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**THE ISSUE OF THE INSTITUTION OF FAMILY AND MARRIAGE IN THE
CONTEXT OF ISLAMIC SHARIA NORMS****ПИТАННЯ ІНСТИТУТУ СІМ'Ї ТА ШЛЮБУ В КОНТЕКСТІ ІСЛАМСЬКИХ НОРМ
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Abstract. *The study is devoted to the analysis of the Muslim model of family and marriage according to modern definitions according to Sharia. Basic concepts such as aqd (marriage) and nikah (marriage according to the Sharia) are considered as key stages in the formation of marital relations regulated by the Qur'an. The article emphasizes that the family is the only legitimate form of relationship between a man and a woman in Islam, and that marriage, according to the Qur'an, is obligatory for those who are not married.*

An important place is the analysis of the principle of voluntariness in marriage, when both parties have a desire to enter into marriage and express it through a contract. However, practice may differ from theory, especially when it comes to peer pressure. Despite the importance of voluntariness, the Qur'an also notes the need to achieve harmony and harmony between spouses, and the equality of their rights and responsibilities is one of the fundamental foundations of marital relations.

Particular attention is paid to the principle of marital equality, according to which both men and women have equal rights, although men, according to Sharia, have a higher social status. The article also analyzes the conditions that must be met for a valid marriage, which include the voluntary consent of both parties, the absence of obstacles such as family ties, and the fulfillment of contractual conditions.

This study is important for understanding the socio-cultural role of the family in Islamic society and the moral and legal foundations that determine the relationship between a man and a woman in marriage under Islamic law.

Key words: *Islamic marriage, aqd, nikah, Muslim family, Sharia, Koran, voluntariness, family institution, marriage contract.*

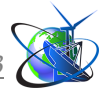
Introduction.

Modern definitions of Sharia marriage are defined as follows:

- marriage (akd) is the conclusion of a contract between a man and a woman, according to which the woman ceases to be a third party.

- nikah (marriage according to Sharia) is an act, as a result of which, after uttering certain phrases, a man and a woman can enter into an intimate relationship. That is, nikah is the actual entry into marital relations, the final part of the marriage ceremony.

The family model in Islam is strictly regulated by the Koran. The only bond between a man and a woman according to Islam is the family. The prescription regarding the obligatory conclusion of marriage is contained in the Qur'an: "And marry those of you who are single... And those who cannot find a partner for themselves, let them maintain chastity until Allah, by His mercy, frees them from need" [3, p.56].



Thus, marriage in Islam is a prescribed bond between those who wish to enter into it. Their connection is not just like that, but as a great reminder of Himself (Allah). At the same time, the Koran proclaims the voluntariness of marriage.

The main text.

Characteristic features of the Sharia principle of the voluntary union of a man and a woman in marriage are the desire of both parties to enter into marriage, expressed by consent through a contract. At the same time, the family is created with a certain purpose. The goals of husband and wife are common and individual. The first and main goal is to achieve harmony and understanding.

Muslims derive the principle of the equality of spouses from the saying of the Koran: "Women have the same rights as duties, according to Sharia and reason, although men are superior to them in terms of merits" [1, p. 172]. In order for the marriage to be complete, the rules of the Koran provide for certain conditions.

First, the marriage process must be conducted in Arabic. But if those getting married and their entourage do not know this language, then the use of another language is allowed.

Secondly, the person who reads the speech at the time of marriage must be of legal age and of sound mind.

Thirdly, the bride's name must be mentioned during the speech, because Muslims sometimes bring the wrong bride.

Fourth, both who marry must consent without coercion. However, in practice this condition may not be fulfilled. There are cases where parents marry off their daughters without their consent, which is also permitted by Sharia law. In this case, the formula is not pronounced by the bride and groom themselves, but by their parents [5, p. 136]. There is an indication in the rules of Sharia that marriage can be concluded without the consent of the man and the woman, but they must agree after reading the formula.[6, p.93]

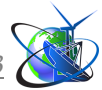
A marriage is considered valid if the following conditions are met: there are no obstacles, there is mutual consent, redemption, formalities. Obstacles can arise, for example, in the case of incest (incest is prohibited), if the bride and groom are relatives.

According to age restrictions, everything is determined by sexual maturity. If a man and a woman have reached puberty, they can marry.

According to the Koran, a man can have up to four wives. In addition, he has the right to keep concubines. But at the same time, he is obliged to financially support each of his wives, provide her with housing, property, etc.

Marriage according to the Sharia involves redemption - mahr. According to the Qur'an, mahr belongs to the wife. In earlier periods, the ransom was assigned to the parents of the bride. The form of redemption can be any: material or monetary, which has a real value [7, p.149].

The Koran allows temporary marriage. Now it is quite rare. It occurs when marriage is entered into without the intention of an intimate relationship, but only as care for each other. This applies to elderly people who are getting married. A temporary marriage involves the following conditions: establishing a precise time frame, kalim or dowry. If the time frame is not defined, the marriage is not



considered temporary, but permanent. If the second condition is not fulfilled, the marriage is considered invalid. The specificity of temporary marriage is that it does not involve divorce [10, p. 164].

An important part of the family according to the Koran is the relationship between husband and wife. According to the Koran, love, mutual respect and observance of traditions are instilled in a man and a woman only by Allah [3, p. 163].

The Koran defines an important part of love as an attitude towards a man. A wife should not do things that her husband does not like. Even if misunderstandings arise for various reasons, Muslims understand that this is a test that must be overcome, and for this they will be rewarded by Allah. Each of the spouses bears their duties to each other. The first duty of a man is physical intimacy. If the husband cannot fulfill this duty due to impotence, the court grants him a delay of up to one year. If a man has several wives, he must divide his responsibilities equally among them [1, p. 98].

According to spiritual duties, a husband should treat his wife with respect. According to material obligations, he must provide for her and strive to lead a dignified life. The wife has the right to visit the mosque, religious gatherings, as well as her parents once a week [8, p. 280].

The Qur'an permits the physical influence of the husband on the wife if she does not obey the husband to whom she is supposed to obey. It is said in the Koran: "Reprimand those wives who are disobedient, leave them on their beds and beat them..." [3, p. 164].

A wife also has responsibilities to her husband. She must obey and listen to her husband. The exception is actions that contradict the Koran. At the same time, the wife's obedience to her husband is considered equal to obedience to Allah. Another duty of a wife is to run a household, give birth and raise children, and take care of her husband [2, p. 72].

Protection of the interests and rights of disabled family members is contained in the Koran: "And your Lord commanded that you worship Him alone and do good to your parents. If they reach old age, do not slander them and address them with a blessed word. And bow before them the wing of humility and mercy and say: "My Lord, have mercy on them, because they raised me (when I was small)" [4, p.63].

Sharia allows divorce. Researchers note that Islamic divorce has its own characteristics:

- it is very flexible and has many reasons,
- although it is possible, but it can be carried out only under exceptional circumstances, remembering the words of the Prophet Muhammad: "of all the permitted divorces, this is the thing most displeasing to Allah." [5, p.115]

According to the Sharia, a marriage is considered complete due to the death of one of the spouses, the declaration of a curse, divorce, rejection of faith and acceptance of the other, the disappearance of the spouse, or the annulment of the marriage due to mistakes in its conclusion. Sharia does not encourage divorce and tries to prevent it. It is forbidden to divorce a woman during her menstrual cycle. If there is a possibility of pregnancy, the husband does not have the right to divorce until the pregnancy is confirmed. After confirming the pregnancy, the husband can



initiate a divorce [9, p. 200].

In Islam, there are several formulas for divorce:

1. Khul' (divorce by consent of both parties). Marriage can be dissolved by mutual consent. The word "khul'" translated from Arabic means "friendship", "love". This type of divorce can be initiated by either the husband or the wife according to the Qur'an. The wife can offer the husband a divorce in exchange for some compensation.

2. Faseh (divorce through court). Divorce can be carried out by a court decision. The main reasons for going to court are the husband's inability to support his wife, his disappearance or imprisonment, as well as the transition of the husband or wife to another religion.

3. Lian (divorce due to wife's infidelity). If a husband accuses his wife of treason, according to the Koran, four witnesses are required to confirm the fact of treason. If the husband cannot provide witnesses, he must swear four times on the Koran that adultery has taken place. The wife, in turn, can swear her innocence or admit her guilt. If there is no evidence from either side, the marriage is dissolved. After a divorce, children can stay with their mother only if she is able to financially support them. Otherwise, the children stay with their father. The Qur'an establishes the rule that children remain with the parent who can provide them with the best upbringing in the spirit of Islam [10, p. 147].

In Sharia, there is a period of idda - this is the time after declaring the intention to divorce. This period is necessary to determine whether a woman is pregnant, which helps establish paternity. During this period, the husband is obliged to financially support his wife, but they must live separately. The iddah period lasts from 4 to 20 weeks, after which the final divorce takes place.

Summary and conclusions.

The Muslim model of family and marriage, rooted in Sharia and the Qur'an, integrates religious, social, and legal aspects. Marriage in Islam is both a legal contract and a sacred union that represents mutual obligations to Allah. The principles of voluntariness and equality, outlined in religious texts, lay the foundation for harmonious relationships, though cultural and family traditions may lead to differences in practice. While Sharia acknowledges the husband's higher status in marriage, it also assigns him key responsibilities, including providing for and respecting his wife. The woman's role focuses on supporting the family, raising children, and fostering the husband's spiritual growth. Mutual understanding and harmony are central to the marital relationship, reflecting the broader Islamic family values.

Muslim marriage is a multifaceted institution, regulating spousal rights and duties, and contributing to the preservation of moral values and societal stability.

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Анотація. Дослідження присвячене аналізу мусульманської моделі сім'ї та шлюбу відповідно до сучасних визначень за шари'атом. Основні поняття, такі як акд (укладення шлюбу) та ніках (шлюб за шари'атом), розглядаються як ключові етапи формування подружніх стосунків, що регулюються Кораном. У статті підкреслюється, що сім'я є єдиною узаконеною формою стосунків між чоловіком і жінкою в ісламі, а шлюб, згідно з Кораном, є обов'язковим для тих, хто не перебуває у шлюбі.

Важливе місце займає аналіз принципу добровільності у шлюбі, коли обидві сторони мають бажання укласти шлюб і висловлюють це через договір. Однак практика може відрізнятися від теорії, особливо коли мова йде про тиск з боку родичів. Незважаючи на важливість добровільності, Коран також зазначає про необхідність досягнення гармонії і злагоди між подружжям, а рівність їхніх прав і обов'язків є однією з фундаментальних основ подружніх стосунків.

Особлива увага приділяється принципу рівності подружжя, згідно з яким і чоловік, і жінка мають рівні права, хоча чоловік, згідно з шари'атом, має вищий соціальний статус. Стаття також аналізує умови, які повинні бути дотримані для повноцінного шлюбу, що включають добровільну згоду обох сторін, відсутність перешкод, такі як родинні зв'язки, та виконання договірних умов.

Це дослідження є важливим для розуміння соціокультурної ролі сім'ї в ісламському суспільстві та тих моральних і правових основ, які визначають відносини між чоловіком і жінкою у шлюбі за ісламським правом.

Ключові слова: ісламський шлюб, акд, ніках, мусульманська сім'я, шари'ат, Коран, добровільність, інститут сім'ї, шлюбний договір.