

## SHARIA LAW OF MARRIAGE, FAMILY AND INHERITANCE

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### Annotation:

In our article, the legal compliance with the rules of Sharia. We have provided information on the extent to which it is compatible and applicable to the present day.

### Keywords:

Sharia, Marriage, Inheritance,



Discontinue treatment of marriage and family matters under Sharia. In Islam, marriage is a sign of honesty, extramarital affairs, and impurity. According to the Shari'a, marriage is a religious obligation of Muslims, an unacceptable condition related to celibacy.

According to Sharia law, the parties are required to comply with the following conditions: 1) mutual consent of the parties to the marriage; 2) have reached the age of marriage; 3) conclusion of a marriage in the presence of witnesses; 4) to pay a dowry and dowry for the bride; 5) unity of religious beliefs; 6) no close relatives of the couple; 7) class equality; 8) the mental health of the couple.

Hence, according to the Shari'a, forced marriage is not allowed. But the girl had no right to touch the ground. He could not live alone, of course, he had to get married and be in a marital relationship. The incompetence or resistance of the youth could not prevent them from forming a marriage union. Boys and girls who were fit for treatment were able to enter into a marital relationship of their own free will, without the intervention of their parents.

Another condition for a marriage to be valid according to the Shari'ah is that the parties have reached the age of marriage. According to him, the age of marriage is set at 12 years for boys and 9 years for girls. In doing so, the boys had to be sexually mature. This age, set for those entering into marriage, was the final step in determining adulthood. In practice, boys are married when they are 14 and girls when they are 12 years old. The Shari'a does not set an upper age limit for marriage. The lower age limit for marriage is largely based on physiological grounds. It is a stigma to be "single" in a family over the age of twenty. [1]

One of the conditions of Shari'ah marriage is that such a contract must be made in the presence of witnesses. As Burhaniddin Marghinoni writes, "Know that testimony is obligatory in the chapter of marriage. Because the Prophet (S.A.W.) said: Marriage without witnesses is

not marriage ... Muslim marriages are concluded only in the presence of (at least) two witnesses. Both witnesses must be free, intelligent, mature Muslim men or one man and two women. In Muslim marriages, witnesses are required to be Muslims.

The testimony of a non-Muslim (disbeliever) over a Muslim does not pass. If a Muslim married a Christian or a Jew, then people of the Christian or Jewish religion could testify. Witnesses were required to be 15 (16) years old if male and 9 years old if female. Because at this age they were considered fit for treatment.

The next condition for concluding a marriage contract according to the Shari'a was to pay the dowry and give the separated dowry. This marriage was considered invalid. Thick, as mentioned above, is a right paid to the bride, her parents, relatives, guardians, along with money, property, or other property. The dowry consisted of a house or a dowry and other property given directly to the bride by the groom. The dowry fell directly into the hands of the bride's father, the bride had no right to the dowry, and the dowry was considered the bride's personal property. [2]

According to the Shari'a, those who marry are required to be in Islam, that is, only those who belong to Islam can marry each other. A man who believed in Islam had no right to marry a woman who believed in another religion or did not belong to any religion at all. If a Christian or a Jew converts to Islam, then he has made a covenant of marriage with Muslims. According to Sharia, even if one of the spouses converts to another religion (betrays Islam), the marriage is annulled.

The Shari'a forbids marriage between persons who are in close kinship. In addition to the above, the Shari'ah also requires that those who marry be class-equal and mentally healthy. There are also other circumstances that directly impede the conclusion of a marriage contract.

For example, if the Muslims are in ihram, if the woman who is getting married is wanted by another man, if the men are marrying their wives' sisters, if one of the parties is immature, and so on, then the marriage is in accordance with the Shari'ah. directly prevents the conclusion of a covenant. Only a marriage contracted under the conditions listed above is legal and provides the parties with appropriate rights and obligations.

It should be noted that the main purpose of the Shari'a was to establish a healthy, honest marriage. In Islamic law, the relationship between a couple is regulated in detail. The Shari'a and, in general, the rights and obligations of the couple are elaborated. The husband was the head of the family, and therefore had to earn the material goods necessary for the maintenance of the family. The wife was mainly engaged in household chores and raising children. [3]

According to the husband's right, if the husband had paid a dowry and dowry, the wife had to live in his house. If a wife had to go somewhere, she had to get permission from her husband. The husband had to provide for his wife. If the husband did not stay at home for more than six months and did not provide for his wife financially, this could be a ground for the wife to divorce her husband. [4]

The wife has more obligations than her right on earth. The wife, of course, had to live in her husband's house, keep the house clean and tidy, do the housework, and raise the children. She must be submissive to her husband and carry out the tasks assigned to her, not appearing in public places without her husband's permission. The wife received the right to demand material support from her husband.

If the husband abused his wife, did not fulfill his marital obligations, the wife could refuse to live with her husband. If the wife did not fulfill her obligations, the husband could take physical action against her, even raising the issue of divorce. If the husband did not provide his wife with sufficient funds for subsistence, then the wife could, with the permission of the judge, borrow on behalf of the husband and under his responsibility, and sell some of his property. If the wife did not fulfill her obligations to her husband, then the husband could

punish her, that is, beat her without harm, and deprive her of material support for a certain period of time.

If one of the spouses converts to another religion, as mentioned in the previous pages, that is, leaves Islam, then the marital relationship between them is terminated and all existing obligations are terminated. However, if the betrayal of religion was committed by the husband, he was not exempted from giving dowry to his wife and providing for her during the iddah. If such an act is committed by the wife, she is deprived of the right to financial support during the period of iddah.

After the death of his wife, the husband could always marry another woman. The wife, on the other hand, was allowed to marry another person after the death of her husband only after the period of iddah had expired. The wife had to spend her iddah where she was married, because only then her personal rights and property were fully preserved.

At the time of Iddah, the provision of the wife is entrusted to the husband. However, if he is exempted from providing for his wife on any grounds, or if he performs slavery, then the wife is self-sufficient. If the deceased left an inheritance, it is provided at the expense of the husband's inheritance. The Shari'ah did not recognize that property acquired by a couple during their marital life was their common property, and the property was considered to belong to the person who received the property during the period of cohabitation. [5]

The Qur'an allows divorce (taloq). But Islam does not consider divorce to be a purposeful act. Promotes keeping the family together as much as possible. Divorce is allowed only if there are "legal" grounds for divorce.

The right to divorce is given to the man. He could ask his wife to annul the marriage only in the following cases:

1. If the husband does not provide for his wife for a period of six months.
2. If the husband is unable to live in the marriage (if he does not have masculine ability).
3. If the marriage was entered into at a young age and the girl declares that she does not agree to live in the marriage after reaching puberty or reaching a certain age.
4. If the husband converts from Islam to another religion.

The divorced woman, as mentioned earlier, had to observe herself during menstruation and not marry again so that the lineages would not interfere. After this time, when it became clear that there was no fetus, the woman was able to touch the ground. If it is known that she is pregnant, she may remarry after the child is born and the period of nifas expires. If he regrets what he did during Iddah and wants to be reconciled, he has a right to do so. If he does not reconcile with his wife within this period, the divorce will take place and the marriage will end. [2]

The right of inheritance under Sharia was very complex and confusing. There are major differences between the different legal sects of Muslim law regarding inheritance law. In general, the inheritance is left by will and by law. The word "will" in the dictionary means "to hand over." As for the Shari'ah, it is to say to whom the property will be given after death. The will could not be made in favor of the legal heirs. It is also not permissible to bequeath more than one-third of the property. Two witnesses were required to participate in drafting the will.

In the Shari'a, especially under the law, the order of inheritance was more carefully developed. The property of the deceased was first covered for his funeral expenses, and then all his debts were paid. The remaining property was distributed among the legal heirs. The children of the deceased who received the inheritance in the first place received their share, otherwise their brothers, uncles and others were called to inherit. Women received two times less share of the inheritance than men. Apostates, divorced couples, those who caused the death of the testator were deprived of the right to inherit.

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