

THE RIGHTS OF A WOMAN WHO DESIRES A DIVORCE

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
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AUTHOR DECLARATION

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

I hereby declare that the work in this academic project is my own except for quotations and summaries which have been duly acknowledged.

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Alhamdulillah, all commendation to Allah (S.W.T) and his messenger Muhammad (S.A.W), greeting to Ummu Al-Mukminin, The Sahabat, Tabiin, Tabi' Al-Tabiin and then to all Muslims.

I am grateful to Allah SWT and His Messenger Muhammad SAW who endowed me with mental resources and sound wealth to complete this academic project research study.

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ABSTRACT

The issue of divorce among the spouse husband and wife has become a very serious problem. Nowadays the divorce cases have seen increased. It happens to the Muslim and non-Muslim couples. Mostly the divorce cases involve most of the young couples and a few of divorce cases involve the old couples. Therefore, the aim of this research paper is to attempt to identify and elaborate the rights of women to get their rights when the divorce takes place. Furthermore, it becomes clear that the Islamic family law emphasizes the advice contained in the original and authentic sources of Islam, al-Quran and Hadith. This research is to identify laws and the divorce procedure that give the protection to the woman as their rights. In obtaining the information, the writer used many method including library method research, observations, descriptions and the others. The result of this research shows that all the parties are responsible to make sure the family attain peace and happiness. Both partners should be prepared to make the marriage to succeed, and not regard divorce as a quickest way out.

ABSTRAK

Isu perceraian di kalangan pasangan suami isteri adalah amat serius diperkatakan kini. Kes-kes perceraian pada masa sekarang dilihat semakin meningkat. Ia bukan sahaja berlaku di kalangan pasangan orang Islam bahkan juga melibatkan pasangan dari bukan Islam. Oleh itu kajian ini memberi penekanan terhadap hak-hak wanita di dalam mendapatkan hak mereka apabila berlaku perceraian. Kajian ini bertujuan untuk mengenal pasti dan mengkaji Enakmen Keluarga Islam dan prosedur perceraian yang memberi perlindungan kepada wanita untuk mendapatkan hak mereka. Di samping itu kajian ini di kukuhkan dengan pensyariaan Syariah yang telah ditetapkan oleh Al-Quran dan Sunnah, yang patut dipatuhi oleh mereka yang beragama Islam. Dalam mendapatkan maklumat, penulis telah menggunakan pelbagai kaedah pencarian maklumat iaitu melalui kajian di perpustakaan, huraian, pemerhatian dan sebagainya. Hasil daripada kajian ini dapat lah dibuat kesimpulan bahawa semua pihak bertanggungjawab di dalam memastikan keharmonian rumah tangga supaya tiada pihak yang menderita terutamanya keluarga dan anak-anak. Semua pihak haruslah membuat persiapan yang teliti bagi menjayakan sesebuah keluarga, dan tidak membiarkan perceraian sebagai jalan keluar yang mudah dalam penyelesaian masalah.

ملخص البحث

أن الطلاق من أيقض ما أصل الله سبحانه وتعالى. وللطلاق في الزواج مصلحة وحفدة ولكن حفدة أكثر من مصلحة لدى مجتمع. والطلاق قد وقع كثير عند المجتمع عامة. سواء كان لدى المسلمين أو غير المسلمين المسمربة الفراق. وبذلك فقد تعمدت الكاتبة للبحث عن هذه المسألة وما يتضمن إليها من حقوق امرأة بعد الطلاق. ومن أجل ذلك أن هذا البحث يهدف إلى بيان انفصال الأسرة الإسلامية والأمور التي تساعد المرأة لحصول حقوقهن بعد وقوع الطلاق. هذا البحث يستند بالأحكام الشرعية التي شرعها الله في القرآن وبينها الرسول صلى الله عليه وسلم في الأحاديث المطهرة التي يتبغى على كل مسلم الاتباع بها. وقد نهجت الكاتبة لهذا البحث المتجمع المكتبي الذي يقوم بقراءة الكتب وجمع معلوماتها من مصادرها الأصلية. فوجدت الكاتبة نتيجة هذا البحث أن كل شخص ذا أسرة عليه أن يتحمل مسؤوليات وواجبات تجاه أسرته للحصول على الأسرة السعيدة وكذلك لا ينبغي أن يتخذ صاحب الأسرة الطلاق كتحويل المسائل والمشكلات.

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TRANSLITERATION

1. ALPHABET

<u>Arabic</u>	<u>Latin</u>	<u>Example</u>	<u>Transliteration</u>
أ	,	فأر	fa'r
ب	b	برد	burd
ت	t	ترك	tarika
ث	th	ثواب	thawab
ج	j	جزم	jazima
ح	h	حرب	haraba
خ	kh	خادم	khadim
د	d	درس	darasa
ذ	dh	ذهب	dhahab
ر	r	رفيق	rafiq
ز	z	زميل	zamil
س	s	سلام	sala m
ش	sh	شعب	sha ^c b
ص	s	صرح	soroha
ض	d	ضحك	dhahaka
ط	t	طالب	talib
ظ	z	ظالم	zalim
ع	c	علم	^c aqal
غ	gh	غلام	ghulam
ف	f	فيل	fil
ق	q	قلب	qalb
ك	k	كلام	kalam
ل	l	لبس	labisa
م	m	مال	māl
ن	n	نجم	najm
هـ	h	هول	hawl
و	w	ورق	waraq
ي	y	يم	yamm

2. Short Vowel

Arabic	Latin	Example	Transliteration
_____	a	كتب	Kataba
_____	i	علم	^c ālima
_____	u	غلب	ghuliba

3. Long Vowel

Arabic	Latin	Example	Transliteration
ى، ا	ā	عالم، فتى	ālim, fatā
ي	ī	عليم، داعى	ālīm, dā ī
و	ū	علوم، أدعو	ulūm, Ad ū

4. Diphthong

Arabic	Latin	Example	Transliteration
و	aw	نوم	nawm
ي	ay	ليل	Layl
ى	iyy	شافعى	Shafī ^c iyy (ending)
و	uww	علو	Uluww (ending)

5. Exemptions

1. Arabic letter ء (hamzah) found at the beginning of a word is transliteration to the letter “a” and not to’.

Example : أكبر translated to: akbar (not’ akbar).

2. Arabic letter ة (ta’ marbutah) found in a word without ال (al) which is coupled with another word that contains ال (al) at the beginning of it is transliterated to the letter ‘t’.

Example : مكتبة الإمام translated to: maktabat al-imām

However if the Arabic letter ة (ta’ marbutah) found in a word with ال (al), in a single word or in the last word in a sentence, it is translated to the letter ‘h’.

Example : مكتبة الأهلي translated to: al-maktabahal-ahliyyah
قلعة qal^cah
دار وهبة dār wahbah

ABBREVIATIONS

As	°alayh al-salām
Abd.	Abdul
Art	Article
B	Bin
Def.	Definition
Dr.	Doctor
ed.	Editor/edition/edited by
H	hijriyyah
Ibid	Ibiddiem
JH	Journal Hukum
K.U.I.M.	Kolej Universiti Islam Malaysia
M	miladiyyah
Mohd.	Mohammad
No.	Number
n.a	No Author
n.d	no date/no year
n.pb	No Publisher
p.	Page
pp.	pages
R.A	Radiya Allah Anhu
S.A.W.	Sollallahu Alaihi Wasallam
S.W.T.	Subhanahuwa Taala
S.	Section
Trans.	Translator/ translated by
Vol.	Volume
&	And\ Dan

CHAPTER ONE

INTRODUCTION

1.1 An Introduction Of The Research

Nowadays the divorce in Malaysia is very a serious problem. We can see the application to get a divorce was increased day by day in the Syariah Court in Malaysia. This phenomenon becomes more serious in our society today especially to Muslim couple. It not just happened only to the Muslim couple but to the non-Muslim couple as well. Mostly the divorce case involved most of the young couples and a few of the old couples. Moreover, it seems illogical for the old couple that desires a divorce after having for a married long period. Subsequently, it will cause the separation and sometimes a quarrel between the couple to get their own rights especially the right to get back matrimonial properties, maintenance and guardian on their children and other claims. However this project paper attempts to reveal and focus briefly on the right of women in general. It is including the definition of divorce under Islamic and civil based on Quran, authentic Hadith and Prophets Sunnah.

This paper project also will analyze the responsibilities, the rights, the position and the role of women in Islamic perspective. After that the writer will underline and explore what kind of the role of woman in society from Islamic perspective. Besides, this project paper also will be mentioned the role or responsibilities of a woman in general. Then this paper also attempts to search what kind of reference section apply under family law enactment that gave a chance to the women to gather their rights after the divorce. Furthermore, to highlight extent of the right of a woman after divorce. And also to know how far the right of women is seriously examined in Syariah Islamic Family Law to defend a woman rights. Moreover, to know the Islamic views and Islamic system of the duration waiting Iddah period. Therefore to

understand the system, it is necessary to realize the complementary nature of its religious, moral, and legal elements.

Before the advent of Islam women were often treated worse than animal. The prophet S.A.W. was most emphatic in enjoining upon Muslims to be kind to their women and to be respectful and kind towards women. In Islam there is absolutely no difference between men and women as far as their relationship to Allah is concerned, as both are promised the same reward for good conduct and the same punishment for evil conduct.

وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ وَاللَّهُ عَزِيزٌ حَكِيمٌ

Interpretation:

'And women shall have rights similar to the rights against them, according to what is equitable, but men have a degree (of advantage) over them. And Allah god is exalted in power, wise.' (AL-Quran Al-Baqarah 2; 228)¹

Women are also Allah's vicegerents like men who have been entrusted by Allah to safeguard and manage themselves, their family, society, and the environment. Although they need to share life together, complete and completed between them, also helping between each other's together and peace.

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَاللَّاتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

Interpretation:

'Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means. Therefore the righteous women are devoutly obedient, and guard in (in husband's)

¹ All quranic translations in this writing are based on Abdullah Yusuf Ali. 1994. *The Holy Quran, Text And Translation*. Islamic Book Trust Kuala Lumpur .

absence what Allah would have them guard. As to those women on whose part ye fear disloyalty and ill-conduct, admonish them (first), (next), refuse to share their beds, (and last) beat hem (lightly) but if they return to obedience seek not against them means (of annoyance). For Allah is most high, great (above you all)'. (AL- Quran. An-Nisa 4;34) ²

1.2 Definition

The meanings of the divorce or *Talaq* acquire from the dictionary and based on the holy Quran and authentic Hadith ;

- a) Divorce is the legal ending of a marriage, ask or sue for a divorce, get or obtain a divorce, grounds (legal reasons) for divorce, start divorce proceeding, divorce is on the increase. Divorce is the ending of a connection, a separation, the divorce between religion and science.³
- b) Divorce is she sued her husband for a divorce on the grounds of adultery; the divorce between religion and science; He divorced his wife when he discovered that she was unfaithful, the soul is divorce from the body after death.⁴
- c) Divorce is describe by the prophet, peace and blessing be upon him, as a thing most hated by God. The Prophet S.A.W. also said; 'a woman who asks divorce without legitimate grounds will never taste, the smell of paradise.'⁵
- d) *Talaq* is a right available mainly to the husband, but not to the wife. Even though Islam allows divorce⁶

² Abdullah Yusuf Ali. 1994. *The Holy Quran, Text And Translation*. Islamic Book Trust Kuala Lumpur.

³ Jonathan Crowther, 1995, *Oxford advanced learner's dictionary*, Oxford university press, oxford New York.p.340.

⁴ Dewan Bahasa dan Pustaka, 1997, *Kamus Dwibahasa (Bahasa Inggeris-Bahasa Malaysia)*, Dewan Bahasa dan Pustaka kuala Lumpur, p.390.

⁵ Abdul bin Abdul Rauf, 1998, *Marriage in Islam*, Pustaka Antara, 1989. p.67

⁶ Abdul Rahman I.DoI A.s Noordeen, 1990, *Women in the Shari 'ah (Islamic law)*. p. 84

- e) *Fasakh* means the annulment of a marriage by reason of any circumstances permitted by Islamic law in accordance with section 52.⁷
- f) *Fasakh* divorce cases consist of appeals by married women for the court to nullify their marriages. Such appeals, however, are few in number. The main reason cited in this type of cases is impotency on the part of the man, which, according to Islamic law, is a valid ground for divorce.
- g) *Taklid* divorce, forming the bulk of the case load of the Syariah Courts studied are appeals for divorce by married women on the ground that their husbands have violated the agreement (*taklik*) to provide them with maintenance. Normally an appeal for this type of divorce is part of a long-drawn conflict between spouses, which may or may not be rooted in economic hardship faced by the couples concerned. All these cases are filed by aggrieved wives who see divorce as a way of ending marital disputes. On record these women usually claim that their husbands have not only deserted them but have also failed to send them money or any kind of support for more than a year. However, off record there are many different reasons that lead women to appeal for *taklik* divorce. They include polygyny, in-law intervention, economic hardship, extra-marital affairs and physical abuse.⁸
- h) *Khuluk* divorce or *cerai tebus talaq* is where a wife requests for a divorce from her husband by offering him money or gifts. The wife may request for the divorce where she is unable for various reasons to live with him, such as when she no longer loves her husband, she no longer wishes to continue conjugal relations with him, or she is unable to tolerate or accept further his negative behavior. Her husband may not have overt fault at all. The amount of money or value or gifts offered is not fixed, but dependent on the husband approval. He gifts may include a house, a car, an orchard, a piece of land or even the return of the *mas kahwin* or *mahr*. Sometimes the husband may not even ask for anything in return for the divorce. He waives his right of compensation and

⁷ Islamic Family Law (Federal Territories) Act 1984 (Act 303), 2002, international book service. p.8

⁸ Syarifah Zaleha Syed Hassan 7 Sven Cedorroth ,1997, *Managing marital disputes in Malaysia*, British library cataloguing in publication data, p. 76-77

simply agrees to divorce his wife in compliance with her wishes.⁹ According to the Quran;

وَلَا يَحِلُّ لَكُمْ أَنْ تَأْخُذُوا مِمَّا آتَيْتُمُوهُنَّ شَيْئًا إِلَّا أَنْ يَخَافَا أَلَّا يُقِيمَا حُدُودَ اللَّهِ فَإِنْ خِفْتُمْ أَلَّا يُقِيمَا حُدُودَ اللَّهِ فَلَا جُنَاحَ عَلَيْهِمَا فِيمَا افْتَدَتْ بِهِ تِلْكَ حُدُودُ اللَّهِ فَلَا تَعْتَدُوهَا وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَأُولَئِكَ هُمُ الظَّالِمُونَ

Interpretation:

“It is not lawful for you (men), to take any of your gifts (from your wives) except when both parties fear that they would be unable to keep the limits ordained by Allah. If ye (judges) do indeed fear that they would be unable to keep the limits ordained by Allah, there is not blame on either of them if she give something for her freedom. These are the limits ordained by Allah so do not transgress them if any do transgress the limits ordained by Allah, so do not transgress them if any do transgress the limits ordained by Allah, such persons wrong.(Al-Quran Al-Baqarah 2;229)¹⁰

- i) *Lian* refers to divorce by mutual imprecation. When a man accuses his wife of adultery, but has not witness other than himself, he must testify by god four times that he is truthful, and a fifth time that the curse of god shall be upon him, if he lied. To avoid chastisement, the wife would also testify by god four times that she has lied, and a fifth time that the wrath of god should be upon her, if he had been truthful. The marriage then becomes dissolved and absolutely irrevocable because the parties could not be expected to live peacefully together after having gone through such extreme actions.¹¹

1.3 The Women's Rights

⁹ Mimi Kamariah Majid, 1999, *Family Law In Malaysia*, Malayan Law Journal Snd. Bhd. p. 133-134.

¹⁰ Abdullah Yusuf Ali. 1994. *The Holy Quran, Text And Translation*. Islamic Book Trust Kuala Lumpur.

¹¹ Mimi Kamariah Majid, 1999, *Family law in Malaysia*, Malayan law journal p. 136-137

Males and female are two halves of a whole. For centuries males had regarded themselves as superior because of their greater punch power, and because women are unable to exercise much control over the annual rite, of pregnancy and childbirth until the last half of this century. Allah revelation brought that clear reminder to those who were interested in justice that males and females are equal. This is the divine plan. All living animals were created 'in pairs' or 'zawaj'.¹²

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

Interpretation:

"And from his signs is this, that he created (your) mates for you from yourselves, that you may live in joy (and peace) with them, and he has paced love and mercy between your (hearts, surely there are signs in this for this who think' (Al-Quran Al-Rum 30:21)¹³

Muslim women have the right to be provided for, and their men should not force them to go out to earn money. The right to work however, there is no text which prohibits a woman from seeking work if she wants to, or specifies work that is permitted or prohibited to women simply because they are female. The restrictions are the same as for the men. It is a sad fact that when women go out to work they are often exploited by their male employers. Any employers claiming to be Muslim must remember that if they are exploiting their staff and keeping them barely above subsistence level, this is hardly in keeping with the spirit of Islam, or the blessed Prophet S.A.W., teachings on the dignity and worth of any person who earns their own living.

¹² Ruqaiyyah Waris Maqsood, 2000, *Living Islam, Treading the path of the ideal*. Nizamuddin west market New Delhi 1998. p. 89-90.

¹³ Abdullah Yusuf Ali. 1994. *The Holy Quran, Text And Translation*. Islamic Book Trust Kuala Lumpur.

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Interpretation:

'Men are the protectors and maintainers of women, because god has given them more strength ...therefore righteous women are devoutly obedient, and guard in the husband's absence what God would have them guard' (Al-Quran An-Nisa 4:43)¹⁴

The right to be protected, although women are equal to men, Allah points out the physical differences between the sexes, and makes thoughtful allowances in order to protect women and make them comfortable. A Muslim woman married to a Muslim man expects consideration because of her biology-men do not have to put up with menstruation, pregnancy, childbirth and suckling children. Men are not usually harassed because of their attractiveness, or forced to accept sex in order 'to get on' or not lose a job. The fact that there are powerful urges of nature is not blindly ignored in Islam, but when a woman chooses to be Muslim she has the right to expect that Muslim men will see to it that she passes safely through the stages of being a protected virgin unmolested by strangers or by any male member of her own family, a beloved wife, a respected mother and a cherished grandmother. Moreover a truly Muslim society does not like to see a woman obliged against her inclination to live alone, or without protection or help, or a natural sexual relationship. Allah S.W.T. urges each Muslim woman to go to her marriage untouched by any man, and to give herself to her chosen partner for life. In return, she has the right to be cared for at times of physical pain and discomfort. A good Muslim man remembers that the Prophet S.A.W. urged those who wished to be 'the best of them' to be 'best to their families'. This does not just mean a man's parents and his children it perhaps refers most to his care of his wife. In his final sermon, the Prophet S.A.W. reminded Muslim

¹⁴ All quranic translations in this writing are based on Abdullah Yusuf Ali. 1994. *The Holy Quran, Text And Translation*. Islamic Book Trust Kuala Lumpur .

men-‘remember that you have taken them as your wives only under Allah’s trust and with his permission’.¹⁵

1.4 The Role And Responsibilities Of A Woman

The Quran provides clear cut evidence that woman is completely equated with man in the sight of god in the terms of her rights and responsibilities. The Quran states;

مَنْ عَمِلَ صَالِحًا مِنْ ذَكَرٍ أَوْ أَنْثَىٰ وَهُوَ مُؤْمِنٌ فَلَنُحْيِيَنَّهٗ حَيَاةً طَيِّبَةً وَلَنَجْزِيَنَّهُمْ أَجْرَهُمْ بِأَحْسَنِ مَا كَانُوا يَعْمَلُونَ

Interpretation:

‘Whoever works righteousness, man or woman, and has faith, verily to him will we give a new life that is good and pure, and we will bestow on such their reward according to their actions.’ (Al-Quran Al-Nahlu 16;97)¹⁶

Islam brought woman a right. It raised her to her natural place and returned to her honor and humanity. Islam has given equity to man and women in terms of piety good deeds and different responsibilities. It regards both womanhood and manhood as the equally necessary components of humanity. Man and woman will attain respect and success if they perform their natural duties. Islam recognizes the equality of man and woman as proclaimed by the al Quran:

وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ

Interpretation:

“And they (women) have rights similar to those (of men) over them, and men are a degree above them” (Al-Quran Al-Baqarah 2;228)¹⁷

¹⁵ Ruqaiyyah Waris Maqsood, 2000, *Living Islam, Treading the path of the ideal*. Nizamuddin west market New Delhi 1998. p. 89-90.

¹⁶ Abdullah Yusuf Ali. 1994. *The Holy Quran, Text And Translation*. Islamic Book Trust Kuala Lumpur

¹⁷ Ibid

There is no ruling in Islam to prevent women from going out to work, but in most Islamic societies it is still the responsibility of the men. Women are expected to take charge of the home, and accept the responsibility of providing food for the hungry, refuge for the weary, hospitality for the guest, comfort for distressed, peace for the troubled, hope for the insecure and encouragement for the weak basically all the things it means to be a mother. Just as the woman's role involves far more than just cooking and cleaning, so the mans involves far more than just following orders and making money. It also includes leadership, responsibility and duty, and an involvement in the world of economics, business, trade and commerce.

However, the rules and responsibilities regarding the world of work outside the home are not just limited to men. It must be made clear that in this day and age it is becoming more and more common place for women to be the breadwinners and providers for their families. Sometimes the men folk move away for long stretches of time leaving the women to cope alone. The underpaid or unpaid labour of millions of women on the land feeds half the world.¹⁸

1.5 The Position Of The Women

The issue of women in Islam is highly controversial. While it is generally agreed that the rights granted to women in the Quran and by the Prophet Muhammad S.A.W. were a vast improvement in comparison to the situation of women in Arabia prior to the advent of Islam, after the Prophet's death the condition of women in Islam began to decline and revert back to pre-Islamic norms. Yet just as the women's movement in the West began to pick up steam in the twentieth century, the same thing occurred, although to a lesser extent, in the Muslim world at this time. Feminists in the Muslim world in the twentieth century (until the 1980's) were generally upper class women whose feminism was modeled after feminists in the West.¹⁹

¹⁸ Ruqaiyyah Waris Masqood, 2000, *Living Islam , treading the path of the ideal* p.86.

¹⁹ N.A, *The Position Of Women*, Internet www.viewislam.com/contemp/women01.htm - 21k-N.P.14 Jan 2004

Men and women are equal in Islam in the essence of human dignity, reward and accountability for personal conduct, and matters pertaining to property rights, morality and religion. There is disagreement, however, whether women enjoy equality in political rights and participation in government. There are also some differences between the sexes in the area of family law including marriage, divorce and inheritance. Commentators have differed, however, on the question whether these differences do actually amount to inequality. The Quran evidence on basic equality of the sexes refers, in the first place, to their equality in the essence of humanity. A reference to this in the following ayah is posed in a question form, for added emphasis perhaps, as follows.

أَلَمْ يَكُ نُطْفَةً مِنْ مَنِيٍّ يُمْنَىٰ ثُمَّ كَانَ عَلَقَةً فَخَلَقَ فَسَوَّىٰ فَجَعَلَ مِنْهُ الذَّكَرَ وَالْأُنثَىٰ

Interpretation:

*'Was he not a small life-germ in sperm emitted. Then he was a clot. So he created him... and made him of two kinds, the male and the female. (Al-Quran Al-Qiyamah 75:35)'*²⁰

لِلرِّجَالِ نَصِيبٌ مِّمَّا كَتَبُوا وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا كَتَبْنَ

Interpretation:

*'Men are entitled to the benefit of what they earn and women are entitled to the benefit of what they earn. (Al-Quran Al-Nisa'4;32)'*²¹

Every instruction given to Muslim in the Quran refers to both male and female believers. They have been given the same religious duties and will be judged according to exactly the same criteria. Women are expected to live and work actively alongside men, and should try to gain all the knowledge and skills, which they will need to succeed.²²

²⁰ Abdullah Yusuf Ali. 1994. *The Holy Quran, Text And Translation*. Islamic Book Trust Kuala Lumpur.

²¹ Ibid

²² Ruqaiyyah Waris Maqsood, 2000, *Living Islam, Treading the path of the ideal*. Nizamuddin west market New Delhi 1998. p. 86-87.

CHAPTER TWO

THE CONCEPT ISLAMIC FAMILY

2.1 Introduction

Islam strong emphasis Muslim's to practice the concept Islamic family based on prescribed in the holy Al-Quran and Prophet Sunnah. The aim of the Islamic concept is to create a good relation and a good manner between the Muslim's especially husband and wife. Islam is often suggesting husband and wife to value their families and keep their family welfare. The men and women are responsible to protecting the morals of individual and society. They should consider their attitude to each other as individuals within the family. It is to create the harmony life and happy life within protecting and secure unit family.

The purpose of the concept Islamic is to keep the pride of the couple especially Muslim's couple. Islam emphasis the marriage as tie a legal binder and also as the sacred bond uniting husband and wife in a perpetual relationship, reinforced by mutual love with own couple's and passionate and tender sentiments which grow in depth and in magnitude with time. The marriage, tech the couple's how to be responsibility and play the roles in conducting their family follow the Islamic method such as Al-Quran and Hadith. Beside to provide a fair evaluation of what Islam contributed or failed to contribute toward the restoration of woman's dignity and rights. All these factors ensure, in most cases, the continuity of marriage and the stability of the family. Domestic stability is further ensured by the guidance of the Islam in what the couple should observe and how each should act toward the other.

2.2 Woman In Islam

In the midst of the darkness that engulfed the world, the divine revelation echoed in the wide desert of Arabia with a fresh, noble, and universal message to humanity:

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً

Interpretation:

"O Mankind, keep your duty to your Lord who created you from a single soul and from it created its mate (of same kind) and from them twain has spread a multitude of men and women" (Al-Quran al-Nisa 4;1)²³

A scholar who pondered about this verse states; ‘ it is believed that there is no text, old or new, that deals with the humanity of the woman from all aspects with such amazing brevity, eloquence, depth, and originality as this divine decree.’ The most important thing a human can possess, after the awareness of the care and love of Allah, is the warmth and affection and support to be found in the loving environment of their own home and family. A household in which there is love, peace and security is available beyond price, but this is not something, which comes about by accident. It is to be worked for by all its members, and requires a strong commitment to patience, forgiveness, tolerance, and a keen sense of duty. All these things are regarded as vital. If any person has suffered a broken family as the result of death or disaster, or maybe because of divorce, then they have truly known a loss and suffering that those who have grown up in security cannot fully appreciate.

The welfare and stability of any society lies in the value it places upon the institution of the family. If a person’s family is insecure or disturbed or unsuccessful in any way, it has a radial effect not only upon the people in it throughout the rest of their lives, but also upon the whole framework of contacts that family is going to make. Islam teaches that family is actually the cornerstone of the whole social system,

²³Abdullah Yusuf Ali. 1994. *The Holy Quran, Text And Translation*. Islamic Book Trust Kuala Lumpur.

and that society's progress or breakdown can be traced directly to its strength or weakness. The well being of the family cannot possibly be valued too highly. Moreover, it is not a casual or spontaneous institution, but is divinely ordained.²⁴

To people who do not value their families, or perhaps regard them as just the assortment of relatives they happened to grow up with, the following ideals and objectives might seem rather strange, but they are regarded as very important in Islam. The first objective is the preservation of the human race by procreation in happy and secure units. Happiness and security are conditions that cannot be bought. They are not automatic. So often people do not value what they have until it is too late, and this frequently happens in families unless they consciously consider their attitudes to each other as individuals within the family.²⁵

The family is also regarded as the prime means of protecting the morals of individuals and society, satisfying emotional and psychological needs, providing a secure background for the raising of children, and providing social and economic security. It motivates individuals to work hard, sacrifice their own welfare for that of other, and be generous. It provides a stable framework for the bringing up of children in the faith of Islam.²⁶

2.3 The Status Of Woman In Islam

In Islamic society the woman has an honored position and, beside her legal and civil rights, enjoys special respect, love, affection and the gentle feelings, which she deserves most.²⁷

²⁴ Ruqaiyyah Waris Maqsood, 2000, *Living Islam, Treading the path of the ideal*. Nizamuddin west market New Delhi 1998, p.170

²⁵ Ibid p.171

²⁶ Ibid p172-173

²⁷ Al-Balagh foundation, *The Muslim family*, Al-balagh foundation, 2nd edition 1409A.H/1988 A.D, Tehran Islamic Republik of Iran. p.34

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

Interpretation:

“ And of his signs is this: he created mates for you from yourselves that you may find rest in them, and he ordained between you love and mercy. Most surely there are signs in this for a people who reflect.” (Al-Quran Al-Rum 30; 21)²⁸

وَعَاشِرُهُنَّ بِالْمَعْرُوفِ ..

Interpretation:

“ And treat them (women) kindly.” (Al-Quran Al-Nisa’ 4; 19)²⁹

The tradition of the Prophet, like the Quran, also lay emphasis on the honour and status of the woman and grants her a respectable place in society. When a tradition speaks of a woman and her social position, it surrounds her with frame of love, endearment and affection, especially when it speaks of the mother, the wife and the daughter.³⁰

The status of women in society is neither a new issue nor is it a fully settled one. The position of Islam on this issue has been among the subjects presented to the western reader with the least objectivity. This research is intended to provide a brief and authentic exposition of what Islam stands for in this regard. The teachings of Islam are based essentially on the Quran and Prophet Hadith. It properly and unbiasedly understood, provide the basic of authentication of any position or view, which is attributed to Islam. In Islam, a woman enjoys the same status as that of a man. In he words of the Quran, ‘you are members, one of another.’ There is no different between man and women as regards status, rights and blessings both in this world and in the hereafter.

Both are equal participants so far as the carrying out of the functions of daily living is concerned. If Islam stresses the division of labor between the sexes rather

²⁸ Abdullah Yusuf Ali. 1994. *The Holy Quran, Text And Translation*. Islamic Book Trust Kuala Lumpur.

²⁹ Ibid

³⁰ Al-Balagh foundation, *The Muslim Family, Al-balagh foundation*, 2nd edition 1409A.H/1988 A.D, Tehran Islamic Republik of Iran.p.37

than sexual equality, it is because it does not countenance the idea of either sex suffering from the feelings of degradation and inferiority resulting from any imitation of the opposite sex.

The biological division of human beings into male and female is the result of purposeful planning on the part of the creator. And there can be no human progress without constant respect being shown for this division. Any attempt to cross the dividing line laid down by the almighty is akin to breaking down the whole system of nature, a procedure which can lead only to destruction. Man and woman in the eyes of Islam are not the duplicates of one another, but the complements, they're being in each quite incontrovertible, biological differences, which lead to the natural separation of sphere and occupation. This division of labor permits the shortcomings of one sex to be compensated for by the strengths of the other. Islamic precepts for men and women are based on their respective, natural constitutions. It is now an established biological fact that there is a difference in their physiological structure, a difference which gears men to work which is external to the home, and women to a life led mainly indoors within the home. This biological difference has not only been the determining factor in the societal division of labor, but has also necessitated the framing of special Islamic laws to ensure justice for both sexes.³¹

The rest of this paper outlines the position of Islam regarding the status of woman in society from its various aspects , spiritually, socially, economically and politically.

* *The Spiritual Aspect*

The Quran provides clear-cut evidence that woman is completely equated with man in the sight of God in terms of her rights and responsibilities.

كُلُّ نَفْسٍ بِمَا كَسَبَتْ رَهِيْنَةٌ.

³¹ Ruqaiyyah Waris Maqsood, 2000, *Living Islam, Treading the path of the ideal*. Nizamuddin west market New Delhi 1998, p.140-141

Interpretation:

"Every soul will be (held) in pledge for its deeds" (Al-Quran Al-Muddathir 74;38)³²

In terms of religious obligations, such as the Daily Prayers, Fasting, Poor-due, and Pilgrimage, woman is no different from man. In some cases indeed, woman has certain advantages over man. For example, the woman is exempted from the daily prayers and from fasting during her menstrual periods and forty days after childbirth. She is also exempted from fasting during her pregnancy and when she is nursing her baby if there is any threat to her health or her baby's. If the missed fasting is obligatory (during the month of Ramadan), she can make up for the missed days whenever she can. She does not have to make up for the prayers missed for any of the above reasons. This is clearly a tender touch of the Islamic teachings for they are considerate of the fact that a woman may be nursing her baby or caring for him, and thus may be unable to go out to the mosque at the time of the prayers. They also take into account the physiological and psychological changes associated with her natural female functions.

*The Social Aspect

a) *As a child and an adolescent*

Despite the social acceptance of female infanticide among some Arabian tribes, the Quran forbade this custom, and considered it a crime like any other murder.

وَإِذَا الْمَوْءُودَةُ سُئِلَتْ بِأَيِّ ذَنْبٍ قُتِلَتْ

Interpretation:

"And when the female (infant) buried alive, is questioned, for what crime she was killed." (Al-Quran Al-Takwir 81;8-9)³³

³² Abdullah Yusuf Ali. 1994. *The Holy Quran, Text And Translation*. Islamic Book Trust Kuala Lumpur .

³³ Ibid.

Far from saving the girl's life so that she may later suffer injustice and inequality, Islam requires kind and just treatment for her. The right of females to seek knowledge is not different from that of males.

b) As a wife:

The Quran clearly indicates that marriage is sharing between the two halves of the society, and that its objectives, besides perpetuating human life, are emotional well-being and spiritual harmony. Its bases are love and mercy.

According to Islamic Law, women cannot be forced to marry anyone without their consent. Besides all other provisions for her protection at the time of marriage, it was specifically decreed that woman has the full right to her Mahr, a marriage gift, which is presented to her by her husband and is included in the nuptial contract, and that such ownership does not transfer to her father or husband. The concept of Mahr in Islam is neither an actual or symbolic price for the woman, as was the case in certain cultures, but rather it is a gift symbolizing love and affection. The rules for married life in Islam are clear and in harmony with upright human nature. In consideration of the physiological and psychological make-up of man and woman, both have equal rights and claims on one another, except for one responsibility, that of leadership. This is a matter which is natural in any collective life and which is consistent with the nature of man. Such degree is *Quiwama* (maintenance and protection). This refers to that natural difference between the sexes, which entitles the weaker sex to protection. It implies no superiority or advantage before the law. Yet, man's role of leadership in relation to his family does not mean the husband's dictatorship over his wife. Islam emphasizes the importance of taking counsel and mutual agreement in family decisions.

As the woman's right to decide about her marriage is recognized, so also her right to seek an end for an unsuccessful marriage is recognized. To provide for the stability of the family, however, and in order to protect it from hasty decisions under temporary emotional stress, certain steps and waiting periods should be observed by men and women seeking divorce. Considering the relatively more emotional nature of women, a good reason for asking for divorce should be brought before the judge. Like

the man, however, the woman can divorce her husband with out resorting to the court, if the nuptial contract allows that. More specifically, some aspects of Islamic Law concerning marriage and divorce are interesting and are worthy of separate treatment. When the continuation of the marriage relationship is impossible for any reason, men are still taught to seek a gracious end for it. ³⁴

c) *As a mother:*

Islam considered kindness to parents next to the worship of Allah S.W.T.

وَوَصَّيْنَا الْإِنْسَانَ بِوَالِدَيْهِ حَمَلَتْهُ أُمُّهُ وَهْنًا عَلَىٰ وَهْنٍ وَفِصَالُهُ فِي عَامَيْنِ أَنِ اشْكُرْ لِي
وَلِوَالِدَيْكَ إِلَيَّ الْمَصِيرُ

Interpretation:

"And we have enjoined upon man concerning his parents: His mother bears him in weakness upon weakness and his weaning takes two years- be grateful to me and to your parents. To me is the eventual coming'." (Al-Quran Luqman 31;14)³⁵

*The Economic Aspect

Islam decreed a right of which woman was deprived both before Islam and after it, the right of independent ownership. According to Islamic Law, woman's right to her money, real estate, or other properties is fully acknowledged. This right undergoes no change whether she is single or married. She retains her full rights to buy, sell, mortgage or lease any or all her properties. It is nowhere suggested in the Law that a woman is a minor simply because she is a female. It is also noteworthy that such right applies to her properties before marriage as well as to whatever she acquires thereafter.

*The Political Aspect

³⁴ Jamal A.Badawi, *Woman under the shade of Islam*, A discourse on woman's issue, el-falah 14/june 1997.p11-21

³⁵ Abdullah Yusuf Ali. 1994. *The Holy Quran, Text And Translation*. Islamic Book Trust Kuala Lumpur .

and regulate our desires, whatever they may be so that we remain dignified and not become like animals.³⁷

Islamic marriage is a legal and binding contract between two people who accept each other with a mutual commitment to take no other sexual partner, and to live together according to the teachings of Islam. If either husband or wife departs from Islam, and life becomes uncomfortable for the other partner, then divorce is considered permissible.³⁸

Islam regards marriage as an extremely desirable institution, hence its conception of marriage as the rule of life, and divorce only as an exception to that rule. One who does not follow it does not belong to me.' In Islam, marriage is partnership. A husband is not a master. Muslim women accept only Allah as their master, and have the right to over rule him or disobey him if he wants them to do anything against the wishes of Allah therefore Muslim wives do not consider themselves to be inferior to a husband. The Quran clearly indicated that marriage is sharing between the two halves of the society, and that its objectives, besides perpetuating human life, are emotional well-being and spiritual harmony. Its bases are love and mercy.

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

Interpretation:

'And among his signs is this, that he created mates for you from yourselves, that you may find rest and peace of mind in them, and he ordained between you love and mercy. Lo, herein indeed are signs for people who reflect.' (Al-Quran Al-Rum 30; 21)³⁹

The relationship formed by marriage in Islam is described in the Quran as a "firm" contract". It is exactly the same as any ordinary contract in that it is bilateral in

³⁷ N.A, *The Position Of Women*, Internet www.viewislam.com/contemp/women01.htm - 21k-N.P.14
Jan 2004

³⁸ Ruqaiyyah Waris Maqsood, 2000, *Living Islam, Treading the path of the ideal*. Nizamuddin west market New Delhi 1998, p.195

³⁹ Abdullah Yusuf Ali. 1994. *The Holy Quran, Text And Translation*. Islamic Book Trust Kuala Lumpur .

nature, where it differs is in its spelling out of the rights and responsibilities which bind a man and a woman together in a vital partnership, making them companions for life.⁴⁰

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The foundations of the family in Islam are blood ties and marriage arrangements, more or less precisely defined. Behind such conceptions lay the diversity of pre-Islamic Arabian society, in which almost every imaginable form of marital and sexual relationship had been practiced. The advent of Islam brought, as we have seen, the restriction of permissible sexual relations to marriage and marriage-like cohabitation. The restriction, however, was by no means simply interpreted and implemented, from it emerged complex patterns and rationales, which continue to be subjects of discussion in Islamic societies.⁴¹

Marriage is frequently regarded as the most important event in a person's life. It is also a significant event in the family cycle, both for the families of the bride and groom and for the new family formed by the union itself. For young people, marriage often marks a break with the authority of their parents, and it is simultaneously a key step in the formation of a new family. The objective of marriage is that man and woman may live together in peace and happiness and bring up a family with the co-operate in the affairs of the home and the training of their children, then the aim and purpose of marriage is defeated and it is better that the husband and wife should separate themselves from each other. If they are still compelled to live together by law or the pressure of public opinion, not only will they remain unhappy, but the children will also suffer, because their education and training will be set back. The couple must learn to live together and work out their own changing social roles within the context of the marital unit. Thus, though marriage often represents a break with parental authority, it also involves a sacrifice of independent. Husband and wives must compromise with each other and learn to make decisions, not alone, as they had done when single, but together. Perhaps not surprisingly, those who marry for the first time relatively late in life often more individualism than those who marry early. Such

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⁴⁰ Maulana Wahiduddin Khan, *Woman Between Islam And Western Society*, The Islamic Centre, New Delhi. Translated by Farida Khanam, First Published 1995, p.141

⁴¹ Hammudah Abd Al Ali 1977, *The family structure in Islam*, American trust publication plain field, Indiana. p.50

people may maintain a greater of social independence and at the time develop successful marital and family relationships.

According to the Shafie School, there are five requirements, which are fundamental or essential for a valid Muslim marriage. The first requirement is the offer or the *Ijab* of one contracting party and the second requirement is the acceptance or *Qabul* of the party. The offer normally forwards by the girl's wali or guardian for marriage, and the acceptance is by the male party. Both offer and acceptance occur at the same meeting before two witnesses, who have to be male, sane, adult and Muslims. The acceptance must be declared in a clear and unequivocal manner and both witnesses must be satisfied before the acceptance is declared valid. Finally, there must be a wali or a guardian for marriage. The wali is usually the farther of the girl. He may also be the paternal grandfather, the brother or uncle. In the absence of these persons, the kadi may step in on behalf of the ruler of the state as wali raja.⁴²

The Islamic family law marriage enactment was mentioned “No marriage may be solemnized under this act where either the man is under the age of eighteen or the woman is under the age of sixteen except where the Syariah judge has granted his permission in writing in certain circumstances’.⁴³

This article doesn't mean to prevent any parties under the age to get marriage. But the purpose of this article is to determine the couple has attained the status of puberty or adult to determine their marriage and there is ready to implement their own responsibilities in conduct the family.

2.5 Islam's Position On Marriage

Muslim jurists have interpreted the Quran to mean that marriage is a religious duty and is consequently a moral safeguard as well as a social necessity. As a religious

⁴² Islamic Family Law Federal Territories Act1984 p.50

⁴³ Ibid p.50

duty, it must be fulfilled, but like all other duties in Islam, it is enjoined only upon those who are capable of meeting the responsibilities involved. The predominant view among the jurist is that, although marriage is a social necessity, it is not absolutely necessary for every individual. Hence, they have developed a rough typology to classify individuals with regard to their marriage ability from the point of view of religion. First some individuals are apprehensive that abstinence may lead them astray. For these, marriage is a religious duty because they must guard against illegitimate sexuality, and marriage is the natural mechanism of such moral protection. Second, some individuals are capable and desirous of sex but are not so apprehensive of excess; they anticipate no irresistible temptation or lack of self-control. For these, marriage is preferable to abstinence and even to supererogatory devotion, which is voluntarily undertaken to uplift a person's spiritual and moral state. Third, there are individuals who lack potency, for some reason or other. In this case, marriage is still considered preferable to abstinence by some jurists, while others argue that abstinence is preferable because marriage under such conditions will defeat its purpose and deprive the female partners of the moral protection they need and the fulfillment they merit.

Although Islam advocated marriage and took various measures to regulate its functioning, it seems to have realized that marriage is not a light commitment. A person must be fairly certain of his ability to meet the responsibility of marriage before taking a spouse. It is true that in Islam poverty is no barrier to a successful marriage, Allah has, as the Quran put it, undertaken to provide for every living creature, and he can, and has promised to, enrich the poor mates of his bounty. But at the same time, Islam recognized that it might not always be possible for everyone to have at his disposal the means to marriage. There can arise obstacles of various kinds and problems of varying magnitude. But Islam's response to these is not in the direction of celibacy, laxity, or aversion specific measures, the last of which is resort to self-discipline and temporary abstinence in the hope that the assured help of Allah will be forthcoming. The prophet intimated that whoever can marry should do so, but he who cannot, should practice voluntary fasting, which helps him to safeguard his

moral integrity and to assume command over his desires. The immediate implication of this is probably that neither sex nor marriage is dismissed easily or taken lightly.⁴⁴

2.6 The Purpose Of Marriage

The word "*Zawj*" is used in the Quran to mean a pair or a mate. In general its usage refers to marriage. The general purpose of marriage is that the sexes can provide company to one another, love to one another, procreate children and live in peace and tranquility to the commandments of Allah. Marriage serves as a means to emotional and sexual gratification and as a means of tension reduction. It is also a form of *Ibadah* because it is obeying Allah and his messenger, marriage is seen as the only possible way for the sexes to unite. One could choose to live in sin, however by choosing marriage one is displaying obedience to Allah.⁴⁵

The wife must be faithful, trustworthy and honest she must not deceive her husband by deliberately avoiding contraception. She must not allow any other person to have access to that which is exclusively the husband's right i.e. sexual intimacy. She must not receive or entertain strange males in the house without his knowledge and consent. She should not be alone with a strange male. The strong emphasis that Islam has put on marriage may be seen more clearly in the context of the purposes that marriage is designated to serve. In common with other systems, Islam favors marriage as a means to emotional and sexual gratification, as a mechanism of tension reduction, legitimate procreation, and social placement, as an approach to interfamily alliance and group solidarity. But there seems to be a difference of degree, at least, in Islam's relatively greater stress on these ends enhanced to a corresponding degree the value placed on marriage. The social significance of this difference in emphasis is that marriage was contracted while the prospective mates were still relatively young, and

⁴⁴ Hammudah Abd Al Ali 1977, *The family structure in Islam*, American trust publication plain field, Indiana. p.52-53

⁴⁵ N.A., *The Position Of Women*, Internet www.viewislam.com/contemp/women01.htm - 21k-N.P.14 Jan 2004

that it was more common among Muslims than among others. Progeny apparently were highly desirable and were received with enthusiasm. It is true that many of these practices go back to pre-Islamic times, when Arab men preferred to marry young virgins and to seek marriage outside their immediate kinship group, in the belief that it was more conducive to numerous as well as healthy progeny. Such practices continued in Islam and were approved by the prophet.⁴⁶

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا.

Interpretation:

“O mankind! Reverence your guardian-lord, who created you from a single person, created, of like nature, his mate, and from them twain scattered (like seeds) countless men and women; your mutual (right), and, (reverence) the wombs (that bore you); god ever watches over you.” (Al-Quran Al-Nisa 4;1)⁴⁷

It is noteworthy that the Islamic marriage provisions apply equally to men and women. For example, if celibacy is not recommended for men, the same is true for women; marriage is the normal course for both of them. It may be even more so for women since it assures them of relative economic security, among other things. This added advantage for women does not, however, picture marriage as a purely economic transaction. In fact, the least focal aspect of marriage in the precepts of Islam is the economic factor, no matter how powerful this may have been in other ideologies.

The Prophet is reported to have said that a woman is ordinarily sought as a wife for her wealth, for her beauty, for the nobility in her stock, or for her religiosity, but blessed and fortunate is he who chooses his mate on the basis of piety and integrity. The Quran commends marriage to the spouse less and the pious even though they may be poor or slaves. On the other hand, whatever dowry a man gives his prospective wife belongs to her exclusively and whatever she may have acquired before or after marriage is her alone.

⁴⁶ N.A, *The Position Of Women*, Internet www.viewislam.com/contemp/women01.htm - 21k-N.P.14 Jan 2004

⁴⁷ Abdullah Yusuf Ali. 1994. *The Holy Quran, Text And Translation*. Islamic Book Trust Kuala Lumpur .