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MARRIAGE ACCORDING TO THE SHARIA RIGHT

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Content

Introduction.....

Chapter I- Marriage according to the Sharia right

Engagement

Marriage.....

Command for marriage

Freedom for marriage

Marriage of a Muslim woman with a non-Muslim.....

Marriage with a non-Muslim woman

Polygamy

Is polygamy necessary?

Chapter II

Marriage Bond

Mutual recognition of future husbands

Required qualities of the wife

Required qualities of the husband.....

Equality

Asking the daughter’s hand

Legitimacy of the engagement.....

Wedding.....

Chapter III- Marriage.....

Rights and conjugal obligations towards each other.....

Rights of the women on men

Rights of the wife.....

Rights of the man on wife

The past between the couple	
The past of the wife.....	
The past the husband.....	
The decision of the arbitrators	
Chapter IV- Separation and Divorce.....	
Divorce in Islam.....	
Separation as a last solution	
The legal framework of divorce.....	
Reasons of divorce	
Divorce for the change of religion	
Authorization of divorce	
Separation by mutual agreement.....	
Trial separation	
Divorce only by the wish of the woman	
Divorce only by the wish of the husband.....	
Chapter V-Prostitution	
Prostitution from the viewpoint of Islam	
Measures that Islam took to prevent prostitution.....	
Immorality.....	
Loads of Immorality	
Punishment of the act of immorality.....	
Homosexuality	
Conclusion	
Literature.....	

Introduction

Marriage is the union of a man and a woman to create a family. Family is considered as saint. Cultures of different places perceive in different ways the marriage. Undoubtedly, that the religion of a country determines in most cases the principles that must be respected in marriage. So even Islam has established some principles of marriage. Therefore, I saw it reasonable to elaborate this paper, especially at this time when different cultures have already started to break through in our country and very easily new generations who wish to marry and to create a healthy family with principles of Islam, from lack of knowledge of these principles can be put under the influence of those cultures that forbid Islamic principles.

Starting from the point of view of Islam that has towards being, life and human, the theme chosen for this master paper was "Marriage according to Sharia law" in order to let you know that reading this paper God hasn't left any side that has to do with man, without giving a specific system in order to balance and perfect his personality to perform the duties and responsibilities better.

Marriage wasn't developed through the evolutionary and experimental human process, and not even randomly during the time. It is located as an institution of human life in order to enable creative activity. Human race is a product of this institution, and the non institution a product of the human race. Marriage is the main cell of the society therefore the right of Sharia has paid special attention to it. It considers as the basic factor for the preservation and development of society. The healthier the marriage is, the happier the society will be. Islamic Marriage is a marriage conducted according to Sharia. It is considered by Islamic law systematic as a civil law contract.

Even the hadiths of the Prophet a.s regarding this topic are numerous. In this case we're mentioning only one: "Marriage is part of the sunnah, and whoever leaves from my sunnah is not on my side. Islam puts strong foundations to the family institution. It recommends that marriage should be between partners who have similar understandings of moral life and acting fully in accordance with the provisions of Allah, so a Muslim is obliged to know in detail the provisions of Sharia and to implement them. In this way it provides itself and Islamic society the happiness in this world and in Ahire.

Theme is separated in 6 chapters:

The first chapter has to do with marriage and includes the order for marriage, freedom of marriage, engagement, the marriage of a Muslim woman with a non Muslim man, the marriage with a non Muslim woman and polygamist. The second chapter is devoted to the marriage relation, mutual recognition of future couples, the qualities required of the wife, the qualities required of the husband, equality, asking for the daughter's hand, legitimacy of the engagement, presence, wedding.

The third chapter deals with marriage, rights and duties of the couple towards each other, the rights of men, women's rights on man, the past between couples and the decision of the arbitrators.

The fourth chapter includes separation and divorce, divorce in Islam, separation as a last resort, the legal framework of divorce, reasons of divorce, divorce for the change of religion, the authority of divorce, separation by mutual consent, separation by court, divorce only with consent of the woman and divorce with the consent of husband.

Chapter five deals with prostitution, with measures that Islam took to prevent prostitution, immorality, loads of immorality (fornication), the immorality of the criminal penalty (adultery) and homosexuality, punishment of the act of amorality.

Chapter six and the last one involves the research achievements, successes and recommendations. Also, this chapter includes literature, used magazines or newspapers and internet sources.

Obviously, to support this paper in a scientific manner are used constantly academic references.

I express my profound respect and gratitude to the institution in which I was educated "AAB", and in particular, Prof. Dr Muhamet Kelmendi, who helped me in every aspect.

Conclusion

Marriage is an essential necessity, where human through it create connections with other people. Marriage is the most important period of life. Through marriage people continue the family tree. To marry, we must respect some certain rules or principles that are defined by religion, tradition and place of residence. So, in this study you read the marriage according to Sharia. Islam appreciates marriage and for this reason there is a set of principles to be followed in the wedding couple.

From this research it turned out that marriage in Islam is considered a blessed relationship between husband and wife, where the couple will have love, understanding and tolerance. According to Islamic doctrine, marriage can occur with individuals who feel economically and emotionally capable. In other words, we can say that the family in Islam is considered as something holistic, as a way of maintaining morale but also the tradition of the prophet Muhammad.

Of course, marriage to exist women and men must come to an agreement. Sharia determines that Muslim males and females are free to choose a marriage mate, but a Muslim woman can not marry a non-Muslim man.

Hadiths of the Prophet a.s. teach us how marriage is the basic cell of marriage, starting from the engagement that precedes marriage. These traditions define the rules that the man and woman should be respected in marriage. For example through the verse 21 are defined three features of marriage.

Islam sets some qualities that the husband requires to his future wife and reciprocally and if they possess those requires then with their acceptance they get married. Regarding the Islamic wedding, one needs to have in mind some points, some issues should be preserved by man and others must act to be considered an Islamic marriage. We don't have any particular argument from the Qur'an or Hadith on how the weddings should be done from the beginning to the end, although with some explanations and bringing together arguments we can understand how to act.

Also, women and men have their rights in marriage. Many people have perceived the opinion that the woman in Islam is a commodity and doesn't count much. However, the paper does not say that. From this research it appears that the Muslim woman has a special place in society.

Regardless, the inequality in rights of Albanian women versus men, or regardless of injustices in their treatment, regardless the rewards in cases of marriages Albanian Muslim woman is never considered as a commodity that can be sold or resold and purchased or re-purchased.

Sharia provides that all marriages do not last forever. Due to disagreements between the couple they can be separated. Although Sharia sees divorce as the last option, according to the Qur'an if

the couple gets divorced then Allah will enrich each. According to Islamic principles, the bases of divorce are actions that are forbidden by religion. Also, divorce can happen voluntarily by men and women. This situation doesn't have any antagonist aspect towards Islam by legal terms.

Also, in this paper it is shown the immoral side of people that occur in some cases. Islam condemns prostitution and homosexuality. They are considered as one of the greatest sins in Islam. They are defined as two phenomena that negatively affect the lives of each and can also come to the destruction of life.

Islamic doctrine talks about immorality or adultery. In fact, according to research it appears that adultery is done to spread the prostitution and in this way it comes to the family disintegration and above all the Islamic society. Islam punishes all sins in different ways, according to research it appears that to create a healthy Islamic family is enough that these principles to be respected by man as well as by women. And if this happens, happiness would be inevitable in your families.