

Muslim Family Law and Practices: A Practical Guide to the Laws of Marriage and Dissolution of Marriage: Book Review

Fadli Al Ghifari^{1*}

Universitas Islam Negeri Raden Mas Said Surakarta, Indonesia

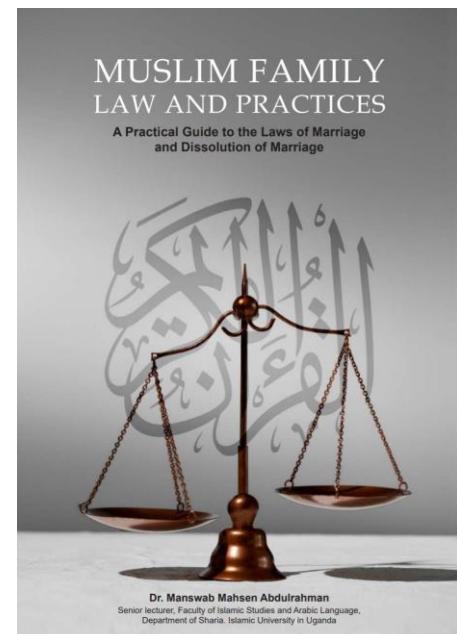
*Corresponding author's email: alghip573@gmail.com

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Introduction

This book "Muslim Family Law and Practices: A Practical Guide to the Laws of Marriage and Dissolution of Marriage" by Abdulrahman (2024) offers a comprehensive exploration of its subject by integrating theoretical perspectives with practical insights. It situates the discussion within contemporary academic and social contexts, highlighting key concepts, debates, and developments that shape current understanding. Through a systematic and accessible approach, the author guides readers to grasp both foundational ideas and emerging issues, making the book relevant for scholars, students, and practitioners alike.

Moreover, the book emphasizes critical reflection and contextual analysis, encouraging readers to engage thoughtfully with the material rather than accept it at



face value. By drawing on empirical evidence, real-world examples, and interdisciplinary perspectives, the work not only enriches academic discourse but also provides meaningful implications for practice and future research. As such, this book serves as a valuable resource for anyone seeking a deeper and more nuanced understanding of the topic it addresses.

This textbook also provides a systematic study of marriage formation in Islam, beginning with the preliminary stage of *khitbah* (betrothal), continuing through the legal requirements for a valid marriage contract including its pillars, conditions, and implications and concluding with an exploration of the various forms of marital dissolution, such as *talāq*, *khulu'*, *faskh*, *tafrīq*, *ilā'*, *zihār*, and *li 'ān*. The author employs a comparative methodology, referencing classical opinions from the four Sunni schools (Hanafī, Mālikī, Shāfi'I, and Ḥanbali), and highlighting modern applications in Muslim jurisdictions. Each chapter includes discussions, activities, case studies, and questions to strengthen understanding. The book's purpose is to provide foundational knowledge for students, scholars, and anyone seeking clarity regarding legal procedures and principles governing Muslim family life.

Chapter 1 Khitbah technically, Khitbah technically is a man's expression of intention to marry a particular woman. The engagement is not a marriage contract; it does not legalize seclusion (khalwah) physical relations. Jurists differ on what may be viewed: Maliki and Shafi'I allow the face & hands only, while Hanbali allows any part normally visible publicly. Proposals can be Permissible (to a woman without impediments) or Prohibited (e.g., proposing to a woman already engaged or in 'iddah). Qualities of suitors prioritize Religion and moral character. Upon breaking an engagement, the dowry must be returned, although jurists differ on returning other gifts. The material provides a clear overview of *khitbah*, but it remains largely descriptive and lacks deeper analysis of the juristic reasoning behind the differences among legal schools, the ethical implications of engagement practices, and the social realities faced today. It also oversimplifies complex fiqh debates such as the scope of permissible viewing and gives limited attention to women's rights, autonomy, and potential vulnerability during the engagement process. Additionally, the discussion on prohibited proposals and the return of gifts is too brief and does not explore the practical challenges that arise in contemporary contexts. Overall, the explanation would benefit from stronger analytical depth, better contextualization, and a more balanced gender perspective.

Chapter 2 Marriage (*nikāh*) is a contract permitting lawful intimacy and establishing mutual rights; it is viewed as both a civil contract and act of worship. The Legal Status ranges from Obligatory (one fears falling into zina and can afford marriage) to Prohibited (one will likely abuse or neglect the spouse). Purposes of Marriage include preservation of lineage, protection from immorality, and emotional tranquility. The

pillars of Marriage vary by school; the Hanafi school, for example, requires only signah (offer & acceptance). The explanation provides a solid summary of Islamic marriage law, yet it lacks a deeper exploration of the jurisprudential logic that shapes the distinctions among the schools, particularly regarding contractual components, guardianship authority, and witness requirements. The discussion also glosses over significant contemporary issues such as power dynamics within marriage contracts, compatibility assessments, and the complexities of interfaith unions beyond the basic permissibility debate. Moreover, the presentation of marriage rulings and objectives is too idealized, without addressing how economic pressures, social expectations, and legal reforms influence their application today. To be more analytically robust, the material should integrate critical reflection on practical challenges, evolving family structures, and the ethical responsibilities embedded in the marital framework.

Chapter 3 Marital prohibitions are categorized into Permanent Prohibitions (By Lineage/Nasab, By Affinity/Musaharah, and By Breastfeeding/Rada'ah) and Temporary Prohibitions (e.g., marrying two sisters at once, a woman in 'iddah, or a woman divorced thrice without tahlil). Unlawful Marriage Forms include Mut'ah (temporary marriage) and Shighar marriage (reciprocal exchange of daughters). The material outlines the categories of marital prohibitions accurately, yet it gives minimal attention to the underlying legal rationales, societal implications, and interpretive debates among jurists, especially regarding milk-relations and affinity based restrictions. The section on temporary prohibitions also presents the rules in a rigid manner without evaluating how contemporary legal systems, interreligious dynamics, or changing family structures complicate their implementation. Additionally, the treatment of unlawful marriage forms is purely categorical, lacking analysis of why these practices were condemned, how they historically emerged, or how modern communities continue to grapple with their remnants. Overall, the explanation would be strengthened by incorporating deeper jurisprudential insight, contextual analysis, and a clearer exploration of ethical and social consequences.

Chapter 4 Procedural elements include the Guardian (Wali) (required by the majority for women, except Hanafi), Witnesses (two males or Dowry (Mahr) (a mandatory gift). Contract Requirements include mutual consent, no durras, and no time limitation. The chapter presents the procedural elements of marriage clearly, but it lacks a deeper examination of the legal reasoning and historical contexts that shaped differing juristic positions, particularly concerning the necessity of a guardian and the evidentiary standards for witnesses. The explanation also treats dowry and contractual conditions in a purely formal sense, without addressing broader issues such as economic disparities, power imbalances, or potential misuse of authority within the contracting process. Additionally, the material does not explore how modern legal systems reinterpret or

modify these requirements, nor does it evaluate the challenges posed by undocumented marriages or coerced consent in contemporary settings. A more critical approach would integrate socio legal analysis, examine potential areas of dispute, and assess the ethical implications of these procedural safeguards.

Chapter 5 Mutual Right and Responsibilities, Islamic family law emphasizes mutuality. Husband's Rights include lawful obedience in non sinful matters, while Wife's Rights include full maintenance (food, clothing, housing). Mutual Responsibilities include good companionship (*mu'asharah bi ma'ruf*) and loyalty. Polygamy is permissible but requires strict justice. The section effectively summarizes the reciprocal rights within Islamic family law, yet it presents these duties in a static and idealized manner without critically engaging with how cultural norms, legal reforms, and shifting gender expectations influence their real world application. The description of the husband's authority and the wife's entitlements lacks deeper evaluation of potential power asymmetries, especially concerning obedience, financial dependence, and decision making within the household. Similarly, the discussion on mutual responsibilities remains broad and does not address how conflicts, unequal workloads, or differing interpretations of "good companionship" are managed in practice. The brief mention of polygamy also oversimplifies a complex legal issue, offering little insight into contemporary debates, psychological impacts, or the stringent conditions required to prevent harm. Overall, the explanation would benefit from more analytical nuance, sociological awareness, and engagement with modern legal challenges.

Chapter 6 The Waiting Period ('Iddah) serves purposes like the protection of lineage and providing space for reconciliation. Durations vary: a divorced woman is three menstrual cycles, and a widow is four months and ten days. Matrimonial Property discusses ownership of assets and the rights to maintenance during 'iddah. The explanation outlines the rules of 'iddah and matrimonial property clearly, yet it does not probe the deeper legal debates or social implications behind these regulations, particularly regarding how varying juristic interpretations address modern family structures and financial complexities. The purposes and durations of the waiting period are presented without engaging with contemporary criticisms concerning women's autonomy, emotional burden, or how biomedical knowledge might influence traditional timelines. Likewise, the treatment of matrimonial property remains surface level, lacking discussion of disputes over asset division, the impact of differing national legal systems, or the challenges faced by women who experience economic vulnerability during and after marital dissolution. Overall, the material would be strengthened by incorporating more critical reflection, contextual awareness, and analysis of practical difficulties in implementing these rulings today.

Chapter 7 Talaq (Husband Initiated Divorced) can be Revocable (raj'i) (the first two divorces) or Irrevocable (ba'in) (the third divorce or khulu'). Khulu' (Wife Initiated) allows a wife to seek dissolution by offering compensation (often returning the dowry). The section summarizes the mechanisms of ṭalāq and khulu' accurately, yet it offers little critical insight into the legal tensions, gender dynamics, and procedural challenges that accompany divorce in contemporary contexts. The rules for revocable and irrevocable divorce are presented mechanically without examining issues such as emotional pressure, misuse of unilateral divorce, or the uneven bargaining power that can influence a woman's ability to pursue khulu'. The discussion also omits broader debates on evidentiary requirements, judicial oversight, and safeguards meant to prevent impulsive or coercive pronouncements. Additionally, the brief mention of post divorce rights lacks engagement with practical disputes surrounding custody, financial support, and enforcement mechanisms within different legal systems. A more nuanced treatment would address these complexities and assess how classical rulings interact with modern social and legal realities.

Chapter 8, Faskh (Judicial Annulment) allows dissolution for physical or mental defects, apostasy, fraud, or impediments discovered after marriage. Tafriq (Judicial Separation) is granted when the husband fails to provide maintenance, is abusive, or deserts the spouse. The material presents the concepts of faskh and tafriq clearly, but it does not address the broader jurisprudential debates or practical hurdles involved in obtaining judicial dissolution, especially in systems where court access is limited or evidentiary standards are difficult for women to meet. The grounds for annulment and separation are listed without exploring how cultural pressures, power imbalances, or economic dependency can affect a spouse's ability to bring such cases forward. The explanation also overlooks variations among legal schools and modern statutes regarding what constitutes harm, neglect, or valid evidence. Furthermore, the discussion does not consider how delays, judicial discretion, or inconsistent enforcement can impact the effectiveness of these remedies. A more thorough analysis would integrate these social, procedural, and legal complexities to present a fuller picture of how faskh and tafriq function in contemporary practice.

Chapter 9 Separation by Ila, Zihar, and Lian. Ila occurs when a husband swears to abstain from intimacy for four months. Zihar is when a husband compares his wife to a prohibited relative. Li'an is used in cases of adultery accusations, leading to permanent separation if spouses exchange oaths. The section outlines ḫilā', ḫihār, and li'ān correctly, but it remains largely descriptive and does not delve into the deeper legal reasoning, historical context, or the social ramifications of these uncommon yet significant forms of separation. The explanation overlooks major juristic discussions on evidentiary safeguards, potential misuse of oaths, and the emotional or psychological impact these

declarations may have on spouses. It also fails to address how modern legal systems rarely apply these mechanisms or how contemporary courts reinterpret them within broader frameworks of marital harm and rights protection. Moreover, the summary does not explore ethical concerns, such as the vulnerability of women in cases of false accusation or coercive speech acts. A more analytically rich treatment would situate these rulings within current legal practice, examine their protective purposes, and highlight the challenges of enforcing such classical procedures today.

CONCLUSION

Muslim Family Law, as presented throughout this study, is representative of a wide-ranging legal structure that governs the formation and continuance, and the dissolving of marriage in Islam. Each chapter demonstrates how classical jurisprudence aims at the stability of the family, moral conduct, and a proper balance of rights and responsibilities among all the parties concerned. From the initial step of khitbah through the intricacies of divorce, annulment, and court action, the law is designed to preserve the lineages, ensure mutual respect, and protect the interests of spouses and children. Material evidence shows, however, that many explanations remain descriptive and would benefit from deeper engagement with the relevant juristic reasoning, contemporary social realities, and evolving legal reforms across Muslim societies.

Specific areas where this need is most pressing include discussions of gender dynamics, economic vulnerability, evidentiary challenges, and modern reinterpretations of classical rulings. Although the basic principles of fairness, justice, and mutual responsibility are still operative, their practice is in need of critical review in light of shifting family arrangements and societal expectations. These topics discussed underscore the proposition that Islamic family law is itself not a few procedural rules but a dynamic moral and legal tradition. Its classical foundations need to be understood, as well as the challenges it faces today in ensuring human dignity, social harmony, and ethical value at the core of the Islamic legal heritage.

References

Abdulrahman, M. M. (2024). *Muslim Family Law and Practices: A Practical Guide to the Laws of Marriage and Dissolution of Marriage*. Islamic University in Uganda.