



A Research Review of Muslim Family Law's & its Contemporary significance

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Islam is a comprehensive system of life that covers all aspects of human life. It is a complete religion given by Allah Ta'ala and it has been created by the unseen being who is fully aware of all the vicissitudes of human life, keeping in mind the strength and weakness of human beings.. As Allah Almighty says in verse 3 of Surat al-Maida: **الْيَوْمَ اكْمَلْتُ لَكُمْ دِينَكُمْ وَ اَتَمَمْتُ عَلَيْكُمْ نِعْمَتِي وَ رَضِيْتُ لَكُمُ الْاِسْلَامَ** ¹ On this day I have completed your religion and I have completed my blessing on you and I have accepted the religion of Islam. On this day, I have perfected your religion for you and fulfilled my blessing upon you and I have preferred Islam as your religion for you.

From this verse, we are getting a clear proof that Islam is a complete code of life where the system of worship has been given keeping in mind the spirituality and also taking into account the sexual and emotional desires of man. Family laws have also been formulated and provide complete rules and regulations related to it and provide high standards for man to lead a life in the way of purity and purity, which even today's science is forced to admit.

Key Words: Family Laws, Marriage, dowry, Inheritance, Contemporary Significance.

Introduction:

There is no such religion or religion in the world that fully guides its followers; this is only a feature of the religion of Islam. Our simple people also start spewing poison against Islam by coming to their words. In this article the family laws of Islam will be discussed. We can also refer to it as Muslim family system and Muslim personal



¹ Almaida 5:6

law. And the family system in Islam is a basic and central institution that includes husband, wife, parents, children, young and old people, and it is The institution is the center of the basic Islamic education of a person and it is in this that the distinction between the big and the small is taught and under this the recognition of brothers and sisters and this institution prepares all these people to pay each other's rights. And it starts teaching about the rights of all relatives and the rights of husband and wife and the rights of parents and children from the first day. Considering all the importance, we describe some family principles of Islam in the following lines.

1. Marriage as Islamic Family Law:

Nikah was chosen first because it is the purest relationship that came into existence first among all relationships, considering its importance, it is being defined first in Islamic family law. Marriage is a social and religious necessity which is prevalent in all religions in different ways and ways. The concept of marriage given in Islam is of extraordinary importance, its example cannot be seen in any religion of the world. Passion is in the nature of man, for its fulfillment man adopts many natural and unnatural methods, while some monks and yogis consider it a very ugly practice and say that man cannot progress spiritually until such time. Until they bring this passion of theirs under their control. And compared to this, the second class is the one who left their sensual desires completely free, in other words, became a slave to their desires and started saying that you can have your sex as you want. Satisfied and in it every servant has complete freedom.²

On the other hand, Islam, while maintaining moderation and balance by leaving this exaggeration, did not leave the Muslims completely free in this matter like the unconscious, nor ordered them to completely purify themselves from this passion like the angels. Rather, he taught marriage for sexual gratification and described an excellent principle of reforming the society and ordered in Surat Noor to eradicate sexual evil from the society:

وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَأَمَائِكُمْ³

"Marry the unmarried among yourselves"

Now this order includes singles and married people whose journey has left them alone.

² Ali Kecia, Marriage and Slavery in Early Islam (United States: Harvard University Press, 2010) 69.

³ Al-Nūr, 24:32.

The Qur'an gives the responsibility to society and society that no person among them, regardless of age, remains unmarried.⁴ In a hadith, the Messenger of Allah, may God bless him and grant him peace, said:

يامعشر الشباب! من استطاع منكم الباءة فليتزوج، فإنه أغض للبصر وأحصن للفرج⁵

"O young people! Whoever among you is able to marry should marry because it purifies the eyes and protects the private parts."

A good civilization and a pure society is based and dependent on the legitimate sexual relationship between a man and a woman, which is established only through marriage. It is through marriage that a sense of responsibility is created in a man and a woman, and they create children together. But they bear the responsibility of marriage. Through marriage, feelings like compassion, feeling, self-sacrifice, love and compassion, kindness and mutual cooperation are driven in the man and woman. Because of this, human society is neither selfish like animals. It is not like animals, but there are many other things besides the satisfaction of sexual desire.⁶

Purposes of marriage in the light of Quran and Hadith:

1. The biggest advantage of marriage is that it protects the chastity of a person and saves a person from the tricks of Satan to a great extent.
2. The second major benefit that comes from marriage is that love and affection are created between the spouses and they get comfort and relief through each other and their mutual relationship is established on strong and stable foundations beyond temporary and emergency expedients happens.
3. One of the benefits of marriage is that through it the human race increases, a stable and strong family comes into existence and an excellent culture and civilization is formed.

⁴ ابن كثير، إلهام الفداء اسماعيل بن عمر، تفسير القرآن العظيم (بيروت، لبنان: دار المعرفه، 1400 هـ / 1980ء) تحت سورة النور: 32

⁵ Abu Al-Hasqi Yusuf bin Muhammad Al-Mahrwani, Book of Al-Mahrwaniyat (Saudi Arabia: Al-Jamiyyah al-Salamiyyah al-Madinah, first addition , 1418 AH), 3/961.

⁶ Seyyed Hossein Nasar, The Garden of Truth: The Vision and Promise of Sufism, Islam's Mystical Tradition (United States: Harper One, 2007), 157.

4. One of the benefits of marriage is that it preserves the lineage of a human being. He does not have an unknown lineage like animals.
5. One of the most important benefits of this is that the society gets and to the curse and evil like adultery from the society and people are protected from this evil.
6. By marriage, a person's eyes and private parts are protected. And with this, a pure society develops.

2: Islamic law regarding widows:

If we consider the time of the Prophet ﷺ, we also see that no widow will be found sitting at home in this society. Rather, whenever a woman's husband dies, another man marries her. Or, in the same way, if a woman was divorced, then someone else would marry her after the end of her menstrual period, younger girls would marry older men, and similarly older women would marry younger boys.⁷ It used to be that there was no restriction of any kind in this matter. And the Holy Qur'an has also given the same order in Surah Noor

وَ أَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ⁸.

"Marry the unmarried among yourselves."

Now there is no restriction to marry only the virgins, but Allah has expressed the absolute words that marry the unmarried, now whether they are virgins, divorced or widowed, all are included in this ruling and the Companions of the Prophet Rizwan Allah, peace and blessings of Allah be upon him, was the one who followed the Qur'an the most. So he followed this order along with other orders.

Abd al-Rahman son of Hazrat Abu Bakr Siddiq (RA) married a woman named Hazrat Ataka (RA) and she was martyred, then Hazrat Zayd Bin Khattab (RA) married her. married her. When she was also martyred, Hazrat Hasan bin Ali (RA) married her, thus she was called the wife of the Martyrs. She was the wife of Hazrat Jafar bin Abi Talib. He was martyred in the battle of Mota, then Hazrat Abu Bakr Siddiq (RA) married him, and when he also left this world, Hazrat Ali (RA) married him.⁹

⁷ John L. Esposito, Women in Muslim Family Law (United States: Syracuse University Press, 2nd Ed. 2001), 115.

⁸ Al-Nūr, 24:32.

⁹ Şafi-ur-Rahmān Mubārīkpūrī, The Sealed Nectar: Biography of the Noble Prophet (Lahore: Dārussalām, 2002), 250-251.

3 Islamic rules and regulations regarding spouses:

After a man and a woman join in a marital relationship, Islam has determined the rights and duties of each of them under its rules and regulations. The rights of the husband are included in the duties of the wife and the rights of the wife are included in the duties of the husband. .

The Almighty says: And for him is the likeness of those who are upon him with knowledge.

Women have the same rights as men have the same rights as men. Some of the rights of the husband imposed on the wife are very important. The first right is that according to the Constitution, the wife must obey her husband. So the peace is the protection of the unseen by what Allah protects.

So the righteous women are obedient and protect their rights behind men under the protection and supervision of Allah.

In this verse, the second definition of righteous women is that “they protect even the unseen.” In fact, this is the husband’s right over a woman. The protection of the unseen refers to everything that a woman does in the absence of her husband. It passes. It is a woman’s responsibility to protect him because he is her trust. It can be anything, wealth, honor, children, secrets, etc., everything is included in it.

In this family system, Islam has also protected the rights of the wife so that men do not start oppressing women by taking undue advantage of their powers and they use their natural abilities in a better way in this social system.¹⁰

4: Paying the wife her first right as dowry in Islam:

Dowry is the amount that a man pays or promises to pay to a woman at the time of marriage. There are two types of dowry, i.e. the dowry that must be paid at the time of marriage. And the second type is the dowry that is promised to be paid later. The payment of the dowry is the responsibility of the husband. Therefore, it should be set as much as the husband can easily pay. It is not right to set more dowry just to show pride in each other or for other reasons so that the man does not divorce the woman. And likewise to set too much dowry. It is also not correct from the Shariah point of view. During the time of Hazrat Umar bin Al-Khattab, the second caliph, when people began to set a large amount of dowry, he once gave a sermon and said: The sermon of Umar

¹⁰ Jamal J. Nasir, *The Status of Women Under Islamic Law and Modern Islamic Legislation* (Netherland: Brill, 2009), 143-144.

bin Al-Khattab, may Allah be pleased with him, said: Alas, do not be afraid of truth. Women should be respected in this world and fear Allah, Olakam, brother of Muhammad, peace be upon him.¹¹

"People! Don't overdo it in making a seal. If this thing was a source of pride and honor in this world or a reward in the Hereafter, the Messenger of Allah, may God bless him and grant him peace, would have been the first to adopt it." The Messenger of Allah, peace and blessings of Allah be upon him, married his daughter-in-law Hazrat Fatimah to Hazrat Ali, so he fixed her dowry at 500 dirhams. It is called the Fatemi dowry. (one and a half kilos) is equal to silver.¹²

If the dowry is not fixed at the time of marriage, then it is not forgiven, but the woman has to give the dowry in kind. Any movable property or immovable property like house, land etc. can also be given. Jewellery can also be given as dowry on the occasion of marriage, but it needs to be explicit to remove the misunderstanding that it is given as a gift has gone.

5: Law of separation between husband and wife in Islam:

While there are many benefits of marriage, if there is no harmony between the husband and wife and their temperaments cannot match, then marriage, which was a contract between a man and a woman, which the Qur'an has defined as a contract between a man and a woman Contract (h) has been interpreted as trying to keep it as much as possible, but if no strategy proves effective, then the last solution is to terminate the contract through divorce. Divorce is actually an operation which The need arises when all kinds of treatment are useless and no medicine of any sage works, and such a deterioration is created in the relationship of the spouses that it is impossible to repair, then this marital life is ruined. In order to remove the disease, one has to resort to divorce. If a patient dies from the operation of a competent doctor, no one says that the operation should be banned. In the same way, if divorce is misused and Divorce should not be given according to the principle of Shariah and it should be started to say that divorce should be banned, now it is not the fault of Shariah but the fault of those people who

¹¹ Ali Kecia, Marriage and Slavery in Early Islam (America: Harvard University Press, 2010), 85-86.

¹² Ingrid Mattson, The Story of the Qur'an: Its History and Place in Muslim Life (United States: Wiley-Blackwell, 2008), 102.

use the rules of Shariah in a wrong way. Not of, but to create understanding among people about this issue.¹³

Shari'ah has allowed divorce in the event that there is no form of marriage and reconciliation. The husband's disgust with his wife and the wife's disgust with her husband should increase. In such a case, the Shariat has allowed divorce and it is also in accordance with common sense and nature, because even in such a case, if both are kept together, it will be an injustice to both the man and the woman. It will be known that the religion has yet to be completed. The manner in which divorce has been permitted by Shariat Mutahira is also worthy of consideration.¹⁴

6: Islamic principle regarding custody:

The literal meaning of custody is to raise. In other words, the problem of the expenses of a divorced woman is also solved with some amount of custody, i.e. inheritance on the right. If it is a boy, it will become conscious, that is, until the age of seven or eight years, and if it is a girl, until adulthood. During this period, the man has to bear the expenses of raising his children and at the same time, this woman, the mother of these children, also has to manage and manage the livelihood. The only difference is that the expenses on this woman. What is being done is not the status of alimony but the wages of raising children. And she is in the position of receiving her wages in exchange for raising the children. And this woman will have this right of custody until she is married elsewhere.¹⁵

7: Principle of Inheritance in Islam:

Inheritance is said to be such wealth and property that after the death of a person, his property is transferred or distributed among the heirs. In the Quran and Hadith, it is also emphasized and the share of each heir has been determined. Whether the property of inheritance is small or large, the share of both men and women has been determined and the distribution of this property has been made mandatory.

¹³ Sohail H. Hashmi, *Islamic Political Ethics: Civil Society, Pluralism, and Conflict* (United States: Princeton University Press, 2002), 157-158.

¹⁴ Wael B. Hallaq, *Shari'a: Theory, Practice, Transformations* (England: Cambridge University Press, 2009), 295-297.

¹⁵ Ali Kecia, *Marriage and Slavery in Early Islam* (America: Harvard University Press, 2010), 136-138.

Allah Almighty says: For men there is a share of what they leave their parents and relatives and for women a share of what they leave their parents and relatives. Say it from him or a lot.

Men have a share in the wealth left by their parents and close relatives, and women also have a share in the wealth left by their parents and close relatives, whether small or large, and this share (Allah by) is fixed.

According to the principles of Islam, if a person dies, his wealth and property will be spent on the following matters.

1. First of all, his property will be provided and buried.
2. Second, the debt will be paid from his property.
3. His will will be enforced out of one third of his property. And similarly, a will that is in favor of an heir will not be fulfilled.

After these three issues, the remaining property will be distributed among the heirs.

8: Islamic Principles of Inheritance and Women:

Under its principle of equality, Islam divides the inheritance between Muslim men and women from the same point of view. In some cases of inheritance, women are given more than men. For example, if a man dies and leaves a daughter and his parents among his heirs, in such a case, the daughter will get half of the inheritance while each of the parents will get a sixth share.

And in some cases, men and women are given equal shares, for example, if the deceased left a husband and a sister among his heirs, then the inheritance will be half and half between them. As the deceased leaves behind sons and daughters

- Now in this case, the daughter will get half and the son will get one full. But at the same time, keep in mind that this difference in inheritance is not based on gender, because if it was based on gender, then the father's share would not be less than the son's and the mother's share would not be less than the daughter's. In the Islamic social system, there is a status of men and women. The man is responsible for earning, running the house, and financially supporting the subordinates. While a woman is kept exempt from economic effort, her support during childhood is the responsibility of the father, after marriage in youth, it is the responsibility of the husband and in old age, it is the responsibility of the children. The amount of wealth that she owns remains safe with her, it is not her responsibility to spend it on others. But whatever a man earns, he spends it on his dependents, which is part of his duties. Therefore, it is based on exact

justice that a man's share is double that of a woman, and this is also the requirement of human nature. Rather, giving so much wealth to a woman is equivalent to Islam treating her favorably. If the share of both was equalized, it would be against justice and common sense.

And this is the reason that in those cases where the responsibilities of the man's support are reduced or terminated, then the division of inheritance among them is equal, for example, if there are children of the deceased and there are also parents. Both the mother and the father are given equal i.e. sixth share in the inheritance and no difference is made on the basis of being male or female.

Conclusions of discussion

Family life is the starting point of human personality; therefore Islam has drawn special attention to this institution. Guides, information and Islamic instructions on family, marriage, divorce, separation, non-maintenance, inheritance, will, adoption, custody and rights are a treasure of wisdom and benefits and their publication is the most important need of the hour.

The family and social structure of the West, which has fallen apart and is flowing in the flood of obscenity and negation, is one of the reasons for the rebellion against the family system, so the family system of Islam is not only a mercy for us but also a savior for the world.