

## Talaq (Divorce) and Its Challenges among the Muslims in Tambuwal Local Government

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**Abstract:** Talaq (Divorce) is an established act in Islam as its legality has been proved in the Qur'an and the Hadith of the Prophet (SAW). The concept of Talaq in Islam has been duly explained in the Qur'an and Hadith. Marriages are being dissolved and the people involved are facing varieties of challenges as the culture of the society have a different opinion/view on Talaq. It is with no doubt that both the husband-and-wife face one, two or more challenges after dissolving their marriage. The challenges ranging from problems of remarrying, lack of job to make a living and society stigma, etc. Even though there are different circumstances which may lead to dissolution of marriage in which things of no shame may be part of, also Islam encourages that differences be attempted and tried to be solved before resulting to Talaq and that Talaq should be the last option. Many people did not understand this, they quickly jump and stigmatized the divorcees in the society.

**Keywords:** Talaq, Challenges, Muslims and Tambuwal.

### INTRODUCTION

The Islamic way of life, covers every aspect of human life. No religion possesses the type of rules guiding divorce accurately as that of the Islamic shariah. In addition, it shows one of the signs of Islam as a problem-solving mechanism together with the recognition of the dignity, respect and solemnity in marriage. As the husband has the right to divorce likewise the woman can demand for it through legal means. No sex has supremacy over another sex in this sense. Any of the couple can feel he is being cheated or tortured and demand for divorce as the case may be.

The alarming explosion of divorce in our present times is a cause of great concern. In fact, the divorce rate in Tambuwal kept on rising on daily basis. The mention of the word divorce which means Talaq in Arabic has now become so cheap that in some marriages, every conflict whether major or minor between the couples features this word, either the husband threatens with it or the wife demands it. Hence women are married and divorce at will for minor issues that can be solve amicably. This paper shows that the divorce do more harm to woman (Wife) and her family than the man i.e husband in the area. These range from psychological trauma, immoral behavior, Economic hardship, denial of custody, etc.

### METHODOLOGY OF THE RESEARCH

Researcher intends to mention the procedure and method used in obtaining data and information which help in making research paper successful. The research used the following methods:-

- Interview
- Relevant material

**Interview.** Is a structured conversation where one participant ask questions and the other provide answers.

**Relevant Material:** The researcher also used available materials relevant to this paper.

### DIVORCE IN ISLAM

At-Ṭalāq is an Arabic word is derived from the word al- Iṭlaq this literally means setting free, as it is in setting a camel free (aṭlaqa `n- Nāqah) or setting a slave free (aṭlaqa al-Asīr).<sup>i</sup> Technically, it means the dissolution and unknitting of a marriage contract as well as putting an end to marital relationships orchestrated by the husband. It is an act that is considered detestable (Makruh) by the law Maker (Allah) according to a popular tradition related to the Prophet<sup>ii</sup>. Islam aimed at building a healthy human environment which will facilitate the dispensation of one's duty to the Supreme Being, Allah, as well as mankind. This Can not be achieved in an atmosphere where conflict is the order of the day.

In order to achieve this aim, a conflicting couple is given a chance to untie the knot they have entered into or to go their separate ways peacefully.

However, there are certain circumstances that can call for divorce at the instance of the husband after which all available means to settle the couple could prove abortive. When a wife transgresses the bounds of decent behavior, the husband is enjoined to take some steps which may lead to correction.

This is contained in the following verse of the Glorious Qur'an.

But those (wives) from whom you fear arrogance (first) advise them; (then if they persist), forsake them in bed; and (finally), strike them. But if they obey you (once more), seek no need against them<sup>iii</sup>.

The three methods to correcting a woman when she transgressed the bound of decency to her husband according to the Qur'ān are: by giving her admonition, by boycotting her bed, and by beating her in such a way that no harm will be inflicted on her neither should she be beaten on the face. The first method alone may be enough to redress the anomaly. In cases whereby it is not enough, the second method may be applied. If this is also not yielding result, then the third method may be used. An arrogant and stubborn wife might not be curbed by all these.

There is another method which is prescribed by the Allah (S.W.T) as we can see in the subsequent verse:

“And if you fear dissension between the two, send an arbitrator from his people and an arbitrator from her people. If they both desired reconciliation, Allah will cause it between them<sup>iv</sup>.”

It is after the failure of the arbitration that dissolution is later allowed. So far that the discord cannot be reconciled by both the husband and the wife (without any third party), at the same time, third parties have no influence in settling the discord, dissolution will probably or eventually proffer peace<sup>v</sup>.

Divorce which is a legal termination of a marriage contract between a man and a woman, has a negative impact on both parties, and the impact is usually much stronger on the woman than on the man. But the children of the separated couple are the most affected because they are the weaker parties and are the most in need of the marriage contract remaining intact.

## ECONOMIC CHALLENGES

“No other system possesses the type of rules guiding divorce accurately as that of the Islamic law”. Islam has mandated the Muslims (husbands) to make sure provisions are made for their divorced wife(s) as against the financial needs of their children if they are in the custody of the wife. But as Muslims nowadays are not observing the process of talaq duly, it makes it easier for them to neglect their duties and leave the wife alone to bear the financial burden. No doubt, the man too can bear the financial brunt and struggles of catering for the children especially when he's not the

financially buoyant, in the case of divorce, collective responsibility of taking care of the children may later turn to be individual responsibility of whoever is in the custody of the children. Research proves that women suffer the brunt (financial) more.

This study revealed that, in Tambuwal some men divorce women with ease, when such happened, the women are left to fend for themselves without any preparation. In the case of a divorced woman, whose name was requested to be hidden, testified that they had to take up a lot of more after hours work to meet up financially.

“After our divorce, a lot of efforts were put in place to reach out to my husband and his family so that they can be helping me financially, but all to no avail. I have to struggle so hard and I'm still struggling, it hasn't been easy, to take care of house rent, school fees and even food has been so hard on me”<sup>vi</sup>

It is also common for husbands to divorce their wives through pronouncing the divorce three times to make reconciliation impossible and the divorce irrevocable. As a result of these practices, women are left (in most cases together with their children) to fend for themselves. The divorced woman goes back to her parents until the husband recalls her or she is able to remarry. That is the more reason why some women relinquish or forfeit their right to custody of children and allow the children to stay with their father, not minding the psychological effect of such acts. This becomes necessary as most of these women are not economically empowered.

Another divorcee woman in the area has this to say,

“After our divorce, I lived with my parents for months with my 2 kids and it has been the most anguishing period of my lifetime, the struggle to meet up financially and the society stigma, you know in our society, divorcee receive less attention by her relatives.”<sup>vii</sup>

Generally, our people give less attention to women (divorcee) because they believed they might commit something wrong which gave birth to the termination of their marriage. Shariah stipulated that provisions should be made for the wife and children, Where the husbands give money for maintenance, it is usually a merger amount which is not enough to cater for them and their children.

That is the more reason why some women relinquish or forfeit their right to custody of children and allow the children to stay with their father, not minding the psychological effect of such an act. This becomes necessary as most of these women are not economically empowered. A divorced husband or wife may be saddled with added responsibilities and roles, particularly with regard to care of the children; he or she has to be both father and mother to the children. Some mothers may even have to go out and work to maintain their children while those working may have to find another job so as to get better income to maintain the children.

There are many other economic challenges for both the husband and the wife. When the responsibilities of two people become that of a single person, they tend not to be able to cater for their children to meet up with the standard of the society.

Another divorcee testified that;

“I found it so difficult and demanding to cater for my children, even though I'm able to meet up financially in some aspects, I still find it difficult to make use of the money to cater for them to society standards. I've spent most of my time outside looking for money and when the money is realized, it's not been used judiciously to see the required result. It has been tough and rough but Alhamdulillah, things are improving<sup>viii</sup>

It has been proven that women tend to suffer most when the financial burden solely relies on them, they do not have the physical manpower to put up and work many jobs, the society stigma puts them at a disadvantage to look for and secure job simply because, society did not pay attention to them. Most cases the women are left to fend for themselves without any preparation.

The Shariah however stipulates that, beside the legal entitlements of the wife, she should be given a parting gift as muta'a.

Allah says:

“Bestow on them (divorced women) a suitable gift, the wealthy according to his means and the poor according to his means, a gift of a reasonable amount due from those who wish to do the right thing<sup>ix</sup>..

## SOCIAL CHALLENGES

Divorce seems to be more socially accepted nowadays and it is the most won issue in the modern world. Divorce in the family always

signals dangers and insecurity in society. Findings have indicated that divorce has a negative impact on spouses as well as the development of children in the society, and it leads to a number of social problems such as prostitution by young ladies. It will be difficult for a woman to cater for all the basic needs of the child single handedly. It will grow demoralized. He suffers different types of deprivations including parental love, care and affection. Such children grow up humiliated and heartless. They resort to various crimes such as robbery, rape, arson and other related wrong doings. It is also observed that, divorce has a negative impact on men too, men cannot really make their feelings vocal<sup>x</sup>.

Divorced couple may also suffer social stigma which may be inevitable, for example, it is not unusual for divorces to be derided by community, friends and relatives will ask awkward questions, the estranged couple will lose each other's relatives and friends, the help of relatives, welfare and other organizations to look after the children may have to be sought. Due to low self-esteem and loneliness, there is the likelihood for the woman to be sexually assaulted. Due to low self-esteem and loneliness, there is the likelihood for the woman to be sexually assaulted.

More importantly, one of the challenges faced by divorced couples is their inability to cater and monitor their children who may turn out to menace in the society, these children lacks absolute parental care and love, each of the parents have individual and collective roles they play in the lives of their children but their departure means these children will lack all these cares and upbringing. Therefore, they tend to develop vices from around the society and develop characters that'll disrupt the peace of the environment.

These behaviors may include misbehaving to the parents, disrespecting them, hating them, not listening to them or taking their advice, disliking and having distrust for the opposite sex e.t.c. Disregard for the parents will not allow for the proper training of the children but rather will lead to development of a poor perspective of life. While some children may marry early due to loneliness and eagerness to be free from parental control, some other children may detest marriage and take up promiscuity in its stead.

In a study published in the area it is discovered that both sons and daughters of divorced families are significantly more likely to begin smoking than

peers whose parents are married. In an analysis of 19,000 Americans, men whose parents divorced before they turned 18 had 48 percent higher odds of smoking than men with intact families. Women had 39 percent higher odds of picking up the habit.<sup>xi</sup>

A study also found that more than 78 percent of children in two-parent households graduated from high school by the age of 20. However, only 60 percent of those who went through a big family change including divorce, death, or remarriage, graduated in the same amount of time. The younger a child is during the divorce, the more he or she may be affected. Also, the more change children are forced to go through, like a divorce followed by a remarriage, the more difficulty they may have finishing school.<sup>xii</sup>

In addition to these, children could suffer the following:

- (i) Sense of being deprived of parental love
- (ii) Separation from siblings
- (iii) Sense of guilt, embarrassment, insecurity and loss of self confidence
- (iv) Depression
- (v) Anxiety
- (vi) Loss of concentration in studies.

Divorce encourages violence, this is because upon divorce, the relationship between the families of the divorced couple may turn sour, leading to hatred and mistrust between them and thus they tend to be aggressive to each other and may not hesitate to unleash their vengeance even on very trivial issues. This is evident in one popular incident that happened in one area in Tambuwal last year, 2023. Where a divorced wife sent a group of relatives to attack and harm her husband. This and many more issues like this arose as a form of challenge of talaq<sup>xiii</sup>.

Another important challenge is the issue of crime, where divorce leads to lack of proper moral upbringing, there could be an increase in children with antisocial behaviors which thus increase the crime rate, since such children are likely to treat laws and morals with impunity and take crimes such as stealing, robbery, prostitution, financial crimes etc. as a lifestyle.

It is observed that after the divorce many females indulge into prostitution hence they have no fended for themselves. These results in their violation of Islamic code of conduct and will become promiscuous beings. One of the rampant causes of prostitution and other social vices like,

premarital pregnancy etc., divorce is one of them. They become soft targets for all kinds of blames as they have no husband that can defend them, she is impregnated by a man that she is not married to; in most cases the parents would force her to abort the pregnancy so that they are not disgraced and intimidated in public. In some cases, the parent disowns her sometimes throughout her life. What happens next, she becomes a prostitute, aborting the pregnancy is termination of an innocent life on the other hand, failure to abort the pregnancy; she cannot cope with the burden of the child's sustenance.

Divorce could confer frustration on children and render them useless in life. The result of this factor leads to children becoming a nuisance to the society making them integrated into their community and the larger society very difficult.

## PSYCHOLOGICAL CHALLENGES

Marriages are very difficult to end and everyone goes through a period of emotional transition. This is so because of the loss and fear of the unknown. However, mediation allows each individual to take some degree of control over their lives. It also helps to make sense of the ambivalent and upsetting feelings that are prevented. That is why Islam stipulates that in case of disagreement the relatives of both couples should mediate to find a lasting solution. The stress involved in the divorce can cause lack of sleep, depression, fatigue and listlessness; a divorce can have numerous psychological implications as well.

The effect of marriage dissolution, Couples facing a marriage break-up will have to cope with some of the following: Anxiety, Anger, Sadness, Weariness, Guilt, Low self-esteem, Worry, Frustration/Disappointment, Loneliness, distrust etc. Among estranged partners, these feelings are unavoidably present before, during and after the divorce and if not checked could lead to hatred, commission of crime, psychological disorders and other complications. Sometimes in a bid to suppress these feelings or to spite the divorced spouse a spouse may rush into another marriage which may suffer a similar fate as the previous marriage.

Aminatu said,

“I didn't know really, I became so bored that I'm not aware the issue is psychological, I no longer dress well and interact well with people. The trauma was eating me up. The people around me tried to help but all to no avail<sup>xiv</sup>.”



The challenges are boggling and if care is not taken, one may not recover at all. The truth is, divorce created a lot of problems, that is why it is lawful but not encourage by Islam. Things don't really get better but become worse. Divorce isn't good for individuals and society. Another woman in the area has this to say concerning her experienced as divorcee.

“Another important aspect where the women suffer more is the ‘how to take care of the children’ part. The challenges will be on both of them, I remember then when I wake up in the middle of the night to cry, most things on my mind were how to take care of them alone and how they are feeling. No father figure and the trauma of what has happened between their parents may live with them till the rest of their lives.”<sup>xv</sup>

The challenges faced by the women in Tambuwal cannot be underemphasized, many people attested to it, even those that aren't divorced. They shared and spoke about how they stood with their friends and saw how bad things were for them. Some even went ahead and swear they won't have anything to do with marriage again. Some of these people also said, they don't wish to be in their shoes.

On the consequences of divorce Ibrahim and others have this to say, in every divorce, the children are likely to be affected psychologically most. They are the victims of the differences of their parents. This is because at a tender age, children are very sensitive and good observers. Basically, divorce tends to intensify the child's dependence and it tends to accelerate the adolescent's independence; it often elicits a more regressive response in the child and a more aggressive response in the adolescent<sup>xvi</sup>.

Due to divorce and its associated problems, divorced couples may think more of their own feelings while disregarding their children's feeling, thus making the children feel unwanted and if this is not corrected, they may develop a negative attitude towards their parents and marriage.

It is also observed that, divorce has a negative impact on men too, while a woman can gather her friends, cuss her partner to eternal damnation and cry her heart out, men cannot really make their feelings vocal. Men are emotionally introverts and tend to be suffering in silence. The inability to express grief and nursing a mortal blow to self-esteem can result in a gradual breakdown in their health. The stress involved in the divorce can

cause lack of sleep, depression, fatigue and listlessness. These systems end up giving way to bigger afflictions. Sometimes, with the stress level surpassing its limits, it can end up causing cardiac arrest. Besides the physical, a divorce can have numerous psychological implications as well.

Studies have shown that divorce men and woman have shown higher tendencies becoming juvenile psychopaths than the ones whose marriages do not end.<sup>xvii</sup>

It has been observed that the absence of one parent as a result of divorce makes impossible for a single parent to be an adequate role model, therefore a child who is not given parental love, guidance and personal affection often develops a problem that hinders his growth. Children from broken homes develop bitterness and hatred among themselves because of the foundation, which was laid by their parents. This may lead them to indulge in prostitution, armed robbery and other vices. Observation also showed that many delinquent acts could be traced to broken homes. Many types of deviant behaviors are linked to disruption of good moral upbringing from parents<sup>xviii</sup>.

Divorce could confer frustration on children and render them useless in life. The result of this factor leads to children becoming a nuisance to the society, making their integration into the community and the larger society very difficult.<sup>11</sup>

However, the Islamic marriage institution possesses some distinguishing features that make it exemplary in operation. It also helps shape the socio-cultural lifestyle of people of Tambuwal local government by helping them change some loopholes in their marital and divorce culture. You can take any other system of marriage side by side with the Islamic system of marriage and compare the differences.

No doubt, the challenges of talaq in Tambuwal LG have been treated in this paper after research and interviews have been conducted. This study is full of the challenges faced by divorced couples and also branches on the challenges faced by the children and also on how divorce affects the society at large.

## FINDING OF RESEARCH PAPER

- Divorce in the area do harm to the woman (wife) and her offspring than the man(husband).
- Divorce created social vices in the area.
- Divorce is rampant in the area

- Divorce created enmity and hatred between the couple's family.
- Divorce affected children upbringing in the area.

## SUGGESTIONS AND RECOMMENDATIONS

Based on the research findings recommendations were made on various stakeholders in this respect.

1. 'Ulama should preach and admonish people particularly couples on the consequences of divorce and the need for endurance and perseverance in the conduct marital life. They should teach people on the necessity of following the Sunnah of the Prophet (SAW) pertaining to the conduct of marriage. They should also form a forum that will be enlightening the 'Ummah on the necessity of maintaining good marital ties in the community.
2. Marriages should be based on thorough investigations. It should be fully investigated where the spouses come from, that is their family background and their upbringing of discipline in the respective families before arranging marriages.
3. Muslim clerics have the duty of sensitizing the parents and the Muslim couples what Allah (SWT) said about marriages and divorce.
4. Marital ties should ultimately be based on mutual love, admirable behaviors of the spouses including their proper upbringing in their respective houses
5. To the Parents: Parents should know that their children have freedom of choice. They should be allowed to choose their spouses whom they will live together with permanently; therefore, parents should not force their children to marry those they do not love. The ultimate result of divorce which may lead to some mischievous act such as prostitution and various forms of social vices are mostly caused by forced marriages.
6. To the Spouses: They should adopt Islamic values to be their way of life. This off-course spread love and compassion between them.
7. Awareness and enlightenment campaign should be extended to family and community leaders

within the Muslim communities who played the vital role of mediation and arbitration in family disputes.

8. Islamic procedures for divorce and reconciliation should be strictly adhered to. Ruling concerning divorce, reconciliation are found in the Qur'an, for instance Q65:1, Q4:3 and Q65:2. They are aimed at reducing the rate of divorce and spousal abuse.

9. In addition, committee should be set up by the government to conduct research on the rampant cases of divorce in order to come up with ways through which divorce can be minimized if not totally eradicated.

10. Furthermore, the women should be given their post-divorce entitlement. The practice of throwing them out of their houses during Iddah should be stopped.

11. All other rights associated with them should be given to them in order not to cause any hardship on them even after Iddah.

12. She should also be given custody of her children as she is best entitled to them and nobody can replace her motherly affection (Q2:233).

## CONCLUSION

Without a rule and regulation guiding sexual relationships between male and females on earth there is no doubt that human society will look like that of animals and birds. The reasoning faculty endowed human beings makes it imperative for them to organize a system of coming together of opposite sex in terms of relationship. Different religions have different ways of life as far as marriage is concerned.

However, the Islamic marriage institution possesses some distinguishing features that make it exemplary in operation. It also helps shape the socio-cultural lifestyle of people of Tambuwal local government by helping them change some loopholes in their marital and divorce culture. You can take any other system of marriage side by side with the Islamic system of marriage and compare the differences.

## END NOTES

<sup>i</sup>. M.A.Ambali, The Practice of Muslim Family Law in Nigeria, Np, Nd, p3

<sup>ii</sup>. Ibid.

<sup>iii</sup> AlQur'an 4:34

<sup>iv</sup> Qur'an 4: 35

<sup>v</sup> A.orire, shariah: A misunderstood legal system, np, nd, p

<sup>vi</sup> Haj.Hawau Bello, Divorcee, Tambuwal, 37 years, November, 2024.

<sup>vii</sup> .Mal.Aisha Sambo, Divorcee, Tambuwal 34 years, November, 2024.

- <sup>viii</sup> Haj.Fatima Aliyu,Divorcee, Tambuwal 39years, September,2024.  
<sup>ix</sup> AlQur'an 2:236  
<sup>x</sup> Mal H. Abubakar ,Islamic preacher,Tambuwal,45years, August,2024.  
<sup>xi</sup> M.Zakariyya, Causes and reasons for divorce in Tambuwal,Np,Nd,p3  
<sup>xii</sup> Ibid,p4  
<sup>xiii</sup> Mal.A.Abubakar,Civil servant,Tambuwal,54yaers,November,2024.  
<sup>xiv</sup> Haj.Aminatu Bello, Divorcee,Tambuwa,l 40years,November,2024.  
<sup>xv</sup> Mal Mariya,Divorcee,Tambuwal,30years,November, 2024.  
<sup>xvi</sup> B. Ibrahim., An examination of the effects of divorce and the Islamic legal framework for its prevention, press Legacy,Lagos-Nigeria 2004, p. 230  
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<sup>xviii</sup> Ibid,p82

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