



The Effects of Divorce on Society in Arabic and Muslim Country

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Abstract

Divorce seems to be more socially acceptable nowadays and is also the most common issue in the modern world. With the increase rate of divorce, the pace of emotional instability and crime rate is also quickening. Its effect on the family life, interference in the development of the children and crime is obvious. It is divorce that has an impact on not only their families but also their own children. And children are likely to be the most painful victims in this battle. It effects on both their feelings and minds. Some kids tend to stay away from any kind of social interaction and soon become immersed in their sadness. This makes them very fearful and worried by nature. Moreover, there are times when children feel so much anger because of divorce that they resort to committing crimes and taking drugs to overcome this anger. Hence, such children have higher chances of becoming delinquents. Many children are not able to concentrate on their studies during the time of divorce. The circumstances surrounding divorce may make it hard for the child to focus on academic goals. Children are bound to lose their self-confidence in such cases and may not want to study at all. Most people think that there is nothing positive about divorce as the negative effects are more obvious and talked about. Divorce can be a positive thing when the marriage is in high conflict and the children are exposed to be in an environment where they see a lack of respect and trust. Often when the child has been a victim of domestic violence then that child will grow up disliking societies' vices. That is surely a positive side. In conclusion, it is high time now that the society must do something to preserve the sanctity of marriage. For of the pace divorce continues to increase at such an alarming rate, and then the society itself would be adulterated. And people would lose faith in the stability of love, marriage and long lasting relationships. And life would be far more stressful than it is now.

Keywords: Divorce, Muslim Country and Society.

1. Introduction

Divorce in Islam

Divorce is the most hated permissible thing in the sight of Allah. It dissolves families and deprives children the family atmosphere. The Prophet (peace and blessings be upon him) said: "The most hateful permissible thing (*al-Halal*) in the sight of Allah is divorce." (Abu Dawud, Hadith 1863, Ibn Majah, Hadith 2008).

The spouses should avoid divorce as much as possible. If they have difficulties and problems, they should be patient and forbearing. They have to try to work out their differences and seek help from their relatives, friends or professional counselors.(4)

Due to the sacredness of the marriage contract, Islam asks both the husband and the wife to keep and respect this bond. Thus, each partner in this sacred relationship must treat the other kindly and properly. A man must not divorce his wife to bring harm upon her, as this constitutes an act that demolishes this noble establishment, breaks the woman's heart, and possibly separates the woman from her children without any reason. Thus, the separation between a man and his wife (without just reasons) was considered one of the major and grave sins, and one of the most beloved actions of Satan, as was narrated in a number of hadiths. This is, of course, a form of oppression which is totally forbidden in Islam.

In this regard, we recall the Prophet's hadith that reads: "Iblis (Satan) places his throne upon water, then sends his groups. The closest to him are those who (tempt people to) commit the most grievous of sins (*fitnah*). One of them would approach him and say: I did such-and-such. Iblis would reply: You have done nothing. Another would approach and say: I did not leave him (a man) until I caused him to leave his wife and for them to be separated. Iblis would bring him close to his throne and would say: How good you are!"

And since the husband must never divorce his wife in order to bring harm upon her without reason, it is also forbidden for a woman to ask for a divorce without a sensible reason. The Prophet (peace and blessings be upon him) said: "Any woman who asks her husband to divorce her without an acceptable reason will never smell the scent of Paradise."

Given the above, it becomes crystal clear that neither the husband nor the wife has the right to resort to divorce without justification. Divorce should be the last resort after all attempts of reconciliation fail. The Prophet (peace and blessings be upon him) said: "Let a believing man not dislike a believing woman. If something in her is displeasing to him, another trait may be pleasing."

And Allah Almighty says, "... *And consort with them in kindness, for if you dislike them, it may be that you dislike something in which Allah has placed much good.*" (An-Nisa'4:19)

A husband should accept reconciliation, particularly when his wife shows her wish for reform and obedience. Allah says:

"... And as for those women on whose part you fear stubbornness, (first) admonish them; then refuse to share their beds; and (finally) beat them (lightly). Then if they return to obedience, seek not against them Means (of annoyance); indeed, Allah is Most High, Great (34) And if you fear breach between the two of them, appoint an arbiter from his family and an arbiter from her family. If they desire to set things aright, Allah will bring about reconciliation between them; indeed, Allah is Knowing, Aware." (An-Nisa' 4: 34-35)

It is to be remembered that each divorce has multiple effects on their own self (later not getting a good spouse easily, and for woman, not even remarriage at all) but also on children (who get hanged between father and mother). It may be very long or permanent division between two attached families, specially if they have multiple family bindings.(5)

The Proper Islamic Procedure of Divorce

"Divorce is the most hateful thing to Allah, but it is allowed (*halal*) only in the case of absolute necessity. If a couple tried their best to reconcile their differences, but they still could not agree and they found impossible to live with each other, then only in that case they should separate in a proper and decent manner. Divorce can be initiated by the husband or by the wife. The husband has the right to pronounce the words of divorce (*talaq*) to his wife. He can also give her a statement of divorce in writing(6). The wife can seek divorce from her husband through *khul`*, but if he refuses to grant her request then she can seek the dissolution of marriage through the court of law. The Shari`ah has not given the right to a woman to divorce her husband, because only the husband has all the financial obligations of the family. After divorce he will be responsible to provide her maintenance during her *`iddah* and if there are any children in the family then he will be responsible for their expenses. Thus to grant her that right equally with the husband while she has no financial obligation is unfair and unjust. The wife can, however, divorce her husband if her husband gave her that right either at the time of marriage or afterwards.(7)

A husband who wants to divorce his wife should use the words of divorce with full awareness after much thinking and consideration. Using the words of divorce in haste or anger is not right. The proper procedure is to give divorce when a woman is not pregnant and is not going through her monthly menstrual cycle. Divorce can take place by saying onetime "I have divorced you" (*talluqtuki*) or "You are divorced" (*anti taliq*). After this the women should spend the time of her *`iddah*. During the period of *`iddah* the husband can cancel his divorce and can resume the matrimonial relationship, but if it does not happen then the divorce takes effect and at the end of the *`iddah* period their marriage ends. There is no need to repeat the words of divorce more than once. Even one divorce is sufficient to terminate the relationship.(8)

The provision of the second and third divorce is given for a husband who divorces his wife one time and then cancels his divorce, but then after sometime changes his mind and divorces her again second time. Then he changes his mind and resumes the relationship and then again after that he divorces her. The Shari`ah says that now this relationship should end. Marriage is a serious matter. One cannot keep divorcing one's wife and returning her back. After the third divorce he cannot take her back. The third divorce is called the "irrevocable divorce" (*talaq mughallaz*). The wife now becomes forbidden to her husband completely. She cannot go back to this husband who has divorced her three times, unless she marries another person who out of his own free will divorces her and then after the *`iddah* she and her previous husband want to remarry. This is called *halalah* in the language of the Shari`ah. This rule is given by the Shari'ah to reduce the occurrence of three divorces and to protect the honor of the woman.(9)

Some people misuse this procedure out of ignorance or willingly. There are some people who think that the divorce (*talaq*) would not happen unless one makes the statement three times. There are others who repeat the words of divorce for emphasis and have no idea that this could be very serious. The jurists (*fuqaha'*) have discussed this issue for the last fourteen hundred years. There were some jurists who took the strict position that three divorces whether uttered at once or separately would be considered as three divorces (10). According to them, whether a person misused this right knowingly or unknowingly the affect would be the same. If someone uttered the words of divorce three times, then this would be *talaq mughallaz* and his wife would become totally forbidden for him and they could not reconcile without a *halalah*. However, some other jurists emphasize the role of will in marriage and divorce. They say that if the husband used three divorces intentionally as three, then they will be counted as three, but if he repeated the words in anger or to emphasize his point then this is one divorce and he will have the right to resume the relationship with his wife. I feel that the second position is closer to the spirit of the Shari`ah. I am pleased to see that there are now some Hanafi jurists also who are inclined to this position. There were fatwas issued to this effect by the `Ulama' of Deoband and Nadwa in India as well the `Ulama in SaudiArabia (11).

The issue of a divorce given in anger is also important. The basic rule is that divorce must be uttered with full consciousness and without any coercion. If a person pronounced the words of divorce to his wife, in a fit of anger, while he lost all control over himself or due to the influence of intoxicants which he sinfully consumed, or he was forced by someone else to do so, then in all these cases his words of divorce are null and void and have no effect. In conclusion, let me say that Muslims must protect their family life and must avoid divorce as much as possible. If it becomes necessary to have divorce then use the Islamic methods and procedures. Obviously we cannot give all the details here. Those who need more information they should consult special books on this subject or speak to those who are knowledgeable."(12)

The Impact of Divorce on the Family And Children in the Arab Community

In the event of divorce, children often bear the most painful consequences. Islamic law takes their needs into account and makes sure that they are cared for.(13)

The financial support of any children —both during marriage or after divorce — rests solely with the father. This is the children's right upon their father, and courts have the power to enforce child support payments, if necessary. The amount is open for negotiation and should be in proportion with the husband's financial means.(14)

The Quran advises the husband and wife to consult each other in a fair manner regarding their children's future after divorce (2:233). This verse specifically holds that infants who are still nursing may continue to breastfeed until both parents agree on the period of weaning through "mutual consent and counsel." This spirit should define any co-parenting relationship.

Islamic law stipulates that physical custody of the children must go to a Muslim who is in good physical and mental health, and is in the best position to meet the children's needs. Different jurists have established various opinions of how this might best be done. Some have ruled that custody is awarded to the mother if the child is under a certain age, and to the father if the child is older. Others would allow older children to express a preference. Generally, it is recognized that young children and girls are best cared for by their mother.(15)

Since there are differences of opinion among Islamic scholars about child custody, one might find variations in local law. In all cases, however, the main concern is that the children are cared for by a fit parent who can meet their emotional and physical needs.(16)

The families who are affected by divorce. the devastating effects that breakups can have and they need helping people develop the skills to cope with experiences like divorce. Major Disruptions

The decision to divorce causes major changes in the lives of all family members. Some upheaval is inevitable. The main trouble areas are(17)

1. Financial: Money becomes a huge problem for most people. The cost of a divorce is extremely high, and two households cost more than one.
2. Career: Being less focused at work and spending time away from the job for divorce-related appointments takes its toll.

3. Logistics: Running your home is more difficult because you no longer have a partner to help with daily chores.

4. Emotional: Most people have periods of depression, sadness, anger, and fatigue.

Lots of Feelings

People who are experiencing the breakup of their marriage can expect to have a wide variety of feelings. Some call it "the crazy time" and there is even a book about divorce with this title. The following complaints are common:

- Poor concentration
- Nightmares
- Sleep problems
- Fatigue
- Mood swings
- Feeling tense
- Nausea
- Gaining/losing weight
- Feeling nervous
- Somatic complaints

Divorce profoundly affects children. In *Surviving the Breakup*, she describes experience of 60 divorcing families. She outlines the following key issues for children of divorcing families : (18)

Fear: Divorce is frightening to children, and they often respond with feelings of anxiety. Children feel more vulnerable after a divorce because their world has become less reliable.

Fear of abandonment: One-third of the children in feared that their mother would abandon them.

Confusion: The children in divorcing families become confused about their relationships with their parents. They see their parents' relationship fall apart and sometimes conclude that their own relationship with one or both parents could dissolve, as well.

Sadness and yearning: More than half of the children were openly tearful and sad in response to the losses they experienced. Two-thirds expressed yearning, for example: "We need a daddy. We don't have a daddy."

Worry: many children expressed concern about one or both of their parents' ability to cope with their lives. They wondered if their parents were emotionally stable and able to make it on their own. Over half of the children expressed deep worries about their mothers. They mothers' mood swings and emotional reactions to the events in the family. Some children worried about suicide and accidents.

Feeling rejected: Many children who experience a parent moving out of the home feel rejected by the parent. The parent is usually preoccupied with problems and pays less attention to the child than in the past. Many children take this personally and feel rejected and unlovable.

Loneliness: Since both parents are preoccupied with their problems during the divorce process, they are less able to fulfill their parenting roles with their children. The children may feel like their parents are slipping away from them. If the father has moved away and the mother has gone off to work, the children often feel profound loneliness.

Divided loyalties: The children may (accurately) perceive that the parents are in a battle with each other. The children feel pulled in both directions and may resolve the dilemma by siding with one parent against another.

Anger: Children in divorcing families experience more aggression and anger. It is often directed toward the parents, expressed in tantrums, irritability, resentment, and verbal attacks. Many children see the divorce as a selfish act and feel very resentful about the resulting destruction of their lives.

More than one-third of the children showed acute depressive symptoms such as sleeplessness, restlessness, difficulty in concentrating, deep sighing, feelings of emptiness, compulsive overeating, and various somatic complaints.

The symptoms that many children may have during the divorce process either moderate or disappear within 18 months after the breakup. Of the symptoms that remain, the most common are:

1. Manipulative behavior was reported by about 20% of the teachers.
2. Depression was diagnosed in 25% of the children and adolescents. The symptoms of depression in children include: (19)

- Low self-esteem / • Inability to concentrate

- Sadness / • Mood swings ./• Irritability . /• Secretiveness . /• Isolation . /• Self-blame
- Eating disorders . / • Behaving perfectly . /• Being accident-prone . / • Stealing
- Skipping school . /• Underachieving at school . /• Sexual acting out (20)

CONCLUSION:

When a family breaks up, it is usually difficult for everyone in the family to cope with the situation; however, children are often the worst victims of family breakup. There are powerful reasons to be alarmed about the impacts of family breakup on children. They feel insecure, depressed and helpless when they see their family break apart. The present at identifying the effects of family breakup on children. . After analyzing the data collected from the field survey, this report concludes that children of the broken families are particularly vulnerable and they need special care for their mental, psychological and physical recommendations that will support children in the broken families and Domestic Violence.

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