

The objectives of Shari'ah in reforming the institution of marriage

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Abstract

This paper is an attempt to explore or reveal the contributing of the objectives of *Shari'ah* in the reformation of the institution of marriage as a legal unification of man and women. It also draws the attention of all Islamic *Ummah* on the tenets of marriage during pre-Islamic and the Islamic era. The origin of marriage as an ancient institution is highlighted and the aims based on the Qur'an, *Sunnah* and work of some Islamic scholars, purposes of marriage in Islam and pillars governing the validity of marriage in Islam. The paper in ex-raying the objective of marriage in Islam observed that there are four objectives of Islamic in family marriage, which are preservation of racial lineage (*Nasab*) i.e. retention of a family prevention of Islamic *Ummah* from fornication or adultery and protection of a woman's dignity. The paper finally concludes with the general objective of *Shari'ah* as regards marriage that there are several guiding principles and wisdom in the Qur'an and Hadith in order to sustain peace and harmony among the Muslim *Ummah*.

Keywords: Shari'ah, Marriage, Muslim *Ummah* and Reformation

1. Introduction

Shari'ah provides to man a complete code of life guiding principles covering all aspects of human life, that is, *Aqa'id* (belief), *Ibadat* (ritual) and *Mu'amalat* (transactions). In this aspect, you will learn about the institution of marriage which an aspect of *Mu'amalat* is called *Ahwal Al-Shakha'iyyah* (personal affairs) that deals with the rules and regulations which govern the establishment of Muslim family as well as the relationship among members of the family. It also provides the manner of managing the family to the satisfaction of its members and to the pleasure of Allah.

Marriage is a contract between a man and a woman, whom he can legally marry, with the aims of establishing a joint life and procreation. The Arabic term '*zawaj*' ("marriage") stand for association and coming together. This term is used in the Holy Quran in the same sense of bringing together or of being together. Besides, the term '*nikah*' ("marriage") is defined as "a purposeful contract to obtain and possess an enjoyment." It also embodies the meaning of coming together or assembling. However, it generally signifies marriage. The term *zawj* is used in the Quran implying a pair or a mate (Mohammed, 2012). The word: '*nikah*' is mentioned in al-Quran in several places like in Surah al-Baqarah verse 221, 230, 232; Surah al-Nisa' verse 3, 22, 25; Surah an-Nur verse 3, 32, 33 and Surah al-Ahzab verse 49. (Ibrahim, 1997) ^[10] In fact, marriage and pairing are of the laws that Allah has passed for his creatures. However, pairing generally apply to animal and vegetation, whereas, marriage as a suitable system through which man's dignity and honor can be maintained is specifically assigned to man, a sign of his distinction and superiority over other creation. (al-Tuwaijiri & Muhammad, n. d., p. 4) Marriage or *nikah* in Islam is a highly religious sacred covenant which legalize sexual intercourse and hence, the procreation of children. It reflects 'the practical bent of Islam' for it combines the nature of both worship (*ibadat*) and social relations (*mu'amalat*). Thus, marriage *ziwaj* imply a process through which a man and

woman by means of a particular form of contract (*'aqd*) are united and live together legitimately as husband and wife.

Marriage and family institution occupies a very pivotal position in the legal system of Islam (Mansoori, 2009). It can be judged from the fact that Muslim jurists regarded the protection of marriage among the five fundamental objectives of *Shari'ah*. The Glorious Qur'an describes marriage as *mithaqanqhaliza*. The phrase *mithaqanqhaliza* implies that marriage is sacred and sanctified contract, which is higher in status than ordinary civil contracts. Marriage in Islam is essentially a righteous act and an act of devotion (*Ibadah*) (Mansoori, 2009). Moreover, marriage is necessarily a civil contract; it has gained the same status as other contracts in society. However, it is not only a civil contract but also a sacred covenant (*mithaq*), which is having the sanctity of *Shariah* and pleasure of Allah. However, Muslim Jurists regard *nikah* or marriage to be both worldly affair (*mu'amal*) and an act of worship (*Ibadah*) at the same time.

Islam, strongly advocate marriage and there is no room for celibacy in the Islamic social framework, as is the case with the Roman Catholic priests and nuns, (Mohammed, 2012) the notion recently attracted a great deal of criticism. Missionary Priest Fr Shay Cullen who is of Irish origin, and who has won three Nobel Prizes nomination for his work saving children from sexual abuse in the Philippines for the past 40 years, predict the abolishment of celibacy by church sooner or later due to perceiving it as a mere 'business arrangement' for the Catholic Church and not as a commandment of Allah. He viewed celibacy as a lifeless law imposed by mere human beings not Allah. The Prophet (May the peace and blessings of Allah be upon him) has said, "In Islam there is no room for celibacy" (Muhammad, 1994). This saying of the prophet implies that, marriage is a religious duty and social necessity and provides a moral safeguard for the behavior of the individual members of society. In fact, marriage provides a channel through which one can fulfill his/her sexual needs and regulates them in a lofty manner hence, avoiding

becoming a slave to his/her desires. It is the only legitimate or *halal* way through which man and a woman indulge in intimacy. However, Islam takes a middle position in respect of sexual relations. It does not condemn it totally as certain religions do. In the same time it does not allow it freely. It rather requires its followers to control and regulate their desire hence, preserving their dignity and not behaving like animals in respect of their sexual relation. Thus, marriage can be categorized as a social necessity by mean of which families, the fundamental units of the structure of the society can be established.

Definition of Marriage and its Base from the Qur'an and Sunnah

Usually, most Islamic terms or concepts have two basic interpretations. This are the literal meaning (*Lughatan*) of the term and the other denotes *Shari'ah* interpretation (*Istilah*). The term *al-Nikah* and *al-Ziwal* were used in the Glorious Qur'an as synonyms to marriage. In Shari'ah, "marriage is used to mean a contract legalizing sexual enjoyment between a couple". In other words, it is a contract which seeks to legalized cohabitation between couples. The contract process is started by words denoting offer and acceptance of a marriage proposal. "The offer and acceptance may even be in the local language provided it is understood by the contracting parties and the witnesses. It is a contract which implies the possession by a man of the right to have sexual enjoyment with a woman if there are no other legal obstacles preventing the marriage between them.

Marriage has also been defined as a contract with the objectives of the right of sexual enjoyment pre-creation of children as well as provision of comfort and solace in the moment of distress or disappointment. So, it is lawful for one to marry even at an extreme old age after hope of getting offspring is lost. Muslims are enjoined to marry and the injunction is said in both the *Qur'an* and *Sunnah*. In the *Qur'an* Allah says:

And among His signs is that He created, for you wives from among yourselves, that you may repose in them, and he has put between you affection and mercy. Verify, in that are indeed signs for a people who reflect. (Qur'an, 30:21)

In another place, the Qur'an states

Marry women, who seem good to you, two, three or four, but if you fear that you may not act justly among them, then marry only one, or what your right hands possess (Qur'an, 4:3).

Islam exhorts Muslims to marry virtues people. In this regard, Allah says in the Glorious Qur'an;

Marry those among you who are single, or the virtues ones among your slaves, male or female, if they are in poverty. Allah will give them means out of His grace for Allah encompasses all and He knows all things. Let those who find no the wherewithal for marriage keep themselves chaste, until Allah gives them means out of His grace (*Qur'an*, 24:32-33).

The Shari'ah as you have seen does not deprive the Muslims of the sexual enjoyment and comfort of a partner but this has to be secured in a lawful moment approved by the law giver

Allah. The lawful process is through marriage. Islam however, condemns excesses and going beyond the legal limits set by the Shari'ah. To this effect, Almighty Allah says:

O you who believe make not unlawful the good things, which Allah has made lawful for you. But commit no excess. For Allah loves not those given to excess (Qur'an, 5:90).

In the *Hadith* below, the Prophet Muhammad (may peace and blessings of Allah be upon him) said and related by Bukhari and Muslim;

Young men, those of you who can support a wife should marry for it keeps you away from looking at strange women and preserves you from immortality. But those who cannot should devote themselves to fasting for it is a means of suppressing sexual desire. (*Munhaji Al-Muslim* No.93)

In another, *Hadith*, the Prophet Muhammad (may peace and blessings of Allah be upon him) said:

When a servant of Allah married, he has completed half of the religion, let him fear Allah with regard to the remaining half. (*Buguyatul Muslima* No.26)

Marriage is enjoined on Muslims so as to increase the *Ummah* of the Prophet (May peace and blessings of Allah be upon him). It was reported from him thus:

Marry and generate, for I will be proud of you among the whole the whole nations on the Day of Judgment. (*Bugiyatul Muslim* 28).

Abu *Hurayrah* reported to had from the Messenger of Allah saying:

Allah has promised helping three (sets of) people, one who is fighting in the course of Allah; a slave given *unkatahah* by his master who is in the process of getting the reminder to complete the stated amount and he who marries with a view to secure his chastity (*Bulugh Al-Maram* No.18).

In another hadith Prophet Muhammad (may peace and blessings of Allah be upon him) said:

Ibn Abbas related from the messenger of Allah that "For things whoever is given had certainly been bestowed with the best of this world and the hereafter, a grateful heart (*Thankful*), a tongue, a body afflicted with a serious illness while the owner maintains patience and sincere believing wife (*Bulugh Al-Maram* No.27).

It was also narrated that three people came to the Prophet's wife and asked about his numerous acts of devotion. After being informed, one of them declared that, he would start to fast every day, throughout the night every day, while the last person said he would no longer have any sexual contact with any of his wives. When the Prophet (May peace and blessings of Allah be upon him) lean of their declaration, he commented saying there is no provision for celebration in Islam (NTI, Cycle 4 Module 1. 3).

On another occasion, the Prophet (May peace and blessings of Allah be upon him) said:

Marriage is among my *Sunnah* and whoever turns away from my *Sunnah* is not among my people. (*Bugiyatul Muslim, No. 28*).

All the leading scholars of the four schools of law are unanimous in recommending marriage to any commit *Zinah* if he does not marry. Accordingly, the Prophet also said:

Marriage is my sacred customs and whoever dislikes it as a way of life is not of me (Bukhari 67:1).

The ideas of celibacy as practiced in certain quarters, either for religious or secular reasons, does not find a place in Islam (NTI .Cycle 4 Module 2. 8).

Significance of Marriage in Islam

The worth and significance of the institution of marriage is evident from the fact that it provides a healthy environment for the maintenance of cordial relations between the spouses and reciprocal love between them. It also helps one to maintain his/her chastity and guard him/herself against committing the prohibited acts. Likewise, it represents the best means of reproduction, multiplication and preservation of the family lineage. Therefore, Islamic law prescribes several requirements or conditions which are fundamental or essential for a valid Muslim marriage such as offer and acceptance (*ijab wa qabul*), *wali* or a guardian for marriage as well as *mahr* or dowry. Other than that Islam also enact various laws for instance to tolerate polygamy as an alternative to the sexual promiscuity, promote procreation and prohibits abortion, enact law for the obligations of spouses, prescribe the requirement of *iddah* for women, take care of the financial need of wife, children and other family members and the like. Islam also enacts rules and regulations that are conducive to the realization of the goal of Muslim marriage. (Haneef, 2013) [9].

In pursues of achieving a successful marriage, the government also plays a significant role by enacting law pertaining marriage contract and its procedures. For example, Malaysia has enacted the Islamic Family Law Act which regulates the marriage contract in each state. Similarly, other countries have introduced laws pertaining to marriage contract, for instance, Pakistan and Philippines, both have the Code of Muslim Personal law. Furthermore, by means of marriage human can fulfills his/her sexual needs free from related diseases, hence fulfilling his/her parental sense through having children. It also facilitates maintenance of the sense of security, self-content and chastity for both husband and wife. Men and women are created by Almighty Allah as company for one another and to procreate and live in peace and tranquility in accordance with Allah's guidance and His Messenger's directions. It is stated in the Glorious Qur'an that Almighty Allah has created man and woman as mates for one another so that they can live together and lead a peaceful life. This is a sight of greatness of Allah. This is clear from the following Qur'anic verse:

And among His signs is that He created for you mates from among yourselves, that you may dwell in tranquility with them, and He has put love and mercy between your hearts. Undoubtedly in these are signs for those who reflect. (Qur'an, 30:21).

And Allah has made for you your mates of your own nature,

and made for you, out of them, sons and daughters and grandchildren, and provided for you sustenance of the best. (Qur'an, 16:72).

From the above mentioned verses it is clear that, marriage is one of the most virtuous and approved institutions. Other religion do not view marriage in the same manner, for they stress more on celibacy or monasticism and consider it as a great virtue and a means of deliverance. The Prophet (May the peace and blessings of Allah be upon him) also stresses the significance of marriage remarkably saying:

O you young men! Whoever of you is able to marry should marry, for it will help him lowering and not gazing at women hence, guarding his modesty." (Bukhari, 1400) [14].

One can clearly understand the benefit of marriage, as mentioned in the forgoing saying of the prophet, to be the cherishing of modesty which is regarded as a great virtue by the Prophet. This is also supported with another saying of the Prophet (May the peace and blessings of Allah be upon him) "*Modesty is part of faith.*" (Muslim, n. d.).

The institution of marriage is greatly emphasized in Islam and its importance is made crystal clear. This is evident from another tradition of the prophet in which he states "*Marriage is my practice. Whosoever avoid it is not my follower/from me.*" (Sulaiman, 1987) Imam Ahmad also has reported that the Prophet (May the peace and blessings of Allah be upon him) said, "*The evils amongst you are those who stay single and mean are those who die in a state of staying single.*" (Yahya, 1985)

In the light of these Qur'anic injunctions and the prophetic traditions it can be concluded that Islam holds the value and significance of marriage in a high esteem. Marriage as understood in Islam embodies two different aspects of human life: aspect of *'ibadah* (worship) of Allah and aspect of *mu'amalah* (transactions between human beings). Considering marriage as an act that pleases Allah, it can be classified as *Ibadah*, for, the husband and wife love each other in accordance with Allah's commandments and make efforts to continue the human race and rear and nurse their children to become true servants of Allah. On the other hand, the *mu'amalah* aspect of marriage is evident from the fact of its being a lawful response to the human biological instinct and need to have sexual intercourse and to procreate children. However, to regulate and control human sexual behavior, Islamic law has provided a set of detailed rules for rendering this response into a living human institution supported by a whole framework of rights and duties for the spouses and their offspring.

These aspects are beautifully articulated and explained in a tradition of the Prophet which is narrated by Anas that the Prophet (May the peace and blessings of Allah be upon him) said, "*When a man marries, he has fulfilled half of his religion, so let him fear Allah regarding the remaining half.*" (Ahmad, 2003) Marriage constitutes half of the faith of a Muslim for it protects him against adultery, fornication, homosexuality and other related crimes.

The Purposes of Marriage

Marriage in Islam has multiple purposes such as, spiritual calmness, cooperation and partnership in accomplishing the divine obligation. Islam as a primordial state of human nature embodies all aspects of man ranging from physical, spiritual

to intellectual and caters for them in a most balanced way. Although, marriage fulfills one's material needs in adequate and orderly manner, nevertheless, as mentioned earlier, tranquility and peace that is achieved through successful union is considered its primary objective. Besides, tranquility and peace marriage results in a partnership between males and females by means of which they can achieve goodness and fulfill the divine mandate. As Almighty Allah has stated in the Qur'an:

The believers, males and females, are partners of one another; they shall jointly enjoin all that is good and counsel against all that is evil. (Qur'an, 9:71)

Based on the above premise the purposes of the marriage can be illustrated as follow;

Union between Male and Female

Marriage unites man and woman in a lofty and dignified manner. It is a divine law that nothing can ever carry out its obligation independently. Almighty Allah has created all things in a manner that they are dependent on one another of its kind. They could not function independently and need each other's help and assistance in complementing one another. To explain this example from the field of electricity can be elaborate here. In the field of electricity, it is necessary for both positive and negative poles to be in contact in order to induce an electric current, hence, yielding light, heat and motion. Similarly, the existence of electrons and protons within an atom and their contact is a necessary requirement for the existence of an atom. In plants, the production of more plants, fruits and seeds heavily depend on the interaction of pollen grain and a flower's stigma; the former carrying male gametes hence fertilize the later. In the same manner, in order to produce the male and female animals have to be in contact with each other. These universal laws are highlighted in the following *Qur'anic* verses:

We have created all things by pairs that haply ye may contemplate (Qur'an, 51:49)

Allah also said

Glorious is Him who has created all the sexual pairs, of that which the earth grows, and of themselves, and of that which they know not. (Qur'an; 36:36)

Along with these universal laws, Allah, has ordained a transcendent tradition according to which a man and a woman can be united in a manner that befit their lofty position and status, namely through marriage. This is an advantage of marriage which can unite woman and man. Islam prohibits same gender relationship such as marriage between men or marriage between women. However, it is contrary with the Europe countries which permit the same gender marriage.

Reproduction/Procreation

Marriage naturally results in reproduction which is necessary for the continuity and existence of human generation on the earth. It is a blessing of Allah's that he granted man a mate of his own kind to live with and be together saying.

And Allah hath provided you wives of your own kind, and has given you, from your wives, descendent, and has

provided you with good provision. Is it then in vanity that they believe and in the grace of Allah that they disbelieve? (Qur'an; 16:72)

For the same reason the Prophet Zakariyyah (Zachariah, peace be upon him) appealed to Allah saying:

And Zachariah, when he appealed to his Lord: saying "My Lord! Leave me not childless, though Thou art the best of inheritors, (Qur'an; 21:89)

Allah also said in the Glorious Qur'an

Lo! I fear my kinsfolk after me, since my wife is barren. Oh, my Lord gives me a successor. Who should be my inheritor and inheritor (also) of the house of Jacob. And make him, my Lord, acceptable (unto Thee) (Qur'an; 19:5-6).

Ibrahim (Abraham), the father of the Prophets (peace be upon them), too supplicated to Allah saying:

My Lord! Vouchsafe me of the righteous. So we gave him tidings of a gentle son. (37:100-101).

Consequently, reproduction play a significant role in grow and development of nations. It enables nations to utilize their potential to a greatest extant and manages their defense capability in an effective manner. The Prophet (May the peace and blessings of Allah be upon him) said;

Get married (and reproduce) for I will boast of your large numbers in front of other nations (on Judgment Day) and do not apt to-celibacy or-monasticism (al-Baihaqi, 2003) ^{12, 31}.

For it is by the means of reproduction that the whole humanity throughout the globe, until the point when life comes to an end, is preserved.

Completion of Faith

Marriage complements one's faith, in the sense that it help one avoid looking at other women, hence, preserving his chastity. It provides him with a lawful means to fulfill his sexual desire, thus, preventing him from committing adultery. This is crystal clear from the saying of the Prophet (May the peace and blessings of Allah be upon him) pertaining marriage;

It saves one from looking at what one should not, or it prevents one from being involved in adultery." (Majah, n. d.).

Furthermore, there are other negative effects that one can diagnose in a sexual related disease caused by sexual intercourse with multiple partners. (Haneef, 2013) ¹⁹ It can be avoided through valid marriage. The prophet PBUH also made it clear that;

If a Muslim is granted by Allah with a righteous wife, this assists him in preserving half of his (faith). Therefore, he should, fear Allah in respect of the other half. (Hakim, 1990) ¹⁷.

Happiness and Joy

Marriage besides preserving a Muslim faith, attain his worldly happiness which Islam encourages. Faith and happiness are crucial elements of one's personality. They can help one in his struggle of elevating his souls and acquiring high degrees of religiousness. This is highlighted by the prophet PBUH as reported by Imam Muslim,

The entire world is-source of-pleasure and the best-source of-pleasure of the world is the righteous woman. (Muslim, n. d.).

In another Hadith with similar connotation

There are four things that bring one joy: a righteous spouse, a commodious house, a religious neighbor and a comfortable means of riding (Bayhaqi, 2003).

Establishment of Family

Marriage is the sole mechanism for establishing family life. No respectable human society could ever exist without family, the fundamental unit of the structure of society. Family is the avenue where close relation emerges such as parental and maternal relations, parent and child relation as well as that of sibling's relations. In addition to these relations, it also inculcates earnest sense of love and compassion, altruism, kindness, care and cooperation in a Muslim.

Boosting Social Relations

Marriage enhances and strengthens social bonds among the individual members of society. For, it expands the range of family by adding new relatives to family structure through inclusion of in-laws and children's aunts and uncles. Thus, through such extension more and more people can enjoy the feelings of love, belonging and social closeness in the society. Allah views both kinship and marriage relations to be extremely important and encourage the family members to maintain both kinship and marriage relations strongly. Allah, Exalted be He, says:

And Allah is who has created man from water, and has selected for him relation by blood and relation by marriage; for thy Lord is ever Powerful (Qur'an, 25:54).

Sense of Responsibility

Marriage nurtures human character by instilling a sense of responsibility in him and enabling him to bear his responsibility as a husband and a father. In the same manner, marriage inculcates in a woman the sense of responsibility as a wife and a mother. Unfortunately, some people avoid marriage due to distorted mentality and tendency of not willing to bear their responsibly. Thus, living like grown-up children without meaningful relation, house and responsibility. They lose their worth to live a meaningful life and prove to be good for nothing. These all is due to ignorance of the significance of marriage which represents a strong commitment and a shared responsibility between a man and a woman since their first day together. Allah, Exalted be He, says:

Men are guardian of women, because Allah has made men-some of them-to excel the other, for, they spend of their property (for the support of women). So good women are

those women who are obedient and guard in secret what Allah has guarded (Qur'an, 4:34).

It is mentioned in a prophetic tradition that;

Everyone is a guardian and responsible for those who are under his charge; for example, the man in his home, is a guardian and responsible for his household; the woman, concerning her husband's property, is a guardian and responsible for what she is entrusted with." (Muhammad, 1422).

Consequently, Islam also prescribe the obligation of husband towards his wife such as duty of care, avoiding foul language, giving her protection, duty of financial support and etc. Besides that, wife also must perform her obligation towards her husband like being loving and tolerant with her husband, avoiding asking divorce without valid reason and others obligations stated in Qur'an and the tradition of the Prophet PBUH Thus, husband and wife have to take responsibility towards all of these obligations respectively (Haneef, 2013)^[9].

Confidence and Assurance

A married person is more capable of focusing fully on performing his job professionally, for, he is motivated by the fact that there is someone who care about him and take care of the household and his children. Thus, having peace of mind he can do his job properly and a productive and excellent manner. At the contrary, a person who is not married his mind is not focused but disintegrated. For, his mind is preoccupied with thinking about his work and home, and the burden of securing his food and clothes.

Objectives of Marriage in According Shari'ah

The most important objective of the Shari'ah to give special attention to marriage is because it constitutes the basic principle of the family. Likewise, it severely restricted sexual relationship between man and woman to the marital bond to the exclusion of all other types of relationship mentioned in 'Aisha's report (may Allah be pleased with her) the essence of marriage thus consist of the exclusive relationship of a man with one or more women, who are the depository of his offspring so that this exclusivity ensures the true attribution of her or their offspring to him. From time immemorial, this exclusive relationship between man and woman from has always been surrounded by practices that would prevent a woman from falling into a situation that might lead to the confusion of lineage. This restraint originates mainly from a woman's personal chastity as a result of her upbringing education and religiousness. It also originates from her husband's protection of her as well as from the supervision of her neighborhood which is like a mirror for the husband (Ibn Ashur 247).

Also the objective of law in marriage is to have a clean society devoid of husband, society devoid of adultery and fornication. This by extension affects a Muslim's faith because he boys the laws of Allah as his creator. It restores the dignity of the family. It protects genealogy. It prevents hatred and killings of lives by ritual men. The following are objectives of Islam in family (Marriage):-

1. It is a way of building family)
2. Preventing Muslims from *Zina* (Adultery)
3. Preservation of human lineage (*Nasab*)
4. Protection of women dignity.

Marriage as a way of building up family and without marriage, families would be scattered without sense of belonging. Therefore, it is marriage that builds up the family. The husband and wife come together and established the marriage. Allah says:

And among His sign is that He created, for you wives from among yourselves, that you may repose in them, and He has put between you affection and mercy. Verily, in that are indeed signs for a people who reflect (Qur'an; 30:21).

The objective of *Maqasid al-Shari'ah* beyond this verse is to show you that Allah created every living thing including "Man" (Male and female) as a sign of His ordination of marriage in order to procreate in His divide order. So, Muslims are enjoined to marry and the injunction to that effect is found in both the Qur'an and *Sunnah*. Islam attaches mutual understanding and relationship between the families. The Prophet was reported to have said in a Hadith;

The parents are shapers. Therefore they instruct their children on how to pray at the age of seven years and been them at age of ten if they refuse to pray (Sunan Abi Dawood, Vol.1. No.101).

In another Hadith the Prophet (May the peace and blessings of Allah be upon him) said.

Teach your children how to pray at the age of seven; and beat them at the age of ten. (Sunan al Turmdhi vol.1 NO.146, 1).

Preventing Muslims from zina (Adultery)

The objective of *Shari'ah* under this is that Islam encourages Muslims to marry in order to prevent them from *Zina*. *Zina* is categorically Haram or prohibited and those that do it shall ends in the hell fire. Allah dislikes it and attaches capital punishment on those who commit fornication. Therefore, marriage serves as prevention from such act. Almighty Allah says:-

And come not near to the unlawful sexual intercourse. Verily it is a *fahishah*, and evil way, (Qur'an, 17: 32).

In another verse, Allah says:

The woman and the man guilty of illegal sexual intercourse should be flogged each of them with a hundred stripes, let not pity withhold you in their case, in a punishment prescribed by Allah, if you believe in Allah and the last day. And let a party of the believers witness their punishment (Qur'an, 24:4).

In the Hadith of Prophet (May the peace and blessings of Allah be upon him) it was reported that.

A fornicator shall not fornicate until when he is out of Imam (Bugiyatul –Muslim, No.40).

The objective of *shari'ah* behind this verse is to protect your rights and the dignity of your religion in the earth and hereinafter. Allah in the verse above says: you should not go near *zinah* because that is unlawful sexual intercourse. If you go near it, there must be a concrete punishment for that.

Preservation of Human Lineage

The objectives of *Maqasid al-Shari'ah* on preservation of human lineage and to maintain the existence of human right on the earth is because marriage is instituted to propagate the species, so that this world may be devoid of human beings. Erotic desire has been created as a stimulating instruments or agency in inducing the male to produce the seed and the female to allow the cultivation both being derived gentle to run after the birth of children by means of cohabitation. Allah says:

Oh mankind we have created you from a male and a female, and made you into nations and tribes, that you may know one another. Verily the most honorable of you with Allah is that (believer) who has *Taqawa*. Verily Allah is all knowing, all aware (Qur'an; 49:13).

Marriage is enjoined on Muslims so as to increase the population of Ummah of the Prophet Muhammad (May the peace and blessings of Allah be upon him). It was reported from him thus,

Marry and generate, for I will be proud of you among the whole nations on the Day of Judgment. (Bugiyatul Muslim 30)

In another Hadith Prophet Muhammad (May the peace and blessings of Allah be upon him) said:

Marriage is among my *Sunnah* and whoever turn away from my *Sunnah* is not among my people. (Bugiyatul Muslim 28)

Protection of Women Dignity

Women by nature are weak so they should have a person that will help them or they should help each other. Because they are totally weak, they need help. That is why Allah says:

Men are the protectors and maintainers of women because Allah has made one of them to excel the other, and because they spend to support them from their means... (Qur'an, 4:34).

The objective of *Maqasid al-Shari'ah* on this family issue is that, Islam gives power to the husband to be the leader of the family. He provides the food, security, clothes, shelters and other thing to the family. The wife in return must obey the husband; allow him sexual intercourse and looking after his properties and relations. When the family increases through children, the husband extends his responsibility to the children as the leader of the family. Islam attaches great importance to education. Thus, the head of the family must ensure his wives or wife and children are given good sound education.

Islamic education is to worship Allah. It must be given to the family and to him, all should search for knowledge. Also the objectives of *Maqasid al-Shari'ah* behind is to live one's life on the basis of Allah's command. A man who is a believer is allowed to marry one or two or three or four wives who seem good to him. The four, in Allah's injunction must be under the condition that the man can satisfy all their minimum needs. That is equal justice among themselves. That is why Allah says:

And if you fear that you shall not be able to deal justly with

the orphan girls, then marry (other) women of your choice, two or two or three or four; but if you fear that you shall not be able to deal justly (with them), then marry one or (the slaves) that your right hand possess. That is nearer to prevent you from doing injustice (Qur'an, 4:3).

General objectives of Maqsid al-Shari'ah in marriage

The general objective of law in marriage is to have a clear society devoid of bastard society, devoid of adultery and fornication. This by extension affects a Muslims faith because he obeys the laws of Allah as his creator. Marriage restore the dignity of family protects genealogy, prevents hatred and killing of lives by rival men, ensures living of husband and wife and also ensures rights of husband or wife and vice-versa. Islam gives power to the husband to be the leader of the family. He provides food, security, clothes, shelter, medicine, and other things to the family. The wife in return must obey the husband; allow him sexual intercourse and looks after his properties and relations. When the family increases through children, the husband extends his responsibility to the children as the leader of the family. Islam attaches great importance to education. The head of the family must ensure his wives or wife and children are given good sound education. Islamic education is worshipping Allah. Education must be given to the family and the head himself should search for knowledge. All these are meant to the worship of Allah. However, the objective of Islamic family is being treated by the mixed society we live in. Muslims (male and female) tend to copy the life-styles of people from other religions in terms of dressing, walking, education and other ways of life. This is serious set-back to Muslims. The husband must bring lawful food, money, clothes and other things to the family because all these have effect in peaceful living of every Muslim (Ibn Ashur).

Conclusion

In conclusion, the objective of *Shari'ah* under the institution of marriage or Islamic family structure can only be established through a valid marriage contract so that inheritance can lawfully go to the right heir. One of the major significance of marriage is the continuous propagation of human species based on the legal contract of marriage. The institution of marriage also provides an avenue through which either of the couple can satisfy their natural human instinct in lawful manner without any hindrance or penalty. It also helps the couple to train their young ones so as to be productive members of their community. The children as well as the parents provide a sense of security for one another as a result of the marriage contract between the couple (parents). It is a duty of the couple to discharge all the responsibilities emanating from the marriage contract thus strengthening the relationship between them and their children. Marriage promotes peace and harmony in the society. It also promotes unity and strengthens good relationship among families, tribes and nations. The Islamic family structure if properly established and maintained will help in eradicating many social ills in the society.

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