

Research Monograph

On

“Jurisdiction and Scope of Family Courts in Bangladesh: An Overview”

This Thesis submitted in partial fulfillment of the requirements for the degree of
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In

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Sonargaon University (SU), Dhaka.

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Letter of Transmittal

To

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Subject: Submission of Research Monograph

Dear Madam,

I am pleased to submit my Research Monograph entitled “Jurisdiction and Scope of Family Courts in Bangladesh: An Overview” in partial fulfillment of the requirements for the LL.M program at Sonargaon University.

This work examines the legislative framework and judicial practices of Family Courts in Bangladesh, with particular focus on the transition from the Family Courts Ordinance of 1985 to the Family Courts Act of 2023.

I sincerely thank you for your guidance and support throughout this research.

Respectfully submitted,

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Supervisor's Certificate

This is to certify that this research monograph entitled “**Jurisdiction and Scope of Family Courts in Bangladesh: An Overview,**” has been prepared by **Rokeya Akter** in partial fulfillment of the requirements for the LL.M (Master's) degree at Sonargaon University (SU), Dhaka. The research work has been carried out under my supervision and represents a bona fide record of original work completed successfully.

I further certify that the content and presentation of this Thesis are original and suitable for submission toward the fulfillment of the LL.M (Master's) program requirements.

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Declaration

I hereby declare that this research monograph, entitled “**Jurisdiction and Scope of Family Courts in Bangladesh: An Overview,**” has been prepared solely by me and submitted to the Department of Law, Sonargaon University (SU), in partial fulfillment of the requirements for the LL.M. Master's degree. This work is entirely original, and no part of it has been submitted to any other university or institution for the award of a degree, diploma, or any similar qualification.

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Finally, I dedicate this work to all those striving for justice and equality in Bangladesh and beyond. May this research contribute, in a modest way, to the ongoing struggle for the realization of fundamental rights and Human Dignity.

Thank you

Rokeya Akter

ABSTRACT

This paper examines the legislative framework and operational mandate of the Family Courts in Bangladesh, emphasizing their pivotal role in adjudicating matrimonial and child-related disputes. Specifically, it investigates the evolution of the Family Courts Ordinance of 1985 and the shifting judicial emphasis toward the welfare of the child in custody determinations, which frequently encounters tension with traditional Muslim personal law. Furthermore, the enactment of the Family Courts Act of 2023 marks a critical legislative transition intended to expedite case resolution and replace the superseded 1985 Ordinance. By analyzing this transition, the study critically evaluates whether the updated legislative structure effectively mitigates the systemic delays and bureaucratic complexities that have historically undermined the efficacy of family justice in the country. The analysis further considers how these statutory developments align with the growing judicial recognition of maternal guardianship rights, which signals a departure from strictly patriarchal custody norms. This transformation also necessitates a rigorous assessment of existing court structures to ensure that procedural reforms, such as mandatory alternative dispute resolution, are adequately supported by the institutional capacity to handle complex matrimonial caseloads. Moreover, the shift toward therapeutic jurisprudence within this legislative update necessitates a critical evaluation of whether the current infrastructure can integrate holistic mediation models that prioritize family stability over adversarial litigation.

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1 Introduction

1.1 Background of family courts in Bangladesh

Family Courts in Bangladesh The legal landscape originated with the Family Courts Ordinance of 1985, which established a specialized forum to adjudicate personal status matters and mitigate the complexities inherent in domestic disputes. This framework was recently superseded by the Family Courts Act of 2023, which aims to accelerate dispute resolution and modernize procedural mandates (Bhuyean, 2025)¹. These courts serve as specialized civil tribunals mandated to adjudicate disputes across the country's diverse religious communities, including Muslims, Hindus, Buddhists, and Christians (Rahman, 2026)². These specialized tribunals operate within a dual legal framework where secular statutes and personal laws coexist, reflecting the nation's historical transition from colonial common law to a system heavily influenced by religious jurisprudence (Karim, 2023)³ (Yusoff, 2024).⁴ This legislative duality necessitates a nuanced interpretation of judicial authority, particularly when reconciling divine injunctions with evolving statutory mandates during the adjudication of matrimonial dissolution or conciliatory proceedings (Atique, 2025)⁵ (Nur-E-Alam, 2025)⁶. Furthermore, this shift toward formal judicial intervention often contends with traditional mechanisms like *sulḥ* and *tahkīm*, which historically prioritized informal arbitration over the current bureaucratic, secular-positivist mandates. Consequently, these courts face ongoing challenges regarding case backlogs and the need for enhanced judicial accountability to ensure the effective protection of rights within the familial sphere. The inherent tension between these formal adjudicatory processes and the

¹ Bhuyean, Md. A. M. (2025). The powers and functions of the family court with reference to the laws and judicial development in Bangladesh: An overview. *International Journal of Social Science and Education Research*, 7(1), 371–374.

² Rahman, A. (2026). Implementation of Personal Status Laws and Constitutional Inequality in Bangladesh (pp. 325–338).

³ Karim, M. R. (2023). Civil Judicial System of Bangladesh: Trial Level and Jurisdiction. *Al-Qamar*, 147–164.

⁴ Yusoff, A. N. M., & Islam, A. S. (2024). The Legal System of Bangladesh: The Duality of Secular and Islamic Laws. *International Journal of Academic Research in Business and Social Sciences*, 14(11).

⁵ ATIQUE, T. B., BHUYAN, A. T. MD. N., & UDDIN, M. S. (2025). QUR'ĀNIC PRINCIPLES OF SULḤ AND TAHKĪM IN MARITAL DISPUTES: A CRITICAL EXAMINATION OF THEORY AND PRACTICE IN BANGLADESH. *International Journal of Research in Education Humanities and Commerce*, 6(5), 560–576.

⁶ Nur-E-Alam, A. J. M. (2025). Muslim Marriage Dissolution: A Study of Bangladesh's Legal Framework. *International Journal of Research and Innovation in Social Science*, 1993–2001.

preservation of customary norms underscores the necessity for comprehensive procedural reforms to align judicial outcomes with contemporary gender justice principles. Beyond these systemic pressures, the scope of the Family Courts Act has also sparked scholarly debate regarding its applicability to non-citizen populations, particularly concerning the adjudication of family disputes involving refugees (Hoque, 2007)⁷. Furthermore, the intersection of these diverse religious personal laws with secular legislative frameworks creates significant complexities regarding the legal recognition of unions and the subsequent enforcement of maintenance or guardianship rights (Pritha, 2024)⁸. These procedural ambiguities are compounded by the absence of explicit, standardized mediation protocols, which often necessitates a comparative analysis of regional models that successfully integrate alternative dispute resolution within the family court ecosystem (Tiwari, 2026)⁹. Examining such frameworks, particularly the efficacy of the Majlis Sulh in Malaysia or the mandatory mediation structures in Indonesia, provides a critical benchmark for evaluating potential procedural enhancements in Bangladesh. By prioritizing gender-sensitive alternative dispute resolution mechanisms, the judiciary could effectively mitigate systemic delays while ensuring more equitable outcomes for vulnerable litigants. Such reforms must address the persistent procedural inefficiencies and the weak enforceability of mediated agreements that frequently characterize religious court outcomes in the broader region. Moreover, addressing these institutional gaps requires a systematic evaluation of how existing legislative frameworks reconcile gender equality initiatives with the traditional authority of local religious adjudicators. Integrating these initiatives necessitates a robust legal framework that professionalizes mediators and formalizes the institutionalization of ADR procedures to ensure consistency and public trust. This transition toward institutionalized mediation aligns with regional efforts to modernize domestic legal systems by reducing the reliance on overburdened formal courts for sensitive matrimonial matters (Saha, 2021)¹⁰. Addressing these institutional bottlenecks further requires reconciling the current procedural backlog with the potential for court-annexed mediation to offer cost-effective and flexible resolutions for litigants.

⁷ Hoque, R., & Khan, MD. M. M. (2007). Judicial Activism and Islamic Family Law: A Socio-Legal Evaluation of Recent Trends in Bangladesh. *Islamic Law and Society*, 14(2), 204–239.

⁸ Pritha, S. S., & Afifa, R. C. (2024). Codification of Muslim Personal Law in Bangladesh: Problems and prospects. *International Journal of Multidisciplinary Research and Growth Evaluation*, 5(5), 663–666

⁹ Tiwari, Ms. V. (2026). Impact of the Mediation Act, 2023 on Matrimonial and Family Disputes. *International Journal for Research in Applied Science and Engineering Technology*, 14(1), 918–924.

¹⁰ Saha, K. (2021). Alternative Dispute Resolution (ADR) in Rural Bangladesh. *Academia Letters*.

However, successful implementation of such models requires overcoming ingrained power imbalances and cultural barriers that often hinder the equitable resolution of maintenance and property disputes for women. Furthermore, practitioners must navigate the persistent friction between the pursuit of formal judicial finality and the informal objective of reconciliation, which often risks perpetuating gender-biased stigmas during negotiation. To address these hurdles, the integration of Alternative Dispute Resolution as a complementary mechanism serves as a pivotal strategy to reduce litigation costs, alleviate judicial backlogs, and promote more accessible justice within the civil court hierarchy (Siddiqui, 2023)¹¹. Integrating these mechanisms within the family court structure requires a shift toward formalizing mediation, as current frameworks lack the mandatory, systematic protocols that have been proposed to address the congestion plaguing the broader subordinate courts. Such reforms are particularly vital given that informal systems often mirror patriarchal hierarchies that prioritize traditional power structures over substantive legal protections for parties involved in marital disputes. Consequently, implementing standardized, gender-responsive mediation protocols is essential to ensuring that these alternative mechanisms do not merely replicate existing structural inequalities. Establishing a legislative mandate for compulsory court-annexed mediation could effectively bridge the gap between informal conciliation and formal judicial oversight (Jurgees, 2024)¹². Such a mandate would not only optimize resource allocation within the judicial system but also facilitate more durable, mutually beneficial outcomes that preserve sensitive familial relationships. Moreover, the successful implementation of such frameworks requires a shift toward therapeutic jurisprudence, which emphasizes the emotional and psychological well-being of the parties over strictly adversarial legal outcomes (Arya, 2026)¹³. Adopting this holistic approach allows family courts to transcend narrow procedural adjudications, addressing the underlying trauma and systemic disparities that often exacerbate the emotional burden of litigation (Khan, 2024)¹⁴. By moving beyond the traditional adversarial paradigm, these courts can transition toward a model

¹¹ Siddiqui, M. A. (2023). ENHANCING ACCESS TO JUSTICE THROUGH ALTERNATIVE DISPUTE RESOLUTION (ADR) IN THE CIVIL JUSTICE SYSTEM OF BANGLADESH: SHARING LESSONS FROM THE UNITED KINGDOM. *Bangladesh Journal of Law*, 21(1), 75–100.

¹² Jurgees, S. M. M. R., Suleman, S., & Shahid, A. (2024). The Role of Alternative Dispute Resolution (ADR) in Pakistan's Legal System. *Qlantic Journal of Social Sciences and Humanities*, 5(1), 194–202.

¹³ Arya, A. (2026). *Family Courts in India: A Human-Centric Approach to Family Dispute Resolution*. Zenodo (CERN European Organization for Nuclear Research).

¹⁴ Arya, A. (2026). *Family Courts in India: A Human-Centric Approach to Family Dispute Resolution*. Zenodo (CERN European Organization for Nuclear Research).

that recognizes the multifaceted nature of domestic disputes, where outcomes are measured not only by legal finality but by the long-term socioeconomic stability of the affected families. This paradigm shift necessitates a rigorous structural overhaul, specifically addressing the current shortage of trained, multidisciplinary professionals required to facilitate such humane and reconciliatory proceedings. Furthermore, the effective deployment of specialized counselors and social workers is essential to bridge the gap between abstract legal mandates and the complex, sensitive realities of domestic conflict. By prioritizing the welfare of children and the preservation of relational bonds, these multidisciplinary support systems ensure that the judicial process addresses the underlying socio-emotional drivers of marital breakdown. Ultimately, embedding these comprehensive support services within the family court system mirrors global efforts to shift from purely litigious frameworks toward restorative processes that minimize the estrangement often caused by prolonged legal battles.

1.2 Problem statement and objectives

This research seeks to identify the current legislative and procedural impediments that prevent the Bangladeshi Family Courts from achieving their intended mandate of expeditious and humane dispute resolution. Furthermore, this study evaluates the feasibility of adopting a "judge-led" approach and mandatory counseling to foster a more conciliatory environment, thereby reducing the adversarial pressures that currently hinder case management efficiency. By analyzing the intersection of statutory requirements and judicial practice, this study explores whether specialized diversionary mechanisms can alleviate the backlog currently threatening the integrity of the matrimonial justice system (Kumar, 2023)¹⁵. Additionally, this research examines the potential for integrating a comprehensive case management system to address the systemic resource limitations and procedural inefficiencies that currently impede the timely adjudication of sensitive family matters (Lie, 2024)¹⁶. Ultimately, this investigation advocates for a structural realignment that harmonizes formal legal procedures with restorative practices, ensuring that the judicial process effectively

¹⁵ Kumar, R. (2023). Revolutionizing Matrimonial Justice: The Case For Implementing ODR In India. 4875–4884.

¹⁶ Lie, D., & Alam, M. (2024). Analyzing the Challenges and Opportunities for Implementing a Comprehensive Case Management System in Bangladeshi Courts. *International Journal of Research and Innovation in Social Science*, 1018–1038.

addresses the multifaceted needs of families in crisis. This study further explores the comparative efficacy of such restorative models against traditional litigation, drawing on regional experiences where culturally sensitive mediation has successfully mitigated both case backlogs and the social stigma associated with judicial intervention. Building on these insights, the paper evaluates how incorporating interdisciplinary teams—comprising legal experts, psychologists, and social workers—can alleviate the limitations of the current adversarial focus. Such an integrated approach acknowledges the significant role that informal community-based resolutions, such as *shalish*, historically play in the Bangladeshi context, while proposing a hybrid framework to sanitize these processes of inherent systemic biases. By formalizing the operational standards of these community mechanisms, the judiciary can better reconcile the informal preference for local dispute resolution with the necessary safeguards of the formal legal system. This integration is particularly critical when addressing domestic violence, where current comparative analyses suggest that blending restorative justice with stringent legal oversight can strengthen protection mechanisms against recurring abuse (Saputra, 2025)¹⁷. However, the efficacy of these hybrid models remains contingent upon the judiciary's ability to maintain standardized procedures that prevent local practices from undermining statutory human rights protections (Tahura, 2016)¹⁸. Furthermore, addressing the jurisdictional fragmentation between family-specific matrimonial relief and broader criminal protection—a challenge observed in parallel Southeast Asian legal systems—is imperative to reducing the current barriers to justice (Susantin, 2025)¹⁹. To this end, the research evaluates the legislative necessity of harmonizing the Family Courts Ordinance with existing penal statutes to ensure that victims of domestic grievances are not relegated to a remedial limbo between civil and criminal jurisdictions. Addressing this procedural bifurcation requires a cohesive legislative framework that empowers family courts to issue protective orders while maintaining the deterrent force of criminal sanctions (Widiartana, 2025)²⁰. Such a consolidation of authority would facilitate a more seamless transition from conciliatory

¹⁷ Saputra, A. D. (2025). Penal Mediation in Handling Domestic Violence Cases: An Indonesian and Bangladeshi Criminal Law Perspective. *Jurnal Mahkamah Kajian Ilmu Hukum Dan Hukum Islam*, 435–454.

¹⁸ Tahura, U. S. (2016). Case management in reducing case backlogs: potential adaptation from the New South Wales district court to Bangladesh civil trial courts. *Figshare*.

¹⁹ susantin, jamiliya, Ch, M., & Inah. (2025). Violence in Divorce and Judicial Authority: An Indonesia–Malaysia Study. *Al-Manhaj Journal of Indonesian Islamic Family Law*, 7(2), 137–160.

²⁰ Widiartana, G., Setyawan, V. P., & Anditya, A. W. (2025). Exploring Restorative Justice in Domestic Violence Cases. *Journal of Sustainable Development and Regulatory Issues (JSDERI)*, 3(3), 641–666.

intervention to robust enforcement, thereby addressing the vulnerabilities inherent in current, fragmented dispute resolution processes. Moreover, integrating an interdisciplinary service model allows courts to maintain their core adjudicative functions while leveraging non-legal expertise to provide essential therapeutic and educational support for families in crisis. Building upon this foundation, the research also highlights the rising success of Alternative Dispute Resolution in Bangladesh, where specialized institutions have achieved resolution rates as high as 88% for various family-related conflicts (Malek, 2025)²¹. These statistics underscore the potential for scaling mediation beyond the private sector to become a central pillar of the statutory court framework, effectively reducing the reliance on prolonged litigation. To capitalize on this success, legislative amendments are required to mandate pre-litigation mediation for all non-criminal family disputes, thereby institutionalizing the shift from adversarial combat to structured compromise. By formalizing these mechanisms, the judiciary can effectively bridge the gap between inaccessible formal litigation and the socio-cultural limitations often present in traditional informal systems (Ahmmed, 2024)²².

1.3 Research questions

How has the jurisdiction of family courts evolved under the Family Courts Ordinance, 1985, and the Family Court Act, 2023?

To what extent do these courts ensure inclusivity across religious communities?

How have judicial decisions expanded their scope, and what challenges persist in delivering timely justice?

From a human rights perspective, how do family courts align with constitutional guarantees and international obligations?

²¹ Malek, A., Hoque, M. R., & Uddin, M. (2025). The Dynamism of the Structure and Mechanism of the Alternative Dispute Resolution (ADR) System in Bangladesh for Dispute Resolution Outside the Formal Courts. *International Journal of Law and Politics Studies*, 7(1),

²² Ahmmed, S. (2024). Access to Justice through District Legal Aid Office (DLAO): Addressing Barriers of the Informal Justice System in Bangladesh. *Khulna University Studies*, 284–294.

What cultural resistances hinder reform, and how have globalization and technology reshaped their functioning?

Finally, what policy recommendations can be advanced to strengthen family courts as instruments of social justice in Bangladesh?

1.4 Significance

Limitations of the study Significance: This study provides a normative analysis of legislative gaps in family law, offering a roadmap for procedural reforms that prioritize restorative outcomes over systemic inefficiencies. The analysis specifically addresses the procedural disjunctions that currently allow perpetrators to evade accountability by navigating between fragmented civil and criminal forums (Hasan, 2023)²³. Furthermore, the research underscores the necessity of establishing integrated evidentiary protocols to prevent the inconsistent adjudication of domestic violence claims across parallel legal jurisdictions. By contextualizing these reforms within broader South Asian models, this paper identifies essential frameworks for resolving household disputes that balance state-mandated legal authority with communal resolution practices. These findings further emphasize the importance of creating dedicated family dispute resolution centers that can facilitate both reconciliation and legal compliance within the local context. Such specialized centers would serve as a critical interface for implementing these hybrid frameworks, ensuring that traditional mediation practices are underpinned by the substantive protections of statutory law. Ultimately, this transformation requires shifting the paradigm from a purely litigation-centric model to a multi-tiered dispute resolution structure that treats mediation as an essential, rather than peripheral, instrument of justice. Such structural adjustments, which mirror the strategic integration of non-judicial actors observed in comparative religious court settings, would enhance the legitimacy and efficacy of the judiciary in resolving complex matrimonial conflicts. Furthermore, the efficacy of these proposed reforms hinges on systematic judicial training to ensure that mediators remain sensitive to the power imbalances inherent in traditional settings while adhering to formal human

²³ Hasan, M. M., Sakib, S. M. N., & Khan, T. (2023). Factors Affecting the Violence Against Women: Evidence from Rural Bangladesh. SSRN Electronic Journal.

rights standards. This commitment to rigorous training facilitates the reconciliation of religious authority with constitutional equality, ensuring that adjudicative outcomes align with international human rights obligations (Dahash, 2025)²⁴. By systematically addressing these procedural overlaps, Bangladesh can mitigate the challenges of legal fragmentation that currently impede comprehensive victim protection in domestic violence cases. Consequently, the harmonization of civil family law with stringent penal procedures is essential to mitigate the procedural deficiencies, such as inadequate investigative oversight and evidentiary collapses that currently hinder equitable access to justice (Husain, 2024)²⁵. Building on this imperative, the adoption of court-annexed mediation protocols modeled after regional precursors could help standardize the integration of alternative resolution methods within the formal judiciary.

1.5 Methodology

This research adopts a qualitative doctrinal approach, supplemented by comparative and normative analysis, to critically examine the jurisdiction and scope of Family Courts in Bangladesh. The study primarily relies on statutory interpretation of the Family Courts Ordinance, 1985, and the Family Courts Act, 2023, alongside relevant constitutional provisions and international human rights instruments. Judicial precedents from the Supreme Court of Bangladesh are systematically analyzed to evaluate how courts have interpreted and expanded their jurisdiction in matrimonial and child-related disputes.

To ensure a comprehensive understanding, the methodology incorporates a comparative legal analysis of regional models, particularly Malaysia's *Majlis Sulh* and Indonesia's mandatory mediation structures, which serve as benchmarks for evaluating the feasibility of institutionalizing Alternative Dispute Resolution (ADR) within the Bangladeshi context. This comparative lens allows the study to assess whether

²⁴ Dahash, Z. M. (2025). Family Law in Islamic and Secular Traditions: A Balanced Comparative Study on Gender Equity and Legal Reform. *International Journal of Sharia and Law*, 1(2), 101–116.

²⁵ Husain, T. (2024). Unraveling the Complexities: Factors Influencing Conviction Rates in Violence against Women (VAW) Cases in Northern Bangladesh. *International Journal of Current Science Research and Review*, 7(5).

therapeutic jurisprudence and gender-sensitive mediation protocols can be effectively integrated into the existing family court framework.

The research design also employs a normative framework, assessing the alignment of Bangladeshi family court practices with constitutional guarantees of equality and international obligations under instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC). This normative analysis highlights the tension between statutory mandates and entrenched patriarchal norms, particularly in custody and guardianship disputes.

Data sources include:

Primary materials: legislative texts, judicial decisions, and constitutional provisions.

Secondary materials: scholarly articles, law commission reports, and empirical studies on ADR and family justice in South Asia.

The study adopts a content analysis method to identify recurring themes in judicial reasoning, statutory gaps, and procedural inefficiencies. This is complemented by a policy-oriented evaluation, which considers the practical implications of proposed reforms, such as mandatory court-annexed mediation and interdisciplinary support services.

Limitations of the methodology include reliance on secondary data rather than field interviews, which constrains the empirical dimension of the study. However, this doctrinal and comparative approach remains appropriate given the research objective of evaluating legislative and judicial frameworks rather than measuring litigant experiences.

1.6 Literature Review

The evolution of family courts in Bangladesh has been extensively examined through both doctrinal and socio-legal scholarship. Early works, such as Monsoor (1994), highlighted the patriarchal underpinnings of matrimonial adjudication under the Family Courts Ordinance of 1985, noting that statutory reforms often failed to dismantle entrenched gender hierarchies. Subsequent studies emphasized the persistent

challenges in enforcing financial entitlements like dower and maintenance, particularly in rural contexts where informal dispute resolution mechanisms such as *shalish* continue to dominate (Rahman, 2022). These findings underscore the tension between statutory protections and customary practices, which frequently marginalize women's voices in family disputes.

Recent scholarship has shifted toward evaluating the Family Courts Act of 2023, which replaced the 1985 Ordinance. Bhuyean (2025) and Rahman (2026) argue that the Act represents a legislative modernization aimed at expediting case resolution and integrating mandatory Alternative Dispute Resolution (ADR). Comparative studies, such as those by Tiwari (2026) and Jurgees et al. (2024), highlight regional models in Malaysia and Indonesia where structured mediation has successfully reduced case backlogs. These models provide critical benchmarks for assessing whether Bangladesh can institutionalize ADR without replicating patriarchal biases inherent in informal systems.

From a human rights perspective, scholars such as Dahash (2025) and Husain (2024) emphasize the need to harmonize family law with constitutional guarantees of equality and international obligations under CEDAW and CRC. Their analyses reveal that fragmented civil and criminal jurisdictions often leave victims of domestic violence in a remedial limbo, necessitating integrated evidentiary protocols and protective orders within family courts. This aligns with global trends toward therapeutic jurisprudence, where courts prioritize emotional well-being and family stability over adversarial litigation (Arya, 2026; Khan et al., 2024).

Empirical studies further demonstrate the efficacy of ADR in Bangladesh, with Malek et al. (2025) reporting resolution rates as high as 88% in family-related conflicts. These findings suggest that scaling mediation within statutory frameworks could significantly reduce reliance on prolonged litigation. However, scholars caution that without standardized, gender-sensitive protocols, ADR risks replicating existing structural inequalities (Siddiqui, 2023).

Overall, the literature reveals a dual trajectory: while legislative reforms aim to modernize family courts and integrate restorative practices, entrenched cultural resistances and institutional limitations continue to hinder equitable access to justice. This review establishes the scholarly foundation for evaluating whether the Family

Courts Act of 2023 can effectively reconcile statutory mandates with socio-cultural realities, thereby strengthening family courts as instruments of social justice in Bangladesh.

2 Legal Framework

2.1 Historical development and Family Courts Ordinance, 1985

This section delineates the evolution of specialized matrimonial adjudication in Bangladesh, tracing the shift from colonial-era personal laws to the centralized statutory structure established under the 1985 Ordinance. This examination further scrutinizes how these legislative milestones sought to mitigate patriarchal influence by codifying procedures that theoretically prioritize female autonomy within domestic disputes (Monsoor, 1994)²⁶. Despite these statutory advancements, the practical recovery of financial entitlements, such as dower, remains obstructed by persistent socio-legal barriers that complicate the enforcement of these binding marital obligations. Furthermore, the current jurisdictional boundaries often fail to account for the influence of informal community gatekeepers, whose traditional dispute resolution practices frequently marginalize women's voices and impede the equitable application of statutory law. These informal mediation forums frequently operate without the necessary legal oversight, creating a system where social sanctions and local power dynamics often supersede formal rights to property and inheritance. Consequently, this systemic inconsistency necessitates a critical evaluation of the Family Courts Ordinance's capacity to regulate intersectional legal spaces where gender-based violence remains compounded by deeply entrenched patriarchal norms. Addressing these barriers requires a more robust integration of legal aid services to empower underprivileged women, who disproportionately suffer from the ramifications of domestic violence and economic dependency (Ashrafun, 2013)²⁷ (Aziz, 2015).²⁸ Moreover, existing institutional arrangements must be reformed to reduce the excessive costs and procedural delays that frequently render formal access to justice unavailable to marginalized populations. These systemic deficiencies underscore the necessity of reconciling formal legal mandates with the localized, often informal, dispute resolution mechanisms that continue to dictate outcomes in rural and indigenous

²⁶ Monsoor, T. (1994). From Patriarchy to Gender Equity: Family Law and Its Impact on Women in Bangladesh. In SOAS Research Online (SOAS University of London). SOAS University of London.

²⁷ Ashrafun, L. (2013). Seeking A Way Out of the Cage: Underprivileged Women and Domestic Violence in Bangladesh. *Työväentutkimus Vuosikirja*.

²⁸ Aziz, M. (2025). Behind Closed Doors: A Comprehensive Review of Patterns and Perspectives on Domestic Violence in Bangladesh. *Social Science and Humanities Journal*, 9(1), 6640–6652.

communities (Rahman M. Z., 2022)²⁹. Such challenges are further exacerbated by social stigma and the prevailing legal barriers that discourage survivors from pursuing formal litigation. These impediments, characterized by the intersection of patriarchal ideologies and institutional failure, necessitate a structural re-evaluation of how evidentiary protocols are applied within the familial sphere (Bibi, 2025)³⁰. To enhance the efficacy of these protections, the judiciary must adopt gender-inclusive criteria that explicitly counteract the marginalization of women within pluralistic legal frameworks. Implementing institutionalized mechanisms for women's participation in local dispute resolution can bridge the gap between statutory protections and entrenched customary frameworks, thereby fostering greater equity in resource governance. Furthermore, institutional reforms must prioritize the professionalization of these mediation spaces to ensure that gender mainstreaming is not merely aspirational but a functional component of all domestic proceedings. This shift requires a critical reassessment of the revenue administration and judicial processes to eliminate the systemic impunity that frequently allows patriarchal customary practices to override statutory entitlements. Additionally, strengthening the capacity of legal personnel and establishing paralegal support services could significantly mitigate the exclusionary impact of geographical and economic barriers, which currently render the formal justice system inaccessible to many victims. Such initiatives should prioritize the deployment of mobile legal aid clinics and community-based paralegals to bridge the spatial and logistical divides that currently prevent vulnerable populations from navigating formal judicial processes.

2.2 Jurisdictional basis

The territorial competence of Family Courts is fundamentally delineated by the geographical proximity of the parties and the location of the matrimonial home, a framework designed to ensure that judicial bodies remain accessible to litigants at the

²⁹ Rahman, Md. Z. (2022). Effectiveness of alternative dispute resolution (ADR) in rural area of Bangladesh: a study on village shalish system of Madhukhali Upazilla. *Sociology International Journal*, 6(3), 105–108.

³⁰ Bibi, S., & Ahmed, S. (2025). The Gendered Landscape of Justice: Institutional Barriers to Women's Khula Rights in District Courts Peshawar, Khyber Pakhtunkhwa. *Journal of Social Sciences Review*, 5(1), 267–275.

local level. However, this reliance on geographical proximity often fails to account for the logistical and financial burdens, such as transportation costs and loss of income, that disproportionately impede rural residents from initiating or maintaining litigation. Furthermore, the scarcity of legal representation in these remote areas exacerbates the disparity in power between parties, necessitating the integration of free or low-cost legal aid services to bolster equitable access to judicial redress. Moreover, the modernization of these specialized forums through the integration of digital information platforms could further democratize legal knowledge, allowing litigants in underserved regions to navigate statutory requirements with greater autonomy. Beyond these digital initiatives, standardizing fee-waiver protocols for indigent litigants can further dismantle the prohibitive costs that frequently function as de facto barriers to formal divorce and maintenance claims. Such institutional reforms must also prioritize the development of interconnected judicial systems to ensure that court-ordered financial support is effectively enforced, thereby closing the persistent gap between legal judgments and the actual economic security of vulnerable ex-spouses. Additionally, the implementation of comprehensive training programs for judicial officers is essential to address the institutional biases that often color the interpretation of family law within rural settings (Rahman M. Z., Effectiveness of Alternative Dispute Resolution (ADR) in Rural Area of Bangladesh: A Study on Village Shalish System of Madhukhali Upazilla, 2022)³¹. By fostering a deeper understanding of the socio-economic realities and cultural stigmas inherent in these communities, judges can move toward a more context-sensitive application of the law (Pundir, 2020)³². Concurrently, the strategic digitization of court proceedings, similar to the e-Court models implemented elsewhere, could streamline case management and reduce the dependency on local intermediaries who often perpetuate gender bias. Moreover, the physical isolation of these communities often necessitates a shift toward decentralized judicial circuits to mitigate the exclusionary impact of vast, difficult-to-traverse terrain. Ultimately, overcoming these multifaceted obstacles requires a holistic policy framework that integrates infrastructural development with gender-sensitive legal education to ensure that rural litigants receive equitable treatment regardless of their proximity to administrative centers. This comprehensive strategy must also address the digital divide to ensure that

³¹ Singh, R. K. (2024). Barriers to Accessing Legal Aid for Domestic Violence Victims in Rural India: A Study of Uttar Pradesh. *Studies in Social Science & Humanities*, 3(9), 31–35.

³² Pundir, R. (2020). ACCESS TO JUSTICE IN RURAL AND MARGINALIZED COMMUNITIES.

technological advancements in judicial service delivery do not inadvertently marginalize populations with limited access to modern infrastructure.

2.3 Interaction with personal laws

The operational scope of Family Courts is inherently complicated by the concurrent application of diverse religious statutes, which often maintain divergent definitions regarding maintenance, guardianship, and succession. These pluralistic legal frameworks frequently generate tension when statutory mandates encounter deep-seated customary norms that prioritize marital preservation or traditional patriarchal authority. Consequently, judicial officers must navigate the delicate intersection between codified civil provisions and the prevailing informal norms that dictate domestic conduct, which often results in inconsistent enforcement of rights across different religious jurisdictions. To mitigate these discrepancies, targeted gender-sensitive training for judicial officers is essential, as such programs have been empirically shown to improve the equitable application of family law by reducing the influence of traditional biases. These pedagogical interventions should emphasize the specific gender dimensions of legal interpretation, ensuring that judges recognize how customary norms may inadvertently undermine statutory protection. Furthermore, the judiciary must actively challenge the prevailing mediation culture that often prioritizes domestic reconciliation over the protection of individual rights, a common trend that can inadvertently marginalize victims of domestic abuse. This reflexive preference for mediation often ignores the underlying power imbalances inherent in patriarchal structures, where informal pressure to reconcile can effectively silence valid claims of domestic violence. This structural bias is exacerbated in rural regions where localized patriarchal power dynamics further restrict women's autonomy and impede their ability to seek justice through formal channels (Report), 2023). To address these systemic shortcomings, it is imperative to implement rigorous evaluations of remote technological tools to ensure they do not reinforce existing socio-economic disparities or exacerbate the barriers faced by victims of family violence. Furthermore, fostering a constructive dialogue between civil judges and traditional religious authorities could serve to dismantle these structural barriers by ensuring that judicial interpretation

remains cognizant of both contemporary rights-based frameworks and the nuances of community customs. Such collaborative engagement can facilitate a more nuanced legal environment where international human rights standards are harmonized with local religious interpretations to better protect vulnerable parties. Finally, establishing structured, objective criteria and standardized checklists can assist judges in minimizing the influence of personal or traditional bias during the adjudication of sensitive family disputes. Furthermore, ensuring that such checklists are supplemented by mandatory, recurring training for all court personnel can cultivate a more consistent application of the law that transcends individual judicial discretion. Additionally, promoting diversity within court chambers serves to eliminate stereotypical thinking by exposing judicial staff to the unique lived experiences of colleagues and litigants alike (Report), 2023)³³. Beyond internal staff diversification, incorporating social justice mediation principles can further transform the judicial environment by equipping mediators to explicitly recognize and address structural inequalities such as gender-based power imbalances. This approach must also account for the influence of parallel informal justice systems, which can often perpetuate harmful practices and prevent the realization of state-mandated gender equality. To effectively bridge these gaps, policymakers should implement multi sectoral strategies that foster collaboration between formal legal institutions, community leaders, and law enforcement to ensure that customary practices align with human rights protections. Institutionalizing these cross-sectoral linkages is vital, as research indicates that religious-based systems often reinforce societal attitudes that preclude the prioritization of statutory equality over prevailing customary norms. Accordingly, the effective adjudication of family matters necessitates a paradigm shift wherein legal practitioners and judges actively appeal against rulings that ignore gender bias, effectively setting a precedent that prioritizes constitutional equality over discriminatory customary practices (Msuya, 2019)³⁴. Such a transition requires the continuous integration of human rights education within the customary curriculum to increase public awareness regarding the fundamental implications of these legal shifts. Ultimately, the successful reform of these family courts depends on a sustained commitment to gender-sensitive judicial training that

³³ Roundtable, F. L. (2023). Justice For Survivors of Intimate Partner Violence Conference Report. Columbia Journal of Gender and Law, 44(1), 1–56.

³⁴ Msuya, N. H. (2019). Challenges Surrounding the Adjudication of Women's Rights in Relation to Customary Law and Practices in Tanzania. Potchefstroom Electronic Law Journal/Potchefstroomse Elektroniese Regsblad, 22, 1–29.

empowers practitioners to dismantle the androcentric frameworks traditionally embedded in legal practice. By fostering such institutional transformation, the judiciary can bridge the significant gap between formal rights and their actual implementation, thereby ensuring that legislative mandates are not undermined by persistent gender-based prejudices. Such institutional evolution aligns with broader requirements for a more inclusive legal system, where the presence of a diverse bench is recognized as a fundamental prerequisite for advancing genuine gender justice. This commitment to reform must be paralleled by strategic advocacy that positions the rights of women not as external impositions, but as norms that resonate with the inherent values of the society.

2.4 Comparative perspective

Examining legal pluralism in similar jurisdictions, such as those in Sub-Saharan Africa, reveals that successful integration of women's rights requires treating customary frameworks as "living law" capable of evolving alongside human rights standards. These cross-jurisdictional insights underscore that the legitimization of statutory principles depends on the strategic alignment of state-sanctioned norms with the local cultural values that inform daily practice (Cook, 1993)³⁵. Furthermore, implementing gender-sensitive judicial training and strengthening accountability mechanisms can effectively address the systemic barriers that currently impede equitable outcomes in custody and inheritance proceedings. Ultimately, these reforms must address the persistent conflict between formal constitutional guarantees and entrenched traditional norms, ensuring that the legal system proactively protects individual rights rather than merely mitigating existing discriminatory practices. In this context, the Bangladeshi judiciary must leverage its role in expanding *ijtihad* to navigate the tension between traditional religious values and contemporary gender equity mandates. This process requires fostering a deeper correlation between legal education and judicial practice, as the lack of adequate sensitization often results in biased decision-making in cases involving domestic disputes. Consequently, integrating structured legal awareness

³⁵ Cook, R. J. (1993). Women's International Human Rights Law: The Way Forward. *TSpace* (University of Toronto), 15(2), 230–230.

programs and fostering collaborative engagement with local community stakeholders are essential to harmonize Islamic legal interpretations with modern rights-based protections. Moreover, promoting the increased participation of women in judicial decision-making processes is critical to ensuring that legal interpretations remain responsive to the diverse needs and aspirations of the entire community. Such efforts toward judicial reform must be grounded in a nuanced understanding of legal pluralism, where the interplay between state law and religious precepts is navigated to prioritize substantive justice for all citizens. This endeavor necessitates a systematic analysis of how intersectional identities, such as socio-economic status and education, further complicate the pursuit of gender equality within these established legal frameworks. Moreover, the development of a coherent legal framework relies on the strategic application of *maqashid syariah*, which serves as a normative instrument to ensure that family law remains both responsive to evolving social dynamics and protective of the rights of all family members. Furthermore, the recent judicial recognition of mothers as legal guardians signifies a transformative movement toward reconciling traditional patriarchal interpretations with constitutional mandates for gender parity. This judicial evolution reflects a broader trend of activism in the Bangladeshi legal landscape, where the enlightened application of *ijtihad* facilitates the amelioration of women's status beyond traditional, restrictive interpretations of *shari'ah* (Hoque, *Judicial Activism and Islamic Family Law: A Socio-Legal Evaluation of Recent Trends in Bangladesh*, 2007)³⁶. By synthesizing classical jurisprudence with contemporary socio-legal realities, this adaptive approach enables a reconstruction of family laws that are *sālih fi kulli zamān wa makān*. This contextual adaptation ensures that the Sharia remains a relevant framework for human well-being, capable of navigating modern complexities without deviating from its core pursuit of justice. This evolving judicial perspective emphasizes that the advancement of justice and gender equality fundamentally rests upon the application of *maqasid al-syariah* to interpret legal mandates within a modern, rights-affirming context. Building upon this interpretive shift, the High Court Division's recent landmark recognition of maternal guardianship serves as a primary example of how such doctrinal evolution directly dismantles long-standing patriarchal constraints. Furthermore, this transition toward substantive equality necessitates a

³⁶ Hoque, R., & Khan, MD. M. M. (2007). *Judicial Activism and Islamic Family Law: A Socio-Legal Evaluation of Recent Trends in Bangladesh*. *Islamic Law and Society*, 14(2), 204–239.

critical re-evaluation of classical concepts such as wilāyah and qiwāmah, which have historically been utilized to institutionalize gender hierarchies within the

3 Jurisdiction

3.1 Civil matters (marriage, divorce, restitution)

The Family Courts Ordinance of 1985 establishes the exclusive jurisdiction of these courts over disputes concerning marriage dissolution, restitution of conjugal rights, dower, and maintenance. Furthermore, the Family Courts Act of 2023 broadens these foundational competencies to expedite the resolution of guardianship and child custody matters, effectively repealing the prior Ordinance to streamline judicial procedures. Furthermore, the current reliance on disparate schools of thought often exacerbates these jurisdictional challenges, leading to inconsistent judicial outcomes that hinder the pursuit of social justice. To bridge these doctrinal gaps, the system must harmonize statutory provisions with the Qur'ānic paradigm of *sulḥ* and *tahkīm*, transitioning from purely bureaucratic adjudication toward a model that incorporates qualified arbitration and binding ethical oversight. Ultimately, the successful implementation of this hybrid model requires a structured institutional commitment to discovering the potential for amicable settlements, mirroring the specialized powers granted to family courts in neighboring jurisdictions to prioritize restorative outcomes over adversarial litigation (Siddique, 2020)³⁷. Furthermore, integrating these alternative dispute resolution mechanisms requires rigorous procedural safeguards to prevent the potential for coercion or procedural abuse in cases involving vulnerable parties. This necessity for structural reform underscores the importance of reconciling state-mandated procedures with the transcendent *maqāṣid* of the Qur'ānic framework, which emphasizes graduated intervention and familial arbitration to ensure the protection of individual rights. Beyond formal adjudication, establishing dedicated family reconciliation offices could provide essential counseling and community-based support, thereby reducing the caseload pressure on the judiciary while fostering enduring, consensus-driven outcomes. Such initiatives must be complemented by the institutionalization of mandatory specialized training for mediators to ensure they possess the necessary theological and legal competence to prevent power imbalances during settlement negotiations. By establishing these rigorous standards, the judiciary can foster a

³⁷ Siddique, H. M., & Badshah, S. L. (2020). Family Courts in Pakistan: Al-Idah | Shaykh Zayed Islamic Centre University of Peshawar, 38.

restorative environment where qualified intermediaries bridge the gap between traditional cultural practices and formal legal certainty.

3.2 Custody and guardianship

The Family Courts maintain exclusive authority over the determination of the physical and legal custody of minors, prioritizing the *hifz al-nasl* (protection of lineage) as a guiding principle in judicial decision-making. However, the current reliance on judicial discretion without standardized guidelines often results in inconsistent outcomes, particularly concerning the determination of child maintenance requirements. To address these systemic inconsistencies, future policy frameworks could draw upon international models that mandate gender-perspective training for judges and the digitization of legal advocacy to enhance the predictability of welfare-based rulings. Moreover, creating specialized tribunals that balance traditional religious frameworks with contemporary procedural requirements could significantly alleviate current case backlogs while enhancing public confidence in the judicial process (Kany, 2026). Such reforms should prioritize the development of comprehensive legislative protocols that facilitate a more integrated approach between civil requirements and religious values, ensuring that the judicial system remains accessible and equitable. To achieve this, the legislature must move beyond narrow proceduralism by integrating *maqāṣid*-based methodologies that emphasize the protection of the child's best interests alongside religious tenets. Such an integration necessitates a robust commitment to professionalizing mediation, ensuring that institutional mechanisms effectively mitigate the risk of procedural backlogs while safeguarding the rights of all involved parties. Additionally, the effective implementation of these institutional frameworks requires sustained public awareness campaigns to shift societal perceptions regarding the efficacy of mediation in resolving sensitive familial disputes. Furthermore, the inclusion of multidisciplinary assessments—incorporating psychological evaluations alongside legal analysis—would empower the courts to move beyond rigid formalities toward a model of substantive justice centered on child welfare (Anisa, 2025)³⁸.

³⁸ Anisa, L. N. (2025). Reconstructing Child Custody Law in Indonesian Religious Courts: Integrating Islamic Law, Child Rights, and Substantive Justice. *INKLUSIF (JURNAL PENGKAJIAN PENELITIAN EKONOMI DAN HUKUM ISLAM)*, 10(2), 101–101.

Consequently, this evolution toward a substantive-contextual paradigm necessitates an empirical evaluation of how judicial reasoning balances traditional fiqh doctrines with the evolving needs of the child. Such a paradigm shift requires judges to move beyond narrow normative applications and embrace a progressive interpretation of Islamic legal maxims, thereby reconciling statutory mandates with the broader contextual requirements of *maṣlaḥah* and *mafsadah*. This evolution is further supported by the integration of digital case management systems, which, despite technical and psychological complexities, offer the potential to streamline adjudication and enhance accessibility for underserved litigants. (Bahri, 2026a)³⁹ (Bahri, Digital Transformation of the Judiciary in Indonesia; Analysis of the Practicality of Electronic Mediation of Divorce According to the Ideals of Islamic Law and Legal Ideals, 2026b).

3.3 Maintenance and inheritance issues

The Family Courts exercise exclusive jurisdiction over financial claims arising from marital dissolution, ensuring that the distribution of assets and the calculation of periodic maintenance reflect both statutory entitlements and the socio-economic realities of the parties involved. However, the absence of a unified data management system complicates the consistent enforcement of alimony and financial support orders across diverse judicial districts. To mitigate these administrative inefficiencies, the implementation of digital technology and AI-driven databases could optimize the tracking of assets and facilitate more transparent enforcement of financial obligations. Furthermore, the integration of such technological solutions serves to address the broader challenges of digital-age family disputes, including the protection of personal data and the verification of online-mediated evidence. In this context, the judiciary must also confront the emergence of digitally mediated conflicts that challenge traditional evidentiary standards, requiring a proactive reassessment of how Islamic legal principles—such as *ta'zīr* and *ṣulḥ*—are applied to modern, non-physical interactions. This paradigm shift encourages the development of contextualized legal frameworks that harmonize classical jurisprudence with the complexities of the digital economy.

³⁹ Bahri, S. (2026a). Digital Transformation of the Judiciary in Indonesia; Analysis of the Practicality of Electronic Mediation of Divorce According to the Ideals of Islamic Law and Legal Ideals. Zenodo (CERN European Organization for Nuclear Research).

By prioritizing these substantive-contextual frameworks, the judiciary can more effectively utilize legal tools like *faskh* and *ṣulḥ* to preserve family dignity and restore social harmony amid shifting economic landscapes (Karim F. &, 2025)⁴⁰. Ultimately, the successful integration of these modern administrative reforms hinges upon the capacity of the judiciary to reconcile statutory directives with the evolving digital landscape, ensuring that legal advocacy remains both authoritative and accessible.

3.4 Overlap with criminal law

Domestic violence and marital abuse cases frequently present jurisdictional ambiguities, as the statutory powers of Family Courts to grant protective orders often intersect with the penal provisions of the *Nari O Shishu Nirjatan Daman Ain*. This dual-track regulation frequently results in forum shopping and procedural delays, as plaintiffs navigate between the civil restorative focus of family courts and the punitive mandates of the criminal justice system. To resolve these jurisdictional overlaps, legislative reforms should establish clear protocols for the concurrent admissibility of evidence, thereby ensuring that protective orders are enforceable without compromising the due process requirements of criminal proceedings. Moreover, adopting an integrated "one-stop" judicial service model could effectively harmonize the restorative goals of family mediation with the mandatory reporting requirements of criminal statutes, thereby reducing the systemic barriers often faced by economically dependent litigants. Such an integrated approach must also account for the socio-economic impact of digital financial behaviors, which frequently complicate the fair adjudication of marital assets and support claims. Addressing these challenges requires a nuanced understanding of how digital assets and virtual interactions—often manifesting as new forms of domestic conflict—necessitate an expansion of judicial discretion in evidence evaluation. Indeed, the rapid proliferation of digital communication platforms and online financial activities necessitates a legislative framework that defines the admissibility of electronic evidence to prevent the degradation of familial stability. Moreover, the transition toward digitized record-

⁴⁰ Karim, F., & Muhsin, S. M. (2025). Major Familial Challenges in Malaysia: Empirical Findings and Fiqh-Based Solutions. *International Journal of Fiqh and Usul Al-Fiqh Studies*, 9(2),

keeping requires significant institutional investment in training programs to ensure that judicial staff can manage these complex evidentiary streams while overcoming resistance to traditional, paper-based methodologies. Beyond these procedural shifts, the judiciary must also clarify its stance on the eligibility of non-citizens, as the current reliance on the Muslim Family Laws Ordinance often creates a perceived barrier to justice that contradicts the broader jurisdiction granted by the Family Courts Act. Consequently, addressing these intersectional gaps requires a cohesive legislative synthesis that reconciles personal law statutes with contemporary human rights standards to ensure equitable protection for all residents.

3.5 Case law examples

Recent judicial pronouncements, such as those emphasizing the equitable distribution of deferred dower in the absence of explicit contractual documentation, demonstrate a growing judicial inclination toward purposive interpretation over strict textual adherence. Such decisions reflect an emerging trend where courts utilize innovative approaches to rectify systemic inequalities, mirroring global shifts toward more holistic and adaptive family justice systems. These judicial developments underscore a departure from rigid formalism, fostering a legal environment that prioritizes substantive gender equity in alignment with broader international human rights frameworks. Furthermore, the judiciary's increasing reliance on such principles facilitates a more robust integration of restorative justice, which aligns with international trends toward addressing domestic conflicts through adaptable, technology-enhanced mediation models. This evolution signals a critical transition toward a more responsive judiciary that balances traditional Islamic legal tenets with modern procedural efficiencies. However, this judicial modernization must be matched by a robust standardization of e-filing protocols to mitigate the digital divide and ensure that technological advancements do not inadvertently create new barriers to justice for vulnerable litigants. Ensuring such institutional inclusivity requires that judicial reforms explicitly address the underlying socio-economic disparities and cultural barriers that often hinder marginalized parties from accessing electronic platforms (Gul,

2025)⁴¹. Furthermore, legislative efforts must synchronize these advancements with the substantive requirements of Maqāsid-oriented reasoning, which has been shown to enhance the probability of equitable rulings in complex family disputes. By fostering this synthesis, the legal system can effectively manage the tensions between classical traditions and the evolving requirements of transnational legal standards, ultimately strengthening the legitimacy of domestic family law. Future amendments should explicitly incorporate Maqāsid al-sharī'ah as a formal interpretive guide to harmonize statutory provisions with the principle of maṣlaḥah, thereby ensuring that judicial discretion in matters like joint property and maintenance remains both principled and contextually relevant. In Bangladesh, there are some case law examples where judges have invoked the substantive-contextual paradigm to prioritize the best interests of the child over rigid, formalistic interpretations of custodial rights. This judicial pivot underscores the shift from a strictly textual reliance on traditional precedent toward a nuanced balancing of *hifz an-nafs* (protection of life) and the emotional well-being of the minor. Some case law examples- include **Rahima Begum v. State of Bangladesh**, where the High Court prioritized the child's psychological welfare over strict paternal custodial rights, reflecting an application of *hifz an-nafs*. Similarly, **Sultana v. Begum v. Others**, the judiciary examined the mother's capacity to provide a stable environment, effectively integrating contemporary welfare-oriented standards into the prevailing legal discourse. The jurisdiction of Family Courts in Bangladesh has been shaped significantly through judicial interpretation of the Family Courts Ordinance, 1985. In *Abdul Khaleque v. Selina Begum* (1990) 42 DLR (HCD) 450, the High Court Division affirmed that Family Courts possess exclusive jurisdiction over matters relating to dissolution of marriage, restitution of conjugal rights, dower, maintenance, and custody. Initially, in *Krishnapada Talukder v. Geetasree Talukder*, questions arose as to whether the Ordinance applied only to Muslims, thereby limiting its scope. However, subsequent rulings, such as *Nirmal Kanti Das v. Sreemati Biva Rani* and *Meher Nigar v. Md. Mujibur Rahman*, broadened the interpretation, holding that Family Courts are competent to adjudicate disputes across different religious communities. The landmark case of *Pachan Rissi Das v. Khuku Rani Dasi* (1998) finally settled the debate, with the Supreme Court declaring that the Family Courts Ordinance applies to all

⁴¹Gul, R., Bokhari, M., & Tariq, Z. (2025). The Role of Mediation in Divorce Cases: Impact on Women's Rights in Pakistan. *Research Journal of Psychology*, 3(1), 838–851.

citizens irrespective of religion. These decisions collectively underscore the judiciary's role in expanding the jurisdiction of Family Courts, ensuring that they function as inclusive forums for resolving family disputes in Bangladesh. Despite this inclusive jurisdictional framework, the practical application of substantive laws remains contested, particularly where traditional religious interpretations intersect with emerging judicial standards concerning child welfare.

4 Scope and Effectiveness

4.1 Access to justice

It remains a primary concern as the Family Courts act as the specialized adjudicatory forum for all religious communities, necessitating that procedural barriers do not undermine the constitutional guarantee of equal protection. Beyond these procedural concerns, the recent enactment of the Family Courts Act 2023 serves to further expedite case resolution and streamline the adjudication of disputes concerning marriage, maintenance, and guardianship. Nevertheless, the efficacy of this statutory framework is frequently challenged by procedural complexities and systemic delays that complicate the equitable resolution of family matters (Patro, Role of Family Court in Odisha Ensuring Justice in Furtherance of Gender Equality, 2026)⁴². Moreover, the courts often face difficulties in reconciling these statutory procedures with the nuanced requirements of Islamic principles and diverse religious customs, leading to inconsistent outcomes in cases involving dissolution of marriage. Furthermore, the legal landscape is further complicated by debates regarding the applicability of the Muslim Family Laws Ordinance to non-citizens, as courts often interpret such statutes as restrictive despite the broader jurisdictional mandates of the Family Court Act. Additionally, the persistent influence of patriarchal structures continues to pose a significant hurdle to achieving substantive gender equality within these adjudicatory forums. Addressing these systemic challenges requires the integration of gender-sensitive Alternative Dispute Resolution mechanisms, such as mediation, to alleviate the heavy caseloads that frequently delay the delivery of justice for women. Institutionalizing such mediation frameworks can mitigate the adversarial nature of traditional litigation, thereby fostering a more supportive environment for resolving complex familial conflicts. Beyond the implementation of mediation, there is a critical need for structural reform to address the gendered biases that persist within the current judicial framework, which often forces women to navigate patriarchal barriers even within formal court proceeding. Consequently, enhancing the evidentiary standards and judicial training regarding domestic power dynamics is essential to ensure that the

⁴² Patro, M. (2026). Role of Family Court in Odisha Ensuring Justice in Furtherance of Gender Equality. *International Journal of Research and Scientific Innovation*, 13(2), 952–960.

procedural neutrality of Family Courts does not inadvertently perpetuate existing socio-religious inequities. Moreover, the lack of robust multidisciplinary support, including specialized counselors and mediators, continues to impede the move toward more human-centric and less adversarial justice.

4.2 Procedural aspects

Mediation, simplified process of the Family Courts Ordinance, 1985, and the subsequent 2023 Act prioritize the mandatory pre-trial reconciliation phase, yet the lack of clear enforcement mechanisms for mediated settlements often diminishes their intended efficacy. Furthermore, the absence of standardized protocols for mediators often results in a reliance on subjective social norms, which may prioritize reconciliation over the substantive legal rights of vulnerable parties. To mitigate these institutional limitations, legislative reform must prioritize the development of multidisciplinary support structures, ensuring that mediators are equipped with both legal expertise and specialized training in gender-sensitive conflict resolution. Additionally, incorporating gender-focused audits of existing court infrastructure can identify and rectify the environmental barriers that impede equal access for female litigants. Finally, the integration of digitized case management systems and transparent performance reporting can further enhance accountability, effectively reducing the systemic backlogs that disproportionately undermine the timely adjudication of matrimonial disputes. By drawing upon global best practices, such initiatives would transition the judiciary toward a model of therapeutic jurisprudence that actively minimizes the emotional and financial burden placed on families by adversarial litigation. Ultimately, shifting from a strictly litigation-centric approach to one that incorporates structured, court-annexed mediation could transform these forums into spaces that prioritize sustainable, mutually beneficial solutions rather than merely adversarial verdicts. Such a structural transition necessitates a shift in professional culture to overcome resistance from legal practitioners who often view mediation as a secondary or auxiliary process to conventional trial strategies. Bridging this divide requires formalizing mediation through rigorous accreditation and institutional incentives to ensure that practitioners move beyond viewing these interventions as mere

concessions (Abdullah, 2024)⁴³. Moreover, developing specialized training programs for mediators—akin to emerging frameworks in other jurisdictions—can ensure that reconciliation efforts do not inadvertently compromise the substantive legal protections afforded to women. This necessitates a comprehensive re-evaluation of mediator neutrality, ensuring that professionals act as conduits for legal rights rather than enforcers of traditional gendered norms that may favor family preservation at the expense of individual justice (Basu, 2011)⁴⁴.

4.3 Limitations

The current jurisdictional scope remains hampered by an inadequate ratio of judicial officers to the volume of pending family disputes, which inherently restricts the time available for nuanced, case-specific adjudication. Furthermore, this quantitative deficit is exacerbated by the absence of specialized auxiliary support staff, which prevents the effective implementation of holistic case management strategies. The lack of integration between judicial outcomes and community-based resources further isolates litigants, preventing the development of a trauma-informed environment necessary for sensitive domestic matters. Such institutional fragmentation underscores the urgent need for a unified family justice model that harmonizes legal proceedings with social support services to enhance the overall wellbeing of all family members (Loi, 2021)⁴⁵. Further efforts must address the persistent reliance on outdated paper-based filing systems, which continues to impede the operational efficiency of courts and prevents the realization of the digital infrastructure required for modern case tracking. Furthermore, the absence of comprehensive longitudinal data regarding judicial outcomes prevents an evidence-based assessment of the efficacy of current family law applications, thereby stalling necessary policy refinements. Establishing a centralized, standardized certification program for mediators could bridge this gap, ensuring that non-judge professionals are adequately equipped to navigate complex matrimonial disputes beyond simple reconciliation efforts. Moreover, relocating family dispute

⁴³ Abdullah, K., & Rasool, A. (2024). ADR in Pakistan: Why has court-annexed mediation not reached its potential? *Social Sciences Spectrum*, 3(4), 605–621.

⁴⁴ Basu, S. (2011). Judges of Normality: Mediating Marriage in the Family Courts of Kolkata, India. *Signs*, 37(2), 469–492.

⁴⁵ Loi, Y., & Chin, S. (2021). Therapeutic Justice - What It Means for the Family Justice System in Singapore†. *Family Court Review*, 59(3)

resolution services from the formal, adversarial court setting to community-centric frameworks may further enhance accessibility and reduce the psychological burden on parties involved. Future research must also investigate how institutional bias and the lack of cultural competency among judicial actors perpetuate systemic inequities, particularly regarding the intersection of gendered power dynamics and legal decision-making. Additionally, comprehensive qualitative research involving frontline service providers is imperative to identify specific systemic barriers to justice that remain hidden within current administrative processes. Such investigations should specifically examine how the age and maturity of children, alongside various negative criteria of parenthood, influence the cognitive reasoning of legal professionals during high-stakes custody determinations. Moreover, empirical inquiries should address the current deficit in systematic evaluations concerning the adequacy of the justice system's response to these disputes, which remains a primary obstacle to evidence-based policy formulation.

4.4 Judicial role

The traditional perception of judges as adjudicators must evolve toward a model that incorporates specialized judicial training, acknowledging that decision-makers in family matters require specific professional qualifications to address the nuances of interpersonal conflict (Miao, 2018)⁴⁶. This necessitates a paradigm shift that enables multidisciplinary teams to support judges in assessing the best interests of the child, ensuring that judicial decisions are informed by robust, evidence-based practice. Furthermore, the court must address how evaluator bias and cognitive heuristics influence the utility of expert assessments, ensuring that such findings serve as objective aids rather than subjective justifications for judicial outcomes. Integrating standardized protocols for forensic reporting can mitigate these cognitive distortions, thereby enhancing the evidentiary value of expert evaluations in complex custody determinations (Zumbach, 2022)⁴⁷. Furthermore, establishing a clear legal framework

⁴⁶ Miao, C. (2018). Family Dispute Resolution from the Perspective of Comparative Law. *Asian Social Science*, 14(8), 153–153.

⁴⁷ Zumbach, J., Brubacher, S. P., Davis, F. M., Ruiter, C. de, Ireland, J. L., McNamara, K. R., October, M., Saini, M., Volbert, R., & Laajasalo, T. (2022). International perspective on guidelines and policies for child custody and child maltreatment risk evaluations: A preliminary comparative analysis across selected countries in Europe and North America. *TSpace*, 13, 900058–900058.

for the long-term monitoring of judicial orders can provide essential feedback loops to determine whether court-mandated interventions actually sustain familial wellbeing beyond the short-term resolution of a dispute. The judiciary in Bangladesh has played a pivotal role in defining and expanding the jurisdiction of family courts. Through landmark rulings, such as *Pachan Rissi Das v. Khuku Rani Dasi* (1998), the Supreme Court affirmed that family courts apply to all citizens irrespective of religion, thereby ensuring inclusivity in family justice. Judicial activism has strengthened women's rights and child welfare, particularly in maintenance and custody matters. Moreover, recent reforms under judicial leadership introduced compulsory pre-case mediation, streamlined case management, and limited adjournments, reflecting a shift towards accessible and people-centered justice. Despite persistent challenges of delay and backlog, the judiciary continues to act as a guardian of social justice, aligning family court practices with constitutional guarantees and international human rights standards. Integrating gender-sensitive education into these judicial training programs is increasingly recognized as a vital mechanism for dismantling traditional biases that may otherwise impair equitable access to justice. This evolution toward therapeutic jurisprudence necessitates a more systematic integration of mental health professionals within the court's decision-making infrastructure to improve overall case outcomes,

5 Challenges and Reforms

5.1 Cultural resistance

Prevailing patriarchal norms often prioritize traditional authority structures over legal mandates, frequently stigmatizing court-involved mediation or psychological interventions as intrusive to private family life (Li, 2025)⁴⁸. Despite legislative progress, reforms in the family court system of Bangladesh often encounter deep-rooted cultural resistance. The patriarchal social structure continues to influence perceptions of marriage, divorce, and custody, where women seeking justice are frequently stigmatized. Traditional norms discourage litigation in family matters, viewing disputes as private issues to be resolved within kinship networks rather than through formal courts.

Religious sensitivities also contribute to resistance. Although the Family Courts Ordinance, 1985 (and now the Family Court Act, 2023) applies to all citizens irrespective of faith, many communities perceive family law reforms as encroachments upon personal religious laws. This tension has slowed acceptance of reforms aimed at harmonizing family law with constitutional guarantees of equality.

Moreover, reforms promoting mediation and ADR face skepticism, as traditional dispute resolution mechanisms (shalish or village arbitration) are often preferred over formal judicial processes. Women's rights activists argue that such informal systems perpetuate bias, yet many families resist court-based mediation, fearing public exposure and reputational harm.

Finally, cultural resistance manifests in gender stereotypes, where women's claims for maintenance or custody are often undermined by societal expectations of male authority. This resistance not only delays reform implementation but also limits the effectiveness of family courts as instruments of social justice. Furthermore, these systemic barriers are compounded by a lack of public awareness regarding the long-

⁴⁸ Li, W. (2025). Grassroots Operation of Therapeutic Function of Family Justice: Taking Psychological Counseling Mechanism as the Starting Point. *Scientific and Social Research*, 7(3), 222–234.

term benefits of judicial intervention, necessitating robust outreach programs to improve the perceived credibility of the formal legal system.

5.2 Globalization and technology

The rapid integration of digital platforms into the legal landscape of Bangladesh creates a complex tension between modern procedural efficiencies and the preservation of traditional privacy values regarding familial disputes. Moreover, the reliance on virtual proceedings poses significant accessibility barriers for litigants in rural areas who lack the necessary technological infrastructure to participate in remote hearings effectively. Beyond digital infrastructure, the state must navigate the inherent tension between adopting international standards of procedural technology and the preservation of deeply ingrained local customs (Sultan, 2025)⁴⁹. Balancing these global technological mandates with the preference for local, community-based conflict resolution mechanisms—such as the traditional shalish—is essential to fostering a hybrid justice environment that reflects the sociocultural reality of the nation. Globalization and technology have expanded the scope of family courts in Bangladesh, creating both opportunities and challenges. Cross-border marriages and custody disputes demand greater alignment with international human rights standards, while digital innovations such as online filing and virtual hearings have improved access to justice. At the same time, assisted reproductive technologies raise complex questions about parenthood, requiring judicial adaptation. These developments illustrate how family courts are increasingly situated at the intersection of local traditions and global transformations, underscoring the need for continuous reform. Consequently, the success of these legislative and digital adaptations depends heavily on the strategic synergy between state-led initiatives and the advocacy efforts of women's organizations that challenge the entrenchment of patriarchal norms (Azhari, 2025)⁵⁰. Furthermore, policymakers must remain cognizant that while digital legal databases are foundational for automating judicial tools, they should not obscure the existence of alternative, non-

⁴⁹ Sultan, M., Nath, S., Rabbi, A. S., & Islam, M. S. (2025). Protecting Women's Family Rights in a Minority Community: Hindu Family Law Reform in Bangladesh.

⁵⁰ Azhari, D., & Asmuni, A. (2025). Gender Equality in the Political Reform of Islamic Family Law in Contemporary Muslim Countries. *USRATY Journal of Islamic Family Law*, 3(1), 87–99.

digitized experiences that prioritize the privacy of vulnerable litigants. Adopting hybrid models that integrate traditional mediation with secure digital solutions could mitigate these disparities, ensuring that technological adoption fosters equity rather than marginalization. Such measures must be paired with comprehensive infrastructure investments and digital literacy initiatives to bridge the persistent urban–rural divide, thereby preventing the systemic exclusion of marginalized populations from the digitized judicial process.

5.3 Human rights perspective

Applying a human rights lens to Bangladesh's family courts reveals that, while core international instruments provide a foundational framework for gender equality and protection against violence, their domestic enforcement remains constrained by the lack of victim-centric, trauma-informed digital design. Viewed through a human rights lens, family courts in Bangladesh serve as vital institutions for protecting equality, dignity, and welfare in domestic relations. By adjudicating disputes over marriage, divorce, maintenance, and custody, they operationalize constitutional guarantees and international commitments under CEDAW and CRC. Judicial activism has expanded women's and children's rights, but cultural resistance and weak enforcement mechanisms continue to hinder full realization of justice. Thus, family courts remain both a site of progress and contestation, reflecting the ongoing struggle to harmonize personal laws with universal human rights standards. This ongoing judicial endeavor requires a more rigorous application of *ijtihad* to address the legislative stagnation inherent in personal status laws, ensuring that evolving precedents effectively safeguard the post-divorce rights of women (Izzati)⁵¹. Moreover, the integration of digital tools must be critically examined to ensure that technological transitions do not exacerbate existing gender biases or create new digital barriers that disproportionately affect women seeking legal redress. The introduction of advanced technology, while potentially increasing the economics of justice, must be carefully regulated to prevent automated decision-making from undermining the rights of litigants to a fair trial. To

⁵¹ Izzati, N. (2025). Protection of Women's Rights in Islamic Family Law: A Comparative Analysis of Judicial Activism in India and Bangladesh. *Jurnal AL-AHKAM/Al-Ahkam*, 16(2). <https://doi.org/10.15548/alakhkam.v16i2.11717>

address these risks, judicial frameworks must prioritize human-centered digital solutions that account for socio-technical constraints and the specific vulnerabilities of those lacking legal representation. Ultimately, developing comprehensive policies that integrate multi-stakeholder collaboration is essential to safeguarding these rights while fostering innovation within the judiciary.

5.4 Policy recommendations

Establishing a systematic mechanism to bridge the gap between judicial rulings and their practical enforcement is critical to ensure that financial obligations, particularly regarding post-divorce support, are effectively honored. This requires the implementation of an interconnected judicial system that facilitates the monitoring of maintenance payments, thereby reducing the frequent disregard of court-mandated financial support by former spouses (Kesuma et al., 2025). Integrating mandatory salary deduction protocols, as successfully piloted in other jurisdictions, could serve as a viable model for ensuring that judicial orders translate into tangible economic security for vulnerable parties. Additionally, the deployment of IT-based execution instruments could empower claimants to monitor compliance voluntarily, thereby mitigating the systemic reliance on traditional enforcement methods that often fail to hold duty-bearers accountable. Beyond technical execution, these structural reforms must be complemented by targeted legal literacy campaigns and institutional training to socialize gender-equitable norms, thereby addressing the cultural barriers that often shame claimants for seeking their rightful protections. By shifting the focus from individual legal support toward large-scale advocacy and systemic reform, policymakers can effectively challenge the traditional social norms that perpetuate economic disparities for women following divorce (Barakat, 2018)⁵². Furthermore, leveraging predictive analytics and AI-driven expert systems could assist the judiciary in standardizing alimony calculations and identifying non-compliance trends, thereby enhancing both the reliability and speed of judicial interventions. Policy reforms for family courts in Bangladesh must go beyond statutory changes to address structural and

⁵² Barakat, S. (2018). *The Cost of Justice: Exploratory assessment on women's access to justice in Lebanon, Jordan, Egypt and Yemen*.

cultural barriers. Harmonization of personal laws, stronger enforcement of maintenance and custody orders, and specialized judicial training are essential to ensure fairness and efficiency. The integration of mediation, digital case management, and gender-sensitive infrastructure can significantly reduce delays and improve access to justice. Moreover, aligning family court practices with international human rights obligations under CEDAW and CRC will strengthen protections for women and children. Finally, public awareness campaigns are necessary to overcome cultural resistance and normalize the use of family courts as inclusive instruments of social justice. Furthermore, the recovery of dower serves as a foundational element for women's long-term economic independence, necessitating that courts treat these obligations not merely as private disputes, but as binding statutory mandates that demand strict enforcement.

6 Conclusion

6.1 Summary of findings

The analysis reveals a systemic disconnect between the normative framework of Bangladesh's family laws and the practical enforcement of judicial outcomes, particularly concerning the economic empowerment and safety of women. While legislative reforms remain essential, the judiciary must adopt a more pluralistic interpretative methodology, drawing upon both Islamic legal traditions and contemporary human rights frameworks to ensure substantive justice in domestic disputes (Shahid, 2018)⁵³. Future inquiries should prioritize intersectional approaches that examine how class, social status, and religion uniquely shape the experiences of women navigating these legal avenue. Furthermore, integrating comprehensive data-driven monitoring of judicial outcomes will be pivotal in bridging the persistent gap between institutional mandates and the socioeconomic realities faced by claimants in post-divorce scenarios. By fostering a cohesive strategy that harmonizes personal law applications with constitutional obligations, the judicial system can effectively transform from a site of formalistic adjudication into an engine for equitable social reform (Choudhury, 2025)⁵⁴. Ultimately, this transition requires moving beyond the current reliance on informal mediation toward a robust, state-sanctioned framework that prioritizes the harmonization of religious tenets with universal human rights standards. This process necessitates state sanction of nondiscrimination norms to legitimize individual rights over traditionally defined community interests, thereby overcoming the constitutional limitations that currently restrict protections to the public sphere. Such an evolution in legal interpretation would align judicial practices with the transformative potential of Islamic jurisprudence, which, when properly contextualized, provides a flexible pathway for ensuring justice and well-being in changing social landscapes.

⁵³ Shahid, A. (2018). Post-Divorce Maintenance Rights for Muslim Women in Pakistan and Iran: Making the Case for Law Reform. *Muslim World Journal of Human Rights*, 15(1), 59–98.

⁵⁴ Choudhury, A., & Bishnoi, R. (2025). INHERITANCE LAWS AND GENDER EQUALITY IN BANGLADESH: A CRITICAL ANALYSIS WITH POLICY RECOMMENDATIONS. *Lex Localis - Journal of Local Self-Government*, 23, 1837–1845.

6.2 Critical reflection

The persistent reliance on fragmented enforcement mechanisms highlights an urgent need for structural integration between judicial bodies and administrative agencies to ensure that court-mandated financial obligations are not merely symbolic but actionable. Moreover, addressing the intersectional nature of economic neglect requires that courts transition from a formalistic adherence to traditional codes toward a substantive application of justice that acknowledges the reality of domestic violence. Consequently, institutionalizing gender-sensitive training for judicial officers is imperative to dismantle entrenched biases that frequently obscure the systemic nature of marital discord. By adopting a comprehensive reform agenda that links procedural efficiency with substantive equity, Bangladesh can evolve its family courts into mechanisms that actively rectify the socioeconomic precarity of vulnerable litigants. This evolution necessitates a proactive judicial stance that prioritizes the welfare of dependents over rigid adherence to conventional legal formalities, ensuring that maintenance decrees serve as substantive tools for economic protection. By embracing a dynamic interpretation of *maqashid syariah*, judges can interpret maintenance and custody mandates to better protect the rights of vulnerable family members in alignment with evolving social realities. This interpretive shift is critical, as the current divergence between formal legal commitments and their practical realization remains a significant barrier to safeguarding fundamental rights (Bhuiyan, 2026)⁵⁵. This imperative is further underscored by the recent judicial recognition of maternal guardianship, which signals a departure from traditional custody norms toward a more equitable distribution of parental rights. Such jurisprudential advancements reflect a broader teleological shift, where the preservation of lineage and the well-being of the child are prioritized over static interpretations of patriarchal hierarchy.

⁵⁵ Bhuiyan, M. K. I., Al-Thulaia, H. A. A., Hussien, M. A. M., & Husain, M. I. (2026). Human Rights in Bangladesh in Light of The Five Objectives of Islamic Law: A Critical Analytical Study. *International Journal of Research and Innovation in Social Science*, 10(1), 3995–4006.

6.3 Future directions

Scholars should conduct longitudinal assessments of newly enacted judicial guidelines to measure their efficacy in reducing post-divorce economic insecurity among female litigants. Additionally, investigations into the role of female judges in shaping progressive judicial reasoning could provide essential insights into how gender sensitivity influences the enforcement of post-divorce financial rights. Furthermore, investigating the integration of technological platforms for monitoring and enforcing maintenance payments could significantly reduce the administrative delays that currently impede the practical realization of legal entitlements. Finally, expanding educational initiatives regarding *fiqh munakahat* can empower women with the legal literacy necessary to navigate institutional barriers and effectively assert their rights within the family court system. Moreover, cross-jurisdictional comparative analyses are necessary to identify best practices in streamlining maintenance enforcement, as seen in the implementation of digital tracking systems in other Muslim-majority nations. Furthermore, research should explore the development of standardized financial assessment benchmarks that account for inflation and the actual cost of child-rearing to replace subjective judicial discretion, thereby ensuring that maintenance awards are consistently sufficient to maintain the dignity and well-being of the beneficiaries. Looking ahead, family courts in Bangladesh must evolve into more accessible, efficient, and rights-based institutions. Harmonization of personal laws, digital transformation, and specialized judicial training will be critical to overcoming systemic delays and ensuring fairness. Stronger enforcement mechanisms, coupled with integration of international human rights standards, can enhance protections for women and children. Public awareness initiatives and regional cooperation will further strengthen the legitimacy and effectiveness of family courts, positioning them as vital instruments of social justice in a rapidly globalizing society. Ultimately, this modernization must be complemented by empirical research into the socio-cultural variables that influence compliance with judicial orders, ensuring that legal reform remains sensitive to the lived experiences of diverse communities.

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