

THE PROBLEM OF DIVORCE: ITS CAUSES, EFFECTS, AND REMEDIES-A JURISPRUDENTIAL AND SOCIAL STUDY

RABIE IBRAHIM MOHAMED HASSAN¹, ABDEL NASER ABDEL GALIL MOHAMED MOUSA², AHMED MOHAMMED AHMED AL-HADDAR³, MOHAMMAD ISHAQUEHUSAIN⁴, MOSTAFA HASSAN MOHAMED EL KHAYAT⁵, HUSSEIN ALI ABDULLAH AL-THULAIA⁶

¹ ASSISTANT PROFESSOR, FACULTY OF CONTEMPORARY ISLAMIC STUDIES (FKI), SULTAN ZAINAL ABIDIN UNIVERSITY (UNISZA) MALAYSIA, EMAIL: rabie66ibrahim@gmail.com

² ASSISTANT PROFESSOR, AL- HADITH AND ITS SCIENCES, FACULTY OF USULUDDIN, SULTAN SHARIF ALI ISLAMIC UNIVERSITY, (UNISSA) SULTANATE OF BRUNEI DARUSSALAM, EMAIL: naser@unissa.edu.bn

³ ASSISTANT PROFESSOR, FACULTY OF CONTEMPORARY ISLAMIC STUDIES (FKI), SULTAN ZAINAL ABIDIN UNIVERSITY (UNISZA) MALAYSIA, EMAIL: mohammedhaddar@unisza.edu.my

⁴ ASSISTANT PROFESSOR, FACULTY OF CONTEMPORARY ISLAMIC STUDIES (FKI), SULTAN ZAINAL ABIDIN UNIVERSITY (UNISZA) MALAYSIA, EMAIL: ishaquehusain@unisza.edu.my

⁵ ASSISTANT PROFESSOR, FACULTY OF CONTEMPORARY ISLAMIC STUDIES (FKI), SULTAN ZAINAL ABIDIN UNIVERSITY (UNISZA)– MALAYSIA, EMAIL: moustafahassan@unisza.edu.my

⁶ ASSISTANT PROFESSOR, FACULTY OF CONTEMPORARY ISLAMIC STUDIES (FKI), SULTAN ZAINAL ABIDIN UNIVERSITY (UNISZA)– MALAYSIA, EMAIL: husseinali@unisza.edu.my

Abstract

The Islamic methodology is characterized by being comprehensive in addressing all aspects of life. Therefore, it prevents the occurrence of individual, collective, familial, and societal problems. And if such problems do occur, it provides the optimal approach for resolving them. One of the issues that has worsened in recent times within Islamic societies is the alarming increase in divorce cases. This rise poses serious negative effects on individuals and families, and consequently on society as a whole. This is the reason behind choosing this topic. This research aims to study this phenomenon by identifying its general and specific causes, and by exploring solutions to the problem from an Islamic perspective, in light of the Qur'an and the Sunnah. The core problem addressed in this study lies in the absence of a clear vision to block the means leading to this phenomenon, as well as the lack of clarity regarding the Islamic methodology in building a stable family, and the means and methods for addressing familial problems among many Muslims. The importance of this research stems from its focus on highlighting the real reasons behind the spread of divorce in Muslim communities. The methodology adopted in this research includes: the descriptive method, followed by the inductive and tracking method, and then the analytical and deductive method. The researcher reached several key findings, most notably: Weak religious commitment is a primary cause of this phenomenon. Failure to implement Islamic teachings in married life. Lack of intellectual or emotional compatibility. Economic and social pressures. Among the means to prevent this phenomenon are: Proper selection of a spouse. Mutual understanding and communication between the spouses. Establishing marital life based on consultation and tolerance. The research also found that divorce may be the most suitable solution in some cases where the continuation of married life becomes impossible. Additionally, using incorrect criteria when choosing a life partner is one of the main reasons for marital failure, and rushing into any decision related to marital life can lead to the dissolution of the marriage bond.

Keywords: Divorce – Causes of Divorce – Effects of Divorce – Remedies – Family.

INTRODUCTION

Section One: Definition of Divorce, Its Ruling, and The legislative reasoning behind it

Given the increasing rates of divorce in the present era—especially amid the modern technological revolution and the resulting reality of family disintegration and displacement, along with the massive rise in divorce cases and marital infidelity—the researcher found it necessary to address the issue of divorce, its causes, and its remedies. This is particularly important in light of the alarming statistics reported by specialized bodies and centers. For instance, the British Broadcasting Corporation (BBC)

indicated that the daily average of divorce cases exceeded 400 per day in May 2024, according to data from the Legal Committee of the Iraqi Parliament.

Subsection One: Definition of Divorce Linguistically and Legally

- **Linguistic Definition:** Divorce (*ṭalāq*) linguistically means "the removal of a bond or restriction." For example, the phrase *nāqah ṭālīq* (a released she-camel) refers to a camel that has been set free without restraint.

Ibn Fāris (1979) stated: *"The root letters ṭā, lām, and qāf form a consistent and established root that denotes release and letting go."*

- **Legal (Shar'ī) Definition:** In Islamic law, *ṭalāq* refers to "the dissolution of the marital bond." It is a pre-Islamic term that was acknowledged and adopted by Islamic law.

Al-Khaṭīb Ash-Shirbīnī (1994) defined it as: *"The dissolution of the marriage contract through the word of divorce or its equivalents."*

Subsection two: The Legitimacy of Divorce and The legislative reasoning behind it

[1] The Legitimacy of Divorce:

Divorce is legislated in the Qur'an, the Sunnah (Prophetic tradition), and by the consensus (*ijmā'*) of the Muslim ummah.

Al-Māwardī (1999) stated: *"The basis for the permissibility of divorce is found in the Qur'an, the Sunnah, and the consensus of the ummah."*

- **From the Qur'an:** Every verse that outlines a ruling related to divorce is a proof of its legitimacy, such as: «الطَّلَاقُ مَرَّتَانٍ فَإِمْسَاكٌ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ بِإِحْسَانٍ»

"Divorce is twice. After that, either you retain her on reasonable terms or release her with kindness.." (Surat al-Baqarah, 229)

"There is no sin on you, if you divorce women while yet you have not touched (had sexual relation with) them" (Surat al-Baqarah, 236)

- **From the Sunnah:** Every hadith that clarifies a ruling regarding divorce is evidence for its legitimacy. For example, the authentic narration of 'Umar (may Allah be pleased with him): *"The Messenger of Allah (peace be upon him) divorced Ḥaṣṣah, then took her back."* (Abū Dāwūd, n.d)

- **Consensus:**

There is unanimous consensus on the permissibility of divorce. This consensus was reported by many scholars, including: al-Māwardī, al-Khaṭīb Ash-Shirbīnī, Ibn Ḥazm, Ibn 'Abd al-Barr, and Ibn Qudāmah. (Al-Māwardī, 1999; al-Khaṭīb Ash-Shirbīnī, 1994; Ibn Ḥazm, n.d.; Ibn 'Abd al-Barr, 2017; Ibn Qudāmah, 1985)

[2] The legislative reasoning behind Divorce:

Islam views divorce as a last resort, to be used only when marital life becomes unbearable and all other means prescribed by Allah have been exhausted. It is inconceivable that a religion which came to serve human welfare, establish justice, and eliminate oppression would compel someone to remain in a relationship that has clearly become impossible to sustain. Thus, the reason behind the legislation of divorce is evident: to preserve a dignified life for both spouses.

Ibn Qudāmah (1985) explained:

"The situation indicates the permissibility of divorce, as sometimes the relationship between the spouses may deteriorate to the point where continuing the marriage leads only to harm. The husband may be burdened with financial obligations such as maintenance and housing, while the wife is confined to a miserable life filled with constant conflict and no benefit. Therefore, it became necessary to legislate the means to dissolve the marriage in order to eliminate the resulting harm."

Subsection Three: The Ruling on Divorce

Divorce in Islamic jurisprudence can take on all five legal rulings of al-aḥkām al-taklīfiyyah (the five categories of legal rulings): it can be permissible (*mubāḥ*), discouraged (*makrūh*), prohibited (*ḥarām*), recommended (*mustaḥabb*), or obligatory (*wājib*).

As-Sarakhsī (1993) stated:

"Initiating divorce is permissible, even though it is inherently disliked according to the majority of scholars. Some, however, argue that divorce should not be permitted except in cases of necessity".

Ibn Taymiyyah (1995) also said:

"The default ruling on divorce is prohibition. It is only permitted to the extent of need, and that need can be addressed with up to three instances (of divorce)".

Allah has also forbidden a wife from requesting a divorce without a valid reason. Thawbān (may Allah be pleased with him) reported in an authentic narration that the Messenger of Allah (P B U H) said:

"Any woman who asks her husband for a divorce without a valid reason, the fragrance of Paradise will be forbidden to her" (Abū Dāwūd, n.d)

This hadith clearly indicates the prohibition of a woman requesting divorce without just cause.

[1] When is Divorce Discouraged (Makrūh)?

Divorce has been legislated for situations where marriage no longer fulfills its intended objectives—when it no longer brings affection, tranquility, or mercy, and when the marital life becomes dysfunctional. However, if the relationship between the spouses is stable and harmonious, then divorce is discouraged

(makrūh), since it is not an act of worship through which one draws closer to Allah; rather, it is a solution to a serious and unresolved problem that even appointed arbitrators have failed to resolve.

Ibn 'Umar (may Allah be pleased with them both) narrated in an authentic report that the Prophet ﷺ said: "The most hated permissible act to Allah is divorce". (Abū Dāwūd, n.d)

Scholars have unanimously agreed on this matter (Ibn Taymiyyah, 1995).

Divorce is also considered makrūh when there are causes for conflict between the spouses, but those causes are fixable, and the issues can be addressed and corrected—whether the fault lies with the husband, the wife, or both.

[2] When is Divorce Recommended (*Mustahabb*)?

Divorce is **recommended** in cases where the husband is falling short in fulfilling his duties toward his wife—whether due to his dislike for her or for any other reason—or if the wife is not chaste, or if she neglects her religious obligations (such as prayer and similar duties) and refuses to respond to advice and guidance.

[3] When is Divorce Obligatory (*Wājib*)?

1. *In the case of *īlā'* (vow of abstinence):

Divorce becomes obligatory if the prescribed period passes, which is four months, as stated in the verse:

«الَّذِينَ يُؤْلُونَ مِنْ نِسَائِهِمْ ثَرْبُصَ أَرْبَعَةِ أَشْهُرٍ فَإِنْ فَاءُوا فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ، وَإِنْ عَزَمُوا الطَّلَاقَ فَإِنَّ اللَّهَ سَمِيعٌ عَلِيمٌ»

"Those who take an oath (2) not to have sexual relations with their wives must wait for four months. Then, if they return (change their idea in this period), verily, Allāh is Oft-Forgiving, Most Merciful. And if they decide upon divorce, then Allāh is All-Hearer, All-Knower.." (Surat al-Baqarah, 226–227)

2. **In cases of marital discord when arbitrators decide separation is necessary:**

If discord between the spouses reaches a point where appointed arbitrators determine that separation is obligatory, then divorce becomes required. As Allah says: «خُفَّتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِنْ أَهْلِهِ وَحَكَمًا مِنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوْفَىٰ اللَّهُ بَيْنَهُمَا إِنْ كَانِ عَلِيمًا خَبِيرًا»

"If you fear a breach between them twain (the man and his wife), appoint (two) arbitrators, one from his family and the other from hers; if they both wish for peace, Allāh will cause their reconciliation. Indeed Allāh is Ever All-Knower, Well-Acquainted with all things." (Surat An-Nisā', 35)

[4] When is Divorce Prohibited (*Ḥarām*)?

Divorce is **prohibited** in the following cases:

- **When it is *bid'ī* (innovative or irregular):**

This includes divorcing a wife while she is menstruating (*ḥayḍ*), in postpartum bleeding (*nifās*), or during a period of purity (*tuḥr*) in which he has had sexual intercourse with her.

An-Nawawī (1991) said: "If a man divorces his wife during her menstruation in a prohibited manner, it is recommended that he take her back."

He also said: "Divorce during postpartum bleeding (*nifās*) is just like during menstruation, because the underlying cause for prohibition applies to both."

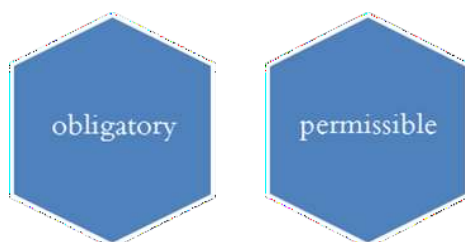
- **If the husband divorces one of his wives before granting her a fair share of time:** This applies if he had already allocated time to the other wife or wives, and did not grant this one her due share.

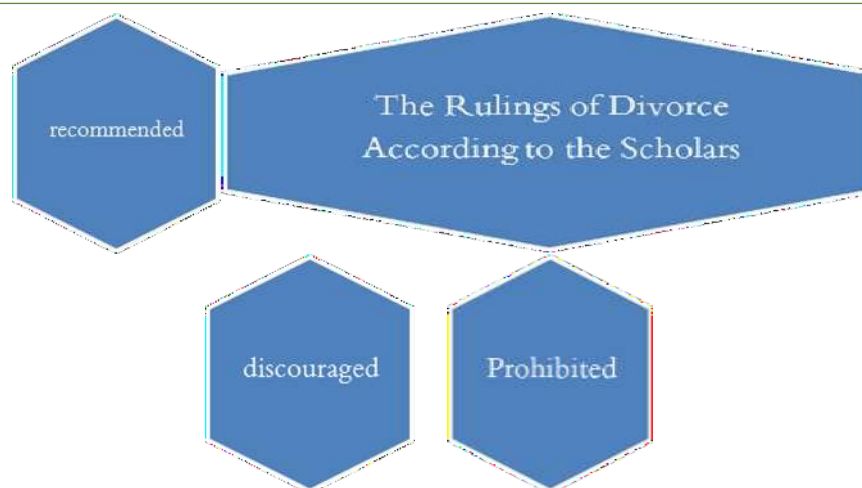
(An-Nawawī, 1972)

- **If the husband knows that by divorcing her, he will fall into sin (such as *zīnā*, adultery):** For example, if he is emotionally or physically attached to her and fears he will not be able to marry another woman, leading to prohibited behavior. In such a case, divorce would also be **haram**. (Ad-Dustūqī, n.d)



Summary of the Rulings on Divorce in Islam





Subsection Four: Divorce in the Pre-Islamic Era

In the pre-Islamic era (Jāhiliyyah) and the early period of Islam, a husband would repeatedly divorce his wife during her waiting period ('iddah), and whenever the 'iddah was close to ending, he would take her back — deliberately intending to harm her.

Ā'ishah (may Allah be pleased with her) narrated in an authentic report:

- “People — and a man — used to divorce his wife as many times as he wished, and she would remain his wife so long as he took her back during the 'iddah. Even if he divorced her a hundred times or more... until the Qur'an was revealed: «الطَّلَاقُ مَرَّتَانِ فَإِمْسَاكٌ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ بِإِحْسَانٍ»:

“Divorce is twice. After that, either you retain her on reasonable terms or release her with kindness..”

[Surat al-Baqarah:229] (Reported by At-Tirmidhī, 1975)

Ibn 'Abbās (may Allah be pleased with them both) also narrated in an authentic hadith: «وَالْمَطْلَقَاتُ يَتَرَبُّصْنَ ثَلَاثَةَ فُرُوعٍ، وَلَ يَجِلُّ لَهُنَّ أَنْ يَكْتُمْنَ مَا خَلَقَ اللَّهُ فِي أَرْحَامِهِنَّ»

“And divorced women shall wait (as regards their marriage) for three menstrual periods, and it is not lawful for them to conceal what Allāh has created in their wombs...”[Surat al-Baqarah: 228].

He said: "This verse refers to how, when a man used to divorce his wife, he had the right to take her back — even if he had divorced her three times. Then, this was abrogated, and Allah said:

‘Divorce is twice...’[Surat al-Baqarah: 229] (Reported by Abū Dāwūd, n.d.)

From these narrations, it becomes clear how much harm women were subjected to due to unrestricted divorce, and how Islam came to **lift this injustice**.

Islam established **strict guidelines** for divorce to **prevent harm to women**, to protect their rights, and to eliminate any form of injustice or oppression they previously endured.

- Islam specified the **permissible wording** for divorce,
- defined its **appropriate timing**,
- commanded **kindness** in the case of keeping the wife,
- and **gracious treatment** in the case of separation.

Whoever transgresses the limits set by Allah is among the **wrongdoers**.

Thus, Islam **did not introduce divorce** originally, but rather came to **regulate** it and **remove all forms of injustice** that women suffered because of it.

Section Two: Reasons for the Increasing Rates of Divorce in Contemporary Islamic Societies

1] Weakness of Religious Commitment:

This is considered the most significant reason of all, as nearly all other causes can be traced back to it—whether from the husband's side, the wife's side, or both.

Several secondary causes stem from this main issue, including:

1. The use of alcohol and drugs.
2. Watching satellite TV channels and internet content that lack Islamic values.
3. Marital infidelity.
4. A wife squandering her husband's money.
5. Lack of forgiveness and tolerance between spouses when mistakes occur.
6. Excessive jealousy from one of the spouses.
7. Failure to adhere to Islamic manners in social interactions.

2] Intellectual, Social, or Cultural Incompatibility:

A difference in the educational or cultural level between spouses, or the variation in their social backgrounds and customs, can hinder mutual understanding and make marital life unstable.

Even when spouses are similar in social or educational level, conflicting ideas, orientations, and beliefs may cause incompatibility.

Differences in traditions and customs between the families of the spouses—such as style of dress, concept of modesty, lifestyle, and standards of living—can also lead to disputes and tension in the marriage, becoming one of the causes of divorce.

Furthermore, disparity between the two family environments or cultural backgrounds may lead to a lack of understanding between the spouses' families.

A difference in academic level between husband and wife may also result in marital instability due to a lack of harmony in their visions, goals, and ways of thinking.

[3] Age Gap Between Spouses:

Closeness in age between any two people generally brings greater **understanding and compatibility**, as it often indicates similarity in temperament, culture, and habits.

In marriage, this closeness is particularly important for the **continuity and stability** of the relationship. Each age group has its own way of thinking, temperament, and unique perspective. Therefore, a significant age gap between spouses may lead to **distance and tension**, increasing the risk of marital conflict and eventually divorce.

Islam does not prohibit such marriages as long as **both spouses agree willingly** without family coercion, but Islam does **not encourage** it as a general approach.

An example is the marriage of the Prophet Muhammad (PBUH) to 'Ā'ishah (may Allah be pleased with her), where there was a significant age difference between them, but it was based on mutual consent and compatibility.

[4] Modern Means of Communication:

With the rise of social media platforms, interaction between the sexes has become easy and accessible. Relationships are often formed through these platforms, and sometimes lead to agreements on marriage without any real-world acquaintance or proper understanding. This kind of interaction may also lead to illicit relationships, often based on **false promises** from the man to the woman regarding marriage — which may or may not happen.

Many marriages that began in this way have resulted in serious **disputes and conflicts**, and often **ended in divorce**.

[5] Lack of Responsibility Among Some Youth:

Some young men are raised in **comfort and ease**, depending entirely on their parents for everything, reaching the age of marriage without having taken on any responsibility or earned a living through work. When such a young man is married by his father while still in this state, he is often **unable to fulfill his marital duties**, such as providing financially or managing a household. He expects his father to continue taking care of him for life — leading to tension and conflict within the marriage, which may end in divorce.

On the other hand, **young women may also be raised similarly**, in comfort and without any responsibilities. Their mothers may not teach them the realities of married life. Suddenly, the girl finds herself a **wife** — and shortly after, perhaps a **mother** — but unable to fulfill her duties in either role. This causes marital discord, which can also end in divorce.

Marriage is built on **mutual rights and responsibilities**, and a successful marriage and stable family cannot exist unless **both partners fulfill their roles**.

The Prophet Muhammad (PBUH) said, as narrated by Ibn 'Umar (may Allah be pleased with them both): **"The man is a guardian and responsible for his family; the woman is a guardian and is responsible for her husband's house and his offspring."**

(*Bukhārī, 1422 AH*)

And 'Abdullah ibn 'Amr (may Allah be pleased with them) reported that the Messenger of Allah ﷺ said: **"It is a serious enough fault for a man to withhold his food from one whom he possesses"** (*Muslim, n.d.*)

In another version by Abū Dāwūd:

"It is a serious enough fault for a man to destroy one he is bound to sustain." (*Abū Dāwūd, n.d.*)

[6] Domestic Violence and Mistreatment:

Domestic violence is often committed by the husband, influenced by **cultural norms** that consider violence against women a sign of **manliness**, or as a way to force the wife into blind obedience — in everything, without discussion or expression of opinion.

In other cases, such violence may be due to **economic or social pressures**, which affect how a husband behaves at home. Or, it may stem from **drug abuse**, which ruins the marital relationship and often leads to divorce.

Islam does not permit hitting a woman **without a valid reason**, and even if there is a reason, the hitting must not be **severe or harmful**. As narrated in the hadith of Jābir:

"...and your right is that they shall not permit anyone you dislike to enter your home. If they do so, then beat them lightly." (*Muslim, n.d.*)

This means no physical harm, no broken bones, no lasting injuries. As in the hadith of 'Abdullah ibn Zam'ah, the Prophet ﷺ said:

“None of you should strike his wife like the beating of a slave, and then have intimate relations with her at the end of the day.”

(Bukhārī, 1422 AH)

Violence is not limited to physical abuse — it can also be **verbal** or in general **behavior and treatment**.

[7] Negative Interference from Family Members:

To begin with, **the spouses must agree to resolve their issues within the home**, keeping their problems and disagreements private. However, a lack of awareness and maturity often leads them to **expose their conflicts** to their families — and sometimes even to neighbors or friends. This opens the door to interference from both sides of the family, or from others, which is often **negative**, further complicating the issues and increasing tension between the couple. In many cases, such interference leads to **incitement** or **taking sides**, causing marital problems to **escalate and ultimately result in divorce**.

Wise and responsible family members, on the other hand, are those who give advice that helps maintain a stable and successful marriage. For example, the husband's family may advise him to **fear God in his treatment of his wife**, to be gentle and kind with her, to treat her well, and to honor her and her family. Similarly, the wife's family may advise her to **obey her husband**, to treat him with respect and affection, to honor his family, and to deal with them with good character.

Al-Jāhīz narrated that ‘Abdullāh ibn Ja‘far once said to his daughter:

“Beware of jealousy, for it is the key to divorce. Beware of excessive blame, for it breeds hatred. Use kohl, for it is the best adornment, and the best perfume is water and the basis of cleanliness.”

(Al-Jāhīz, 1423 AH)

There is also an important point worth highlighting: in many cases, **families automatically take the side of their own child** during conflicts — regardless of who is actually at fault. The husband's family may assume **he is never wrong**, placing all the blame on the wife, while the wife's family may side with **their daughter**, even if she is the one at fault.

Family interference comes in various forms. In a **report published by Al Jazeera on July 3, 2024**, regarding whether family involvement causes tension between spouses:

- **37%** of participants said their families **do not interfere** in their marital life.
- **22%** said that family involvement is limited to **helping with raising children**.
- **30%** stated that their families only intervene **to resolve disputes** between spouses.
- **21%** believed that family involvement was driven by **curiosity or nosiness**.

The most appropriate course of action in such cases is for **both spouses to investigate the problem objectively**, to identify the actual cause, and to determine who is at fault so that the issue can be resolved **through correction and dialogue** — not through **stubbornness, pride, or denial of wrongdoing**, as these only **hasten the breakdown of the marriage** rather than fix it.

8] Lack of Mutual Respect Between Spouses:

A Muslim is generally known for having a pure tongue, a gentle nature, and a character that is both welcoming and beloved—so how much more should this apply with one's life partner?

There is no doubt that the marital relationship is a strong and sacred bond. Allah the Almighty even referred to it as a **“solemn covenant”** when He said: «وَوَدَّ أَفْضَىٰ بَعْضُكُمْ إِلَىٰ بَعْضٍ وَأَخَذْنَ مِنْكُمْ مِيثَاقًا غَلِيظًا»

“And how could you take it (back) while you have gone in unto each other, and they have taken from you a firm and strong covenant?.” [Surat An-Nisa: 21]

This bond is only strengthened and deepened through mutual affection and **respect between the spouses**. Each should choose kind, pleasant, and beloved words when speaking to the other, honor the other in front of family, praise them in their absence, and treat them with gentleness and kindness in their presence.

Allah says: «وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَعْقِلُونَ»

“And among His Signs is that He created for you wives from among yourselves, that you may find repose in them, and He has put between you affection and mercy. Verily, in that are indeed signs for a people who reflect..” [Surat Ar-Rum: 21]

Even when intense love may be lacking, **mutual respect and the observance of rights and duties** are enough to sustain a stable and enduring marriage. Marriages are not built solely on love. As ‘Umar ibn Al-Khaṭṭāb (may Allah be pleased with him) said:

“Not every household is built upon love, but rather upon mutual respect and adherence to lineage and Islam.”

(At-Ṭabarī, n.d.)

On the other hand, when respect and appreciation are absent, and when spouses begin to **speak ill of each other or insult one another** in private or public, the marriage is at serious risk. This behavior leads to the **corruption of the marital life** and often ends in divorce.

[9] Illness of One of the Spouses:

Sometimes, one spouse may suffer from an illness that makes continuing the marriage difficult—especially if the **wife becomes ill** in a way that prevents the husband from fulfilling his marital needs, which may lead him to consider divorce. Similarly, if the **husband becomes seriously or chronically**

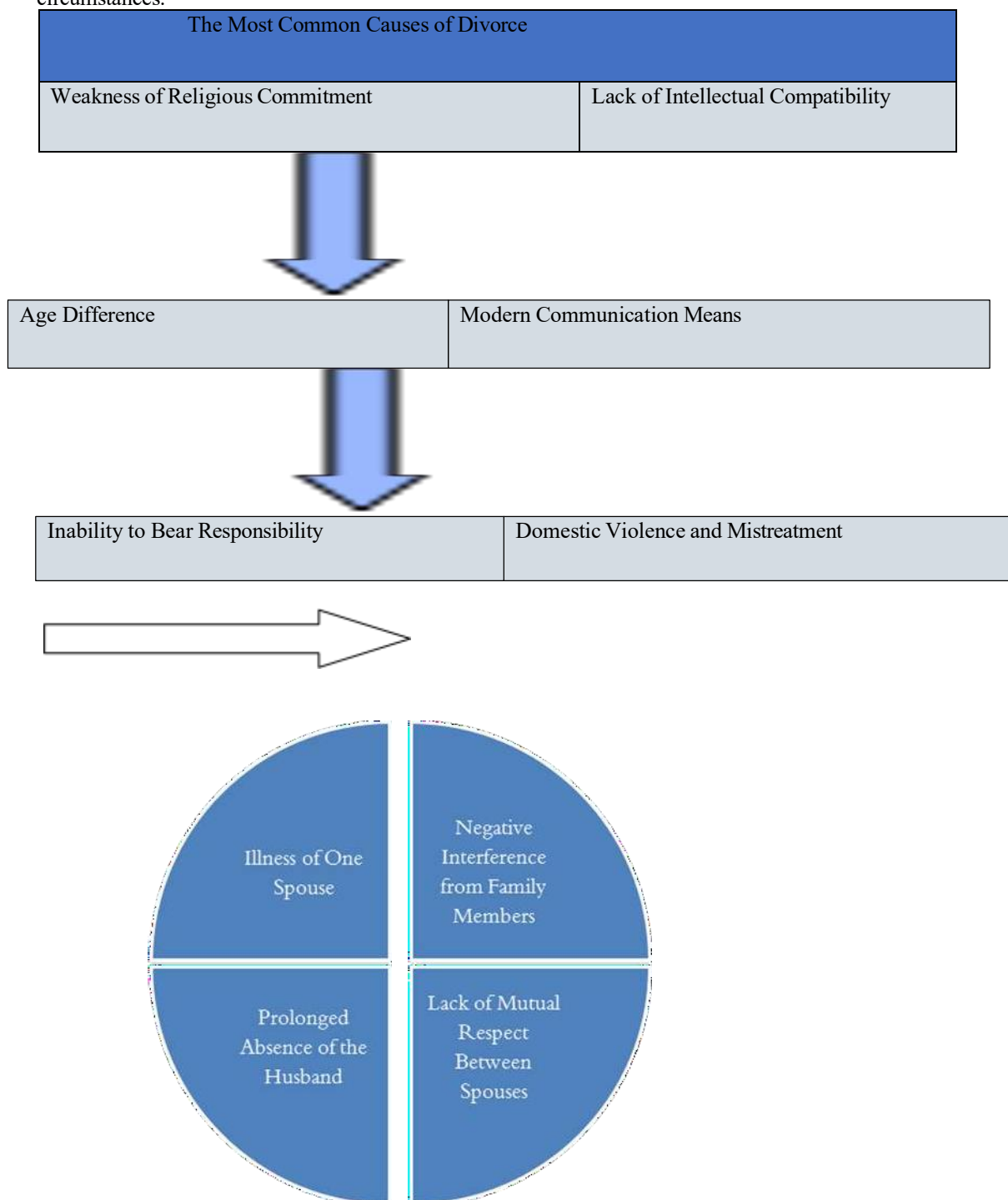
ill, the wife—especially if she is young and childless—may find herself unable to cope and may request a divorce.

Among the most common illnesses that lead to divorce are **contagious diseases** like **HIV/AIDS**, as well as **sexual disorders** such as **impotence**, **sexual deviation**, or any condition that **prevents a healthy sexual relationship** between the couple.

[10] Prolonged Absence of the Husband from His Wife:

A husband may travel and **leave his wife for an extended period**, during which time **Satan may tempt both of them** toward immoral behavior—unless protected by Allah.

There is no doubt that prolonged separation often leads to **requests for divorce** or to **moral decline**, especially when the absence is involuntary, such as in the case of **imprisonment** or similar circumstances.



Section Three: Addressing the Problem of Divorce in the Light of the Qur'an and Sunnah

There is no doubt that reducing the widespread phenomenon of divorce cannot be assigned to one specific entity; rather, it is a collective societal responsibility.

First. The Responsibility of the Family

The family plays a foundational role from a child's earliest years. The child understands how to interact with life by observing the dynamics between their parents, the prevailing atmosphere at home, and the behaviors exhibited in the household. Therefore, marital issues should never be discussed in front of children, especially when handled inappropriately, as this may have harmful effects on their development.

If children grow up witnessing disrespect or constant conflict between their parents, that environment shapes an unhealthy upbringing, which can negatively influence their future behavior and their interactions with their own life partners.

Children should be taught that they have rights and responsibilities, and this should be reflected practically in the relationship between their parents. When each parent conscientiously fulfills their duties toward the other, children internalize this behavior as a healthy norm, forming the foundation for their own future relationships.

Second. The Responsibility of Educational Institutions

Educational institutions have a pivotal role in laying the foundation for successful marriages and preventing failure. This begins with premarital religious education for youth, which should cover:

- The purposes of marriage (*maqasid Az-zawaj*),
- Criteria for selecting a life partner,
- Marital rights: shared rights, the husband's rights, and the wife's rights,
- Proper behavior and interaction between spouses,
- Methods for resolving marital conflicts,
- Preserving marital privacy,
- Basics of family jurisprudence.

It's not enough for this education to consist merely of rote learning. Educational programs must also emphasize character development. This is only achieved when educators combine knowledge with moral guidance.

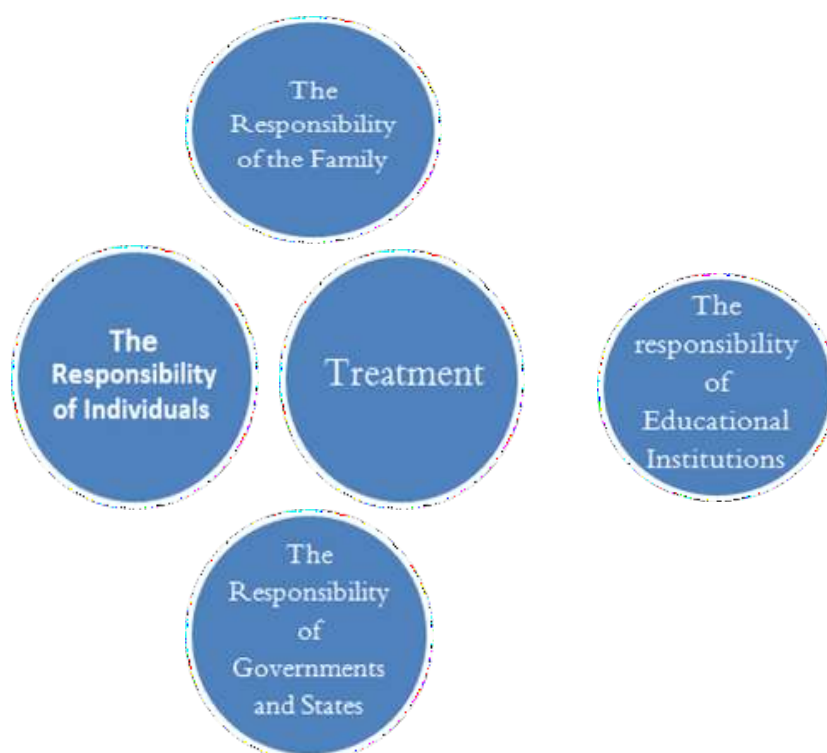
When this role is neglected, marriages are reduced to mere gratification of sexual desire, devoid of understanding rights, obligations, affection, compassion, tranquility, and the deeper objectives that marriage promotes in Islam.

Hence, the role of educational institutions in mitigating the phenomenon of divorce is undeniably significant, and efforts must be made to activate and strengthen this role effectively.

Third: The Role of States and Governments

The role of the state is among the greatest—if not *the* greatest—of all roles, because it possesses the power to enact laws and legislation, mandate educational curricula, direct the media and places of worship, and even mobilize all state institutions to serve this cause. All of these are powerful tools in the hands of the state; if used wisely, they could greatly contribute to the formation of successful families, reduce instances of failed marriages, and likewise help curb divorce rates.

Fourth: The Role of Individuals



This is the greatest of all roles because it directly concerns those involved themselves. We can summarize their role as follows:

[1] Choosing the Right Partner:

The most important step in marriage is the matter of choice because the purposes of marriage can only be achieved if the choice is correct. Without a proper choice, there will be no tranquility, love, mercy, happiness, or righteous offspring. A successful marriage must be based on the right choice.

First: Choosing the Wife.

For marriage to fulfill its goals and purposes—such as tranquility, love, mercy, chastity, and the birth of righteous offspring who will cultivate the earth according to God's guidance—a good choice is essential. Therefore, the Sunnah emphasized and many hadiths detailed the qualities a woman should have to be chosen for marriage, including:

- Choosing a woman of religion and good character.
- Choosing virgins, because virgin brides are preferable; both partners will have no prior marriage experience.
- Choosing a loving and fertile woman because bearing righteous offspring is one of the greatest purposes of marriage.
- Choosing an obedient wife because marital life cannot be stable if the wife rebels against her husband, disobeys him, treats him as an equal, or looks down on him. These are signs of marital discord. Where discord exists, married life becomes unbearable, requiring discipline and correction.
- Choosing a wife free from repelling defects because the presence of such defects in either partner may cause marital instability and prevent the achievement of marriage goals. Therefore, the choice must be based on mutual acceptance from the beginning.

As narrated by Anas (may God be pleased with him) with a good chain of transmission, the Prophet (peace be upon him) sent Umm Sulaym to examine a servant girl and said: "Smell her molars and look at her ankles." (Ibn Hanbal, 2001)

Additionally, choosing a suitable match means that there should be compatibility between the spouses in age, social status, cultural level, and financial and economic standing. Compatibility in these areas promotes lasting companionship and enduring affection.

As narrated by Aisha (may God be pleased with her) with a good chain of transmission, she said: The Messenger of God (peace be upon him) said: "Choose for your offspring those who are suitable (in religion and character), and marry them to those who are suitable to them." (Ibn Majah, n.d)

Second: Choosing the Husband.

One of the greatest losses for a Muslim woman who is committed to her faith is to marry a man who does not uplift her but drags her down. Having a crooked pillar in a house risks the entire house collapsing. Therefore, a Muslim woman should be diligent and precise in selecting her life partner and the father of her children.

The father or guardian should select for his daughter a husband who will protect and preserve her, be trustworthy over her, and elevate and be elevated by her.

Among the most important criteria and foundations for selection is choosing someone of religion and good character. Neither the woman nor her guardian should choose except someone with religion, morality, honor, and good bearing. If he loves her, he will honor her; if he dislikes her, he will not wrong her.

The Prophet (peace be upon him) urged accepting the proposal of a man of religion and good character and warned against rejecting or turning away from him in favor of someone inferior in religion and character.

As narrated by Abu Huraira (may God be pleased with him) with an authentic chain, the Messenger of God (peace be upon him) said: "If a man whose religion and character satisfy you proposes marriage, then marry him. If you do not do so, there will be corruption and widespread turmoil on earth." (At-Tirmidhi, 1975)

Ash-Sha'bi said: "Whoever marries his daughter to a corrupt man has severed his kinship with her." (Al-Asfahani, 1974)

Ibn Taymiyyah was asked about marrying a corrupt man and replied: "If he is persistent in immorality, it is not permissible for the guardian to marry her to him." (Ibn Taymiyyah, 1995)

Also, the husband must be capable of bearing the burdens and expenses of marriage because the husband is obligated to provide financial support. If he is unable, the marriage will not last.

[2] Shared Responsibility in Building a Complete Family:

Islam obliges both spouses to build a family that is complete in all aspects and to take care of raising children, attending to their health, religious, moral, and behavioral needs. Islam holds them responsible for any neglect or failure in caring for and guiding the family. As narrated by Anas (may God be pleased with him) with an authentic chain, the Messenger of Allah (peace be upon him) said: "*Indeed, Allah will question every guardian about what he was entrusted with—did he preserve it or lose it?*" (Ibn Hibban, 1988)

[3] Establishing Married Life on Consultation and Forgiveness:

The family is the cornerstone and the solid nucleus of society. When it is righteous and stable, society is reformed and upright; when it is corrupt and deviant, society becomes corrupt and deviant. Islam seeks to reform the individual, then the family, then society. Consultation (shura) is one of the values that ensures a healthy atmosphere inside the family. The husband is the guardian of the household, and if he bases his home on consultation, understanding will prevail. He does not decide matters except after consulting his wife and children. This raises individuals in the family who reject authoritarianism, do not accept being forced, and refuse dictatorship.

Many marital problems start as trivial issues but grow over time due to lack of forgiveness, overlooking faults, and tolerance. Lack of flexibility in the marital relationship worsens problems and complicates solutions. But through forgiveness, married life continues, and through consultation, the scope of disagreement narrows.

[4] Patience and Endurance: Neither husband nor wife is infallible; they are human beings who become pleased or angry, behave well or poorly, obey or disobey. Therefore, each must be patient with the other and overlook faults while appreciating virtues.

Both husband and wife should tolerate each other, as every noble horse stumbles, every person slips, and every human makes mistakes. The most deserving of endurance is the one who interacts closely with the other. Neither should respond to the other's emotional reactions with similar behavior; rather, one should restrain their anger and not reply immediately. This advice especially applies to the wife, in consideration of the husband's rights. Those husbands who understand this live in happiness and comfort. For a person who errs also has virtues; so let us look at his virtues, overlook his faults, and forgive him, in accordance

with the words of God: *بَصِيرٌ تَعْمَلُونَ بِمَا أَلَّيْنَكُمْ أَنْ تَنْسُوا الْفَضْلَ*

"And do not forget liberality between yourselves. Truly, Allāh is All-Seer of what you do." [Al-Baqarah: 237]

Neither spouse should assume perfection in the other or immunity from error, as none of us is perfect or free from mistakes. But we should evaluate our relationships by balancing virtues and faults, strengths and weaknesses. Whoever's virtues outweigh their faults is good enough, and it is enough for a man to be noble that his faults are counted.

However, to always focus on faults, magnify minor ones under a microscope, ignore virtues, belittle their importance and effect, and deny them is unjust and unfair. As narrated by Abu Huraira (may God be pleased with him), the Messenger of God (peace be upon him) said:

«مَنْ كَرِهَ امْرَأَةً مِنْ بَنِي آدَمَ بِمَا كَرِهَ مِنْهَا، كَرِهَ مَا بَيْنَ يَدَيْهِ»

"No believer hates a believing woman. If he dislikes one of her traits, he will be pleased with another." (Muslim, n.d)

The word (الفرق) "hate" here means strong dislike or resentment. This hadith guides the correct standard of evaluation: to look at both merits and faults, not to judge by one fault alone and forget or ignore many virtues.

[5] Being Generous to the Wife and Children:

The husband should be generous in spending on his family according to what God has enabled him to provide. This pleases his wife and children and is a way of thanking God for His blessings. Spending on one's family is among the best forms of charity, as narrated by Abu Huraira (may God be pleased with him), who said the Messenger of Allah (peace be upon him) said: *"A dinar you spend in the way of Allah, a dinar you spend freeing a slave, a dinar you give to a poor person, and a dinar you spend on your family—the greatest reward is for what you spend on your family."* (Muslim, n.d)

Generous spending on the wife and children—within one's means—is a path to happiness and joy within the family. Stinginess and miserliness, despite having the ability to spend, cause dissatisfaction at home, which may lead to family problems and potentially divorce.

[6] Playfulness and Affection Between Spouses:

The husband should be gentle and affectionate with his wife, taking the Prophet Muhammad (peace be upon him) as the best example. Aisha (may God be pleased with her) said: *"The Abyssinians used to play with their spears, and the Prophet (peace be upon him) covered me while I was watching, and I kept watching until I turned away."* (Al-Bukhari, 1422 AH)

She also narrated with an authentic chain that when she was with God's Messenger on a journey she raced him on foot and beat him, but when she grew she raced him and he beat her. He said, "This makes up for that beating." (Abu Dawood, n.d)

The Prophet (peace be upon him) used to joke with her, calling her "O Ā'ish," and sometimes "O Hamira" (a playful nickname).

The relationship between spouses should not be stiff or overly serious, as this harms the relationship. Instead, when the marital relationship includes affection, playfulness, and joking—both spouses joking with each other—it strengthens the marriage and removes what might disturb its harmony.

[7] **Developing Marital and Family Awareness:**

This involves understanding the jurisprudence of marriage, its purposes, requirements, rights, and duties of spouses, as well as the jurisprudence of divorce. This knowledge can be gained through reading or by attending religious courses designed for those preparing for marriage.

Section Four: The Negative Effects of High Divorce Rates on the Individual, Family, and Society

There is no doubt that divorce has repercussions and negative effects on both spouses, on the children—if any—and on the relationship between the two families of the spouses. These repercussions may even extend to society directly or indirectly. Researcher Rawan Malika mentioned in an article about the effects of divorce that it has resulted in around 100,000 homeless children (Rawan Malika, 2025).

Here we discuss the categories of effects:

First: The Effect of Divorce on the Divorced Woman:

- (1) Divorce has negative psychological effects on the woman, which reflect on her emotions and behaviors.
- (2) Divorce has social effects, as the woman becomes divorced and society may view her negatively because of this, and she may remain unmarried for some time due to this negative perception.
- (3) Divorce has economic effects on her; she loses the provider who used to support her, may become in need of financial support, and possibly no one suitable wants to marry her.

Second: The Effect of Divorce on the Man:

- (1) Divorce has psychological effects on the man; he may feel loneliness and emotional emptiness, making it difficult for him to adapt away from his wife and children.
- (2) Divorce has social effects on the man; he faces many social problems, such as caring for his children if they are older than the custody age, and society's view of the divorced man generally, and especially one who has children, where no one may welcome marrying him for fear of repeating his experience with the first wife and fear of problems with his children and their care.
- (3) Divorce has economic effects on the man; he is required to meet the financial rights of his ex-wife, especially if he has children in the custody age.

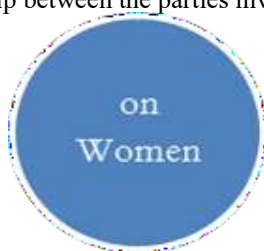
Third: The Effect of Divorce on Children:

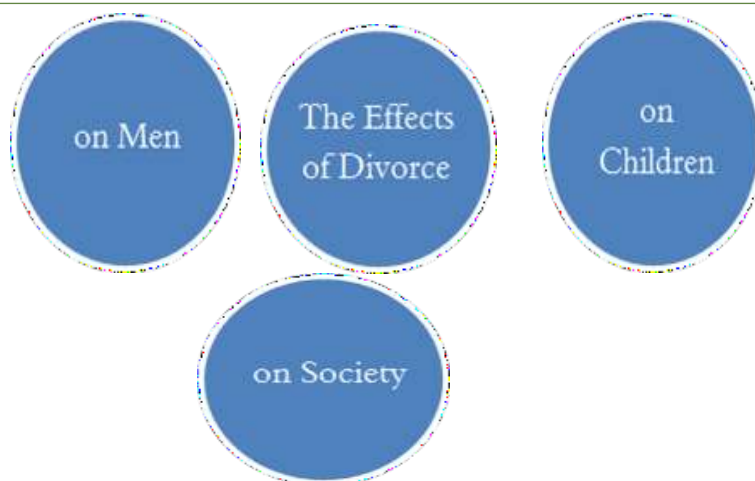
Children are the first losers of their parents' separation and are the victims of this failed marriage that ended in separation. Some of the negative effects on them include:

- (1) The parents' preoccupation with marital problems, divorce procedures, and its repercussions come at the expense of raising and caring for the children, which may lead to psychological and behavioral deviation of these children. This may then lead to delinquency, moral deviation, and they may fall into the traps of drugs.
- (2) The man may marry another woman who does not fear God concerning his children; she may be harsh to them, neglect them, and incite their father against them.
- (3) The children may lose security after divorce and be deprived of the emotional warmth of their parents' embrace, leading to psychological distress that may cause them to become psychologically unstable.
- (4) Divorce negatively affects the children's educational level; some may drop out of school, or their academic performance may decline, causing them to leave school or not perform well.
- (5) One of the effects of divorce is the increased rates of depression among children as feelings of sadness, fear, and anger grow within them.

Fourth: The Effect of Divorce on Society

- (1) With the increase in divorce cases in society, social bonds weaken, feelings of hatred among people spread, and cases of psychological disturbances become more common. These disturbances may sometimes lead to deviant behavior in some individuals, which can directly or indirectly affect society and its cohesion, threatening societal security and peace.
- (2) The rise in divorce rates in society leads to increased crime rates due to the absence of the family's role in discipline, refinement, upbringing, and guidance.
- (3) Divorce may lead to the severing of social ties, and it may even cause the breaking of kinship bonds if there is a familial relationship between the parties involved.





CONCLUSION

Through this research, and in light of its objectives, the researcher has reached several conclusions, including:

1. Islam emphasizes preserving the family and considers the marital bond a sacred tie and a solemn covenant.
2. Islam has legislated what achieves a successful marriage that fulfills its purposes, and also what reduces cases of divorce.
3. Islam provides solutions to contemporary problems, including those related to the family.
4. Divorce may be the most appropriate solution in some cases where continuing married life becomes impossible.
5. Wrong criteria for choosing a life partner are among the most important reasons for the failure of married life.
6. Hastiness in any decision related to married life can be a cause for breaking the marital bond.
7. A successful divorce is one decided upon with calmness and study, as Ibn Abbas (may Allah be pleased with him) said: "Divorce is (only) permissible when done with deliberation."
8. Closeness between spouses in age, cultural, intellectual, social, scientific, and financial levels is one of the most important elements of mutual understanding and one of the strongest reasons for marital success.
9. Getting to know each other only through social media is not sufficient for a successful marriage.
10. Age disparity between spouses often leads to some form of psychological, emotional, and intellectual disharmony, which may be a reason for marital failure.
11. The main cause of the high rates of divorce is distance from religion; understanding and applying it properly, while other reasons stem from this cause. The most important way to solve this problem lies in Muslims returning to their religion, starting from a correct understanding of Islam and ending with its correct implementation.

RECOMMENDATIONS AND SUGGESTIONS:

The researcher recommends that young men and women learn the correct criteria for choosing a spouse, as well as understand the rights and duties within marriage. The researcher also advises the parents of both spouses not to interfere in their children's married life in ways that could damage their relationship. Furthermore, the researcher recommends that mosque preachers, media professionals, and educators shed light on marriage topics, discuss and analyse marital problems, and offer sound solutions. The researcher proposes:

1. Conducting premarital courses for youth that cover married life—its goals, rights, and duties—along with an introduction to the rulings of marriage and divorce.
2. Teaching family jurisprudence (fiqh al-usra) at secondary and university education levels.
3. Organizing educational and religious training courses for mosque preachers, media professionals, and educators to enable them to fulfill their important roles.

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