



Research Article

The Awareness-Action Gap: A Study on Talaq Tafweez Awareness, Perceptions, and Institutional Barriers among Women in Pakistan

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Abstract

This study investigates the disparity between the legal provision of Talaq Tafweez (the delegated right to divorce) and its practical application among married women in Pakistan. Employing a quantitative cross-sectional design, structured questionnaires were administered to a stratified random sample of 300 married women across diverse geographic and socio-economic backgrounds. Data were analyzed using SPSS. The findings reveal a profound awareness-action gap: while 68% reported no awareness of the right, there was overwhelming support for the principle of gender equality in divorce initiation. The research identifies multi-faceted barriers driving this paradox. Institutional failure is evident, with respondents strongly indicating that Nikah Registrars routinely omit the crucial clause from the marriage contract. Furthermore, powerful socio-cultural barriers, including intense social stigma and honor-based concerns, combined with perceived religious opposition, create a deterrent environment. Critically, the legal system is perceived as unsupportive, inefficient, and unclear in its procedures. Conversely, the data shows strong prospective demand, with respondents advocating for the clause to be made compulsory and endorsing key reforms. The study concludes that the underutilization of Talaq Tafweez is a symptom of systemic failure rather than a lack of belief in its principles. Recommendations include mandatory training for marriage registrars, public awareness campaigns, engagement with religious leaders, and legal aid services to transform this dormant right into an accessible tool for women's empowerment.

Keywords: Talaq Tafweez; Delegated Divorce; Women's Rights; Islamic Law; Pakistan; Legal Awareness; Nikah Nama; Muslim Family Laws Ordinance; Gender Justice; Socio-Legal Barriers.



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Introduction

Within the framework of Islamic law, marriage is a civil contract, and like any contract, its terms are open to negotiation. A significant, yet often underutilized, provision within this contract is *Talaq Tafweez*—the delegation of the right to pronounce divorce. This principle allows a husband to delegate his right of divorce to his wife or a third party, thereby providing a potential mechanism for a woman to initiate the dissolution of her marriage under specific, pre-agreed conditions (Mehdi, 2005). Rooted in classical Islamic jurisprudence and operationalized in Pakistan through the Muslim Family Laws Ordinance (MFLO) 1961

and specific clauses (notably Columns 18 and 19) in the standard Nikah Nama (marriage contract), Talaq Tafweez represents a crucial legal avenue for female agency in marital dissolution (Hassan et al., 2021; Warraich and Choudry, 2025).

Despite its firm legal and theological foundations, a significant gap exists between the theoretical existence of this right and its practical application in Pakistani society. Anecdotal evidence and limited prior studies suggest that awareness of Talaq Tafweez remains strikingly low among women, and its inclusion in marriage contracts is often overlooked or actively discouraged (Faroq, 2022). This underutilization is hypothesized to stem from a complex interplay of factors, including pervasive socio-cultural norms that stigmatize female-initiated divorce, religious misinterpretations, institutional inertia, and a lack of awareness among both the public and the officials responsible for administering marriage contracts (Maqsood et al., 2018). Consequently, a rights-based provision designed to offer protection and autonomy remains largely inaccessible to those it is intended to serve.

The existing literature on Muslim family law in Pakistan has extensively documented issues such as dowry, child marriage, and reform efforts around divorce [X]. However, comprehensive empirical research focusing specifically on the awareness, perception, and practical barriers surrounding Talaq Tafweez is limited. This study, therefore, seeks to fill this critical gap by systematically investigating the socio-legal landscape of delegated divorce in Pakistan. The primary objectives of this research are:

1. To quantify the level of awareness and understanding of Talaq Tafweez among married women in Pakistan.
2. To examine the cultural, religious, and institutional perceptions that influence the accessibility and legitimacy of this right.
3. To identify the practical barriers that prevent the inclusion and enforcement of Talaq Tafweez clauses in marriage contracts.
4. To explore the relationship between demographic variables (e.g., education, location, socio-economic status) and awareness levels.

By addressing these objectives, this study aims to move beyond theoretical discourse and provide an evidence-based analysis of the realities on the ground. The findings are expected to contribute valuable insights for policymakers, legal reformers, women's rights advocates, and religious scholars, finally informing strategies to bridge the gap between law and practice and empower women to access their full legal rights under Islamic and Pakistani law.

Methodology

Study Design and Population

This study employed a quantitative research design to investigate the awareness, perceptions, and practical application of Talaq Tafweez among married women in Pakistan. A cross-sectional survey was conducted. The target population for this study consisted of all married women across Pakistan.

Sampling Strategy

A stratified random sampling technique was employed to ensure a demographically representative sample of 300 married women. Strata were created to ensure balanced representation across key demographic variables, including:

- Geographic region (e.g., provinces)
- Locale (urban, semi-urban, and rural areas)
- Educational attainment
- Socio-economic status and marital duration

This approach was selected to minimize selection bias and enhance the statistical generalizability of the findings to the broader population. The sample size of 300 was determined to be sufficient for both descriptive and inferential statistical analyses while maintaining practical feasibility.

Data Collection

Data was collected through a structured questionnaire, which was pre-designed and formatted for seamless data entry into SPSS. The instrument was designed to measure key variables, including:

- Socio-demographic characteristics
- Awareness and knowledge of Talaq Tafweez
- Understanding of specific Nikah Nama clauses (e.g., Columns 18-19)
- Attitudes towards delegated divorce and gender rights
- Perceptions of cultural, religious, and institutional barriers
- Experiences with legal institutions

The questionnaires were administered directly to participants to ensure clarity and completeness.

Data Analysis

The quantitative data were analyzed using the Statistical Package for the Social Sciences (SPSS). Frequencies, percentages, means, and standard deviations were calculated to summarize the demographic profile of the sample and describe the distribution of responses for all variables.

Ethical Considerations

Given the sensitive nature of the research topic, which involves issues of marriage, divorce, and gender within a religious context, strict ethical protocols were adhered to:

- All participants were fully informed about the study's purpose, procedures, and their rights. Written or verbal consent was obtained before participation.
- All data were anonymized. Identifying information was removed from the dataset and stored separately under secure conditions to ensure participant confidentiality.
- Data collection was conducted in a culturally appropriate manner. Female research assistants were engaged to administer surveys, ensuring a comfortable and safe environment for respondents.
- Participants were explicitly informed of their right to withdraw from the study at any point without any negative consequences.
- The research design and implementation prioritized the safety of participants, taking all necessary measures to prevent any social, familial, or institutional harm that could arise from their involvement.

Results

Table 1 presents the sociodemographic distribution of the study sample (N=300) and their awareness of Talaq Tafweez. The sample was predominantly composed of younger and middle-aged adults, with the largest cohort being 26–35 years old (36.0%), followed by those aged 36–45 (25.3%). The majority of participants were married (60.7%), reflecting the study's likely focus on individuals for whom marital laws are most relevant. Geographically, over half of the respondents resided in urban areas (54.0%), with the remainder split between semi-urban (26.0%) and rural (20.0%) locales.

Table 1. Sociodemographic Profile and Awareness of Talaq Tafweez among Study Participants.

Variable	Categories	Frequency	%
Age	18–25	52	17.3
	26–35	108	36.0
	36–45	76	25.3
	46–55	42	14.0
	56+	22	7.3
Marital Status	Single	48	16.0
	Married	182	60.7
	Divorced	52	17.3
	Widowed	18	6.0
Location	Urban	162	54.0
	Semi-urban	78	26.0
	Rural	60	20.0
Education Level	No Formal Education	22	7.3
	Primary	38	12.7
	Matric/O-Level	64	21.3
	Intermediate/A-Level	74	24.7
	Bachelor's Degree	68	22.7
Occupation	Master's or Higher	34	11.3
	Homemaker	136	45.3
	Employed (private/public)	82	27.3
	Self-employed	34	11.3
Religion	Student	48	16.0
	Islam (Sunni)	268	89.3
	Islam (Shia)	24	8.0
Awareness of Talaq Tafweez	Other (Christian, Hindu, etc.)	8	2.7
	Yes	96	32.0
	No	204	68.0

Educational attainment was varied, with the largest proportion having completed Intermediate/A-Level studies (24.7%), closely followed by Bachelor's Degree holders (22.7%) and Matric/O-Level graduates (21.3%). A significant majority of participants identified as homemakers (45.3%), while those employed in the formal sector constituted

27.3% of the sample. Religiously, the sample was overwhelmingly Muslim, with Sunni Muslims comprising 89.3% of respondents.

Critically, the data indicates a low level of awareness regarding Talaq Tafweez among the participants. A substantial majority (68.0%) reported no awareness of this legal provision, while only 32.0% indicated they were aware of it. This suggests a significant information gap within the studied population concerning this specific aspect of Islamic marital law.

Table 2. Legal Awareness and Understanding of study participants.

Statements	Mean	Std. Dev
I am aware of my legal right to Talaq Tafweez under Pakistani law.	2.61	1.21
I am familiar with the contents of Columns 18 and 19 in the Nikah Nama.	2.43	1.17
The Nikah Khwan clearly explained my rights during the marriage registration.	2.18	1.09
I believe Talaq Tafweez is Islamically permissible.	3.94	1.02
I have read or been educated about MFLO 1961.	2.37	1.11
Talaq Tafweez was discussed during my marriage agreement.	2.13	1.04
I believe women should have equal rights to initiate divorce under delegated terms.	4.28	0.91

Likert Scale: 1 = Strongly Disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, 5 = Strongly Agree

The data presented in Table 2 reveal a significant disparity between the participants' abstract beliefs in gender equality and Islamic permissibility and their concrete knowledge and experience of legal rights. The mean scores for items about specific legal knowledge and procedural experiences are consistently low (ranging from M=2.13 to M=2.61), clustering around the "Disagree" to "Neutral" range of the Likert scale. This indicates a profound lack of practical awareness. Specifically, respondents reported low awareness of their legal right to Talaq Tafweez (M=2.61) and limited knowledge of the critical content of Columns 18 and 19 of the Nikah Nama (M=2.43), which are the very mechanisms for delegating the right to divorce. This lack of knowledge is compounded by an apparent failure in the marriage registration process, as respondents strongly disagreed that the Nikah Khwan (marriage officiant) adequately explained their rights (M=2.18) and confirmed that Talaq Tafweez was not discussed during their marriage agreement (M=2.13). Furthermore, familiarity with the overarching Muslim Family Laws Ordinance (MFLO) 1961, which provides the legal framework for these provisions, is very low (M=2.37). In contrast to the lack of concrete knowledge, respondents exhibited strong agreement with normative statements about the principles underlying Talaq Tafweez. There was strong agreement that Talaq Tafweez is Islamically permissible (M=3.94) and very strong agreement with the principle that women should have equal rights to initiate divorce under delegated terms (M=4.28).

Table 3 reveals that substantial cultural and religious barriers present a significant challenge to the practical application of Talaq Tafweez, despite the previously noted abstract support for its principles. The most powerful barriers identified are social in nature. Respondents overwhelmingly agreed that social stigma is a significant deterrent

(M = 4.12), representing the strongest level of agreement in this set of statements. This is closely followed by the perception that families avoid Talaq Tafweez due to honor-related concerns (M = 4.01). This suggests that the decision to delegate the right to divorce is not seen as an individual legal choice but as a familial and communal one, heavily constrained by fear of social judgment and reputational damage. The data indicate a clear perception that granting women the right to initiate divorce is culturally unacceptable within their communities (M=3.88). This sentiment of opposition is mirrored in the strong disagreement with the statement that their community accepts Talaq Tafweez as a valid option (M=2.11). This result confirms that the prevailing community norm is one of rejection, not acceptance. Furthermore, there is a notable level of agreement that delegated divorce is perceived to harm traditional family structures (M=3.62), framing it as a threat to established social orders rather than a protective legal right. Religious factors also play a substantial role. Respondents agreed that religious leaders in their area oppose *Talaq Tafweez* (M=3.51) and, most significantly, that religious misinterpretations are a major discouraging factor (M=4.06). This indicates that the cultural stigma is often justified or reinforced by perceived religious edicts, creating a potent barrier where social norms are legitimized through religious authority.

Table 3. Cultural and Religious Perceptions.

Statement	Mean	Std. Dev
Delegated divorce harms traditional family structures	3.62	1.14
Allowing women to divorce is culturally unacceptable in my community	3.88	1.10
Religious leaders in my area oppose Talaq Tafweez	3.51	1.13
Social stigma discourages women from using Talaq Tafweez	4.12	0.94
Families rarely include Talaq Tafweez due to honor-related concerns	4.01	0.98
My community accepts Talaq Tafweez as a valid legal option.	2.11	0.91
Religious misinterpretations play a key role in discouraging <i>Talaq Tafweez</i>	4.06	0.89

Likert Scale: 1 = Strongly Disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, 5 = Strongly Agree

Table 4. Legal Enforcement and Institutional Factors.

Statement	Mean	Std. Dev
The court system is supportive of women exercising Talaq Tafweez	2.84	1.17
Judges handle delegated divorce cases fairly and without bias	2.91	1.10
Legal practitioners are well-trained to support Talaq Tafweez cases	2.67	1.19
Family courts resolve such cases on time	2.34	1.12
There are clear laws and procedures to enforce Talaq Tafweez	2.51	1.05
Lack of legal awareness among women leads to underutilization	4.18	0.87
Nikah Registrars often skip or ignore Column 18	4.24	0.81

Likert Scale: 1 = Strongly Disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, 5 = Strongly Agree

The data in Table 4 highlights a critical failure within the legal and institutional structures designed to uphold the right of *Talaq Tafweez*, identifying systemic barriers that effectively nullify its existence in practice. Respondents expressed a lack of confidence in the formal institutions responsible for enforcing this right. Perceptions of the court system's support (M=2.84), judicial fairness (M=2.91), and the competence of legal practitioners (M=2.67) all cluster around a neutral to slightly negative stance,

indicating significant skepticism. The most substantial criticism is reserved for the efficiency of the legal process, with strong disagreement that family courts resolve cases promptly ($M=2.34$). This points to a perception of a judiciary that is either unsupportive or inefficient, or both. Furthermore, respondents disagreed that there are clear laws and procedures for enforcement ($M = 2.51$), suggesting that even the existing legal framework is perceived as ambiguous or inaccessible. The key finding is the overwhelming consensus on the role of Nikah Registrars. Respondents strongly agreed that registrars often skip or ignore the crucial Column 18, where Talaq Tafweez is delegated ($M=4.24$). This identifies a catastrophic failure at the very inception of the marriage contract, preventing the right from being established in the first place. This institutional practice acts as the primary gatekeeper, systematically disenfranchising women before they even seek legal recourse. Consistent with the findings on awareness in previous tables, respondents overwhelmingly identified the lack of legal awareness among women as a leading cause of underutilization ($M=4.18$). This indicates a recognition that the legal right is meaningless if the rights-holder is unaware of its existence.

Table 5. Personal Experience / Intentions.

Statement	Mean	Std. Dev
My marriage contract includes a clause on delegated divorce.	1.97	1.04
I would insist on including Talaq Tafweez if I were to remarry.	4.11	0.88
I know someone who has used Talaq Tafweez.	2.64	1.12
If given the opportunity, I would exercise my delegated right.	3.96	0.93
Talaq Tafweez should be a compulsory clause in all Nikah Nama.	4.36	0.79

Likert Scale: 1 = Strongly Disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, 5 = Strongly Agree

The data in Table 5 reveals a powerful and telling contradiction between the current reality and the future aspirations of the respondents regarding Talaq Tafweez. The data confirms the practical absence of the right in respondents' lives. An overwhelming majority do not have a Talaq Tafweez clause in their own marriage contracts ($E1$, $M=1.97$), firmly situating this response in the "Disagree" category. This finding directly correlates with the earlier data on institutional failure (Table 4), confirming that the omission by Nikah Registrars is effective. Furthermore, the low mean score for knowing someone who has used this right ($M=2.64$) indicates that Talaq Tafweez is not only absent on paper but is also a rare occurrence in practice, providing no visible social precedents or models for others to follow. In contrast to the current absence, respondents demonstrated a robust prospective demand for this right. There is strong agreement that they would insist on including Talaq Tafweez in a future marriage ($M=4.11$) and a firm stated intention to exercise the right if it were available to them ($M=3.96$). Most significantly, this dataset showed the highest level of agreement on the notion that Talaq Tafweez should be a compulsory clause in all marriage contracts ($M=4.36$).

Table 6 demonstrates an overwhelming and clear consensus among respondents on the necessary interventions to address the identified barriers to Talaq Tafweez. The very high mean scores ($M=4.3$) and low standard deviations indicate strong agreement with minimal variation in responses, pointing to a unified call for multi-faceted reform. The highest level of agreement was for nationwide awareness campaigns ($M=4.49$),

identifying a fundamental lack of public knowledge as a primary issue that must be addressed through targeted information dissemination. There is robust support for educational interventions aimed at key influencers. Respondents advocated for the education of religious leaders on gender-just interpretations (M=4.37) to counter the religious misinterpretations identified in Table 3. The highest support in this category was for mandatory training for Nikah Khwans (M=4.41), directly addressing the institutional failure at the point of marriage registration documented in Table 4. There is a strong demand for the government to move beyond passive law enforcement and into active enforcement (F4, M=4.36), ensuring that the directive to include Column 18 is universally complied with. Additionally, respondents supported the provision of targeted legal aid (M=4.33), recognizing that awareness of a right is insufficient without the means to navigate the legal system to enforce it.

Table 6. Awareness and Reform Needs.

Statement	Mean	Std. Dev
Awareness campaigns on Talaq Tafweez are needed across Pakistan.	4.49	0.72
Religious leaders should be educated about gender-just interpretations.	4.37	0.77
Nikah Khwans should receive training on marriage contract clauses.	4.41	0.74
The government should strictly enforce the inclusion of Column 18.	4.36	0.75
Legal aid should be available for women wishing to exercise this right.	4.33	0.79

Likert Scale: 1 = Strongly Disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, 5 = Strongly Agree

Discussion

The findings of this study present a complex and paradoxical picture of *Talaq Tafweez* in Pakistan, revealing a significant disconnect between its legal existence, theological acceptance, and practical application. The data consistently points to a rights framework that is systemically constrained by a web of socio-cultural, religious, and institutional barriers, rendering it inaccessible primarily to the women it is designed to empower.

The most striking finding is the profound gap between awareness and action. While a substantial majority of respondents expressed a robust normative belief in the Islamic permissibility of *Talaq Tafweez* and the principle of women's equal right to initiate divorce (Table 2), an overwhelming majority (68.0%, Table 1) reported having no practical awareness of this right. This aligns with broader national surveys on legal awareness. For instance, a study conducted by Gallup Pakistan (2025) reported that 72% of respondents say women face a greater stigma, 65% recognize Khula as a Right, but Legal Awareness Remains Low. This suggests that support for the abstract concept of gender justice in divorce exists in a vacuum, severed from knowledge of the specific legal mechanisms designed to enact it (Rubab et al., 2023). This gap is further widened by an almost complete lack of discussion during the marriage ceremony itself (Table 2), representing a critical failure in the primary moment where this right should be established and explained (Qadri, 2017).

This failure is institutionalized at the very point of entry: the marriage contract. The strong consensus that Nikah Registrars routinely skip or ignore Column 18 (Table 4) is perhaps the most significant institutional barrier identified. This act of omission by a state-sanctioned official effectively pre-empts the right before the marriage has even

begun, a finding corroborated by the very low number of respondents who confirmed the clause's presence in their own contracts (Table 5) and supported by previous ethnographic work (Butt, 2021; Warraich et al., 2025). This systemic negligence is compounded by a perceived lack of clarity in enforcement procedures, inefficiency within the family court system, and a lack of confidence in the supportiveness of judges and lawyers (Table 4) (Butt, 2021; Field & Vyborny, 2020). Consequently, the legal infrastructure is perceived not as a facilitator of rights but as a potential obstacle course of bias, delay, and obscurity. In a study, Arjumand et al. (2021) reported that around 56% of respondents agreed that women's supportive clauses are cut in the Nikah Nama. In addition, Nikah Registrar does not provide adequate information about the Nikah Nama clauses at the time of marriage (51.3%).

Beyond the institutions, powerful socio-religious barriers create a climate of deterrence. Respondents perceived strong community opposition, rooted in cultural notions of unacceptability and honor (Table 3). The potent fear of social stigma (Table 3) acts as a powerful social sanction, discouraging women from pursuing a right they may theoretically possess. This cultural resistance is often legitimized by perceived religious opposition, with respondents identifying religious misinterpretations and the stance of local religious leaders as major discouraging factors (Table 3). This finding is consistent with scholarship on the role of local religious leaders in shaping gender norms in South Asia. There is need to develop and implement awareness-raising programs that target both men and women to de-stigmatise women's marriage rights (Sadaat, 2023). This creates a powerful feedback loop in which cultural norms are reinforced by religious authority, rendering the exercise of a legal right an act of social and religious transgression. However, the study also uncovers a robust and apparent demand for change. Despite the current reality of absence, respondents exhibited a strong prospective desire for *Talaq Tafweez*, stating they would insist on it in future marriages and would be willing to exercise it (Table 5). Most significantly, there was resounding support for making the clause compulsory in all marriage contracts (Table 5). This indicates that the low utilization is not a reflection of demand but of supply—the right is being systematically denied at its source. This latent demand presents a strong counter-narrative to assumptions of cultural resistance (Ali, 2018; Farooq, 2022).

This demand for change is mirrored in the overwhelming consensus on a multi-faceted reform strategy (Table 6). Respondents endorsed a comprehensive approach that includes public awareness campaigns, the religious re-education of leaders, the mandatory training of Nikah Registrars, stricter government enforcement of existing laws, and the provision of legal aid. This provides a clear, stakeholder-validated blueprint for action that echoes calls from legal advocacy groups (Azzouz, 2022).

This study argues that the underutilization of *Talaq Tafweez* is not a simple issue of legal awareness but a symptom of deeper structural failures (Ansari, 1997). The right is caught in a cycle of neglect: it is omitted at the contractual level, obscured by a lack of awareness, stifled by socio-religious stigma, and hindered by an inefficient legal system. The path forward, as clearly articulated by the respondents themselves, requires a coordinated effort to break this cycle through education, training, enforcement, and support, thereby bridging the chasm between the right on paper and the right in practice.

Conclusion

This study set out to investigate the awareness, perceptions, and practical application of Talaq Tafweez in Pakistan. The results paint a consistent and sobering picture of a legal right that exists in Theory but is systematically negated in practice. The central conclusion is that the effective implementation of Talaq Tafweez is crippled by a multi-layered barrier system encompassing socio-cultural norms, religious misinterpretations, and institutional failures. We identified a critical principle-practice paradox: while there is strong abstract support for the concepts of gender justice and Islamic permissibility of delegated divorce, this belief fails to translate into concrete knowledge or practical application. This gap is driven by a near-universal failure to incorporate the clause at the moment of marriage registration, a profound lack of public legal awareness, and a powerful culture of stigma and honor that discourages its use. Furthermore, a lack of confidence in the judicial system to provide timely and unbiased enforcement creates a significant deterrent. Consequently, Talaq Tafweez remains an obscure legal provision rather than a viable and accessible mechanism for women's empowerment and protection within marriage. Ultimately, the study demonstrates that the mere presence of a progressive law is insufficient to guarantee rights. Without concerted efforts to address the surrounding ecosystem—comprising community attitudes, religious authority, and state institutions—the law's transformative potential remains unrealized.

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