

Course Syllabus

Course: Family Law in Islam

Program of study: Islamic Theology

Number of ECTS credits: 7

Status of course: Mandatory

Code of course: 208

Number of classes: 3+3

Academic year: 2021/2022

Semester: IV

Teacher: Dr. Ajni Sinani

Short content of course

Family Law includes two sections : Marriage and Divorce

Main points of the First section include the following:

- Family – the basic pillar of society, its importance. Engagement, its rules, its forms. Marriage as a divine law, its reason, its norms, its conditions, women not allowed for marrying, issue of Veli (guardian of the girl) and gift of woman.

The second section includes:

- Divorce, its justification, the right of husband for divorce, expression for divorce, its type and etc.

Waiting period for marriage after divorce, its type and etc. I have also presented the problem of guarding children after divorce, the right of child for breastfeeding, its conditions and etc

Goal of course

The course studies Family Law according to Islam and it focuses in the study of matrimonial relationship of man and woman, Marriage. It also studies the issue of divorce. It intends to teach legal procedures according to Islam which serve to get two people into marriage or separate them. Because the family is the cornerstone of each society it is important that any individual should know its principles. The course aims to prepare students to practice manners of entering into matrimonial relationship, its rules and divorce in cases when they cannot get on well any longer. The course intends to raise people awareness with regard to requests for marriage or divorce. It also intends to introduce concept of Islam with regard to organization of family life and building sound relations.

Expected learning outcomes:

1. Students will learn that life goes on with responsibilities of different nature.
2. Students will understand that Islam allowed marriage and put it inside lawful framework
3. Students will understand that Islam gave many answers and possibilities to life problems including divorce in cases when marriage fails.
4. Students will understand that family life in Islam undergoes detailed analysis and there are answers to all situations created.
5. Students will understand that they should be serious when thinking to get married and avoid situations that may bring about divorce. Being serious in this regard is the best security for a peaceful and sound life.
6. Students will understand that Islam presents a much advanced version of organizing family life.
7. Students will learn that Islam intends to prevent individuals and society from moral deviations and spiritual-driven illnesses that stem from lust.

Instruction of Methodology:

Lessons will be delivered through lectures using interactive discussions with active participation of students. Quality of teaching is sought to be improved with different forms of activity. Topics to be treated include a considerable number of terms which require students to make use of Arabic literature for their explanation.

To be more clearly practical methods may be used in which students get to know ways in which a marriage contract is conducted.

Students may obtain a certificate as a sample for the act of official marriage and improvise situation in which the student would direct such an act. Students will learn legal methodology to intermediate between and unite couples.

Course of content

Week one:

1. Presentation of course and syllabus. 2. Family and the foundation of family 3. Basic concepts of family sociology.

Literature: Titles selected on Muslim Family, p 21-29 and 41-85

Week two:

1. Position of woman in history .2 Position of woman in Islam sharia 3. Its position in most valuable periods in history 4. Participation in society and different society

2. **Literature:** Family Law in Islam, p 13-18

Week three:

1. Definition of family. 2. Attitude of Islam toward family 3. Importance and duties of family.

Literature: Fikhu Sunneh, p 15-20

Week four:

1. Engagement in traditions of other people and religions. Islam Religion. 3. Preliminary procedures for engagement. 4. Engaged couple looking at each-other. 5. The manner of engagement. 6. The age for engagement. 7. Situation in which engagement is forbidden 8. Termination of engagement.

Literature: Family Life in Islam, p 30-44

1. Week five:

1. Marriage as a law of Allah. 2. Forms of marriage forbidden by Islam. 3. Urging for marriage. 4. Justification for marriage. 5. Status of marriage in Islamic jurisprudence
2. **Literature:** Legislation of tradition of prophet pbuh p. 83-94

Week six:

1. Marriage as legal act of family. 2. Condition of marriage 3. Condition of connection of contract. 4. Existing of two parties entering into contract. 5. Allowing contract for marriage. 6. Evidence of contract 2. Conditions of witnesses in official marriage. 3. Time for testimony. 4. Contract not temporal. 5. Prohibition of official marriage at given deadline (el mut'a).

Literature: Titles selected on Muslim Family, p 30-37, Islamic Law in Islam, .p 58-66, Fikhu Sunneh, Legislation of prophet's tradition p, 107-118

Week seven:

1. Women who Muslims are not allowed to get married with. 2. Women temporally prohibited for marriage. 3. Bringing two forbidden women under same marriage. 4. Marriage with someone else woman. 5. Woman that has divorced three times

Literature: Legislation of prophet's tradition p, 141-170

Week eight: colloquium

Week nine: Issue of "Veliu" competent person in official marriage. 2. Condition of guardian. 3. Woman making care of herself in marriage. 4. Necessity of getting the opinion of girl prior to marriage. 5. Absence of guardian and authorization.

Literature: Legislation of prophet tradition p 192-208

Week ten:

1. Condition of similarity in marriage. 2. Mehri (gift), value of mehri, rule of giving meher and

amounts. 3. Package of bride, expenses for marriage. Rights of spouses, duties and obligations in marriage. 4. Act of marriage and building a new life in family.

Literature: Legislation of prophet's tradition, p. 209-259

Week eleven: 1.Divorce .2.Justification of Divorce.3.Right of man for divorce .4.Quality of man having the right for divorce .5.Types of divorce.

Literature: Family Law, p 198-209, Legislation of prophet's tradition Legislation of prophet's tradition. p 301-322

Week twelve: 1. Divorce according to religious provisions and contrary such provisions.2.Number of divorce. 3.Divorce because of spouses disagreements

Literature: Legislation of prophet's tradition, p 325-372

Java e trembëdhjetë: 1. Periudha e pritjes.2.Rastet e pritjes.3.Llojet e pritjes.

Literature: Legislation of prophet's tradition, p. 391-400

Week fourteen:

1. Guardianship for children. 2. Guardianship a shared right. 3. Mother has greater rights to take care of children. 4. Persons by row having right to guar children

Literature: Legislation of prophet's tradition, p 407-410

Week fifteen: 1. The Right of child for breastfeeding. 2. Is breastfeeding obligation for a mother 3. Condition of breastfeeding which prohibit marriage. 4. How to verify breastfeeding

Criteria and components of evaluation:

Presentation and involvement during the class **10 points**

Seminar paper: **10 points**

Evaluation of first test: **20 points**

Evaluation of second test: **20 points**

Final exam: **40 points**

Mandatory Literature:

1. Fahrudin Ebibi (grup autorësh), E Drejta Familjare në islam, Shkup, 2004. Fikhu Sunneh Sejid Sabik, Legjislacioni i Traditës së Profetit a.s.

Consultative Literature:

1. *Qur'an*; annotated translation, translated by: H. Sherif Ahmeti.
2. Fahrudin Ebibi (group of authors), Family Law in Islam, Shkup, 2004
3. Selected Title on Muslims Islam, (group of authors) Prishtinë, 2001