Divorce and the Islamic Sharia

Masoumeh Roozpeikar
Department of Jurisprudence and Principles of Islamic Law, Najfabad Branch, Islamic Azad University, Najfabad, Iran.

ABSTRACT
Divorce, due to any reason and in any kind, has the result of collapsing the family in which both parties have peace and causes the disorganization of children. Perhaps, both parties get divorce willingly but they bore grudges and develop the sense of pessimism. Divorce is among the downfalls of life and affects the children by psychological distress and its ominous impacts remain throughout life. Miseries caused by divorce are not repairable in many cases. Divorce makes the boys and girls pessimist to marriage, educates people of the society with complexes, it develops revenge in the society and deliver anxious people to community.

Keywords: divorce, Islam, the sustainability of life, the Islamic Sharia.

INTRODUCTION

One of the social-psychological issues that our society and the Hormozgan province have faced is divorce and issues arising from it. Divorce is not the right denoted to men and prohibited of women, but it is the last way to end the emotionless and excruciating lives (Mohd, 2015). Accordingly, personal responsibility has a more significant role in this issue due to greater power. Therefore, it should be paid attention that people who marry for their lust do not see any way but divorce I front of them by the smallest conflicts and do not think that they are responsible before God.

One of the most important conditions for getting married is to be similar. The Muslim man and woman are similar is they have faith, piety, ethics, trust, chastity, purity, health and economic similarity although one of them is Arab and the other is not, one of them urban and the other rural, one of them wealthy and the other poor, one of them white and the other black and one of them aristocrat and the other not.

Social class distance is one of the factors that often creates different views with social facilities. Of course, if the two parties are well aware to recognize these class differences and distances, their marriage is not contraindicated. Among different social classes (high, medium, low), there are substantial differences in the cause of divorce (Thurnher, Fenn, Melichar, & Chiriboga, 1983). In the lower classes, the leading cause of divorce is financial problems, unemployment and lack of alimony, addiction, violence and immorality and ill-treatment. The differences between the divorce of the two high and middle classes are also different. The most
important factor in the high-class divorce is the lack of understanding and moral agreement. While among the middle class, cultural differences are the most important factor (Wolcott, Hughes, & Ilene, 1999).

Two individuals, who have come from two different social origins, are grown up with specific values, have certain habits and even their worldviews are different with each other. Two people with two different cultures are in one place together. Their emotions incline to coldness due to the lack of intellectual compromise and the discrete interaction relationships are replaced with continuous interaction relationships. Truly, it can be said that more social, geographical, cultural, occupational, linguistic and religious distance can put couples in a more threatening divorce danger. Therefore, the main issue in this article is dealing with divorce and its nature in the Islamic Sharia.

Islam and divorce

Islam, while knowing divorce as the biggest ethical sin as introducing it as terrible, accepts it and recognizes it in some situations (M. Ali, 1985; Voorhoeve, 2012). Accepting divorce is one of the honors of this religion in the way that it has opened a door to rescue due to the individual rights and has saved the two parties from a mischief (Asgari, 2012).

Islam believes that we can never bring two individuals together forcefully or compulsorily and induce them to sacrifice, tolerance, and forgiveness. We can never tell somebody to be intimate with his/her spouse and know your happiness depended on his/her happiness (Mohd, 2015).

Is someone cannot tolerate his/her spouse and mange a healthy family to some reasons, the two should not be doomed to marital life and suffer. They can get divorce since experience has shown that this situation will cause more disorganization. It is better to get divorce with the hope of finding some peace and comfort (Asgari, 2012).

Loathsomeness of divorce

While divorce is a lawful and necessary phenomenon for the parties to the marriage, it is an unpopular and undesirable issue due to unfair and undesirable consequences for the individual and social life (Hosseini, 2016). It is said in the words of the Prophet (PBUH) that: “divorce is the most hated things in the sight of God” (Mohd, 2015; Platt, 2015). And in another word he said: “the most hatred lawful thing in the sight of God is divorce”. Thus, it should not be taken lightly and simply passed (‘Ala Maudoodi, 1993; Z. S. Ali, 1987; Issa, 1979).

The use of divorce in Islam

Islam accepts divorce, but for those severe situations in which there is no way but to cut the link. Islam has accepted it since in some cases the rejection of divorce threatens the peace and security of the family and the both parties (Hassan, 1986).

Accepting divorce in Islam is due to necessity and is like a surgery on the brain, heart, stomach or appendix that is inflected and the way of its treatment is only through surgery. It can be also said that divorce in Islam is for situations like that of cancer in which some parts of the body should be cut in order to prevent the spread of the disease. To make it more obvious, it should be remembered that the rule for divorce in Islam is like the rule of eating the dead body that is allowable in the case of necessity. This being allowed is to prevent more consequences. Otherwise,
we can say that divorce is in the verge of prohibition in Islamic rules (Mehdi, Menski, & Nielsen, 2012; Menski & Nielsen).

**Cases that adds to the hatred of divorce in Islam**

Divorce is so hated in the sight of God (Voorhoeve, 2012), but there are cases that will add to its hatred like:

- Divorce a woman who did not commit sin and the Prophet said that the divorcee does not hear the smell of paradise and is always cursed by God (Awde, 2013).
- Divorce because of marrying another one to satisfy the concupiscence or in other words, divorce because of the sense of diversity.
- Divorce for marrying a more beautiful and wealthier man or woman.
- Divorce a woman who has compromised with her husband at all situations with miseries of his husband and has not complained.
- Divorce a woman who has children of her husband and they become unaccompanied after the divorce.
- Divorce a woman who has a disease and her condition may worsen after the divorce.
- Divorce of someone who is accustomed to getting married and divorce (Hosseini, 2016; Mehmood, Chishti, & Hassan, 2015).

**Cases that reduces the hatred of divorce in Islam**

There is no doubt that divorce can be more easily accepted in cases such as: Divorce because of physical ailments contagion, mental illness, sexual lack, madness, vile, profane, disregarding the aspects of chastity, undue socializations, infertility, vices, addiction, neglect to religious and ideological backgrounds and the like is not hatred. There is no doubt that such care must be considered before marriage in order to prevent these cases for future conflict (M. Ali, 1985; Asgari, 2012).

**The guilt of the perpetrators of divorce**

As we accepted marriage as a divine rule, we must also accept that we cannot get divorce carelessly. In other words, divorce should have reasons accepted by God. Otherwise, it has punishment (Mohd, 2015).

Couples who get divorced unreasonably or for trivial reasons have disregarded the rule of God and have violated it. Accordingly, in their future aims, they cannot have the God's as in choosing better husband or wife.

In Islam, people who are involved in the divorce of a couple are hated although they show their interest in separation from each other. The Prophet said: “Anyone who separates a couple will see the wrath and the curse of Allah in this world and the Hereafter, and Allah knows what happened to him, thousands of fiery rocks fall on his head” (Issa, 1979; Platt, 2015).

**CONCLUSION**

Divorce is always the consequence of inconsistency, due to any reason, which paves the way for the couples to have disorganization and for children to have misery. Religion plays an important role in reducing the divorce rate. That is why divorce is seen less in religious communities and in families where religion is rooted in its fundamental role.

Islamic traditions provide ways and means to people and advise the couples to use them to prevent divorce. For instance, the Prophet stated: “the man should not only see the negative side of his wife and leave her although he is not satisfied with one of her personal characteristics. May
another feature is the means of satisfaction”. Then, the spouse should be seen in as overall. He also said that: “A Muslim gets along with bad-tempered spouse and puts this in the savings of the Hereafter and is not after the divorce”.

REFERENCES
Menski, W., & Nielsen, J. S. Interpreting Divorce Laws in Islam.