
THE APPLICATION OF THE PRINCIPLE OF PUBLIC INTEREST (MASLAHA MURSALA) IN FAMILY RECONCILIATION OFFICE AGREEMENTS WITHIN JORDANIAN SHARIA COURTS: A FOCUS ON OBLIGATORY ALIMONY PROVISIONS

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Abstract

This study aims to examine the extent to which the principle of *Maslaha Mursala* (public interest) is applied through the agreements of Family Reconciliation Offices within Jordanian Sharia Courts, particularly in matters related to obligatory alimony between ascendants and descendants. To achieve this objective, the researcher employed both the deductive and analytical methodologies. These approaches facilitated the examination of how *Maslaha Mursala* is integrated into the provisions of the Jordanian Personal Status Law and the agreements issued by Family Reconciliation Offices, as well as the extent to which these decisions align with the public interest.

The study reached several key findings, most notably: *Maslaha Mursala* is one of the most significant sources employed in deriving Sharia rulings, especially in contemporary issues lacking explicit textual evidence or established precedent. Moreover, the provisions of the Jordanian Personal Status Law and the agreements formulated by Family Reconciliation Offices in Sharia Courts have demonstrated a clear commitment to the higher objectives of Islamic law by safeguarding benefits and preventing harm, particularly in the domain of obligatory alimony between family members.

Keywords: Public interest (*Maslaha*), alimony, Jordanian Personal Status Law, family reconciliation offices.

INTRODUCCIÓN

All praise is due to Allah, the Lord of all worlds, and peace and blessings be upon the noblest of messengers, the master of all creation, and upon his family, companions, and all who follow his guidance until the Day of Judgment.

Islamic law has given thorough attention to all aspects of a Muslim's life—from the moment of conception in the mother's womb through every stage of life, from childhood and youth to old age, until one's destined end in this world. There is no scholarly disagreement regarding the essential role that the principle of *Maslaha* (public interest) plays in shaping Islamic rulings, legal actions, and interpersonal dealings—both religious and worldly. These rulings were primarily instituted to regulate human life, and are fundamentally grounded

in the pursuit of benefit and the prevention of harm. This foundational principle has become widely recognized among scholars of *Maqāṣid al-Sharī'ah* (objectives of Islamic law) and is indispensable in many detailed applications of Islamic jurisprudence.

Al-Qarafi famously emphasized the centrality of *Maslaha*, stating: “It is God’s established custom in the divine laws that legal rulings follow the realization of interests, varying according to their levels.”¹

Among the most prominent rulings founded upon the concept of public interest are those governing obligatory alimony between ascendants and descendants. These provisions constitute a foundational pillar in the life of a Muslim and have received detailed legal regulation. The drafters of the Jordanian Personal Status Law derived many of its articles from these foundational Islamic rulings, making the law a binding legal reference in issuing decisions pertaining to alimony obligations.

Study Rationale and Research Questions

This study emerged from the need to shed light on the role of the principle of *Maslaha Mursala* (public interest) in shaping the legal provisions of the amended Jordanian Personal Status Law (2019), as well as in the decisions issued by Jordanian Sharia Courts concerning obligatory alimony between ascendants and descendants.

Based on this premise, the current study aims to address its central research questions and arrive at meaningful and applicable conclusions. I ask Allah Almighty for success and acceptance.

Main Research Question:

What are the applications of *Maslaha Mursala* in the Jordanian Personal Status Law and the decisions of Jordanian Sharia Courts regarding obligatory alimony between ascendants and descendants?

Sub-questions:

1. What are the definitions of the key terms relevant to the study?
2. What are the Islamic legal rulings related to obligatory alimony between ascendants and descendants?
3. To what extent is the principle of *Maslaha* applied in the provisions of the amended Jordanian Personal Status Law (2019) concerning obligatory alimony between ascendants and descendants?
4. To what extent is *Maslaha* employed in the decisions of Jordanian Sharia Courts regarding obligatory alimony between ascendants and descendants?

Objectives of the Study

This study aims to define the concept of *Maslaha Mursala*, its conditions, elements, and limitations. It further seeks to assess the extent to which this principle is applied in the Jordanian Personal Status Law as implemented in Sharia Courts, through selected applications and judicial decisions issued by these courts.

METHODOLOGY

The study is based on both the inductive and analytical methods. It uses the inductive method to extract how the principle of *Maslaha Mursala* is utilized in the texts of the Jordanian Personal Status Law and judicial decisions. The analytical method is then employed to evaluate the extent to which public interest is considered in these rulings.

Scope and Limitations

This study is limited to examining the application of *Maslaha Mursala* in the provisions of the Jordanian Personal Status Law and in the decisions of Jordanian Sharia Courts. Therefore, the findings of this study may not be generalized beyond this specific legal and judicial context.

¹ Al-Qarafi, A. A. Shihab al-Din Ahmad ibn Idris al-Maliki. (n.d.). *Al-Furuq = Anwar al-Buruq fi Anwa' al-Furuq* (Vol. 3, p. 95). Dar 'Alam al-Kutub. (Original work published ca. 1285 CE)

REVIEW OF RELATED LITERATURE

1. Ben Al-Faqih Al-Urfi (2021), in his study titled “*Al-Masalih Al-Mursala and Their Applications in Legal Legislation*”, published in *Al-Boughaz Journal of Legal and Judicial Studies*, Issue 12, discussed the concept of *Maslaha Mursala*, its conditions for use, and its application in Moroccan law, particularly in the Family Code, traffic regulations, and environmental protection. While both his study and the present one address the definition and conditions of *Maslaha Mursala*, the current study is distinct in its focus on applications within the Jordanian Personal Status Law and judicial decisions concerning obligatory alimony—a focus not addressed in Al-Urfi’s study, which is limited to Moroccan legislation.

2. Mohammad Ahmad Abdel Hay (2010), in his study “*Maslaha Mursala and Some of Its Jurisprudential Applications*”, published in *The Journal of the Faculty of Sharia and Law in Assiut*, Issue 22, aimed to define *Maslaha* and its main classifications and evidentiary value. He also discussed several contemporary applications, most of which pertain to the medical field. However, he did not address the topic of alimony, which is central to the current study, and thus there is no substantive overlap between the two.

3. Mohammad bin Yahya bin Hassan Al-Najimi (2004), in a study published in *Al-Adl Journal*, Technical Office, Saudi Arabia, Issue 12, examined the concept and evidentiary status of *Maslaha Mursala*. He presented applications in economic, social, professional, administrative, and organizational domains. Upon reviewing the title and content of this study, it becomes clear that it is entirely different from the present research, which deals specifically with personal status law and family alimony in the Jordanian context.

Study Structure

This study consists of an introduction, three main chapters, and a conclusion, as follows:

- **Introduction:** Includes the research questions, objectives, methodology, scope and limitations, literature review, and study structure.
- **Three Chapters:** (not specified in this excerpt)
- **Conclusion:** (summarizes findings and recommendations).

Chapter One: Definitions of Terms and Key Concepts Used in the Study

- **First:** Definition of *Maslaha* (interest) linguistically and conventionally.
- **Second:** Definition of *Maslaha Mursala*, its categories, and regulating conditions.
- **Third:** Definition of *Nafaqah* (alimony) linguistically and conventionally.
- **Fourth:** Definition of Family Reconciliation and Mediation Offices.

Chapter Two: Islamic Jurisprudential Rulings on Obligatory Alimony Between Ascendants and Descendants

- **First:** Rulings on alimony from ascendants to descendants (father’s obligation toward his children).
- **Second:** Alimony obligation of the grandfather toward the grandchildren.
- **Third:** Rulings on alimony from descendants to ascendants (son’s obligation toward his father and grandfather).

Chapter Three: The Use of the Principle of *Maslaha* in Obligatory Alimony Between Ascendants and Descendants Through Agreements of Family Reconciliation Offices in Jordanian Sharia Courts

- **First:** Obligatory alimony from ascendants (father and grandfather) to descendants (financially capable children).
- **One:** Legal provisions in the Jordanian Personal Status Law concerning the father and grandfather.
- **Two:** Sample agreements from Family Reconciliation and Mediation Offices concerning alimony to ascendants.
- **Three:** Application of the principle of *Maslaha Mursala* in the provisions of the Jordanian Personal Status Law and Sharia Court decisions regarding alimony from ascendants to descendants.
- **Second:** Obligatory alimony from descendants (children and grandchildren) to ascendants (father and grandfather).
- **One:** Provisions in the Jordanian Personal Status Law concerning children's alimony.
- **Two:** Sample agreements from Family Reconciliation and Mediation Offices concerning alimony to ascendants.
- **Three:** Implementation of the principle of *Maslaha* in the Jordanian Personal Status Law and related agreements issued by Family Reconciliation and Mediation Offices.

Appendix

Selected examples of agreements issued by Family Reconciliation Offices relevant to the subject of the study.

Conclusion

Includes the main findings and recommendations.

References and Bibliography

Chapter One: Definition of Study Terminology

First: Definition of *Maslaha* (Public Interest) – Linguistically and Conventionally

Linguistically, *maslaha* (interest or benefit) is derived from the root *ṣ-l-ḥ*, which denotes reform, the opposite of corruption. The term *maslaha* refers to *ṣalāḥ* (goodness or righteousness), and its plural is *maṣāliḥ*. To “restore something after its corruption” means to reform or set it right. For example, “He restored the animal” means he treated it well until it became good or useful. In *al-Tahdhib*, it is stated: “You say: I restored the animal (*aṣlaḥtu ilā al-dābbah*) if you treated it well.” *Ṣulḥ* (reconciliation) refers to the act of parties making peace among themselves, and also connotes peace or a state of non-conflict. Thus, “to restore something after its corruption” is to set it right, and “to restore the animal” is to treat it with care and benevolence.²

Conventionally, jurists (uṣūliyyūn) define *maslaha* as the act of securing benefit and preventing harm within the framework of preserving the five fundamental objectives of Islamic law (maqāṣid al-sharī‘ah)³, namely: religion, life, intellect, progeny, and property. A considered or legitimate *maslaha mursala* is one that aligns with these objectives of Islamic law and does not stem from personal desires or arbitrary preferences.

Second: First: Definition, Classifications, and Criteria of *Maslahah Mursalah*

² Ibn Manzur, M. ibn Makram ibn ‘Ali, Abu al-Fadl Jamal al-Din. (1994). *Lisan al-‘Arab* (3rd ed., Vol. 2, p. 517). Dar Sadir. (Original work published ca. 1311 CE)

Al-Razi, Zayn al-Din Abu ‘Abd Allah Muhammad ibn Abi Bakr. (1999). *Mukhtar al-Sihah* (Yusuf al-Sheikh Muhammad, Ed., 5th ed., Vol. 1, p. 187). Al-Maktabah al-‘Asriyyah – Al-Dar al-Namudhajiyyah. (Original work published ca. 1267 CE)

³ Ibn Qudamah, ‘Abd Allah ibn Ahmad ibn Qudamah al-Maqdisi. (1979). *Rawdat al-Nazir wa Jannat al-Munazir* (‘Abd al-‘Aziz al-Rahman al-Sa‘id, Ed., 3rd ed., Vol. 1, p. 169). Imam Muhammad ibn Saud University.

Al-Ghazali, Abu Hamid Muhammad ibn Muhammad. (1996). *Al-Mustasfa fi ‘Ilm al-Usul* (Muhammad ibn Sulayman al-Ashqar, Ed., 1st ed., Vol. 1, p. 416). Al-Resalah Publishing. (Original work published ca. 1111 CE)

The term *maslahah mursalah* is composed of two parts: *maslahah* (interest/benefit) and *mursalah* (unrestricted). The concept of *maslahah* has already been defined both linguistically and technically.

Linguistically, *mursalah* derives from the root *irsāl*, meaning release or dispatch. For example, the phrase “I had a bird and released it” means “I set it free” or “I let it go.”⁴

Technically, *mursalah* has been expressed by Usuli scholars through various terms, such as *al-munāsib al-mursalah* (appropriate but unbound analogy), *wasf* (attribute), and *istidlāl* (inference), among other expressions. A group of jurists have defined *maslahah mursalah* as: “An interest or attribute for which there is no specific evidence from the sources of Shari‘a either affirming or negating it—neither through direct causality nor through compatible analogy.”⁵

The subject of *masālih mursalah* (unrestricted interests) ⁶is closely connected to the *maqāṣid al-sharī‘ah* (objectives of Islamic law). The Companions of the Prophet (peace be upon him) engaged in *ijtihād* (independent reasoning) based on such interests, producing remarkable jurisprudential precedents. Examples include: compiling the Qur’an to preserve it from loss, introducing diacritical marks to prevent misreading, applying *qisās* (retributive justice) by executing a group for the murder of one individual, establishing administrative registries (*dawāwīm*), adopting the Hijri calendar, and creating prisons for punishment. These were instances where no explicit textual evidence existed, yet the Companions undertook such actions based on considerations of unrestricted public interest.⁷

Scholars have classified interests, in terms of their recognition by the Shari‘ah, into three categories:⁸

⁴ Ibn Fāris, A. ibn F. ibn Zakariyyā al-Qazwīnī al-Rāzī. *Mu‘jam Maqāyīs al-Lughah* (ed. ‘Abd al-Salām Muḥammad Hārūn). Beirut: Dār al-Fikr, n.d. Vol. 5, p. 454, entry: “nafaqa.”

Al-Rāzī, Zayn al-Dīn Abū ‘Abd Allāh Muḥammad ibn Abī Bakr. *Mukhtār al-Ṣiḥāh*, entry: “nafaqa.” Beirut: Al-Maktabah al-‘Aṣriyyah, 5th ed., vol. 1, p. 315.

⁵Al-Āmidī. *Al-Iḥkām fī Uṣūl al-Aḥkām*, previous reference, vol. 3, p. 317;

Al-Qarāfī, Abū al-‘Abbās Shihāb al-Dīn Aḥmad ibn Idrīs ibn ‘Abd al-Raḥmān al-Mālikī (d. 684 AH). *Sharḥ Tanqīḥ al-Fuṣūl*, ed. Ṭāhā ‘Abd al-Ra‘ūf, Cairo: United Technical Printing Co., 1st ed., 1393 AH / 1973 CE, vol. 1, p. 446;

Al-Juwaynī, ‘Abd al-Malik ibn ‘Abd Allāh ibn Yūsuf (Imām al-Ḥaramayn) (d. 478 AH). *Al-Burhān fī Uṣūl al-Fiqh*, ed. Ṣalāh ibn Muḥammad ibn ‘Uwajjah, Beirut: Dār al-Kutub al-‘Ilmiyyah, 1st ed., 1418 AH / 1997 CE, vol. 1, p. 720 ff.;

Al-Ghazālī, Abū Ḥāmid Muḥammad ibn Muḥammad (d. 505 AH). *Al-Mustaṣfā min ‘Ilm al-Uṣūl*, ed. Muḥammad ‘Abd al-Salām ‘Abd al-Shāfi, Beirut: Dār al-Kutub al-‘Ilmiyyah, 1st ed., 1413 AH / 1993 CE, vol. 1, p. 308;

Ibn Badrān, ‘Abd al-Qādir ibn Aḥmad ibn Muṣṭafā ibn ‘Abd al-Raḥīm (d. 1346 AH). *Al-Madkhal ilā Madhhab al-Imām Aḥmad ibn Ḥanbal*, ed. ‘Abd Allāh ibn ‘Abd al-Muḥsin al-Turkī, Beirut: Mu‘assasat al-Risālah, 2nd ed., 1401 AH, vol. 1, p. 293 ff.

⁶ It is not the purpose of this study to present the various views and disagreements among scholars of Islamic legal theory (*uṣūl*) regarding the concept of *maṣlaḥa mursala*, nor to elaborate on the evidences they have offered for its validity, or its pillars, conditions, and guidelines. Extensive research has already been conducted on these matters. Rather, the core focus of this study lies in demonstrating how *maṣlaḥa mursala* is employed in the decisions of the Jordanian Sharia courts, specifically in matters of obligatory financial support (*nafaqa*) between ascendants and descendants. Therefore, in this chapter, I will briefly present the legal authority of *maṣlaḥa mursala*, along with a concise overview of some of its essential conditions, pillars, and regulations, as a prelude to engaging with the central subject matter of this research, by the grace of God Almighty.

⁷ See: Al-Shinqīti, Muhammad Al-Amin ibn Muhammad Al-Mukhtar Al-Shinqīti. *Nathr Al-Wurud ‘ala Marāqī Al-Su‘ūd*, 1st ed., Dar Al-Manar – Saudi Arabia, 1415 AH / 1995 CE, Vol. 2, pp. 506–507; Al-Zuhayli, Wahbah. *Al-Fiqh Al-Islami wa Adillatuh*, Dar Al-Fikr – Damascus, n.d., Vol. 9, p. 385; ‘Abd Al-Haqq, ‘Abd Al-Mu‘min ibn ‘Abd Al-Haqq Al-Baghdadi Al-Hanbali. *Taysīr Al-Wuṣūl ilā Qawā‘id Al-Uṣūl wa Ma‘āqīd Al-Fuṣūl*, Dar Ibn Al-Jawzi, 1st ed., n.d., Vol. 1, p. 307.

⁸ This study does not aim to explore the categories of unrestricted interests (*maṣāliḥ mursala*) or to establish their evidentiary status, as this subject has already been extensively examined in scholarly literature and falls

1. **Recognized interests (*masālih mu'tabarah*):** These are acknowledged by the Shari'ah and are valid bases for legal rulings. For example, anything that intoxicates—whether liquid or edible—is deemed prohibited by analogy with wine, which is forbidden in order to protect the intellect, a fundamental objective of Islamic law and a basis of legal accountability.⁹
2. **Disregarded interests (*masālih mulghāh*):** These are interests that the Shari'ah explicitly or implicitly rejects, even if they may seem rational. For instance, despite appearing to facilitate profit, *ribā* (usury) is prohibited. Similarly, calls for equal inheritance between male and female heirs are dismissed, as the Shari'ah has not acknowledged them as valid interests.¹⁰
3. **The Unrestricted Interests (*al-masālih al-mursalah*)** are the core subject of this chapter. They refer to types of interests for which no explicit textual evidence exists—neither confirming nor negating their validity. They are described as *unrestricted* because the Shari'ah has neither assigned a specific ruling to them nor restricted their application. An example is the compilation of the Qur'an.¹¹

Uṣūlī scholars have established several conditions for the valid application of *al-masālih al-mursalah*, which can be summarized as follows:¹²

- 1- **Non-contradiction with the Qur'an, the Sunnah, or scholarly consensus (*ijmā'*):** This is unanimously agreed upon. Ibn Rushd (Averroes), for instance, stated: "There is no room for reasoning when clear textual evidence exists."¹³
 - 2- **Non-contradiction with consensus and sound analogy (*qiyās ṣaḥīḥ*).**
 - 3- **It must not result in the neglect of a more significant or equally important interest.**
 - 4- **Conformity with the objectives (*maqāṣid*) and principles of Shari'ah:** As al-Shāṭibī (may Allah have mercy on him) explains: "Any foundational principle that lacks a specific textual basis yet aligns with the overall conduct of the Shari'ah and is derived from its cumulative evidence is valid and acceptable. When the totality of the evidence supports such a principle definitively, it becomes conclusive, even if individual proofs alone do not indicate certainty—because that is nearly unattainable."¹⁴
- It is noteworthy that the scope of applying *maṣlaḥah mursalah* is extensive, and its foundational premise is to focus on the meanings and objectives for which rulings were legislated. This includes customs and social

outside the scope of the current research. Rather, the primary objective of this study is to investigate how unrestricted interests are employed within the Jordanian Personal Status Law and in the rulings of the Sharia courts, particularly in the domain of obligatory maintenance (*nafaqa*) between ascendants and descendants.

⁹ Al-Āmidī, A. H. S. 'Alī ibn Abī 'Alī ibn Muḥammad ibn Sālim (d. 631 AH). *Al-Iḥkām fī Uṣūl al-Aḥkām* (Vol. 3, p. 247), edited by 'Abd al-Razzāq 'Afīfī. Beirut-Damascus-Lebanon: Al-Maktab Al-Islāmī.

¹⁰ Al-Subkī, Taqī al-Dīn Abū al-Ḥasan 'Alī ibn 'Abd al-Kāfī. (1995). *Al-Ibhāj fī Sharḥ al-Minhāj* (Vol. 4, p. 80). Beirut: Dār al-Kutub al-'Ilmiyyah. (Original work published 1416 AH).

Ibn al-Najjār, Taqī al-Dīn Abū al-Baqā' Muḥammad ibn Aḥmad ibn 'Abd al-'Azīz (d. 972 AH). (1997). *Sharḥ al-Kawkab al-Munīr* (Vol. 4, p. 176), edited by Muḥammad al-Zuhaylī & Nazīh Ḥammād. Riyadh: Maktabat al-'Ubaykān. (2nd ed., originally published 1418 AH).

¹¹ Al-Ghazālī, Abū Ḥāmid Muḥammad ibn Muḥammad. (1993). *Al-Mustaṣṣā* (Vol. 1, p. 310). Beirut: Dār al-Kutub al-'Ilmiyyah. (Original work published 1413 AH).

¹² Al-Shāṭibī, Ibrāhīm ibn Mūsā ibn Muḥammad al-Lakhmī al-Gharnāfī. (1997). *Al-Muwāfaqāt* (Vol. 1, pp. 38 and following). (A. 'Ubaydah Mashhūr bin Ḥasan Āl Salmān, Trans.). Dār Ibn 'Afān. (Original work published 1417 AH).

Al-Shāṭibī, Ibrāhīm ibn Mūsā ibn Muḥammad al-Lakhmī. (1992). *Al-I'tiṣām* (Vol. 2, pp. 129-132). (S. bin 'Aīd al-Hilālī, Trans.). Dār Ibn 'Afān.

Al-Būṭī, Muḥammad Sa'īd Ramaḍān. (1977). *Ḍawābiḥ al-Maṣlaḥah fī al-Sharī'ah al-Islāmīyah* (p. 411 and following). Center for Islamic Economics Research.

¹³ Ibn Rushd, Abū al-Walīd Muḥammad ibn Aḥmad ibn Muḥammad ibn Aḥmad al-Qurṭubī. (2004). *Bidāyat al-Mujtahid wa-Nihāyat al-Muqtaṣid* (Vol. 2, p. 78). Dār al-Ḥadīth. (Original work published 1425 AH).

¹⁴ Al-Shāṭibī, Ibrāhīm ibn Mūsā ibn Muḥammad al-Lakhmī al-Gharnāfī. (1997). *Al-Muwāfaqāt* (Vol. 1, p. 38 and beyond). Abū Ubaydah Mashhūr bin Ḥasan Āl Salmān (Ed.). Dār Ibn 'Afān. (Original work published 1417 AH).

interactions (*‘ādāt*)—essentially the dealings among people.¹⁵ Some scholars even considered all matters left unaddressed by the noble Shari‘ah as falling under *al-maṣāliḥ al-mursalah*, including those deemed *permissible (mubāḥ)*, leaving their regulation to the discretion of qualified Muslim jurists and specialists.¹⁶

Third: Definition of Alimony (Nafaqa) in Language and Terminology.

In the Arabic language, al-nafaqah is derived from nafaqa (from the root letters: ن, ف, ق). It signifies the concept of something running out or disappearing. Al-nafaqah refers to expenditure or spending, specifically the passing of the expenses for a purpose, and it is also associated with the concept of something being consumed or finished. An example used is: "The expenses of the people were used up."¹⁷

In legal terminology, *al-nafaqah* refers to the provision of food, clothing, and shelter. Some restrict it to mean food only, though the definition by *al-Ramli* is comprehensive, describing it as "alimony as covering all maintenance provisions."¹⁸

Fourth: Definition of Family Reconciliation and the Importance of Establishing Family Reconciliation Offices.

First: Definition of Family Reconciliation and Guidance.

Family reconciliation is the process of "correcting the imbalance between the couple and addressing the issues arising between them, aiming to preserve communication and prevent divorce as much as possible."¹⁹

Another definition states, "Correcting the imbalance between the couple and bringing them together through amicable, voluntary means, based on scientific, practical principles that ensure the continuation of the marital relationship and prevent divorce as much as possible."²⁰

The researcher, Judge Mahmoud Al-Basha‘irah, provided a definition of family reconciliation and mediation in Islamic Shari‘a courts, describing it as: the practical procedures and applications drawn from an integrated system of Islamic concepts, used by specialists in Shari‘a courts to resolve disputes between spouses, correct imbalances, and address issues that may lead to family breakdown, ensuring the continuity of the family relationship.²¹

Family reconciliation involves bringing the couple’s views closer, resolving disputes, eliminating conflicts, and achieving mutual agreements that satisfy all parties without resorting to legal proceedings.

Second: As for the establishment of family mediation offices, the Jordanian Judicial Council has applied the principle of family reconciliation through the motto: "Conciliation before conflict, and agreement before litigation." This approach led to the creation of a specialized directorate named the Family Mediation and Reconciliation Directorate. This directorate manages the administrative aspects of family mediation, provid-

¹⁵ Al-Shāṭibī, Ibrāhīm ibn Mūsā ibn Muḥammad al-Lakhnī al-Ghernāṭī. (1997). *Al-Muwāfaqāt* (Vol. 2, p. 202, and Vol. 4, p. 403). Abū Ubaydah Mashhūr ibn Ḥasan Āl Salmān (Ed.). Dār Ibn ‘Afān. (Original work published 1417 AH)

¹⁶ Al-Ashqar, ‘Umar Sulaymān. (1999). *Nazarāt fī Uṣūl al-Fiqh*. Dār al-Nafā‘is, Amman, Jordan. (p. 239).

¹⁷ Ibn Manẓūr, (n.d.). *Lisān al-‘Arab* (Vol. 11, p. 285). (Original work published).

¹⁸ Al-Ramlī, Shams al-Dīn Muḥammad ibn Abī al-‘Abbās Shihāb al-Dīn. (n.d.). *Nihāyat al-Muḥtāj ilā Sharḥ al-Minhāj*. Dār al-Fikr, Beirut.

‘Ābidīn, Muḥammad Amīn ibn ‘Umar ibn ‘Abd al-‘Azīz. (1992). *Radd al-Muḥtār ‘alā al-Durr al-Mukhtār* (Vol. 3, p. 52). Dār al-Fikr, Beirut. (2nd edition, 1412 AH).

¹⁹ Ma‘ābida, Zaynab Zakariyā. (2016). *Al-Iṣlāḥ al-Usarī bayn al-Zawjayn fī al-Shar‘a al-Islāmīya* (1st ed., p. 12). Dār al-Nafā‘is lil-Nashr wa al-Tawzī‘.

²⁰ Al-Rabāba, Bassām Sulaymān. (2019). *Al-Iṣlāḥ wa al-Tawfīq al-Usarī fī al-Qadā’ al-Shar‘ī al-Urdunī: Dirasah Fiqhīyah Tapyīqīyah* (Master’s thesis, Department of Fiqh and Usūl al-Fiqh, Yarmouk University, p. 12).

²¹ Al-Bashāyira, Mahmūd, & Al-Rifā‘ī, Samīra. (2016). *Al-Iṣlāḥ al-Usarī: Al-Zawj wa al-Zawjah fī al-Mahākīm al-Shar‘īyah min Manẓūr Tarbawī Islāmī* (p. 16). *Manārah Journal for Research and Studies*, 22(4). This is an excerpt from the Ph.D. dissertation titled: "Fā‘iliyya Barnāmaj Islāmī Muqtarah li-l-Iṣlāḥ al-Zawājī fī Mahākīm Irbid al-Shar‘īyah.

ing technical, financial, and human resources support. It includes departments for mediation offices, counseling, and member affairs, which aim to offer preventive and therapeutic family guidance to resolve disputes amicably.²²

Family reconciliation offices were established based on system number (17) of 2013, derived from Article 11 of the amended Personal Status Law No. 31 of 1959. The system allows for the creation of family reconciliation offices, managed by judges, to oversee these offices, applying suitable methods to preserve the family unit and protect the rights of its members without the need for judicial procedures.²³

From this perspective, the Judicial Council worked to establish a body within Shari'a courts called the Family Reconciliation Authority. Its role is to facilitate understanding and reconciliation between family members in conflict by bringing them together to discuss the problem, its causes, circumstances, and conditions, aiming to find solutions that satisfy all parties and protect their interests.

Third: The Importance of Family Reconciliation Offices

The importance of these offices lies in their role as a means to sustain and repair marital relationships after conflicts, which may sometimes lead to divorce. They provide a neutral party to address the issues between spouses, clarify their rights and responsibilities, and work toward resolving disputes to preserve the family unit and prevent its breakdown.²⁴

Chapter Two: The Rules of Obligatory Maintenance Between Ascendants and Descendants in Islamic Jurisprudence

First: The Maintenance of Descendants by Ascendants (The Father's Maintenance of His Children)

The majority of scholars from the Hanafi²⁵, Maliki²⁶, Shafi'i²⁷, and Hanbali²⁸ schools agree on the obligation of a father to provide maintenance for his children—both male and female—if they have no means of their own. Some Hanafi scholars also argue that the father must maintain his young children, even if he himself is poor²⁹.

Second Subsection: Evidence from the Scholars

Scholars have presented several evidences, including:

1. The saying of Allah Almighty

²² For further details, refer to the website of the Jordanian Judicial Council, Family Reconciliation Offices, at www.sjd.gov.

²³ A brief about the Directorate of Family Reconciliation, Family Reconciliation Offices, on the website of the Jordanian Judicial Council www.sjd.gov.

²⁴ Al-Basha'ira, Mahmoud, and Al-Rifa'i, Samira, "Family Reconciliation," Op. Cit., p. 15.

²⁵ Babarti, Muhammad bin Mahmoud, Akmal al-Din Abu Abdullah, *Al-'Inayah Sharh al-Hidayah*, Dar al-Fikr – Beirut, No Edition, Vol. 4, p. 410.

Al-Ghuneimi, Abdul Ghani bin Talib bin Ibrahim, *Al-Lubab Fi Sharh al-Kitab*, Al-Maktabah al-Ilmiyyah, Beirut-Lebanon, No Edition, No Date, Vol. 3, p. 99.

²⁶ Al-Dusuqi, Muhammad bin Arfah, *Hashiyat al-Dusuqi 'Ala al-Sharh al-Kabir*, Dar al-Fikr – Beirut, No Edition, No Date, Vol. 2, p. 524, and thereafter.

Al-Saawi, Abu al-Abbas Ahmad bin Muhammad al-Khulwati, *Bulagh al-Salik Li-Aqrab al-Masalik* (commonly known as Hashiyat al-Saawi 'Ala al-Sharh al-Saghir), Dar al-Ma'arif, No Edition, No Date, Vol. 2, p. 753.

²⁷ Al-Ramli, *Nihayat al-Muhtaj*, Op. Cit., Vol. 7, p. 218, and al-Haytami, Hamad bin Muhammad bin Ali bin Hajar, *Tuhfat al-Muhtaj Fi Sharh al-Minhaj*, Dar Ihya al-Turath al-Arabi – Beirut, No Edition, No Date, Vol. 8, p. 345.

²⁸ Al-Bahuti, Mansour bin Yunus bin Idris, *Kashaf al-Qina' 'Ala Matn al-Iqna'*, Dar al-Kutub al-Ilmiyyah, No Edition, No Date, Vol. 5, p. 481, and al-Fawzan, Saleh bin Fawzan bin Abdullah, *Al-Mukhtasar al-Fiqhi*, Dar al-Asimah, Riyadh, Kingdom of Saudi Arabia, 1st Edition, 1423 AH, Vol. 2, p. 455.

²⁹ Al-Zaylai, Uthman bin Fakhru al-Din, *Taybin al-Haqaiq Sharh Kanz al-Daqaiq*, Al-Matba'a al-Kubra al-Amiriyah, Bulak, Cairo, 1st Edition, 1021 AH, Vol. 3, p. 70.

"And upon the father is their food and clothing in a reasonable manner." (Al-Baqarah 233)

Explanation of the evidence: This verse clearly indicates that the maintenance of children is an obligation upon their father.

2. **The saying of Allah Almighty**

"And do not kill your children for fear of poverty. We provide for them and for you." (Al-Isra 31)

Explanation of the evidence: This verse forbids parents from killing their children due to fear of poverty, indicating that the father's obligation to provide for his children is assured by Allah.³⁰

3. **The saying of the Prophet (PBUH)**

"Take what is sufficient for you and your child in a reasonable manner."³¹

Explanation of the evidence: The Prophet (PBUH) allowed a woman to take from her husband's wealth, without his permission, what would suffice for her and her children, demonstrating the obligation of maintenance by the father.

4. **The saying of the Prophet (PBUH)**

"The best dinar a man spends is the one he spends on his dependents..."³²

Explanation of the evidence: The Prophet (PBUH) emphasized that the best form of expenditure is that which goes toward the care of one's family, indicating the importance and reward of providing for one's children.

5. **The saying of the Prophet (PBUH)**

"It is enough for a man to be sinful if he neglects those whom he is responsible for providing for."

³³(Narrated in different variations)³⁴

Explanation of the evidence

This hadith emphasizes that failing to provide maintenance for one's children leads to significant harm and sin. It serves as proof that a person is obligated to support those whom they are responsible for, namely their family and children, reinforcing the necessity of maintaining them and upholding family duties in Islam.³⁵

Two: The Obligation of Maintenance between Ascendants and Descendants in Islamic Jurisprudence Second: The Grandfather's Duty to Provide for His Grandchildren

³⁰ Al-Nawawi, Abu Zakariyya Muhy al-Din Yahya bin Sharaf, *Al-Majmu' Sharh al-Muhadhdhab*, Dar al-Fikr – Beirut, No Edition, No Date, Vol. 18, p. 294.

³¹ Al-Bukhari, Muhammad ibn Isma'il. (2001). *Al-Jami' al-Musnad al-Sahih* (M. Z. N. al-Nasir, Ed.; 1st ed., Vol. 7, p. 65, Hadith No. 5364). Book of Maintenance: Chapter on When a Man Does Not Spend, a Woman May Take What Is Sufficient for Her and Her Children Without His Knowledge. Dar Tawq al-Najah.

³² Muslim ibn al-Hajjaj al-Naysaburi. (n.d.). *Al-Jami' al-Sahih* (H. M. F. 'Abd al-Baqi, Ed.; Vol. 2, p. 691, Hadith No. 994). Book of Zakat: Chapter on the Virtue of Spending on One's Family. Dar Ihya' al-Turath al-'Arabi – Beirut.

³³ Ahmad ibn Hanbal. (2001). *Musnad al-Imam Ahmad ibn Hanbal* (Vol. 11, p. 36, Hadith No. 4695) (Shu'ayb al-Arna'ut, Ed.; 'Abd Allah al-Turki, Superv.). Mu'assasat al-Risalah. [Shu'ayb al-Arna'ut: "Sahih li-ghayrih"].

³⁴ Al-Nasa'i, Abu Bakr 'Abd Allah ibn al-Zubayr al-Humaydi. (1990). *Al-Sunan al-Kubra* (H. 'Abd al-Mun'im Shalabi, Ed.; Vol. 8, p. 268, Hadith No. 9131). Mu'assasat al-Risalah – Beirut.

Al-Hakim, Abu 'Abd Allah al-Naysaburi. (1990). *Al-Mustadrak 'ala al-Sahihayn* (M. 'Abd al-Qadir 'Ata, Ed.; Vol. 4, p. 54, Hadith No. 8526). Dar al-Kutub al-'Ilmiyyah – Beirut. [Al-Dhahabi: "Sahih 'ala shart al-Bukhari wa Muslim"].

³⁵ Al-San'ani, Muhammad ibn Isma'il ibn Salah. (n.d.). *Subul al-Islam* (Vol. 2, p. 323). Dar al-Hadith.

Case Description

This issue arises when a man passes away and leaves behind minor children without a financial estate from which their maintenance can be drawn. The question is: Is the grandfather—if still alive—obligated to support them?

1: Juristic Opinions on the Matter

The scholars of Islamic jurisprudence have differed on this issue and adopted two main positions:

- **First Opinion:** The grandfather is obligated to financially support his grandchildren. This is the view held by the majority, including the **Ḥanafīs**, **Shāfi‘īs**, and **Ḥanbalīs**.
- **Second Opinion:** The grandfather is not obligated to support his grandchildren. This is the view adopted by the **Mālikīs**.³⁶

Second Branch: Juristic Evidence on the Matter

2: Evidence for the First Group (those who obligate ascendants to support descendants)

1. General Language of "Children":

The term *awlād* (children) in Arabic encompasses both sons and grandsons. A grandson is linguistically and legally considered a *walad* (child), which makes the Quranic and Prophetic injunctions regarding children applicable to him as well. This includes the verse:

“Allah commands you regarding your children: for the male, a share equal to that of two females.”

(Surat al-Nisā’: 11)

2. Hadith of Hind bint ‘Utba (may Allah be pleased with her):

The Prophet ﷺ said to her:

“Take what is sufficient for you and your child, according to what is reasonable.”³⁷

This hadith has been interpreted to include grandchildren within the term “child,” indicating that the financial responsibility could extend to them—particularly when the father is deceased and the grandfather is present.

Second: Evidence for the Second Group (those who do *not* obligate ascendants to support descendants)

While no direct textual proofs from the Mālikī school were found in the sources consulted, their view can be inferred from the following verse:

“And upon the father is the mothers’ provision and clothing, according to what is acceptable.”
(Surat al-Baqarah: 233)

Interpretation

They argue that this verse confines the duty of maintenance strictly to the biological father (*walad ṣulb*), not extending it to other ascendants like the grandfather. Hence, the obligation does not transfer to the grandfather in the father’s absence.

Counterargument

However, it is also valid to argue that the term “*al-mawlūd lahu*” (the one to whom the child is born) may include the grandfather by extension, especially since in Arabic usage, “children” includes sons and their descendants. Thus, the obligation may logically be understood to apply to the grandfather in the absence of the father.

³⁶ Al-Dusuqi, Muhammad ibn ‘Arafa. (n.d.). *Hashiyat al-Dusuqi ‘ala al-Sharh al-Kabir* (Vol. 10, p. 370). Dar al-Fikr.

³⁷ Previously cited.

3: Preferred Opinion (Tarjīh)

After reviewing the scholarly opinions and supporting evidences, it appears—and *Allah knows best*—that the stronger opinion is that of the majority, which affirms the obligation of the grandfather to support his grandchildren. This view is supported by stronger textual evidence and aligns with the objectives of Islamic law in ensuring welfare and preventing harm. Imposing financial responsibility on a well-off grandfather fulfills both a legal duty and a moral imperative, safeguarding the needs of dependent children in the absence of their father.

Third: The Duty of Descendants to Provide for Ascendants (i.e., the Child’s Obligation toward the Father and Grandfather)

1: Juristic Opinions

The majority of scholars—including those from the Ḥanafī,³⁸ Mālikī³⁹, Shāfi‘ī⁴⁰, and Ḥanbalī⁴¹ schools—agree that it is obligatory for a financially capable son to support his poor father. Some jurists extended this obligation to include all ascendants: the paternal grandfather and grandmother, as well as the maternal grandmother and great-grandparents on both sides.⁴²

Second Branch: Juristic Evidences

Islamic scholars based this ruling on various texts:

1. Qur’anic Evidence – Surah al-Isrā’, 17:23:

“And your Lord has decreed that you worship none but Him and be kind to parents...”

Implication: Financial support is one of the most essential forms of kindness (*ihsān*), particularly when it ensures parents live with dignity in food, clothing, and housing.

2. Qur’anic Evidence – Surah al-Baqarah, 2:215:

“They ask you what they should spend. Say: Whatever good you spend is [for] parents and relatives...”

Implication: This verse prioritizes spending on parents among the most virtuous forms of charity.

3. Prophetic Hadith:

³⁸ See: Al-Marghinani, ‘Ali ibn Abi Bakr ibn ‘Abd al-Jalil al-Farghani, Abu al-Hasan Burhan al-Din (d. 593 AH). *Al-Hidayah fi Sharh Bidayat al-Muhtadi*, edited by Talal Yusuf, Dar Ihya’ al-Turath al-‘Arabi – Beirut, Vol. 2, p. 292.

³⁹ See: Al-Dusuqi, Muhammad ibn ‘Arafa. *Hashiyat al-Dusuqi ‘ala al-Sharh al-Kabir*, Dar al-Fikr – Beirut, n.d., Vol. 2, p. 524ff; and Al-Sawi, Abu al-‘Abbas Ahmad ibn Muhammad al-Khalwati. *Bulghat al-Salik li-Aqrab al-Masalik*, also known as *Hashiyat al-Sawi ‘ala al-Sharh al-Saghir*, Dar al-Ma‘arif, n.d., Vol. 2, p. 753.

⁴⁰ See: Al-Ramli, *Nihayat al-Muhtaj*, previously cited, Vol. 7, p. 218; and Al-Haytami, Hamd ibn Muhammad ibn ‘Ali ibn Hajar. *Tuhfat al-Muhtaj fi Sharh al-Minhaj*, Dar Ihya’ al-Turath al-‘Arabi – Beirut, n.d., printed 1357 AH, Vol. 8, p. 345.

⁴¹ See: Al-Buhuti, Mansur ibn Yunus ibn Idris. *Kashshaf al-Qina’ ‘ala Matn al-Iqna’*, Dar al-Kutub al-‘Ilmiyyah, n.d., Vol. 5, p. 481; and Al-Fawzan, Salih ibn Fawzan ibn ‘Abdullah. *Al-Mulakhkhas al-Fiqhi*, Dar al-‘Asimah – Riyadh, Kingdom of Saudi Arabia, 1st ed., 1423 AH, Vol. 2, p. 455.

⁴² See: Al-Babarti, *Al-Inayah Sharh al-Hidayah*, previously cited, Vol. 4, p. 410; and Al-‘Ayni, Abu Muhammad Mahmud ibn Ahmad ibn Musa ibn Ahmad. *Al-Binayah Sharh al-Hidayah*, Dar al-Kutub al-‘Ilmiyyah – Beirut, Lebanon, 1st ed., 1420 AH, Vol. 5, p. 699.

“You and your wealth belong to your father.”⁴³

Implication: This hadith illustrates the father’s right to his son's wealth, thereby implying an obligation to support him from it.

It is worth noting that the grandfather is included in the broad designation of “father” (*ab*) in Arabic usage. Thus, in the absence of the father or in cases of need, the obligation to support the grandfather is similarly established. Given the common incapacity of elderly grandparents to earn a livelihood, this duty becomes even more emphasized. This obligation promotes family solidarity, compassion, and mutual responsibility—key values deeply rooted in Islamic teachings.

Chapter Two: Applications of Maṣlaḥah Mursalah (Unrestricted Public Interest) in the Domain of Obligatory Maintenance between Ascendants and Descendants

Based on the Jordanian Personal Status Law and the Agreements of the Offices of Family Reconciliation and Mediation

The Jordanian Personal Status Law has mandated that descendants (children and grandchildren) financially support their ascendants (fathers and grandfathers). Article (187) states:

“If a child has no wealth, his maintenance shall be borne solely by his father, and no one else shall share in it unless the father is poor and incapable of providing support due to a physical or mental impairment.” Furthermore, Article (189) stipulates:

“The father's financial capacity, whether affluent or in hardship, shall be taken into account when estimating the maintenance of his children, provided it is not below the level of sufficiency.” These provisions are in alignment with juristic consensus on the obligation of mutual financial support between ascendants and descendants.

The agreements issued by the Offices of Family Reconciliation and Mediation also support these provisions. Below, we present a selection of legal texts and models from these agreements related to obligatory maintenance. These will be cited with neither exhaustive detail nor undue brevity. A collection of these agreements is appended at the end of the study to demonstrate how they serve to fulfill public interest and prevent harm—as will be clarified.

Second: Obligatory Maintenance for Ascendants (Father and Grandfather) by Affluent Descendants

1: Relevant Articles of the Jordanian Personal Status Law Concerning Ascendants

In the amended Jordanian Personal Status Law of 2019 (currently in force), Article (197) states the following:⁴⁴

- **a.** It is obligatory for a financially capable child—male or female, young or old—to provide maintenance to their poor parents, even if the parents are physically able to earn a living.
- **b.** If the child is poor but capable of working, he or she is still required to support the poor parents. However, if the child’s earnings suffice only for their own needs and those of their spouse and children, they are required to accommodate and feed the parents as part of their household.

2: Examples of Agreements from the Offices of Family Reconciliation and Mediation Related to the Maintenance of Ascendants

1. Maintenance of a Father (by mutual consent):

⁴³ Ibn Majah, Abu ‘Abd Allah Muhammad ibn Yazid. *Sunan Ibn Majah*, edited by Muhammad Fu’ad ‘Abd al-Baqi, Dar Ihya’ al-Kutub al-‘Arabiyyah, Vol. 2, p. 769, Hadith No. 221.

Al-Albani authenticated the narration; see: Muhammad Nasir al-Din al-Albani, *Sahih al-Jami’ al-Saghir wa Ziyadatuh*, Al-Maktab al-Islami, Vol. 1, p. 311, where he stated: “Sahih Hadith” (Authentic Hadith).

⁴⁴ *Jordanian Personal Status Law No. (15) as Amended in 2019*.

In a case dated 24/6/2019, referred to the Family Reconciliation Office by the Sharia Court regarding a father's maintenance, both parties—the father (first party) and the son (second party)—were present. Upon proper identification and acknowledgment of their familial relationship and the maintenance suit initiated by the father, an agreement was reached. The son committed to providing his father with monthly maintenance of 40 Jordanian Dinars starting from the date of the lawsuit.

This agreement was documented and registered as an enforceable legal contract binding upon both parties.

2. Maintenance of a Father (by mutual consent):

In an agreement dated 28/9/2021, referred by the Sharia Court to the Family Reconciliation Office, both the father and son appeared and affirmed the legitimacy of their relationship and the pending maintenance case. After efforts toward reconciliation, they agreed that the son would pay his father 35 Jordanian Dinars monthly, according to his financial means, starting from the date the lawsuit was filed.

This agreement was recorded and legally certified as binding.

3. Maintenance of a Mother (by mutual consent)

In a case dated 28/9/2021, a mother and her son appeared before the Family Reconciliation Office after the court had referred the maintenance case. They affirmed their relationship and the ongoing litigation. Following mediation efforts, they agreed that the son would provide his mother with monthly support of 20 Jordanian Dinars, beginning from the date the case was initiated.

This settlement was likewise documented and registered as an enforceable agreement.

3: Application of *Maṣlaḥah Mursalah* in the Jordanian Personal Status Law and Family Mediation Agreements Related to Maintenance Obligations

Upon examining the provisions of the Jordanian Personal Status Law, it becomes evident that the legislator considered the condition of an elderly father who may become incapable of earning a living or meeting his daily needs—such as food, clothing, and healthcare. In such cases, the law obliges the children to bear the cost of their father's living expenses according to their financial capacity. To serve both the interest of the father and the children, maintenance can be proportionally distributed among the children, in accordance with the legal texts and court rulings, in a manner that ensures the realization of benefits and avoidance of harm for all parties involved. This is a prime example of the application of *maṣlaḥah mursalah* (unrestricted public interest).

Similarly, a careful reading of the agreements issued by the Family Reconciliation Offices reveals a recurring theme: these settlements serve the best interests of elderly parents who are financially incapable or whose income is insufficient. In such cases, affluent and employable children are required to provide support. These rulings embody the principle of *maṣlaḥah mursalah*, aiming to preserve a dignified standard of living for elderly parents who are no longer able to earn or sustain themselves.

Chapter Two: The Legal Duty of Descendants (Children and Grandchildren) to Support Their Ascendants (Father and Grandfather)

First: Provisions of the Jordanian Personal Status Law Regarding Child Support

1: Legal Texts Pertaining to Child Support

The Amended Jordanian Personal Status Law of 2019, currently in force, affirms in Article (197) that:⁴⁵

The law imposes upon the ascendants (father and grandfather) a mandatory financial obligation to support their descendants (children and grandchildren). This is clearly stated in Article (187), which reads:

"If the child has no wealth, the responsibility for their support lies solely with the father, unless he is poor and incapable of providing for the child due to a physical or mental disability."

⁴⁵ Jordanian Personal Status Law No. (15) as Amended in 2019.

Article (188) states:

"If the father is absent and child support cannot be obtained from him, or if the father is poor but capable of earning, yet his income is insufficient for both his own needs and his child's, or if he is unable to find work, then the responsibility for child support is transferred to whoever is legally obligated to support the child in the father's absence. Such support shall be considered a debt upon the father and recoverable once he is present or becomes solvent."

Article (189) stipulates:

"In determining the amount of child support, the financial status of the father—whether wealthy or poor—shall be taken into consideration, provided that the amount does not fall below the level of sufficiency."

Article (190) reads:

"A financially capable father is obliged to bear the educational expenses of his children at all levels, including the preparatory year before Grade One, up to and including the first university degree, provided the child is academically qualified."

Article (192) states:

"The father is obligated to cover the medical expenses of the children he is legally required to support."

Article (193) affirms:

"If the father is insolvent and unable to cover medical or educational expenses, and the mother is financially capable, then she is obligated to do so. However, such payments will be treated as a debt upon the father and are recoverable when he becomes financially able. This also applies if the father is absent and it is impossible to collect support from him."

Article (195) stipulates:

"Support for a financially dependent daughter shall continue until she is married, while support for a son continues until he reaches the point where his peers are able to earn a living."

Second: Sample Agreements from Family Reconciliation and Mediation Offices

The family reconciliation and mediation offices affiliated with the Jordanian Sharia courts have documented agreements that confirm the legal provisions above. The following examples illustrate this:

1. Child and Adult Support (Mutual Reconciliation Agreement)

In a case dated 19/6/2019, referred to the Family Reconciliation Office by the Sharia Court concerning child and adult support, the parties were:

- Party One: the wife (mother),
- Party Two: the daughter,
- Party Three: the husband (father).

After verifying the legitimacy of their marriage and the paternity of the child (A), who was under the custody of the mother, the parties reached an agreement:

- The father (Party Three) shall pay child support for (A) in the amount of 50 JOD monthly to the mother starting from the date the case was filed.
- The father shall also pay adult support for his daughter (Party Two) in the amount of 50 JOD monthly, starting from the same date.

This agreement was registered and declared an enforceable legal document binding on both parties.

2. Educational Support for a daughter (Mutual Reconciliation Agreement) On 31/1/2022, in a session between:

- Party One: the daughter,
- Party Two: the father,

After efforts to mediate reconciliation, both parties agreed as follows:

- The father is to pay 110 JOD monthly in educational expenses to his daughter (Party One), effective from 13/1/2022, throughout the academic year, in accordance with his financial capacity.

This agreement was documented and considered an enforceable legal obligation.

3. Child Support for Multiple Children (Mutual Reconciliation Agreement)

In a case dated 14/4/2022, regarding support for multiple children, the wife (mother) appeared as Party One and the husband (father) as Party Two. After confirming their marital relationship and the legitimacy of their children—Mu'tasim (16), Muhammad (12), Shahd (11), Haytham (7), and Muḥyiddīn (4), all under the mother's custody—they agreed as follows:

- The father shall pay 40 JOD monthly per child, in accordance with his financial situation, to the mother, effective from the date of filing the case.

This agreement was also recorded and deemed a binding and enforceable legal document.

3: Employing the Principle of Maslahah (Public Interest) in the Jordanian Personal Status Law and in Family Reconciliation and Mediation Agreements Pertaining to the Obligatory Financial Support from Descendants to Ascendants

Upon close examination of the provisions of the Jordanian Personal Status Law, one finds that its articles implicitly and explicitly reflect the application of the principle of *maslahah* (public interest). In fact, the majority of the law's provisions neither contradict *maslahah* in form nor in substance. This alignment stems from the fact that the foundations of this law are based on Islamic legal rulings derived from the Qur'an, Sunnah, scholarly consensus (*ijmā'*), analogical reasoning (*qiyās*), and supplementary legal evidences, as well as the general principles of Islamic jurisprudence.

A deeper analysis reveals that nearly every article within the Jordanian Personal Status Law contains some form of public interest—beginning with the documentation of marriage contracts and the detailed procedures associated with their execution, passing through the provisions safeguarding mutual rights and obligations which serve the interests of both parties, and extending to the articles regulating divorce procedures and the related rights of men and women, including matters of dowries, financial support, and children's rights in custody, visitation, guardianship, and inheritance.

All these provisions embody the objective of ensuring rightful claims are honored, and justice is realized among all parties. Judicial processes, in general, are aimed at settling disputes and resolving conflicts in a manner that preserves public interest and ensures the fair distribution of rights once they are identified.⁴⁶

Conclusion: Findings and Recommendations

First: Key Findings

1. The concept of *masālih mursalah* (unrestricted public interests) is characterized by a precise definition, specific conditions, and strict regulatory criteria.
2. The principle of *maslahah mursalah* is among the most significant evidentiary tools used in deriving legal rulings, especially in novel issues where no explicit text or clear precedent exists.

⁴⁶ Yasin, Muhammad Naim. *The Authority of Judicial Rulings Between Islamic Sharia and Positive Laws*. Dar Al-Furqan Publishing, Amman, Jordan, 1st ed., p. 7.

3. Both Islamic law and contemporary civil legislation affirm the reciprocal obligation of financial support—whereby descendants must support their ascendants and vice versa. This was clearly demonstrated throughout the study.
4. The study showed that the provisions of the Jordanian Personal Status Law, as well as rulings issued by the Jordanian Sharia courts, have taken into serious consideration the higher objectives of Islamic law—particularly in terms of securing benefits and preventing harm, especially in matters related to financial obligations between ascendants and descendants.

Second: Recommendations

1. It is essential to rely on the principle of *maslahah mursalah* when enacting legislation in general, and in particular when drafting laws related to the family and personal status.
2. Judges must adhere to the principle of *maslahah mursalah* and incorporate it into their decision-making processes, especially when issuing rulings related to financial obligations in agreements originating from family reconciliation and mediation offices.
3. The Jordanian legislator is urged to incorporate the principle of *maslahah mursalah* when drafting and updating provisions of the Personal Status Law, aiming to fulfill a core objective of Islamic law: securing public interest and preventing harm.

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