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Women's Financial Rights in Libyan Family Law: An Islamic Legal Analysis of Mahr, Maintenance, Divorce, Housing, Custody, and Child Support

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ABSTRACT

Women's financial rights constitute a central component of Islamic family law and serve as essential mechanisms for protecting economic justice, family stability, and human dignity. This study examines the legal framework governing women's financial rights under Libyan family law. The analysis takes the form of a doctrinal review of Law No. 10 of 1984 on Marriage, Divorce and Their Effects, together with its amendments under Law No. 22 of 1991 and Law No. 9 of 1994. The research focuses on six principal areas of financial protection: mahr (dower), maintenance (nafaqah), financial consequences of divorce, housing rights, custody expenses, and child support. Employing qualitative doctrinal legal research, the study interprets the statutory provisions and evaluates their consistency with the Qur'an, the Sunnah, and the objectives of Islamic law (Maqasid al-Sharīʿah). The findings indicate that Libyan family law generally reflects Islamic legal principles by recognizing women's independent financial rights and establishing comprehensive mechanisms for protecting them before, during, and after marriage. However, the analysis also identifies legislative ambiguities concerning maintenance assessment, housing enforcement, custody-related financial obligations, compensation, and the adjustment of financial rights to contemporary economic conditions. The study concludes that the existing legal framework provides substantial protection for women's financial rights. Nevertheless, further legislative clarification and stronger enforcement mechanisms are necessary to enhance legal certainty, improve judicial consistency, and strengthen the realization of justice within the Libyan family law system.

Keywords: Libyan family law, women's financial rights, mahr, maintenance, child support

Introduction

Women's financial rights constitute one of the fundamental pillars of Islamic family law, reflecting the Shari'ah's commitment to justice, social welfare, and the protection of human dignity. Islamic law recognizes women as independent legal persons with full proprietary capacity, allowing them to acquire, own, manage, and dispose of property without the consent or control of their husbands. Consequently, rights relating to mahr (dower), maintenance (nafaqah), financial entitlements following divorce, housing, custody-related expenses, and child support are established as legally enforceable obligations rather than discretionary benefits. These rights contribute directly to the higher objectives of Islamic law (Maqasid al-Shari'ah), particularly the protection of property (ḥifẓ al-mal), family (ḥifẓ al-nasl), justice ('adl), and human dignity (Al-Zuhayli, 1989; Ayad et al., 2026).

The legal foundations of women's financial rights are firmly rooted in the Qur'an and the Sunnah. The Qur'an obliges husbands to provide women with their dower as an exclusive financial entitlement (Qur'an 4:4) and requires maintenance according to the husband's financial ability (Qur'an 4:34; 65:7). It further imposes continuing financial responsibility for children following divorce (Qur'an 2:233). These principles were elaborated by classical Muslim jurists into a comprehensive legal framework governing marriage, divorce, maintenance, custody, and financial obligations. The four Sunni schools differ on certain juristic details. Nevertheless, they unanimously recognize that women's financial rights are integral components of Islamic family law and essential mechanisms for preserving family stability and economic justice (Welchman, 2004; Ubaidilah & Husna, 2023).

Modern scholarship has emphasized that Islamic family law should be understood not only through its classical doctrinal rules but also through its broader ethical objectives. Contemporary Maqasid-based approaches argue that family legislation should preserve justice, prevent financial harm, and adapt to changing social and economic realities while remaining faithful to the foundational principles of Shari'ah (Auda, 2008). Similarly, recent studies on Islamic law and human rights have demonstrated that the protection of women's financial rights represents an area of convergence. Islamic legal principles and internationally recognized human rights standards can be harmonized here through contextual interpretation and sound legislative reform (Atia et al., 2025). Such approaches are particularly relevant in societies undergoing legal and social transformation, where statutory family law must respond to contemporary challenges without departing from its Islamic foundations.

In Libya, Islamic family law is principally codified in Law No. 10 of 1984 on Marriage, Divorce and Their Effects. This legislation was subsequently amended by Law No. 22 of 1991 and Law No. 9 of 1994. The legislation regulates the principal financial rights of women throughout the marital relationship, including mahr, maintenance, financial consequences of divorce, housing rights, custody expenses, and child support. Moreover, Article 72 expressly provides that, where the legislation contains no applicable provision, courts shall apply the principles of Islamic Shari'ah, thereby confirming the continuing authority of Islamic law within the Libyan legal system. Recent socio-legal analyses indicate that Libyan family law remains strongly influenced by the Maliki School while incorporating legislative reforms intended to strengthen judicial protection and respond to evolving family circumstances (Abrahem & Baroud, 2025).

Recent research has also examined specific aspects of Libyan family law, including judicial regulation of polygamy, the application of Maqasid al-Shari'ah in family legislation, and judicial approaches to child custody (Masuwd et al., 2026b). These studies demonstrate an increasing tendency toward balancing classical Islamic jurisprudence with statutory regulation and contemporary social realities. More broadly, current discussions on governance and legal reform emphasize that effective legal protection depends on more than substantive legal rules alone. It also requires coherent institutional implementation and judicial consistency (Atia & Alatrish, 2026; Jubaedah et al., 2026; Hisbullah et al., 2026). These developments provide an important context for evaluating the effectiveness of Libyan family legislation in protecting women's financial rights.

Despite these scholarly contributions, important gaps remain in the literature on women's financial rights under Libyan family law. Al-Ati (2022) examined women's rights to independent marital housing, while Hassan (2024) focused specifically on compensation for moral harm resulting from divorce. More recently, Omar et al (2026) examined Libyan family law from a broader maqasid-oriented socio-legal perspective, identifying tensions in maintenance enforcement and women's legal protection. However, these studies address particular rights or broader family-law reforms rather than examining mahr, maintenance, divorce-related financial rights, housing, custody expenses, and child support as an integrated framework of women's financial protection.

This gap becomes clearer from comparative Muslim jurisdictions. Comparative studies of Pakistan, Malaysia, and Iran demonstrate substantial differences in the scope and enforcement of post-divorce financial protection (Aktar, 2012; Hussain, 2013; Zaman & Hashmi, 2021). Thus, the present study contributes a comprehensive analysis of women's financial rights under Libyan family law, assessing their doctrinal foundations, statutory regulation, practical enforcement, and consistency with Maqasid al-Shari'ah and contemporary family welfare.

Thus, this study undertakes a doctrinal analysis of Law No. 10 of 1984 and its subsequent amendments to examine the legal regulation of women's financial rights under Libyan family law. The study evaluates the statutory provisions governing mahr, maintenance, financial consequences of divorce, housing rights, custody expenses, and child support, and assesses their consistency with the

Qur'an, the Sunnah, and the objectives of Islamic law. It then identifies areas where legislative clarification or reform may further strengthen the protection of women and children within the Libyan family justice system.

Research Method

This study adopts a qualitative doctrinal legal research design to examine women's financial rights under Libyan family law and evaluate their legal foundations within the framework of Islamic law. The research focuses on the statutory regulation of mahr (dower), maintenance (nafaqah), the financial consequences of divorce, housing rights, custody expenses, and child support. As a doctrinal study, it emphasizes the interpretation and critical analysis of legal rules rather than the collection of empirical data. The objective is to assess how Libyan legislation protects women's financial rights throughout the marital relationship and following its dissolution.

The analysis relies primarily on Law No. 10 of 1984 on Marriage, Divorce and Their Effects, together with its subsequent amendments under Law No. 22 of 1991 and Law No. 9 of 1994. These instruments constitute the principal legislative framework governing family relations in Libya. These statutory provisions are examined through textual and systematic legal interpretation to determine their scope, legal effect, and internal coherence. Where relevant, the study also considers published decisions of the Libyan Supreme Court to illustrate judicial application of the law. The statutory texts were obtained from official Libyan legal publications and authenticated legal compilations available through university and legal-library collections in Libya. Published Supreme Court decisions were accessed through Libyan judicial reports and recognized legal databases or printed collections where available. Article 72 of Law No. 10 of 1984 provides that matters not expressly regulated by the legislation shall be resolved according to the principles of Islamic Shari'ah. Accordingly, the Qur'an, the authentic Sunnah, and the established principles of Sunni Islamic jurisprudence are used as the normative framework for interpreting statutory provisions and assessing their consistency with Islamic legal principles.

The study employs doctrinal legal analysis, comparative Islamic legal analysis, and Maqasid al-Shari'ah analysis as complementary analytical methods. Each financial right is examined by identifying the relevant statutory provisions, analyzing their legal content, comparing them with the corresponding principles of Islamic law, and evaluating their effectiveness in protecting women's financial interests. The findings are organized into six thematic areas: mahr, maintenance, financial consequences of divorce, housing rights, custody expenses, and child support. This structure allows a systematic assessment of the strengths, ambiguities, and practical implications of the current legal framework. The study concludes by proposing legislative reforms that enhance legal certainty and the protection of women's financial rights. These reforms remain consistent with the objectives of Islamic law, particularly the protection of family, property, justice, and human dignity. As a doctrinal study, the research is limited to legal texts, judicial materials, and Islamic legal sources and does not include empirical data from judges, lawyers, or women involved in family-law proceedings. Accordingly, its assessment of practical implementation is based on documented legal and judicial materials rather than direct practitioner or litigant experiences.

Results and Discussion

Mahr **as the Foundation of Women's Financial Rights**

Mahr (dower) is one of the principal financial rights accorded to women under Islamic law and is expressly protected by Libyan family legislation. Rather than constituting a payment for marriage, mahr is a mandatory financial obligation arising from the marriage contract and becomes the exclusive property of the wife. The Qur'an commands husbands to give women their dowers willingly (Qur'an 4:4), establishing mahr as a symbol of respect, financial security, and legal recognition of the wife's independent property rights. Consistent with this principle, Law No. 10 of 1984 regulates the creation, payment, and enforcement of mahr as an integral component of the marital relationship.

Articles 19–21 of Law No. 10 of 1984 recognize mahr as a compulsory consequence of marriage while allowing the spouses to determine its amount through mutual agreement. The law does not prescribe a minimum or maximum value, reflecting the flexibility found in Islamic jurisprudence, where fairness and the parties' circumstances guide its determination (Al-Zuhayli, 1989). Once agreed, the mahr becomes the wife's exclusive property and cannot be appropriated by her husband or other family members. This legislative approach reinforces the separate legal and financial personality of women and protects their proprietary rights within marriage (Shammas, 1994; Dawood, 2024; Onyinyechi, 2025).

Libyan family law further distinguishes between prompt (mu'ajjal) and deferred (mu'akhkhar) mahr. The prompt portion is payable immediately unless the parties agree otherwise, whereas the deferred portion becomes payable upon divorce, death, or another agreed event. Recording the agreed amount and payment conditions in the official marriage contract enhances legal certainty and facilitates judicial enforcement should disputes arise. Deferred mahr functions as a continuing financial obligation, providing an important measure of economic protection for women when the marriage is dissolved (Masuwd et al., 2026).

The legislation also regulates women's entitlement to mahr following divorce. In accordance with Qur'anic principles (Qur'an 2:236-237), a wife is entitled to the full agreed mahr after consummation of the marriage. If divorce occurs before consummation, she is generally entitled to one-half of the specified mahr unless she voluntarily waives her entitlement or the husband elects to pay the full amount. Where deferred mahr remains unpaid, it constitutes an enforceable debt recoverable through judicial proceedings. The marriage contract serves as the primary evidence for determining the amount and terms of payment, thereby reducing uncertainty in legal disputes.

Table 1. Regulation of mahr under Libyan family law

Aspect	Libyan Legal Position	Islamic Legal Basis
Legal status	Mandatory financial right arising from marriage	Qur'an 4:4
Ownership	Exclusive property of the wife	Consensus of Sunni jurists
Amount	Determined by mutual agreement	No fixed minimum or maximum
Types	Prompt (muʿajjal) and deferred (muʾakhkhar)	Classical Islamic jurisprudence
Documentation	Recorded in the marriage contract	Protects contractual rights
Rights upon divorce	Full mahr after consummation; half before consummation	Qur'an 2:236–237
Enforcement	Recoverable through judicial proceedings	Protection of property rights

The Libyan regulation of mahr demonstrates substantial consistency with Islamic law by preserving the wife's exclusive ownership, recognizing contractual autonomy in determining the amount, and guaranteeing judicial enforcement of unpaid dower. These provisions promote the Shari'ah objective of protecting property (ḥifẓ al-mal) while strengthening women's financial security within the family (Naz & Jahangir, 2024; Altarhouni et al., 2025). Compared with many contemporary family laws, the Libyan framework provides a clear statutory basis for recognizing deferred mahr as an enforceable financial obligation rather than a purely moral commitment.

Despite these strengths, several issues remain insufficiently addressed. The legislation provides limited guidance on determining mahr when it has not been specified in the marriage contract, resolving disputes concerning valuation after prolonged inflation, or adjusting deferred mahr to preserve its real economic value. These gaps may reduce the effectiveness of mahr as a protective financial mechanism in changing economic conditions. Future legislative reform could therefore establish clearer judicial guidelines for valuation and enforcement while preserving the flexibility that characterizes Islamic family law. Such reforms would enhance legal certainty and ensure that the objectives of justice, financial protection, and family stability continue to be achieved.

Maintenance Obligations during Marriage

Maintenance (nafaqah) represents one of the most significant financial protections afforded to women under Libyan family law. Rooted in the Qur'anic obligation that husbands provide for their wives according to their means (Qur'an 2:233; 65:7), maintenance reflects the husband's continuing responsibility to ensure the economic well-being of the family throughout marriage. Law No. 10 of 1984 incorporates this principle by defining the husband's maintenance obligations, the conditions under which the wife becomes entitled to maintenance, and the judicial mechanisms available to enforce these rights. In doing so, the legislation seeks to balance family solidarity with financial justice while preserving the independent property rights of married women.

The scope of maintenance under Libyan family law extends beyond basic subsistence to encompass the essential needs required for a dignified standard of living. Articles 22-27 provide that maintenance includes food, clothing, housing, and other necessary living expenses appropriate to the spouses' social and economic circumstances. Although medical care is not always identified as a separate statutory category, judicial interpretation generally treats necessary healthcare expenses as part of the husband's obligation to provide adequate maintenance. The law therefore adopts a flexible standard that allows courts to consider contemporary living conditions and the reasonable needs of the wife when determining the extent of maintenance. This approach is consistent with classical Islamic jurisprudence, which recognizes that maintenance should correspond to custom (ʿurf), financial capacity, and prevailing social conditions (Hassan & Batool, 2024).

Table 2. Scope of maintenance under Libyan family law

Component	Legal Purpose
Food	Daily nutritional needs of the wife
Clothing	Appropriate clothing according to custom and season
Housing	Suitable accommodation consistent with family circumstances
Medical care	Necessary healthcare and treatment where required
Essential living expenses	Other reasonable needs determined by the court

Entitlement to maintenance is principally determined by the existence of a valid marriage and the husband's financial ability. The law requires maintenance to be assessed in proportion to the husband's means while taking into account the wife's legitimate needs and the family's standard of living. Importantly, the wife's independent income or ownership of property does not automatically extinguish her right to maintenance, since the obligation arises from the marital relationship rather than financial dependence. Where the husband experiences financial hardship or insolvency, the court may adjust the amount of maintenance according to his actual capacity while preserving the wife's entitlement to reasonable support. This reflects the Qur'anic principle that no person should be burdened beyond his means (Qur'an 65:7) and demonstrates the law's effort to reconcile fairness with practical realities.

Libyan family law further strengthens women's financial protection by providing judicial mechanisms for determining and enforcing maintenance. Courts may issue temporary maintenance orders during ongoing family disputes to ensure that wives are not left without financial support while litigation is pending. The amount of maintenance may subsequently be modified when there is a substantial change in either party's financial circumstances, thereby preserving fairness throughout the marital relationship. Where a husband fails to comply voluntarily, the wife may seek judicial enforcement through the competent courts, reinforcing maintenance as a legally enforceable obligation rather than merely a moral duty.

The statutory regulation of maintenance demonstrates substantial consistency with Islamic legal principles. By recognizing maintenance as a continuing obligation of the husband, the legislation promotes the Shari'ah objectives of protecting the family (ḥifẓ al-nasl) and safeguarding property and human dignity (ḥifẓ al-mal and ḥifẓ al-'ird). At the same time, the law balances the reciprocal rights and obligations of spouses. It does so by linking the amount of maintenance to the husband's financial capacity instead of imposing rigid financial standards (Regan Jr, 1993; Salem et al., 2026). This flexibility enables courts to adapt maintenance awards to changing economic conditions while preserving the fundamental objective of ensuring women's financial security during marriage.

Despite these strengths, certain practical challenges remain. The legislation offers limited statutory guidance for calculating maintenance in periods of high inflation or rapidly changing living costs, resulting in broad judicial discretion that may produce inconsistent outcomes. In addition, enforcement procedures can be lengthy, delaying financial assistance to women who depend upon maintenance for their daily needs. Future reforms could therefore introduce clearer statutory criteria for assessing maintenance, establish periodic review mechanisms linked to economic conditions, and strengthen enforcement procedures to ensure timely compliance with judicial orders. Such measures would enhance legal certainty while remaining fully consistent with the principles of Islamic family law.

Financial Protection Following Divorce

The dissolution of marriage under Libyan family law gives rise to several financial rights and obligations intended to protect women from economic hardship following divorce. Law No. 10 of 1984, as amended by Laws No. 22 of 1991 and No. 9 of 1994, regulates the financial consequences of divorce. Its provisions govern deferred mahr, maintenance during the waiting period (ʻiddah), compensation, and the financial implications of different forms of marital dissolution. These provisions reflect the Islamic principle that divorce should not unjustly deprive women of their legitimate financial rights while balancing the interests of both spouses.

One of the principal financial rights arising upon divorce is the wife's entitlement to deferred mahr (mu'akhkhar al-ṣadaq). Where part of the mahr has been postponed by agreement, it becomes immediately payable upon dissolution of the marriage unless otherwise stipulated in the marriage contract. The deferred mahr constitutes a debt owed by the husband and remains enforceable through judicial proceedings. This mechanism serves not only as the fulfillment of a contractual obligation but also as a measure of financial protection for women entering post-divorce life. Its legal basis corresponds with the classical Islamic understanding that deferred mahr is a binding obligation that survives the termination of marriage (Siddiqui, 2017; Showkat, 2023).

The law also guarantees maintenance during the waiting period (ʻiddah) in accordance with Islamic legal principles. During the waiting period following a revocable divorce, the husband remains responsible for providing maintenance and accommodation because the marital relationship has not been completely terminated. The purpose of this obligation is to safeguard the wife's financial security while preserving the possibility of reconciliation. Even where reconciliation does not occur, maintenance during ʻiddah reflects the Qur'anic command to provide divorced women with fair treatment and adequate support (Qur'an 65:1-7). Consequently, Libyan legislation maintains continuity with Islamic law by recognizing maintenance during this transitional period as a legal entitlement rather than a discretionary benefit.

Beyond these traditional rights, Libyan family law recognizes judicial compensation in specific circumstances. Where divorce results from unlawful conduct or harm caused by one spouse, the courts may award financial compensation to the injured party in accordance with the statutory provisions governing judicial divorce. This compensation differs from deferred mahr because it serves as a remedy for damage arising from wrongful marital conduct rather than fulfillment of the original marriage contract. Such judicial discretion reflects the broader objective of preventing injustice and ensuring equitable outcomes following marital dissolution (Oman, 2011; Siddiqui, 2017; Raman, 2024).

The financial consequences of divorce vary according to the legal ground upon which the marriage is dissolved. In cases of judicial divorce, the court determines the parties' financial rights after considering the legal basis for dissolution and the circumstances of the spouses. Where divorce is granted because of harm suffered by the wife, she generally retains her financial rights, including deferred mahr and other statutory entitlements, since the dissolution results from the husband's misconduct. Similarly, divorce for non-maintenance protects women whose husbands have failed to fulfill their financial obligations, allowing dissolution without forfeiting their established financial rights. By contrast, khulʿ is based on the wife's request for separation in return for compensation to the husband. It may involve the wife returning all or part of the mahr or waiving certain financial claims, depending on the agreement approved by the court. These distinctions illustrate the law's attempt to balance contractual justice with the particular circumstances of each form of divorce.

Table 3. Financial consequences of different types of divorce under libyan family law

Type of divorce	Principal financial consequences
Judicial divorce	Deferred mahr, maintenance during *ʿiddah*, possible judicial compensation
Divorce for harm	Wife retains financial rights; compensation may be awarded
Divorce for non-maintenance	Wife entitled to dissolution without losing established financial rights
Khulʿ	Financial settlement based on mutual agreement, often involving return of mahr

The Libyan legislative framework grants courts considerable judicial discretion in determining financial consequences following divorce, particularly regarding compensation and the assessment of individual circumstances. This flexibility enables judges to tailor remedies to the facts of each case while preserving the fundamental financial rights guaranteed by law. At the same time, the legislation demonstrates substantial consistency with Shari'ah by preserving deferred mahr, guaranteeing maintenance during ʿiddah, and distinguishing between different forms of divorce according to their legal consequences. These provisions collectively promote the objectives of protecting property (ḥifẓ al-mal), preserving family justice, and preventing financial harm to divorced women.

Nevertheless, certain issues remain open to legislative clarification. The statutory provisions provide limited guidance regarding the assessment of judicial compensation, the calculation of financial damages, and the uniform application of compensation standards across different courts. Developing clearer legislative criteria for compensation and strengthening judicial guidance would enhance consistency while preserving the flexibility required to achieve equitable outcomes in accordance with both Libyan law and Islamic legal principles.

Housing Rights after Marital Dissolution

Housing represents one of the most significant forms of financial protection afforded to divorced women under Libyan family law. While maintenance and deferred mahr provide direct financial support, the right to suitable accommodation safeguards the stability of both the divorced woman and her children during the post-divorce period. The loss of housing may expose women and children to economic hardship. In recognition of this risk, Law No. 10 of 1984, together with the amendments introduced by Laws No. 22 of 1991 and No. 9 of 1994, establishes legal mechanisms to regulate occupancy of the marital home and protect the interests of custodial mothers. These provisions reflect the broader objectives of Islamic law in preserving family welfare, protecting vulnerable family members, and preventing harm after the dissolution of marriage (Pratama & Masuwd, 2026; Alrumayh et al., 2026).

The legislation recognizes the right to remain in the marital home under specific circumstances, particularly where immediate eviction would jeopardize the welfare of the wife or the children. Rather than treating housing solely as a property issue, the law approaches accommodation as an essential component of post-divorce financial protection. Judicial intervention allows the court to determine whether continued residence in the marital home is necessary to achieve fairness between the parties while safeguarding family stability. This approach is consistent with the Qur'anic injunction that divorced women should not be expelled from their homes during the waiting period except in legally recognized circumstances (Qur'an 65:1).

A particularly important aspect of Libyan family law concerns the housing rights of the custodial mother. Where the mother retains legal custody of the children, the legislation provides enhanced protection by recognizing the child's need for stable accommodation as an essential element of welfare. Consequently, the father may remain responsible for providing suitable housing or ensuring equivalent accommodation during the custody period. This obligation is not intended to confer permanent property rights upon the former wife but rather to protect the best interests of the child while enabling the custodial parent to perform her caregiving responsibilities effectively. The close relationship between custody and housing demonstrates that accommodation is not regarded merely as an economic benefit. It also functions as a mechanism for preserving children's physical and psychological well-being (Nasir, 1990; Yogi et al., 2026).

The right to housing is nevertheless subject to legal limitations. Housing rights may terminate when the legal basis for protection no longer exists, such as when custody ends, the children become financially independent, or other statutory conditions are satisfied. Courts therefore exercise discretion in determining both the continuation and termination of housing rights according to the circumstances of each case. This flexible approach seeks to balance the property rights of the husband with the continuing welfare needs of the custodial mother and the children.

The legislative framework governing post-divorce housing was significantly strengthened through Law No. 22 of 1991 and Law No. 9 of 1994. These amendments expanded judicial authority to protect custodial mothers and clarified the relationship between custody and accommodation. These amendments reflected a shift from a narrow contractual understanding of divorce toward a broader conception of family protection that considers the long-term economic and social consequences of marital dissolution. By reinforcing housing rights within the statutory framework, the amendments contributed to greater legal certainty and enhanced protection for divorced women responsible for childcare.

Table 4. Housing rights after divorce under Libyan family law

Housing issue	Legal protection
Right to remain in the marital home	Determined by the court where justified by family circumstances
Housing for the custodial mother	Father may be required to provide suitable accommodation during custody
Purpose of housing protection	Protect the welfare of the mother and children after divorce
Termination of housing rights	Upon expiry of custody or other statutory conditions
Legislative development	Strengthened through Laws No. 22/1991 and No. 9/1994

The Libyan regulation of housing rights demonstrates the legislature's recognition that financial protection extends beyond monetary maintenance to include access to adequate accommodation. By linking housing rights to child custody, the law promotes the Shari’ah objectives of preserving the family (ḥifẓ al-nasl), protecting human dignity (ḥifẓ al-‘ird), and preventing hardship following divorce. The statutory framework also reflects an evolving legislative policy that increasingly prioritizes the welfare of children while ensuring that divorced women are not left without suitable housing.

Despite these advances, some practical challenges remain. The legislation provides limited statutory guidance regarding the standards of "suitable accommodation," alternative housing arrangements when the marital home is unavailable, and procedures for enforcing housing orders. Greater legislative clarification of these issues would improve consistency in judicial practice and strengthen the practical effectiveness of housing protection. Such reforms would further align Libyan family law with the Islamic principles of justice, compassion, and protection of vulnerable family members.

Custody-Related Financial Rights

Child custody under Libyan family law is accompanied by specific financial obligations. These obligations ensure that the custodial parent, who is usually the mother, can adequately care for the child without bearing an unfair economic burden. While custody is primarily a legal responsibility concerning the care and upbringing of children, the law recognizes that its effective exercise requires appropriate financial support. Accordingly, Law No. 10 of 1984, as amended by Laws No. 22 of 1991 and No. 9 of 1994, regulates custody-related expenses by allocating financial responsibilities between parents while emphasizing the welfare of the child. These provisions reflect the Islamic principle that the child's maintenance remains the father's responsibility even after the dissolution of marriage. The mother, in turn, performs the custodial role in the child's best interests (Jumrotunisak et al., 2026).

The legislation distinguishes between custody responsibilities and financial obligations. Although the custodial mother is responsible for the daily care, education, and supervision of the child, the father remains legally obligated to bear the financial costs associated with custody according to his financial capacity. These expenses include the child's ordinary living requirements and other necessary expenditures arising from the custody arrangement. The law separates caregiving responsibilities from financial obligations. This separation ensures that custody decisions are guided by the child's welfare rather than by the economic ability of the custodial parent (Cholis & Masuwd, 2026; Alezabi et al., 2026).

Libyan family law also recognizes the right of the custodial mother to receive custody remuneration (ujrat al-ḥaḍānah) under circumstances prescribed by law. This allowance acknowledges the time, effort, and responsibilities associated with raising children after divorce and prevents the custodial parent from suffering financial disadvantage solely because of her caregiving role. The amount of custody remuneration is determined by the court after considering the child's needs, the father's financial circumstances, and the surrounding family conditions. Judicial discretion therefore enables the allowance to be adapted to the particular facts of each case while maintaining fairness between the parties.

In addition, the legislation recognizes breastfeeding expenses (ujrat al-rada’ah) where the mother breastfeeds the child following divorce. Islamic jurisprudence has long recognized breastfeeding as a service for which compensation may be payable under certain circumstances, particularly after the marital relationship has ended. Consistent with this principle, Libyan law permits the recovery of breastfeeding expenses where the statutory conditions are satisfied. This mechanism ensures that the nutritional needs of infants do not impose an inequitable financial burden upon the custodial mother. This protection reflects the Qur'anic instruction that fathers should provide for mothers who breastfeed their children in a fair and reasonable manner (Qur'an 2:233).

Judicial practice plays an important role in implementing custody-related financial rights. Courts assess the circumstances of each family, determine appropriate custody remuneration and breastfeeding expenses, and resolve disputes concerning the father's continuing financial obligations. This judicial discretion allows family courts to balance the interests of both parents while ensuring that financial decisions remain focused on the welfare of the child. The availability of judicial review also enables adjustments where economic circumstances or the needs of the child subsequently change.

Table 5. Custody expenses under Libyan family law

Custody expense	Legal responsibility	Primary objective
Daily custody expenses	Father	Support the child's care and welfare
Custody remuneration	Determined by the court	Compensate the custodial mother for caregiving responsibilities
Breastfeeding expenses	Father, where applicable	Protect infant nutrition and maternal financial rights
Judicial determination	Family court	Ensure fairness and protect the child's best interests

The statutory framework demonstrates a clear commitment to the financial protection of custodial mothers while preserving the principle that the child's maintenance remains primarily the father's responsibility. By recognizing custody remuneration and breastfeeding expenses alongside general child maintenance, Libyan family law adopts a comprehensive approach that acknowledges both the economic and caregiving dimensions of child custody. These provisions closely correspond to the Shara'ah objectives of protecting the family (ḥifẓ al-nasl), preserving human dignity, and safeguarding children's welfare.

Nevertheless, several legislative gaps remain. The law provides limited guidance regarding the calculation of custody remuneration, the assessment of breastfeeding compensation, and the periodic adjustment of custody-related expenses in response to inflation or changing economic conditions. Furthermore, enforcement of financial awards may be delayed where the responsible parent fails to comply voluntarily. Future legislative reform could establish clearer statutory criteria for determining custody expenses, introduce regular review mechanisms, and strengthen enforcement procedures. Such measures would improve legal certainty while reinforcing the protective objectives of both Libyan family law and Islamic legal principles.

Child Support and Continuing Parental Obligations

Child support constitutes one of the most enduring financial obligations under Libyan family law and reflects the continuing responsibility of parents toward their children regardless of the dissolution of marriage. Unlike spousal maintenance, which may terminate following divorce or the expiration of the waiting period (ʿiddah), child support remains a legal duty intended to secure the child's welfare, education, and healthy development. Law No. 10 of 1984 places primary responsibility for child maintenance upon the father while recognizing judicial authority to ensure that children's financial rights are effectively protected. This approach is consistent with the Qur'anic principle that fathers are responsible for providing for their children according to their means (Qur'an 2:233; 65:7). It also reflects the broader objective of preserving family welfare (Hassan, 2024; Mesrati, 2018).

The legislation establishes the father's obligation to support his children as a continuing legal duty independent of the marital relationship between the parents. Child support includes the expenses necessary for the child's upbringing, such as food, clothing, housing, education, healthcare, and other reasonable living costs. The amount of support is determined according to the father's financial capacity and the child's actual needs, thereby balancing the interests of both parties while ensuring that children receive adequate financial care. The obligation remains enforceable through judicial proceedings and cannot be avoided solely because of the termination of marriage (Mesrati, 2022; Liza et al., 2026).

Libyan family law also regulates the duration of child support according to the circumstances of the child. Support for sons generally continues until they become capable of supporting themselves financially, while daughters remain entitled to maintenance until marriage or financial independence where recognized by law. In contemporary practice, financial support may also continue for university students who are pursuing higher education and remain unable to earn sufficient income. This flexible approach recognizes that children's dependency often extends beyond childhood and allows courts to consider educational needs and changing social conditions when determining the duration of maintenance.

Where the father is insolvent or temporarily unable to provide maintenance, the law seeks to protect the child's welfare by ensuring that essential needs continue to be met. Although the father remains the primary person legally responsible for child support, the mother may assume practical responsibility for meeting immediate expenses where necessary, without extinguishing the father's continuing legal obligation. Once the father's financial circumstances improve, the underlying duty to maintain the child remains enforceable. This arrangement reflects the Islamic principle that financial obligations should correspond to actual capacity while preventing children from suffering hardship because of parental insolvency (Al-Zuhayli, 1989).

The determination and modification of child support fall within the jurisdiction of the family courts. Judges assess the financial circumstances of both parents, the child's age, educational needs, health condition, and general standard of living before fixing the amount of maintenance. The legislation also permits modification of child support where there is a substantial change in financial circumstances or in the needs of the child. This judicial flexibility enables maintenance orders to remain fair and responsive to changing economic conditions while preserving the child's right to adequate financial support.

Table 6. Child support under Libyan family law

Aspect	Legal position
Primary responsibility	Father bears the principal obligation to support children
Scope of support	Food, clothing, housing, education, healthcare, and essential living expenses
Duration	Until financial independence; extended where justified, including higher education
Father's insolvency	Obligation remains despite temporary inability to pay; child welfare takes priority
Judicial role	Courts determine, modify, and enforce child support according to circumstances

The statutory framework demonstrates a strong commitment to protecting children's financial rights while maintaining a balanced allocation of parental responsibilities. Although the father bears the principal financial obligation, the law recognizes the important caregiving role of the custodial mother and empowers courts to adopt solutions that prioritize the child's welfare. These provisions closely correspond to the objectives of Shari'ah, particularly the protection of family (ḥifẓ al-nasl), property (ḥifẓ al-mal), and human dignity. They ensure that children do not become financially disadvantaged as a consequence of divorce.

Despite its comprehensive framework, several practical challenges remain. The legislation provides limited statutory guidance regarding periodic adjustment of maintenance in response to inflation, enforcement against non-compliant parents, and the assessment of educational expenses associated with higher education. Future legislative reform should introduce clearer criteria for calculating child support, strengthen enforcement mechanisms, and establish regular judicial review of maintenance orders to ensure that financial awards continue to meet children's evolving needs. Such reforms would reinforce the protective objectives of Libyan family law while maintaining full consistency with Islamic legal principles.

Conclusion

This study examined women's financial rights under Libyan family law through a doctrinal analysis of Law No. 10 of 1984 and its subsequent amendments, evaluating their consistency with the principles and objectives of

Islamic law. The findings demonstrate that the Libyan legislative framework provides a comprehensive system of financial protection covering mahr, maintenance, financial consequences of divorce, housing rights, custody expenses, and child support. These provisions largely reflect the fundamental principles of Shari'ah by recognizing women's independent financial rights, safeguarding children's welfare, and balancing the reciprocal obligations of family members.

The analysis also reveals that legislative reforms introduced through Laws No. 22 of 1991 and No. 9 of 1994 strengthened the protection afforded to divorced women and custodial mothers. This strengthening is particularly evident in relation to housing and custody-related financial rights. Nevertheless, several areas require further clarification, including the assessment of maintenance and compensation, valuation of deferred mahr under changing economic conditions, determination of custody-related expenses, and more effective enforcement of maintenance and child support orders. Addressing these issues would improve legal certainty and promote greater consistency in judicial practice.

To conclude, Libyan family law demonstrates substantial compatibility with the objectives of Maqasid al-Shari'ah, particularly the protection of property, family, justice, and human dignity. Future legislative reforms should focus on refining statutory standards, strengthening enforcement mechanisms, and enhancing judicial guidance to ensure that women's financial rights remain effectively protected in response to evolving social and economic conditions. Such reforms would reinforce both the Islamic foundations and the practical effectiveness of the Libyan family law system while promoting equitable outcomes for women and children.

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