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POST DIPLOMATIC-MASTER STUDIES

THEME:

**FAMILY IN ISLAM**

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## **Introduction**

The family has great importance in society. The family is the smallest social community in which the man is born, grows up, develops and gets educated. However, although the community is smaller, it has a greater role in society, because society is the organization which consists of the family and its members. As a precondition for the creation of a family is the marriage between couples.

Marriage is the first step or the initial step to build a society. This society cannot be strong if the foundations aren't based in a strong bond, therefore Islam has given a special importance to marriage, calling it "a strong bond" and has established several foundations which ensure its sustainability and continuity. The issue of marriage is left as an absolute freedom of choice of the couple without any imposition, because it is a relation with desire and cannot be concluded without the desire of both. Issues that the act of marriage performs between couples are peace, love and compassion. God in Quran says "And by the facts of (his majesty) is that for your own good he created from among yourselves the woman that you may find repose in them and between you he created love and mercy.

Therefore, according to the fact that the family is the initial cell of society formation and its functioning, Islamic law attaches special importance to this issue. In today's reality, we see that the family is almost sinking, so in this paper of mine, I would like to present the Islamic view about it, hoping that will arouse interest among our students.

With the elaboration of this theme we will see that the Islamic law provides clear provisions on the family and regulates family relationships in different human societies.

During the discussion of this theme will be used wide literature, from our Albanian language, and also the literature of other languages, which will enrich this area of study. We will rely on the Holy Qur'an, the Prophet's tradition A.Ş. and in the books of Muslim jurists.

The objectives of this theme are multiple, one of the main objectives of this paper is to enrich the literature of Albania in this field, so the family right in Islamic jurisprudence, in order to understand how does Islam treats family, its adjustments, obligations and rights, marriage, divorce and inheritance.

I think that through this paper we gave a small contribution in this field of study, because on this subject there haven't been many studies in our country, this paper will fill the gap a little bit.

Theme is divided in four chapters:

In the first chapter is discussed the family in Islam, the family throughout history, types of family, obligations, its pillars and features.

In the second chapter is discussed about the engagement and marriage in Islam, types of engagement, the definition of marriage, marriage throughout history, the wisdom of marriage, the arguments of legalizing marriage and its provisions, the pillars of the marriage contract, the conditions of this contract, the conditions of validity of marriage, temporary marriage bans, mandate of the marriage contract, the efficiency on marriage, as well as the conditions of witnesses in the marriage contract.

In the third chapter is discussed the rights and obligations of husband and wife, dowry, divorce and the loss of the dowry. While in the fourth chapter and the last one we discussed the legacy and its regulations in the Islamic law, pointing out that Islam gives the right in inheritance to the female also, deprivation of which this right is prohibited, as well as cases of the inability to inherit.

## **Conclusion**

The theme "The Family in Islam" is a topic prepared for the achievement of the Master's degree, in the Faculty of Law of the AAB University. Surely this issue is quite extensive and is developed by many authors, but less in our country. Considering that there was a need for an explanation of this topic I thought that I can make a contribution in this direction.

The family is the element on which depends the future of any society, and therefore we see that Islam in any system of life has paid special attention to it. Islam considers family as the basic factor for the preservation and development of a healthy society. The more evolved the family is, the more evolved the society will be.

The family is named as an institution of life in order that man to enable its operation. The human species is the product of this institution, and not the opposite. God in the Qur'an says:

You people! Fear your God, who created you from among yourselves and from it he created the wife, and from them both were increased countless men and women. And fear Allah that by his name you swear an oath, save relatives (kinship), because God watches over you.

In this paper we talked about family, its types, the role and duties, obligations of family, columns and features of the family, engagement and its regulations, the types of engagement, the definition of marriage, marriage throughout history, wisdom marriage, signs of legalizing marriage and the provisions of marriage, pillars of the marriage contract, the conditions of the marriage contract, the conditions of validity of the marriage, the legal conditions of the marriage contract, the temporary bans of the marriage, the mandate of the marriage contract, the conditions of witnesses in the marriage contract, for the rights and duties of husband and wife, the wife's rights, women throughout history, dowry, the loss of dowry and divorce. While in the last chapter we talk about heritage and its rules in the Islamic law. Once again we repeat that Islam paid special attention to the family formation on healthy basis from a marriage built on love and compassion in order to create a strong family and society. Islam has always had this role throughout human history considering that this was its core. Therefore this institution - the family - did not change its role in any time and circumstance.

Also, this study clarifies the commitment of Islam, the establishment of rules and regulations to preserve the institution of the family, setting laws which explain how to create a family, laws on marriage, obligations and duties of marriage, the establishment of laws on divorce, which God did not leave in the hands of human compassion. Also we talked about heritage, which is one of the issues that require special attention.

We hope that this paper is a contribution, from which will benefit all the students who are interested in this field.

In the end, I want to thank all those who helped in the preparation of this theme in particular my mentor Prof. Muhammad Kelmendi, without suggestions and advices of which, this theme would not achieve the appropriate level.