al-Qayyim opine that heretical divorce has no legal force. Hence, *Qaḍāyāh* (matters) such as this may not be difficult to deal with even if we’re to resort to the *Talfīq* (legal hybridization) device. Because it has both the intellectual backings and the theoretic-legal tinges of all the schools.
2. **Impact on Marital Dynamics:** On the category of impact on marital dynamics, the focus group discussions delved into the consequences and effects of divorce on marital relationships within the community. The discussions provided insights into the emotional, psychological, and social ramifications of divorce on individuals, families, and the wider community. Participants indicated that the prevalence of divorce has had a social and psychological impact on families. The absence of community and social services, including counseling, legal assistance, and support programs (including conflict resolution mechanisms) aimed at addressing the needs of divorced individuals and families has further

exacerbated the problem. Literature emphasized the imperative of alimony toward supporting divorcees.

3. Socio-cultural and Economic Impacts: The discussions within this category revolved around the broader societal and economic implications of divorce. This encompasses the impact of divorce on children, family structures, social support networks, and economic well-being. Additionally, it explores how socio-cultural norms and economic factors influence divorce rates and outcomes. Thus, issues raised by the participants include;
 - a. Financial Implications: Divorce has significant financial ramifications on individuals, particularly the families of the divorced wives, impacting their household income, and financial stability. Often, children from such broken homes end up with the families of divorced wives. ‘Of the five female children I have, four were divorced. The fifth (the youngest, is less than twelve). This means all the four I married off were sent back! And the eldest among them is thirty-seven! They are all young! Their future is ruined! And yet people keep saying marry them off! I cannot risk having yet another daughter being fired (divorced) by her husband, I would rather invest in her education, and guide her to live a purposeful and chaste life in my home’, a participant retorted.
 - b. Employment and Workforce Participation: Divorce can affect workforce participation, particularly for women, impacting their ability to engage in paid employment due to caregiving responsibilities or changes in household dynamics. This can affect labor force participation rates and the overall economic productivity within the community.
 - c. Child Welfare and Education: Divorce can influence children's well-being and education. The legal and socio-cultural aspects surrounding divorce, as influenced by certain norms, can impact child custody, support, and access to education and healthcare, potentially influencing the overall welfare and development of children within divorced families.
 - d. Social Support Networks: Divorce can shift social support networks, impacting access to community resources, social capital, and emotional support. Changes in social networks and support structures can influence the resilience and well-being of individuals, particularly those experiencing divorce within the community.
 - e. Housing and accommodation: Divorce can lead to changes in housing arrangements and accommodation issues, which can have implications for housing stability, residential spaciousness, and access to housing resources within the community.

In the U.S., demographers have noted significant shifts in marriage and divorce patterns over the past fifty years. In 1950, the marriage rate per 1000 population was 11.1 and the divorce rate per 1000 population was 2.6. The median age at first marriage was 22.8 for males and 20.3 for females. Sixty-eight percent (66%) of all adult males (females) were married in 1950 and only 2.0 percent (2.4%) were divorced. By 2001, the marriage rate per 1000 population had declined to 8.4 and the divorce rate had risen to 4.0. The median age at first marriage had climbed to 26.9 for males and 25.1 for females. Only 60.8 percent (57%) of all adult males (females) were married in 2002 while 8.6 percent (11.2%) were divorced. Our literature review has indicated that over the past fifty years, marriage rates have declined and both age at first marriage and divorce rates have risen significantly. Thus, Economic Theory may help us understand why people marry and divorce and why patterns of marriage and divorce have

changed over time. Economic theory is relevant as a (partial) explanation of marriage and divorce only if marriage and divorce can be viewed as economic activities over which the individuals involved have a choice. In their investigation of the reasons for divorce in Turkey in 2010, Sibel and Deniz indicated that 19.4% of divorced couples had financial problems.

The nuclear family represents a basic unit of society across the world, with no society having yet found a suitable substitute for this form, except for the hypocritical and unnatural LGBTQ+ communities who are constantly pushing the boundaries in trying to change the narratives around the legal definition of marriage and family. And unfortunately, both the Catholic Church and the Anglican Communion are increasingly becoming complicit in this scheme by adopting some bizarre doctrinal stance regarding giving a nuptial blessing to gay couples, though, the vibrant African Christian communities are opposed to that. Certainly, family and marriage have been central to the lives of individuals for millennia in most populations. Also clear is that there is considerable emotional and political significance to the concept of the family. Indeed, the family is not only a core component of traditional and collectively oriented societies but issues around it are also a key topic for debate in most world societies.

The association between the family and broader State affairs was recognized by the Greek philosopher Aristotle. He saw the family unit not only as a self-sustaining social organization but also as the basis of the village and the State. For thousands of years, marriage has been functional, serving myriad political, social, and economic functions. This means that individual needs and desires were subservient to wider societal goals and the desires of the broader family members. For the rich, marriage is said to be a way of keeping and consolidating wealth. For the poor, marriage is said to provide a means of acquiring new resources and skills.

To better understand the Aristotelian theorem, we employ "Structural Functionalism" - a sociological theory that examines how society's structures function to maintain social order and stability. It views society as a complex system with interconnected parts working together to promote harmony and cohesion. According to this, each structure (such as family, economy, education, and government) serves a specific function to maintain the overall stability of the whole.

In the context of family dynamics, Structural Functionalism looks at how family roles and relationships contribute to the functioning of society as a whole. It is concerned with the division of labor within the family, gender roles, and the mechanisms through which families socialize their members to adhere to societal norms and values.

Ataca analyzes the Turkish family structure and its functioning, he maintains that Turkey is at the crossroads between the East and the West, characterized by much heterogeneity and social change. This has led to the emergence of many Turkish family prototypes. In general, they could be categorized under two prototypes, namely, the traditional family of interdependence and the family of psychological (emotional) interdependence based on Kağıtçıbaşı's Model of Family Change. Kağıtçıbaşı's model distinguishes among three prototypical family patterns. The first, the "family model of interdependence," is more common in less developed, rural, agrarian contexts with "cultures of relatedness" or collectivism and is characterized by both psychological and material interdependencies in the family system. The contrasting pattern of the "family model of independence" is more common in Western

industrial urban settings with individualistic cultures in which both dependencies are low. A third pattern, the “family model of psychological (emotional) interdependence,” is a synthesis of the first two patterns and characterizes the urban and more developed socio-economic contexts with cultures of relatedness, in which psychological interdependencies continue, while material interdependencies weaken. In Katsina state, the socio-cultural and religious dynamics play a significant role in the family prototype. But in both the rural and urban settings, the religious discourse on the husband’s sole financial responsibility to cater for the family which is further reinforced by the Maliki framework, has weakened the spousal material interdependencies, though with some exceptions in families where the female spouse have an appreciable income.

Helen conducted a stratified probability sample of 2996 Yoruba men and women aged 17 or above living in Lagos and Western States in June–July 1973. The results have shown that the smallest family which would be acceptable to any appreciable proportion of the population is four children, which would be acceptable to 18% of all respondents. Comparative data from elsewhere in the developing world, however, are presented to show that African family size ideals are amongst the highest in the world. Accordingly, age, educational, and occupational differences matter in perceptions of different family sizes in Nigeria. Likewise, in Katsina State, perceptions of different family sizes are determined by these factors. Family size plays a vital role in family cohesion and harmony particularly given the current economic climate in Nigeria with an average inflation rate of 16%. Serious marital turbulence resulting from economic and financial strains was highlighted by the participants to the FD.

Discussion

The provided context emphasizes a departure from traditional, insular approaches to religious research and underscores the need for a pragmatic, contextually informed methodology. This approach aligns with the notion that contemporary social phenomena necessitate a rationalization of religious and social issues within current realities, rather than relying solely on secluded scholarly deliberations. The emphasis on the civic space as a source of inspiration and guidance reflects a commitment to grounding religious and legal directives in the lived experiences of the community. Furthermore, the suggestion to prioritize the expertise of individuals familiar with the specific context echoes the call for contextual relevance in religious and legal interpretations.

Case studies are proposed to illustrate the empirical consequences of legal and religious norms on divorce dynamics, particularly within the intersecting realms of socio-cultural and economic influences. This indicates an intention to examine how broader societal and economic factors intertwine with legal and religious frameworks to shape divorce rates, and subsequently, the implications of high divorce rates on families and communities.

The prospect of fostering dialogue within legal and religious spheres is highlighted as a crucial step toward addressing challenges posed by prevailing divorce dynamics. Emphasizing the importance of promoting awareness regarding mutual consent and fair divorce processes within the studied area underscores a commitment to cultivating a nuanced understanding of divorce within a specific sociocultural context.

In calling for equitable reforms, the proposed approach entails drawing from the principles of *Fiqh Al-wāqī'* (jurisprudence of current realities) to advocate for a balanced consideration of legal and religious doctrines that promote fair and mutually respectful divorce practices. This signals an intention to bridge the gap between religious principles and contemporary social dynamics within the context of divorce.

The data collection procedure, involving focused group discussions (FGDs) and a meticulous sampling process aimed at data saturation, underscores a systematic and comprehensive approach to data gathering. The emphasis on probing, questioning, note-taking, and observation in the FGDs, as well as the iterative process of data analysis through transcription and thematic identification, indicates a rigorous and systematic approach to understanding the complexities of divorce dynamics within the studied community.

Conclusion

The paper explores the pressing issue of divorce dynamics within Katsina State, shedding light on the societal and individual implications of high divorce rates and the interconnectedness of legal, socio-economic, and cultural factors. Through a meticulous research methodology involving focused group discussions and thorough data analysis, the study revealed significant themes, including the impact of the *Māliki* legal framework on marital dynamics, and the broader socio-cultural and economic implications of divorce within the community.

The findings underscore the urgent need for collaborative efforts to address the escalating phenomena of divorce. The testimonial excerpt at the outset of the paper epitomizes the human dimension of this issue, emphasizing the profound impact of marital dissolution on individuals and families. This compels a rethinking of current practices and a call for the reform of divorce processes to ensure fairness, equity, and mutual respect. Ultimately, the paper advocates for a holistic approach to address divorce dynamics, one that integrates legal, religious, and societal perspectives to create a more equitable framework for marital dissolution.

Recommendations

Given the comprehensive analysis and insights garnered from the research, several recommendations can be proposed to address the complex and intertwined issues surrounding divorce dynamics in the study area:

- a. **Contextually Informed Reforms:** It is imperative to embark on a process of reform that is deeply rooted in the specific sociocultural, legal, and religious context of the studied community. Legal and religious scholars, lawmakers, and community leaders should collaborate to develop divorce processes that reflect the realities and values of the community while ensuring fairness and mutual respect for all parties involved.
- b. **Community Engagement and Dialogue:** There is a critical need to foster open and continuous dialogue within the community, involving legal and religious scholars, community members, and relevant stakeholders. This inclusive approach will help in understanding the nuanced challenges and aspirations related to divorce within the community and can contribute to the development of contextually relevant solutions.
- c. **Awareness and Education Initiatives:** Promoting awareness about the importance of mutual consent and fair processes in divorce is essential. Educational programs and initiatives should be implemented to inform individuals about their rights, responsibilities, and the potential societal impacts of divorce. These initiatives can also contribute to dispelling misconceptions and stigmas surrounding divorce.

- d. Socio-Economic Support Mechanisms: Given the documented socio-economic impacts of divorce, there is a need for the establishment of support mechanisms aimed at mitigating the financial and social repercussions faced by individuals and families that experience divorce. This could involve the development of social welfare programs, employment support, and counseling services.
- e. Research-Informed Interventions: The study highlights the value of empirical research in understanding the multifaceted nature of divorce dynamics. Continuous research endeavors should be encouraged to monitor trends, evaluate interventions, and gather additional insights to inform future policy and practice.
- f. Ethical and Equitable Application of Legal and Religious Doctrines: When proposing reforms, careful consideration should be given to ensuring a balanced and ethical application of legal and religious doctrines. This entails promoting fairness, justice, and the safeguarding of individual rights within the divorce process, as per the principles of Fiqh Al-wāqī'.

Suggestion for Further Studies

Based on the findings and recommendations presented in the paper, the following suggestions for further studies are made:

- a. Comparative Analysis: A comparative analysis of divorce dynamics and legal frameworks across different regions within the context of Māliki Islamic law may be conducted. This may involve examining how variations in sociocultural, economic, and legal factors influence divorce rates and outcomes.
- b. Longitudinal Study: A longitudinal study to track the long-term implications of divorce on individuals, families, and communities within the studied area may be undertaken. This will provide valuable insights into the trajectories of social and economic impacts over time.
- c. Qualitative Exploration: There is a need for in-depth qualitative research to explore the lived experiences and perspectives of individuals who have undergone divorce within the studied community. This could offer insights into the emotional, psychological, and social dimensions of divorce.
- d. Policy Analysis: A policy analysis to evaluate the effectiveness of existing legal and religious frameworks in addressing divorce dynamics is also imperative. This may necessarily involve assessing the implementation of proposed reforms and their impact on the ground.
- e. Interdisciplinary Research: Interdisciplinary research collaborations that will bring together legal, religious, sociological, and economic perspectives to comprehensively understand divorce dynamics are also essential to develop holistic policy and regulatory interventions.
- f. Cross-Cultural Studies: Exploring cross-cultural perspectives on divorce dynamics within Islamic legal frameworks will help in considering variations within certain practices and interpretations across different Muslim communities and regions.

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