JOURNAL OF CREATIVE WRITING
VOLUME 10 ISSUE 1
2026, Pp 95 - 105
ISSN 2410-6259
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HTTPS://DOI.ORG/10.70771/JOCW.251

TOWARDS THERAPEUTIC JURISPRUDENCE: A LEGAL ANALYSIS OF DIVORCE PROCEDURE IN BANGLADESH

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ABSTRACT

Divorce is a formal dissolution of marriage. It is a major social and psychological event that has an impact on the mental health of both spouses and children. The legal framework of Bangladesh concerning divorce gives emphasis to procedural compliance and dispute resolution, and it pays limited attention to the psychological and emotional effects of divorce. As a result, people going through divorce frequently struggle with anxiety, sadness, social stigma, mental instability, and financial insecurity in the absence of adequate institutional support. In many cases, the absence of therapy and counseling frequently intensifies family disputes and has a detrimental effect on children's social and mental development. Applying a doctrinal and comparative methodology, the study assesses the pertinent statutory provisions of reconciliation mechanisms in Bangladesh while drawing comparative insights from other jurisdictions of the world recognizing a mental well-being approach. This article looks at Bangladesh's current divorce and reconciliation laws and analyzes the need to incorporate counseling services into family law processes to promote mental health and family fairness. The study assesses pertinent statutory provisions of reconciliation mechanisms in Bangladesh using a doctrinal and comparative methodology. It also draws comparative insights from other countries where counseling and mediation are more institutionally recognized within divorce procedures. This article examines the existing legal framework governing the divorce process in Bangladesh and analyzes the necessity of integrating therapeutic jurisprudence into the procedural mechanism to promote the ultimate well-being of spouses and children.

KEYWORDS

Divorce, Counseling, Mental Wellbeing, Family Justice, Bangladesh, Mediation, Family Law

INTRODUCTION

It is believed that the family is the most important social unit because it is essential to maintaining moral continuity, emotional growth, and social stability. Therefore, maintaining marriages is both a private and a public interest. However, conflict resulting from socio-cultural pressures, communication failures, and economic hardship frequently affects marriages and results in separation or divorce. People often feel severe emotional distress, psychological instability, and worry about their social and economic future when their marriages fail (Scott et al., 2013). When children are present in this situation, they suffer from anxiety, behavioral issues, and persistent emotional insecurity (Wallerstein & Lewis, 2004).

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These psychological and social difficulties may persist or worsen after divorce, especially in cultures where divorce is highly stigmatized (Qayyum, 2025). Extreme emotional pain brought on by divorce has been connected to suicide and self-harm, particularly in situations when people don't have access to counseling or psychological support services (Breslau et al., 2011; World Health Organization [WHO], 2022a). Despite these worries, Bangladesh's legal system still mostly addresses the procedural aspects of divorce and conflict resolution, with few institutional structures that address mental health in family law proceedings (Nahar, 2025). The existing laws provide for arbitration and court-based resolution, but they do not sufficiently incorporate therapeutic intervention or professional counseling into divorce proceedings (Family Courts Act, 2023; Muslim Family Laws Ordinance, 1961, s. 7).

On the other hand, family law systems in comparable countries like Malaysia, Singapore, and the United Kingdom have structured reconciliation and counseling processes, which indicate a more welfare-oriented approach to divorce management (Islamic Family Law (Federal Territories) Act, 1984, ss. 47–48; *Islamic Divorce Procedure*, n.d.). This comparative viewpoint emphasizes the increasing understanding that family law should safeguard the mental health of those impacted by divorce in addition to regulating its dissolution.

Considering this, this paper examines the divorce laws of Bangladesh, emphasizing the lack of formal counseling services. It makes the case that including counseling in divorce processes is crucial for maintaining mental health and attaining a more comprehensive kind of family justice.

THERAPEUTIC JURISPRUDENCE AS A THEORETICAL FRAMEWORK

The theory of Therapeutic Jurisprudence (TJ) examines how laws, procedures, and legal actors affect the psychological and emotional well-being of people involved in the judicial system and is the most pertinent theoretical framework for examining counseling in divorce proceedings. Therapeutic Jurisprudence, which was developed by David Wexler and Bruce Winick, contends that the law should be used to promote mental health and lessen emotional suffering in addition to serving as a means for resolving disputes (Wexler & Winick, 1996; Wexler & Winick, 2008, pp. 5–6; Winick, 2003, pp. 1055, 1066). The theory emphasizes that, depending on how they are designed and carried out, legal processes may have either therapeutic or anti-therapeutic effects. In order to lessen discord, improve communication, and safeguard the mental health of spouses and children, Therapeutic Jurisprudence advocates the incorporation of counseling, mediation, and family therapy into legal procedures in the context of family law and divorce (Babb & Wexler, 2014, p. 2). Additionally, researchers have found that therapeutic methods used in divorce processes lead to better co-parenting partnerships, less psychological trauma among family members, and a healthier post-divorce adjustment (Chen & Fun, 2021; Raskin & Katz, 1958, p. 155). In Bangladesh, where family law is still mostly procedural and lacks institutional psychological support systems, the theory thus offers a solid conceptual basis for promoting the inclusion of counseling mechanisms within the divorce process (Yamada, 2021, pp. 704–706).

MENTAL WELLBEING

A person's emotional, psychological, and social state that allows them to manage stress, uphold healthy relationships, make sound decisions, and carry out everyday tasks is referred to as mental well-being. It encompasses resilience, emotional stability, self-esteem, and the capacity to handle social and personal difficulties healthily. Mental wellness is a positive condition of mental health that enhances social functioning and general quality of life, not just the absence of mental illness (WHO, 2022b).

Mental health becomes especially important in the context of family relationships and divorce since marital disputes and separation frequently produce emotional discomfort, depression, anxiety, social isolation, and psychological trauma for spouses and children. Long-term family conflicts and hostile divorce procedures can have a detrimental impact on social functioning and emotional stability, particularly in the absence of sufficient counseling or support networks. To minimize emotional injury and safeguard the mental health of those impacted by marital dissolution, contemporary family justice systems are increasingly recognizing the significance of incorporating counseling, mediation, and psychological assistance into divorce procedures (Murphy & Singer, 2015, pp. 45–47).

MENTAL HEALTH CONDITION OF INDIVIDUAL BEFORE AND AFTER DIVORCE

Both before and after a marriage dissolves, people's mental health and emotional welfare are significantly impacted by marital conflict and divorce. Stress, anxiety, depression, and psychological exhaustion among spouses are frequently caused by protracted marital conflicts, communication breakdowns, financial strain, and emotional instability before divorce. According to research, those who are going through a divorce are more prone to have negative mental health issues like depression, substance abuse, and emotional distress (Sbarra & Whisman, 2022, pp. 75–78). In the same way, a study that was published in the Journal of Mental Health discovered that during the period of transition that follows separation, newly divorced people often feel anxiety, depressive symptoms, and social isolation (Hald et al., 2022).

After a marriage ends, the psychological effects of divorce can persist. Grief, loneliness, low self-esteem, and concern about their social and economic future are all possible. Emotional distress may worsen in nations where divorce is socially stigmatized, especially for women and children. Children's anxiety, sadness, suicidal thoughts, and emotional distress are all strongly correlated with parental divorce, according to a meta-analysis that was published in the Journal of Psychiatric Research (Auersperg et al., 2019; Badri et al., 2025). Furthermore, high-conflict divorce scenarios are highly linked to worse mental health outcomes and higher stress levels just after divorce, according to research on recently divorced people in Denmark (Sander et al., 2020). These results show that divorce is not only a legal occurrence but also a significant psychological and social issue that calls for family justice systems to provide emotional support and counseling services.

COUNSELING IN FAMILY JUSTICE

By addressing the emotional, psychological, and relational aspects of family disputes that are frequently not fully resolved through simply adversarial legal processes, counseling plays a crucial role in modern family justice systems. The modern rights-based paradigm of family law is gradually giving way to a more comprehensive framework that takes long-term family stability, child welfare, and emotional well-being into account. In this situation, counseling helps people and families during times of marital discord, separation, and divorce by acting as a therapeutic and preventative tool (Murphy & Singer, 2015, pp. 44–48).

Reconciliation and conflict resolution are two of the main purposes of family justice therapy. Financial strain, emotional discontent, and communication breakdown, all of which can be transient or controllable, are common causes of marital conflicts. Before a divorce is finalized, counseling offers a structured setting where qualified specialists assist couples in determining the root reasons for their problems, enhancing their communication, and considering the prospect of reconciliation (Gottman & Silver, 2015, pp. 12–15). This lessens unnecessary dissolution of marriage and, when feasible, promotes family preservation. During a divorce, counseling is crucial for preserving mental health. Anxiety, grief, depression, and

social isolation are frequently linked to marital dissolution. Counseling provides psychological support that helps people deal with transition, process emotional suffering, and lessen animosity between parties (Sbarra & Whisman, 2022, p. 75). In high-conflict divorces, when litigation may exacerbate emotional trauma and prolong psychological suffering, this is especially crucial. The safeguarding of children's wellbeing is another important function of counseling. Children's emotional development can be adversely affected by parental disagreement and divorce, which can result in behavioral issues, insecurity, and long-term psychological consequences. Children benefit from a more stable environment because counseling promotes cooperative parenting and lessens parental conflict (Wallerstein et al., 2000, pp. 78–85).

In contrast, countries like Malaysia use court-connected mediation and religious family support services to incorporate counseling and reconciliation methods into their family justice system. This illustrates a therapeutic approach to justice that acknowledges divorce as a psychological and social transition that calls for institutional support in addition to being a legal process (Islamic Family Law (Federal Territories) Act, 1984, ss. 47–48; Law Reform (Marriage and Divorce) Act, 1976, s. 106).

Therefore, by lowering conflict, safeguarding mental health, and advancing child welfare, therapy enhances family justice. It changes family law from a strictly adversarial system to a more welfare-focused and restorative framework that puts human dignity and emotional healing first.

MENTAL HEALTH IN INTERNATIONAL LAW

International law is beginning to acknowledge mental health as an essential part of the right to equality, human dignity, and health. Modern international law has gradually included mental wellbeing into the larger framework of health and human rights protection, even though earlier human rights instruments did not specifically address mental health. Article 12 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which acknowledges “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,” provides the most important legal basis (International Covenant on Economic, Social and Cultural Rights [ICESCR], 1966, art. 12). In General Comment No. 14, the Committee on Economic, Social, and Cultural Rights (CESCR) further clarified that this right encompasses mental health services, prevention, treatment, and rehabilitation. As a result, states are required to guarantee accessible and nondiscriminatory mental healthcare systems (UN Committee on Economic, Social and Cultural Rights, 2000).

The Convention on the Rights of Persons with Disabilities (CRPD), which emphasizes autonomy, nondiscrimination, legal capacity, and community-based care to increase protection for people with psychosocial disabilities, reflects a more rights-based and transformative approach. By opposing coercive psychiatric methods and advancing dignity-based mental healthcare systems, this treaty has had a substantial impact on the reform of mental health laws worldwide.

International human rights law is progressively influencing mental health governance, according to scholarly literature. According to Schulze, removing stigma, expanding access to care, and guaranteeing treatment dignity all depend on mental health regulations being in line with human rights norms (Schulze, 2016). Similarly, Minkowitz argues for more robust rights-based protections by critically analyzing how mental health legislation interacts with CRPD requirements, particularly concerning involuntary treatment and detention (Minkowitz, 2011).

From a wider angle, researchers like Gostin and Freeman emphasize that states are required by international law's right to health framework to create mental health systems that

are readily available, accessible, acceptable, and of high quality, thereby solidifying mental health as a fundamental element of global health justice (Gostin & Meier, 2020, pp. 211–215).

LEGAL BASIS OF MENTAL HEALTH IN BANGLADESH

Bangladesh's legal foundation for mental health is derived from several sources, including international human rights commitments, statutory frameworks, health policies, and constitutional safeguards. Article 32, which safeguards the right to life and personal liberty and has been interpreted to include the right to live with dignity and access to healthcare, offers an indirect but solid foundation even though the Constitution does not specifically recognize mental health as a distinct fundamental right (Constitution of the People's Republic of Bangladesh, 1972, art. 32). While Articles 27 and 31 guarantee equality before the law and protection of the law, which necessitates nondiscriminatory access to mental health treatments, Article 18(1) further requires the State to enhance public health, which includes both physical and mental welfare (Constitution of the People's Republic of Bangladesh, 1972, arts. 18(1), 27, 31). The most important legal development at the statutory level is the Mental Health Act of 2018, which replaces the old custodial approach of previous legislation with a rights-based framework for the treatment, care, rehabilitation, and protection of people with mental disorders (Mental Health Act, 2018).

The National Mental Health Policy also aims to lessen societal stigma and incorporate mental health services into basic healthcare; however, implementation is still restricted because of financial limitations. Family laws like the Muslim Family Laws Ordinance of 1961 and the Family Courts Ordinance of 1985 also make an indirect contribution by encouraging family conflict resolution and reconciliation, which may lessen psychological stress during marital breakdown even though the process is insufficiently effective. Overall, Bangladesh's legal system acknowledges mental health as a crucial part of the right to life, dignity, and public health protection, even though there isn't a clear constitutional right to mental health.

DIVORCE PROCESS IN BANGLADESH

In Bangladesh, personal law—specifically, the Muslim Family Laws Ordinance 1961 (MFLO), which creates a structured legal framework for the dissolution of Muslim marriages-dominates the divorce process. In order to ensure formal notification of the divorce process, a husband who pronounces talaq is required by Section 7 of the Ordinance to give written notice to the Chairman of the local Union Parishad and send a copy to the wife at the same time (Muslim Family Laws Ordinance, 1961, s. 7(1)). In order to maintain marriage and lessen impulsive divorces, the Chairman is then legally required to establish an Arbitration Council within thirty days in order to try to reconcile the parties (Muslim Family Laws Ordinance, 1961, s. 7(4)). Unless reconciliation takes place sooner or the notice is withdrawn, the divorce takes effect after ninety days from the date of notification rather than immediately. This legally mandated waiting period serves as a "cooling-off" mechanism intended to provide spouses with time for introspection, discussion, and potential settlement. Additionally, the Family Courts Act 2023 addresses ancillary matters including maintenance, custody, and dower (mahr) and offers a court forum for spouses seeking divorce on recognized legal grounds such as cruelty, desertion, or failure to support (Family Courts Act, 2023).

The Muslim Family Laws Ordinance, 1961 does not contain a professional counselor in the arbitration council that requires couple therapy for the parties, despite the fact that conciliation is possible upon notice to the parties. Once more, the Family Courts Act of 2023 mandates conciliation before trial and conciliation prior to rendering a final judgment, but it does not include any space for marriage counseling or pair therapy (Nahar, 2025, p. 69).

Though academics point out that it is still primarily formalistic and lacks integrated counseling or psychological support mechanisms within the divorce process, overall, the Bangladeshi divorce system reflects a hybrid legal structure combining procedural safeguards, reconciliation mechanisms, and judicial oversight (Nahar, 2025).

ABSENCE OF COUNSELING MECHANISMS IN BANGLADESH

The lack of established counseling mechanisms within family law procedures is one of the biggest institutional deficiencies in Bangladesh's divorce process. While the legislative structure of the Muslim Family Laws Ordinance 1961 allows for arbitration and reconciliation through the Chairman of the Union Parishad, this process is mostly administrative in nature and does not serve as therapeutic or professional psychological treatment (Muslim Family Laws Ordinance, 1961, s. 7). Instead of addressing the emotional trauma, communication breakdown, or mental health effects linked to marital conflict, the Arbitration Council mostly concentrates on attempts at procedural reconciliation. Because of this, the legal system does not consistently incorporate mental health services into divorce procedures.

According to empirical research, divorcees in Bangladesh often suffer from anxiety, sadness, emotional instability, and extreme psychological anguish, especially women and children who are more susceptible to social stigma and financial instability (Akter & Begum, 2012).such sufferings exists both before and after divorce. Moreover, there is no requirement of mandatory family therapists or licensed psychologists to provide pre-divorce or post-divorce counseling. This is in contrast to the emerging understanding in family law studies that divorce is a psychosocial shift requiring structured emotional support in addition to being a legal breakup. (Murphy & Singer, 2015, pp. 44–48). In reality, mental health specialists are not properly incorporated into family court processes, and legal professionals (lawyers and court officials) are frequently untrained to handle psychiatric difficulties.

Additionally, despite Bangladesh's enactment of the Mental Health Act 2018, its implementation is still mainly detached from family court systems, which means that divorce proceedings and mental health services operate independently (Mental Health Act, 2018).

Because of this institutional separation, people may complete the formal divorce process without receiving any kind of psychiatric or emotional support, which could have long-term detrimental repercussions on mental health. Therefore, one major shortcoming of the Bangladeshi family court system is the absence of counseling mechanisms, which highlights the need for reform by integrating therapeutic counseling, mediation services, and mental health referrals into divorce procedures.

COUNSELING IN DIVORCE PROCESS IN OTHER COUNTRIES

A growing number of contemporary legal systems acknowledge that divorce is a psychological and social process that calls for emotional support in addition to being a formal breakdown of marriage. To lessen conflict and safeguard mental health, a number of nations have incorporated required or court-referred therapy, mediation, and reconciliation methods into their family justice systems.

In Malaysia, both the civil and Islamic family laws incorporate counseling and reconciliation. Islamic family law courts encourage *sulh* (mediation) and counseling services to promote settlement and lessen animosity, while the Law Reform (Marriage and Divorce) Act 1976 requires parties (in some situations) to attend reconciliation sessions through a conciliatory organization before filing for divorce (Islamic Family Law (Federal Territories) Act, 1984, ss. 47–48; Law Reform (Marriage and Divorce) Act, 1976, s. 106). This reflects a structured, institution-based approach where counseling is treated as part of the legal process.

In the same way, Singapore's Family Justice Courts mandate parenting classes and mediation in divorce and custody cases. To ensure that spouses are aware of the emotional

and psychological effects of divorce on children before moving forward, the Mandatory Parenting Program is especially used for couples with children (Family Justice Courts of Singapore, n.d.). Thus, mediation and counseling are incorporated into pre-divorce and post-divorce agreements. Section 94A of the Women's Charter 1961 (Singapore) requires prescribed parties to complete a parenting programme before filing for divorce proceedings (Women's Charter, 1961, s. 94A). Para 82 of the Family Justice Courts Practice Directions 2024 provides for mandatory counselling and mediation for divorcing parents with at least one child below the age of 21 (Family Justice Courts Practice Directions, 2024).

In Australia, before initiating parenting proceedings in court, the Family Law Act, 1975 mandates mandatory Family Dispute Resolution (FDR). To help couples settle disagreements and come to agreements without going to court, certified family dispute practitioners offer counseling-like services (Family Law Act, 1975, s. 60I).Therefore, this system emphasizes early intervention and emotional de-escalation.

In the UK, couples must often attend Mediation Information and Assessment Meetings (MIAMs) before starting court proceedings, even if counseling is not mandatory. This motivates parties to think about counseling and mediation as alternatives to combative litigation (Family Procedure Rules, 2010, Practice Direction 3A).

Most of the divorce-related therapy in the US is state-based, however several states mandate parental education programs and court-related mediation, especially when it comes to custody disputes. These initiatives seek to lessen friction and encourage cooperative post-divorce co-parenting (American Bar Association, n.d.).

As a result of a global shift away from combative litigation and toward therapeutic and welfare-oriented dispute resolution, counseling in divorce proceedings has grown in importance within family justice systems in many jurisdictions. Counseling and mediation are either court-referred interventions or required pre-divorce requirements in several nations with the goal of lowering conflict and enhancing post-divorce adjustment. For instance, empirical studies on divorce mediation show that, in contrast to simply adversarial processes, structured counseling and mediation procedures greatly enhance emotional adjustment, lessen interparental conflict, and boost client satisfaction (Hahn & Kleist, 2000). Similarly, therapeutic mediation techniques are highly successful in helping high-conflict couples by addressing the psychological and legal aspects of separation, particularly when it comes to child-related issues (Smyth & Moloney, 2014). Academic research also highlights how family counseling throughout divorce procedures improves cooperative co-parenting following separation, helps people manage emotional pain, and facilitates communication between spouses (Willis, 2013). Courts in many jurisdictions, especially Western family law systems, are depending more and more on "family dispute resolution" models, in which qualified mediators or counselors help parties come to settlements without going to court (Abdul Hak, 2012). This tendency reflects a larger doctrinal shift in family law, where divorce is now viewed as a psychosocial transformation requiring established emotional support mechanisms to protect mental health and lessen long-term harm to families rather than just a formal dissolution of marriage (Stalford, 2010).However, many jurisdictions have yet to adopt solely dedicated counseling for parties both before and after the divorce proceedings.

COMPARATIVE ANALYSIS: COUNSELING IN DIVORCE PROCESS IN BANGLADESH AND OTHER COUNTRIES

In many nations, the incorporation of counseling into divorce procedures has grown to be a significant aspect of contemporary family court systems. While some countries acknowledge divorce as a legal and psychological process requiring therapeutic assistance, a comparative legal analysis reveals that Bangladesh's legal framework is still mostly procedural and lacks

organized counseling tools. This discrepancy draws attention to a serious weakness in the protection of family justice and mental health following divorce.

The Muslim Family Laws Ordinance,1961 and the Family Courts Act, 2023 primarily regulate the divorce procedure in Bangladesh. Before divorce takes effect, the legal system includes an Arbitration Council designed to help couples reconcile (Family Courts Act, 2023; Muslim Family Laws Ordinance, 1961, s. 7). However, because qualified psychologists, family counselors, or mental health specialists are not involved, this method is administrative rather than therapeutic. Legal resolution and procedural compliance continue to take precedence over psychological assistance or emotional healing. As a result, without access to institutional mental health care, people going through divorce frequently suffer from anxiety, sadness, emotional trauma, and social stigma.

By incorporating counseling and mediation into both the civil and Islamic family law systems, Malaysia, on the other hand, has taken a more welfare-oriented stance. While Syariah courts encourage *sulh* (mediation) and family counseling services to lessen animosity and maintain family relationships whenever possible, the Law Reform (Marriage and Divorce) Act of 1976 generally requires parties to try reconciliation through a conciliatory body before filing for divorce (Islamic Family Law (Federal Territories) Act, 1984, ss. 47–48; Law Reform (Marriage and Divorce) Act, 1976, s. 106). This indicates increased institutional awareness of the psychological effects of divorce.

In a similar vein, Singapore integrates required parenting and counseling programs into family justice processes, especially when children are involved. In an effort to lessen conflict and safeguard children's emotional wellness, Family Justice Courts mandate that spouses with minor children participate in the Mandatory Parenting Program before beginning divorce proceedings (Family Justice Courts of Singapore, n.d.). Before litigation in parental matters, Australia's Family Law Act of 1975 promotes mandated Family Dispute Resolution with an emphasis on cooperative settlement, dialogue, and mediation (Family Law Act, 1975, s. 60I). Similarly, the UK mandates Mediation Information and Assessment Meetings (MIAMs) before many family court proceedings, encouraging parties to resolve disputes through mediation rather than aggressive litigation (Family Procedure Rules, 2010, Practice Direction 3A). These therapy models have a lot of academic support. Divorce counseling and mediation, according to Hahn and Kleist, greatly lessen emotional conflict and enhance families' post-divorce adjustment (Hahn & Kleist, 2000). Murphy and Singer also note that contemporary family justice systems are increasingly embracing therapeutic strategies that place an emphasis on both legal resolution and mental health (Murphy & Singer, 2015, pp. 44–48). Bangladesh lacks a unified legal and policy framework that links family courts with mental health or counseling services, in contrast to these jurisdictions. The Mental Health Act of 2018 acknowledges mental health as a significant public health concern, but it functions apart from family justice systems and offers no direct counseling assistance during divorce processes (Mental Health Act, 2018).

Consequently, the comparative research shows that whereas many other jurisdictions have shifted toward integrated and therapeutic family justice systems, Bangladesh's divorce framework is still primarily legalistic and reactionary. In Bangladesh, incorporating structured counseling, mediation services, and mental health support into divorce proceedings could greatly improve family justice, lessen psychological injury, and advance mental health.

RECOMMENDATIONS

Bangladesh should adopt a more therapeutic and welfare-oriented legal framework that incorporates counseling and psychological support into family law procedures in order to guarantee mental wellness and promote family justice within the divorce process. First, the Muslim Family Laws Ordinance of 1961 and the Family Courts Act, 2023 should be amended

to include mandated or court-referred counseling in divorce processes. Professional counseling services provided by social workers, family therapists, or psychologists with training can help couples improve communication, resolve conflict, and prevent unnecessary marriage dissolution.

Secondly, to offer easily accessible emotional support during marital disagreements and post-divorce adjustment, dedicated family counseling and mediation centers should be established in collaboration with family courts and local government agencies. Thirdly, in order to guarantee a more considerate and human-centered approach to divorce-related problems, judges, attorneys, and arbitration council members should be trained in family psychology and mental health awareness. To minimize psychological injury and safeguard the best interests of children affected by divorce, counseling and parenting programs should also be implemented for couples with children.

Additionally, through interagency collaboration between courts, health authorities, and social welfare organizations, the government should enhance the implementation of the Mental Health Act, 2018 and coordinate mental health services with family justice institutions. Lastly, to encourage people to seek professional assistance during family problems, public awareness efforts are required to lessen the social stigma associated with counseling, divorce, and mental health care.

CONCLUSION

Divorce is a profound psychological and social transition that has a substantial impact on the mental health of spouses and children in addition to being a legal dissolution of marriage. The Muslim Family Laws Ordinance, 1961 and the Family Courts Act, 2023 incorporate procedural safeguards and reconciliation mechanisms into Bangladesh's legal framework, but it is still very formalistic and does not provide structured counseling or therapeutic support during divorce proceedings. To lessen emotional conflict and encourage better post-divorce adjustment, many countries have already incorporated counseling, mediation, and mental health services into family justice systems, according to comparative analysis. On the other hand, there is a major legal and legislative vacuum in Bangladesh due to the lack of formalized counseling systems, which exposes people to long-term psychological trauma, social stigma, and emotional misery.

Therefore, to ensure a more compassionate, rehabilitative, and welfare-focused divorce process, the family justice system must be reformed by including counseling and mental health support. More specifically, solely dedicated professional counseling mechanisms should be incorporated for both parties for their mental well-being in Bangladesh and other jurisdictions, if not incorporated yet. In addition to improving mental health, these reforms would support social stability, safeguard children's welfare, and advance family justice in Bangladesh.

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