CURBING MATRIMONIAL PROBLEMS IN UGANDA VIA REGULATING WALK-AWAY PRACTICES BASED ON THE *MAQĀSID SHARI`AH* APPROACH

BY

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ABSTRACT

It is a dream of every person who enters a matrimonial relationship to find ease and comfort in performing and contributing to the functions of a marriage. The dream gradually fades away due to reasons shuttering the matrimonial relationship. The understanding of the root causes of matrimonial problems forms the basis of this study. Currently, there is a worrying practice among a cross-section of Muslim couples in Uganda who abandon their matrimonial relationships casually, walking away in disregard of internal and external marriage dissolution processes as prescribed by their religion, Islam, and their country, Uganda. They demand a solution. The overall purpose of the study was to investigate the root cause of the matrimonial challenges that instigated former couples to walk away from their marital roles. This empirical study also finds out whether pre- and post-end-of-marriage steps were followed and then looks at the wider impact on individuals, society, and the country. A survey of a semi-structured nature was administered to 391 former husbands and wives as key stakeholders across different districts in the four regions of Uganda: Northern, Eastern, Central, and Western. This was followed by eight interviews conducted with Imams/Qadhis, civil societies, and the government officials as the other stakeholders. The tools for data analysis used to analyse both semi-structured questionnaires and qualitative interviews, respectively, were SPSS version 29 and Atlas software. The major observation from the result points out that most of the respondents did not obey or respect end-of-marriage procedures; in the first position were wives and second the husbands, followed by widows who did similar actions. The impact of the post-walkaway negatively weighed on children, then both families, and the state. The study further validated walk-away practices as a reality, also confirmed it as a kind of rebellion against established procedures of Islam or Muslim Family Laws of Uganda, and lastly, that other stakeholders have not done enough to curb it. This study, therefore, recommends all the stakeholders, whether they are internal or external, work together to strengthen and reform the existing Muslim Family Legal regime.

ملخص البحث

إن حلم كل شخص يدخل في علاقة زوجية هو أن يجد السهولة والراحة في أداء وظائف الزواج والمساهمة ،فيها ويتلاشى الحلم تدريجيا مما يؤدي إلى انهيار العلاقة الزوجية. إن فهم الأسباب الجذرية للمشاكل الزوجية يشكل أساس هذا البحث. هناك حاليا ممارسة مقلقة بين شريحة كبيرة من الأزواج المسلمين الذين يتخلون عن علاقاتهم الزوجية بشكل عرضي، متجاهلين إجراءات حل الزواج الداخلية والخارجية كما ينص عليها دينهم الإسلام ومتطلبات بلدهم أوغندا. كان الهدف العام للدراسة هو التحقيق في السبب الجذري للتحديات الزوجية التي دفعت الأزواج المنفصلين إلى الابتعاد عن أدوارهم الزوجية، وكذلك معرفة ما إذا كانت الخطوات قد تم اتباعها قبل وبعد انتهاء الزواج، ثم النظر في التأثير الأوسع على الأفراد والمجتمع والبلد. تم إجراء مسح شبه منظم بين ٣٩١ من الأزواج والزوجات السابقين، باعتبارهم أصحاب المصلحة الرئيسيين في مناطق مختلفة في المناطق الأربع في أوغندا: الشمالية والشرقية والوسطى والغربية. أُجريت عشر مقابلات مع أئمة/قضاة، ومنظمات مجتمع مدني، ومسؤولين حكوميين، وغيرهم من أصحاب المصلحة. واستُخدمت أدوات تحليل البيانات لتحليل كلٍّ من الاستبيانات شبه المنظمة والمقابلات النوعية، على التوالي، وهما الإصدار ٢٩ من نظام SSPS وبرنامج Atlas. تشير الملاحظة الرئيسية من النتائج إلى أن عددًا كبيرًا من المشاركين لم يلتزموا بنهاية إجراءات الزواج أو يحترموها. احتلت الزوجات المرتبة الأولى، والأزواج المرتبة الثانية، بينما أطاعت الأرامل. كان لتداعيات "الانسحاب" أثر سلبي على الأطفال، ثم على العائلتين، وعلى الدولة. أظهرت الأبحاث أن ممارسة "هجر الزواج" واقعٌ قائم، وهو شكلٌ من أشكال التمرد على إجراءات الزواج التي أقرّتها كلٌّ من مؤسسة الأسرة الإسلامية وقوانين الأسرة الإسلامية (أوغندا). ومع ذلك، لم تبذل الجهات المعنية الأخرى جهودًا كافية للحدّ من هذه الممارسة. لذلك يوصي هذا البحث بتعاون جميع أصحاب المصلحة، الداخليين والخارجيين، لتعزيز وإصلاح النظام القانوني الحالي لمؤسسة الأسرة المسلمة.

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DECLARATION

I hereby declare that this thesis is the result of my own investigations, except where otherwise stated. I also declare that it has not been previously or concurrently submitted as a whole for any other degrees at IIUM or other institutions.

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This thesis is dedicated to my parents for laying the foundation of what I turned out to be in life.

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LIST OF ABBREVIATIONS

4IR	Fourth Industrial Revolution
ADF	Allied Democratic Forces
AH	After Hijri
AIDS	Acquired immunodeficiency syndrome
AMPL BILL	Administration of Muslim Personnel Law Bill
APA	American Psychological Association
ASEAN	Association of Southeast Asian Nations
BPG	Boys' Puberty Growth
CEO	Chief Executive Officer
CIIFA	Creative Industries Initiative for Africa
CMS	Church Missionary Society
CS	Co-Supervisor
CV	Content Validity
COVID-19	Coronavirus Diseases 2019
D.S.O.	District Security Officer
DNA	Deoxyribonucleic Acid
DOS	Department of Statistics
DRB	Domestic Relations Bill
DRC	Democratic Republic of Congo
DV	Dependent Variable
ESRC	Economic and Social Research Council
ER	Exploratory Research
FA	Factor Analysis
FDC	Forum for Democratic Change
FI	Family Institution
FIDA	Federación Internacional dé Abogadas
FSH	follicle-stimulating hormone
G.C.M.G.	Dame Commander of the Order of St Michael and St George
GnRH	Gonadotropin-Releasing Hormone
GPG	Girl Puberty Growth
GSS	Ghana Statistical Service
HIV	Human Immune Deficiency Virus
IBEA	Imperial British East Africa Company
IFI	Islamic Family Institution
IFL	Islamic Family Law
IIFA	International Islamic Fiqh Academy
IIUM	International Islamic University Malaysia
IJRISS	International Journal of Research and Innovation in Social Science
ILB	I was lightly beaten.
IQR	Interquartile range
ISSN	International Standard Serial Number
ISTAC	Islamic Thoughts and Civilisation
IUIU	Islamic University in Uganda
JEEMA	Justice for All, Economic Revitalization, Education, Morals, African Unity
JSTOR	Journal Storage

KC	Kadhis Courts
LC	Local Council
LH	luteinizing hormone
LR	Linear Regression
LTD	Company Limited
LRA	Lord`s Resistance Army
MAD Bill	Marriage and Divorce Bill
MFI	Muslim Family Institution
MFL	Muslim Family Law
MP	Member of Parliament
MSPF	*Maqāsid Shari`ah* for the Protection of Family Muslim-Top-Organ
MV	Moderating Variable
NCS	Non-Compliance to Sharia
NECW	Northern Eastern Central Western
NGOs	Non-Governmental Organisation
NHS	National Health Services
NP	Non-Probability
NR	Non-Response
NRM	National Resistance Movement
NUP	National Unity Platform
OIC	Organisation of Islamic Cooperation
PBUH	Peace Be Upon Him
PHC	Population and Housing Census
PhD	Doctor of Philosophy
PMC	Pre-Marriage Course
PWDs	Persons with Disabilities
RA	Radhiyallahu Anhu
RDC	Residence District Commissioner
REFFMP	Reminded each other about failure to fulfil marital responsibilities
REG	Research Ethical Committee
RGS	Royal Geographical Society
RO	Research Objective
RQ	Research Question
SATEMSP	State of Anxiety at the Time of the End Marriage Statement Pronouncement
SAW	Swalallahu alayhi wasalam
SD	Strongly Disagree
SDG	Sustainable Development Goals
SESRIC	Social Affairs and Statistical, Economic, and Social Research and Training Centre for Islamic Countries
SHBG	sex hormone—binding globulin
SISB	Scare; Admonishment 4, or Slept in Separate Beds
SMS	Short Message Services
SOJAR	State of the Judiciary Annual Report
SPTSEMPM	State of Purity by the Time End of Marriage Statement Pronouncement Made
SPSS	Statistical Package for the Social Sciences
SWT	Subhanahu WA 'Allah
TA	Thematic Analysis
TF	Theoretical Framework

UBOS	Uganda 2024 Census, published by the Uganda National Bureau of Statistics
UD	Undecided
UDHR	Universal Declaration of Human Rights
UG	Government of Uganda
UGX	Uganda Shillings
ULC	Uganda Law Council
UMLA	Uganda Muslim Lawyers Association
UMLAS	Uganda Muslim Lawyers' Association
UMSC	Uganda Muslim Supreme Council
UMYA	Uganda Muslim Youth Assembly
UN	United Nations
UNCST	Uganda National Council of Science and Technology
UNHCR	United Nations Human Rights Commission
UNICEF	United Nations Children's Fund
USD	United States Dollars
VC	Vice Chancellor
WAMY	World Muslim Youth Assembly
WHO	World Health Organization

TRANSLITERATION TABLE

Consonants,

ء	`	د	D	ط	ṭ	ل	l
پ	B	ذ	Dh	ظ	ẓ	م	m
ت	T	ر	R	ع	‘	ن	n
ث	Th	ز	Z	غ	Gh	ھ	h
ج	J	س	S	ف	F	و	w
ح	ḥ	ش	Sh	ق	Q	ي	y
خ	Kh	ص	ṣ	ك	K		

Vowels, diphthongs

Short:	ـَ	a	ـِ	i	ـُ	u
Long:	آ	ᾱ	ـِي	ī	ـے	ū
Diphthongs:			ـا	ay	او	aw

CHAPTER ONE

MAQĀSID SHARIʿAH AND WALK-AWAY CAUSES

1.1 INTRODUCTION

This chapter introduces the concept of "Walk Away" within the context of revitalising family institutions amid challenges presented by the Fourth Industrial Revolution (4IR). It outlines the problems, research questions, objectives, significance, scope, methodologies, and organisational structure of the thesis. The chapter highlights historical commitments made by nation-states, such as the United Nations Assembly Resolution 217A and specific Ugandan legislation aimed at protecting family structures. Despite these efforts, the prevalence of Walk Away practices necessitates a reassessment of stakeholders' roles and a more profound investigation into cultural, financial, and communication challenges that hinder marital growth. The study focuses on the reasons behind Walk Away practices among former Muslim couples in Uganda, underscoring the threat these issues pose to family integrity, particularly within the Muslim community.

1.2 BACKGROUND OF THE STUDY

The precise definition of “Walk Away”. As defined by the Cambridge Dictionary (2024), to withdraw from a situation due to its complexity or lack of benefit. The Oxford Dictionary (2024) similarly defines "Walk Away" as departing from a challenging situation or relationship rather than remaining to confront it. Moreover, Collins Dictionary (Collins Dictionary, 2025) describes it as the act of disengaging from a problem or challenging situation, thereby refraining from addressing it or evading any repercussions.

The definition utilised for this study is that "Walk Away" is legally characterised as the action of a spouse to partially or wholly circumvent the closure processes of

marital partnerships owing to intricate matrimonial issues. The opposite of the pathway is the natural tendency, which pertains to a widow, a woman who actively fulfilled her marital rights and responsibilities until her husband's demise, or a widower, a man who passed away while married. The contrasting aspect of natural trends, the artificial trend, is characterised by a scenario in which a husband, dissatisfied with his wife's inability to fulfil her fundamental marital rights and obligations, leads to matrimonial discord, resulting in his decision to initiate a Talaq. Conversely, a wife, troubled by her husband's failure to meet essential marital roles and responsibilities, may be compelled to seek a dissolution through Khula.

Uganda is a nation located in East Africa. To the west lies the Democratic Republic of Congo (DRC), while to the east are Tanzania and Rwanda to the south. This nation got independence from Britain on 9 October 1962. As of 2024, Uganda is seen as highly diversified, characterised by homogeneous cultural and religious groupings. As of 2024, government estimates show that Uganda is home to around 45,515,847 individuals from various ethnic groups, including Bantu, Central Sudanic, Nilotic, and Kulak, within its 56 tribes and spanning a territory of 241,038 square kilometres. (United Nations Development Programme, 2025)

Uganda is encircled by extensive lakes and rivers, which sustain the livelihoods of its inhabitants. Refer to Figure 1.1 below. In Uganda, marriage customs are predominantly reliant on endogamy as a prerequisite for the consummation of marriage within each tribe. The faith communities, chiefly Islam and Christianity, have broadened the concept of marriage from endogamy to exogamy, permitting unions between diverse ethnicities and tribes but maintaining endogamy as a prerequisite within certain religious contexts. Consequently, both Islam and Christianity have reinterpreted marriage in their unique manners, diverging from the conventional notions of patriarchy and matriarchy in Uganda.

Secularists, alongside Islam and Christianity, have established a hybrid requirement for marriage among their adherents, in contrast to traditionalists who confined marriage to their own communities. The secularist broadened marriage criteria from hybrid to uniformity and introduced novel marital scenarios derived from Western practices. The integration of traditional, Islamic, and Christian marriage has been poorly

received, exacerbating matrimonial issues among the populace of Uganda since the introduction of the Abrahamic religions in the region.



Figure 1.1 Ethnicity Distribution of Uganda.
Source (Safari, n.d.)

In Uganda, the interplay of interlacustrine traditional African religions, Islam, Christianity, and secular expectations has intermittently led to marital disputes among Ugandans. Significant tension can arise when one partner views these expectations as restrictive or when there is a divergence in beliefs regarding cultural and religious norms. This discord may occasionally result in Walk Away or the dissolution of the marriage. This study explored the social, political, and economic factors that contribute to this phenomenon, known as Walk Away, among others.

1.2.1 Financial Challenges

The peasantry and nomadism are two essential sources of livelihood in the country, where most husbands maintain their families. The responsibility for the household's livelihood is primarily that of the husband, who assumes this role from his wife's father at the time of marriage with the expectation to earn and manage financial resources.

This responsibility extends to moments such as the Iddah (waiting period) or even beyond death.

For instance, Islamic family law requires the husband to provide financial support to his wife and other household members. This caretaking responsibility is not voluntary but obligatory, as mandated by the creator Allah in Qur'an Surat an-Nisa: 4:34. English translations of the verses were generated from Qur'an.com (Qur`an.com, n.d.) starting with the one below:

> Men are the caretakers of women, as men have been provisioned by Allah over women are devoutly obedient, and, when alone, protective of what Allah has entrusted them with…

However, current financial realities are negatively influencing the performance of duties and responsibilities within households, not only in Uganda but also in other parts of the world. According to estimates from the United Nations, almost 700 million people globally subsist on less than $2.15 per day (United Nations, 2024). The National Population Housing Census of 2024 states that the average household size in Uganda is 4.4 persons. Furthermore, the same report found that individuals aged between 15 and 54 years are actively involved in marriage, constituting 42.5% of the total population of households.

Notably, both reports, one global and the other local, indicate a likelihood of households experiencing financial difficulties. However, the specific ratio of households affected by these economic challenges remains unknown, as does the strain on husband-wife relationships, which can lead to conflicts over financial management, unmet expectations, or the stress of providing for a family.

Thus, from the above exposition, it can be asserted that financial challenges are prevalent among Ugandan households and may serve as a catalyst for Talaq, Khula, and walk-away situations.

1.2.2 Infidelity

Throughout married life, husbands and wives are expected to remain faithful to one another while diligently fulfilling their respective roles, duties, and responsibilities. However, partners sometimes compromise these commitments, either consciously or unconsciously. Various factors can influence a couple's infidelity.

Brian H. Spitzberg (2015) highlighted several of these factors, including genetic diversity among offspring, sexual arousal and satisfaction stemming from opportunistic and situational circumstances, the desire to gain a partner's attention, boredom, peer pressure, or the pursuit of status, and even revenge. Moreover, infidelity can lead to significant destruction for both partners.

Ami Rokach and Sybil H. Chan (2023) identified several destructive impacts on marital relationships, such as separation or divorce, deteriorating emotional well-being, depressive symptoms, low self-esteem, and the consequences faced by the unfaithful party.

Additionally, Qur'an 24:7 asserts that infidelity, regardless of whether it is committed by the husband or the wife, is considered an abomination in Islamic family law.

> And those who accuse their wives ˹of adultery˺ but have no witness except themselves, the accuser must testify, swearing four times by Allah that he is telling the truth.

When one spouse's infidelity shatters matrimonial trust, it becomes nearly impossible for couples to mend their marriage.

1.2.3 Matrimonial Quarrels and Rebellions

There are current conflicts and disagreements between spouses concerning the execution of marital roles and responsibilities. The disputes and rebellions act as catalysts for conflict, resulting in turmoil within the household, especially because of

varying nurturing styles and personalities. Such situations can have a considerable effect on the couples involved.

Unresolved conflicts may lead to various physical, emotional, and economic consequences. Numerous spouses may choose to exit a tumultuous and hazardous relationship, motivated by an increasing awareness that encourages more individuals to pursue liberation from such situations.

The Domestic Violence Act of 2010 in Uganda emphasises the necessity of offering protection and relief to victims of domestic violence while also instituting penalties for offenders of such acts. On a global scale, the United Nations categorises these conflicts and rebellious behaviours as "domestic abuse", "domestic violence", or "intimate partner violence". The United Nations characterises this as a behavioural pattern in any relationship utilised to acquire or sustain power and control over an intimate partner.

The United Nations elaborates that abuse may present itself in various forms, including physical, sexual, emotional, economic, or psychological actions or threats. This encompasses actions that instil fear, create intimidation, induce terror, manipulate, harm, humiliate, assign blame, injure, or wound individuals within domestic settings (United Nations, 2024).

As a result, conflicts and uprisings signify considerable challenges within marriages that could be leading to the breakdown of numerous unions in Uganda.

1.2.4 Polygamy and Multiple Relationships

Local cultures and Islam endorse polygamy, which is accompanied by various cultural practices, familial expectations, issues of infertility or the birth of only female children, love marriages, and efforts to enhance women's opportunities for pregnancy.

Certain regions of Uganda observe polygamy, resulting in intricate family dynamics that may foster jealousy, rivalry among co-wives, and, in some cases,

separation. Furthermore, the engagement in numerous relationships beyond the confines of marriage may result in a lack of stability and potential disintegration.

1.2.5 Infertility

The World Health Organisation defines infertility as a disease of the male or female reproductive system that fails to achieve a pregnancy after 12 months due to male or female factors.

The World Health Organisation, the Centres for Disease Control and Prevention (USA), the National Health Service (NHS), and other global institutions have identified several prime factors associated with reproduction in couples, including age, ovulation problems, anatomical issues, endometriosis, uterine disorders, infections, immune system deficiencies, birth defects, lifestyle choices, environmental toxins, radiation exposure, and chemotherapy as causes of infertility.

Also, the World Health Organisation estimates that 0.8% of couples in Uganda are infertile. (WHO, 2023). This statistic holds significance as it heightens the pressure on couples to procreate, particularly when the wife bears the brunt of the blame.

Therefore, infertility as a matrimonial issue may cause either the husband or wife to seek a divorce; in particular, the husband might decide to leave or take on another partner to meet societal expectations of fatherhood.

1.2.6 Influence of Extended Family

It is an established fact that matrimonial duties, roles, and responsibilities are an undisputed husband-wife affair after consummation of the marriage contract. The major faiths, international conventions, and all nations agree with this reality. According to the International Encyclopaedia of Social and Behavioural Science, an extended family is a family group that includes relatives beyond the immediate family: grandparents,

aunts, uncles, and cousins. (International Encyclopaedia of the Social and Behavioural Sciences, 2015)

The additional roles that a husband or wife has towards the extended family members include emotional and instrumental shared responsibilities, raising children, providing a sense of security, serving as role models, and offering support. These roles sometimes bring with them an additional burden to the couple due to the couple's inability to fulfil their assigned extra roles beyond marriage.

In Uganda, the role of husbands and wives in supporting extended family members is of great significance. Because the social security sector in Uganda is still in its infancy, different communities have developed their own versions of social support systems. The purpose of the social support systems is intended to alleviate the difficulties less privileged people face, such as orphans, widows, the sick, victims of natural calamities, and education, among others. One approach used in Ugandan society is assigning newlyweds a portion of the social responsibility role that they are expected to support. This, in the spirit of social security services, often leads to interference or increased pressure from in-laws. This new role soon becomes a marital issue for the couple, especially if one or both have no will or are limited by other constraints.

This all led to either a divorce or the wife or husband walking away from the marriage relationship.

1.2.7 Migration and Long-Distance Relationships

Remaining where the husband lives is one of the mandatory conditions of marriage. Couples, however, find it difficult to meet this requirement. The United Nations Department of Economic and Social Statistics Division defines migration as the temporary or permanent movement of an individual or group of individuals away from their customary place of residence, either within or across a country. A long-term international migrant is defined by the UN as someone who relocates to a new country of residency for a minimum of one year, whereas a short-term migrant is someone who relocates for three months but less than a year. (UN, 1996)

Some husbands and wives move both temporarily and permanently within Uganda and to other countries in search of better careers, higher incomes, and improved standards of living. Others move in search of opportunities in healthcare, hospitality, education, and other fields. Hundreds of Ugandans migrate each year, both domestically and abroad, with the Middle East, the US, Canada, and European nations being their primary destinations.

Therefore, living farther apart for extended periods of time can lead to marital issues and complicate relationships as both partners are unable to meet their obligations. The couple's split was due to lack of interest and other factors.

1.2.8 Modernisation and Changing Social Norms

The Fourth Industrial Revolution is currently underway, and it represents an important change in how people live, work, and interact with one another. The Fourth Industrial Revolution, according to the World Economic Forum, is not just about technological change but also a chance to assist leaders, decision-makers, and citizens from all walks of life in utilising convergent technologies to build a future that is inclusive and focused on people. In 2024, the World Economic Forum

Modernity has impacted the evolving social norms of husband and wife. The United Nations defines socially changing norms as the process of shifting collective expectations and evaluations of what is considered acceptable behaviour in a group or society (UNHCR, 2020). On the other side, “modernisation is defined as a transformation from a traditional, rural, agrarian society to a secular, urban, industrial society.” (Britannica E, 2024) The salient features of the modern stage of the fourth revolution are modesty, division of labour, parental rights, family protection, and husbands’ obligations.

The most significant aspect of changing social norms is modesty, defined as a situation in which husbands and wives exhibit a lack of politeness and decency in their dress, grooming, language, and behaviour. The next sub-feature of modesty is characterised by couples lacking self-effacement, seeking attention, and drawing undue

attention to their marriage. The next submodesty feature is where couples lack humility, humbleness, and shyness and are not considerate. To continue discussing the features of modesty, husbands and wives often brag about their accomplishments or show off to gain approval from others, while also lacking consideration and fairness in their cognitive abilities. The second feature of changing social norms is the division of labour between husbands and wives, which decreases their motivation, lowers their quality of life, increases absenteeism, raises turnover rates among couples, heightens the risk of injury and harm, and leads to a lack of diversity in skills within marriages. The third feature of the changing social norm during the Fourth Industrial Revolution is parental rights, which include seeking legal entitlements and responsibilities as parents to make decisions regarding their children's education, healthcare, religious upbringing, custody, visitation arrangements, welfare, and protection of a safe environment. The other feature of modern and social change norms is the family protection measure taken to ensure the safety and well-being of the family.

The above feature, combined with legal protection, defines laws and policies for safeguarding family rights, such as physical safety and securing environments and safety plans for the family. The last, also combined as the previous one, is financial security support, which includes insurance and financial planning, as well as emotional support, healthy relationships, communication, emergency preparedness, and plans for natural disasters or crises.

Matrimonial issues are becoming more prevalent among younger and older couples as Uganda transitions from a traditional rural, agrarian, and nomadic society to a more secular, urban, industrial society that is moving towards the Fourth Industrial Revolution. This is because modern cultures place a greater emphasis on individualism and personal happiness. Traditional marital expectations may be reevaluated because of this change, and when marriage no longer fits with these new values, some people may decide to walk away or end a relationship.

1.2.9 Inappropriate Communication Styles

Implementation of priorities by wife and husband is an essential component in matrimonial communication and decision-making processes. However, couples are struggling in decision-making due to inappropriate communication, often leading to blaming, anxiety, depression, and resentment as these negative attributes influence the performance of duties, roles, and responsibilities of the couples.

In a matrimonial relationship, communication is a vital element required from the couple, for example, not only to be informed, express, influence, meet, and imagine their roles but also to have a sense of listening, seeing, hearing, smelling, tasting, and touching as regards their duties and responsibilities in marriage.

The scanty communication between husband and wife may lead to matrimonial problems such as misunderstandings, unresolved conflicts, and the inability of both individuals to completely engage with their feelings. So, without effective communication, small issues can escalate into major problems, causing couples to drift apart through separation or to walk away.

To conclude this background of the study, let us recap factors that imminently cause matrimonial problems from the reviewed literature above: Interlacustrine cultural and faith expectations, Financial challenges, infidelity, matrimonial quarrels and rebellions, polygamy and multiple relationships, infertility The influence of the extended family, migration and long-distance relationships, modernisation and changing social norms, and inappropriate communication styles is complex; besides, they are frequently interrelated, and the decision to walk away from a relationship is deeply particular, with a mixture of individual situations, societal pressures, and cultural standards.

1.3 STATEMENT OF THE PROBLEM

One of the Maqåsid Sharia objectives is the protection of the family or progeny. Under Islamic Family Law, spouses facing marital difficulties and considering the end of their marriage must undertake the following essential steps: seek counsel from family, close friends, or scholars; discuss their plans with one another; engage a mediator to facilitate an amicable resolution to their disputes; observe the Iddah period before finalising the separation; issue a written declaration of divorce (Talāq) if deemed necessary; and ensure equitable distribution of rights and liabilities.

However, the couples who do not respect the established Iddah period procedures prescribed by Islam but decide to instead do the “Walk Away Practices” impact most on the partner who wants to implement the boundaries set by Allah (SWT), the children, and the in-laws from both families where dispute resolutions are undermined by one party closing the doors for any possible intervention. Nevertheless, couples who disregard the mandated Iddah period procedures outlined by Islam and opt for "Walk Away Practices" adversely affect the partner seeking to uphold the boundaries established by Allah (SWT), as well as the children and in-laws from both families, where conflict resolution is compromised by one party obstructing any potential intervention.

A study conducted by Martin Gramatikov indicates that there are approximately 370,000 divorces annually in Uganda, with around 7% of adults experiencing separation or divorce. The Uganda National Bureau of Statistics (UBOS) has published the latest findings from the Uganda 2024 Census, revealing that 18,913,563 individuals fall within the active marriageable age range of 15 to 54 years. The census indicates a total population of 45,515,847 individuals residing in Uganda. However, neither the Uganda Census 2024 nor Martin Gramatikov's research specifically examined Muslim family patterns, highlighting a notable absence of data regarding Muslim marriage, divorce, or separation rates.

This study aims to investigate the primary factors contributing to the dissolution of marriages among Muslim couples across four regions of Uganda. It will also explore the efforts of lawmakers, judges, and religious leaders in supporting Muslim families

and promoting marital stability. As per a narrative attributed to Ibn 'Umar, the Prophet (peace be upon him) stated:

> Beware. Every one of you is a shepherd, and everyone is answerable regarding his flock. The Caliph is a shepherd over the people and shall be questioned about his subjects (as to how he conducted their affairs). A man is a guardian over the members of his family and shall be questioned about them (as to how he looked after their physical and moral well-being). A woman is a guardian over the household of her husband and his children and shall be questioned about them (as to how she managed the household and brought up the children). A slave is a guardian over the property of his master and shall be questioned about it (as to how he safeguarded his trust). Beware; every one of you is a guardian, and every one of you shall be questioned regarding his trust. Muslim Hadith Book 20, Hadith 4496. (Sahih Muslim 1829a, n.d.)

Regrettably, the reality diverges significantly, as a growing number of spouses are exploiting legal mechanisms to terminate their marriages. This circumstance inspired the research delineated.

1.4 RESEARCH OBJECTIVES

The five objectives of this study below were all accomplished.

1) RO_1 The root causes of Walk Away were validated.
2) RO_2 The effectiveness of the reconciliation process in curbing Walk Away.
3) RO_3 A suitable policy to curb Walk Away.
4) RO_4. The matrimonial problems post of Walk Away configure.
5) RO_5 The right Maqāsid Shariah approach to curb and Walk Away

1.5 RESEARCH QUESTIONS

To investigate matrimonial problems that result in Wal Away in the four regions of Uganda among Muslim couples, all five research questions set were answered.

1) RQ_1 What are the root causes of Walk Away?
2) RQ_2 How effective is the reconciliation exercise in curbing Walk Away?
3) RQ_3 What are suitable policies to curb Walk Away?
4) RQ_4 What are the matrimonial problems post-Walk Away?
5) RQ $_5$ How can the Maqasid Shari`ah approach curb Walk Away?

1.6 SIGNIFICANCE OF THE STUDY

In personal affairs, Muslims in Uganda are required to comply with the principles of common law. At present, common law acknowledges solely marriage and divorce, as specified in Chapter 252. Personal problems beyond the scope of common law including inheritance, child custody, and Qadhi courts, all of which are essential elements of Islamic family law.

This study presented an Islamic perspective on divorce, diverging from conventional interpretations and those of the Christian faith but considering the environment of a secular society. Concurrently, it seeks to expand the comprehension of Muslim personal issues within the context of common law.

The importance of this study is in its capacity to modify existing theories and approaches to include an Islamic perspective on divorce, thereby fostering a fair comprehension of the topic for all parties involved.

A Swedish research team executed the latest study on marriage and divorce in Uganda (Martin Gramatikov, 2020). Since 2020, there has been a significant deficiency of studies pertaining to the Muslim population concerning familial personal issues.

The state has made notable strides in establishing frameworks and regulations that promote family welfare; yet, the execution of divorce policy has faced difficulties in some communities, especially among the Muslim population. This challenge mostly derives from the differing applications of family ideals imposed by various cultural and religious frameworks. It is imperative to recognise and confront these difficulties with sensitivity and empathy for the diverse opinions and ideals inherent in Islam.

This study investigated the causes of marital problems that prompt couples to terminate their marriages and is highly significant, as it may improve current policies and suggest new approaches based on effective family issue management observed in neighbouring countries like Kenya. This is particularly significant for discussions regarding Article 129(1)(d)(i), which pertains to lesser courts established by Parliament, including Qadis' courts, that address matters such as marriage, divorce, property inheritance, and guardianship, as mandated by Parliament.

1.7 SCOPE OF THE STUDY

The reasons for the dissolution of marriages primarily arise from the rejection of roles, responsibilities, and tasks.

Information was gathered from couples who had divorced through khula, talāq, or by simply walking away, as well as from those whose spouses had passed away while they were still married. The methodology used mixed techniques, employing semi-structured questionnaires for quantitative analysis and thematic designs for qualitative analysis.

Due to resource limitations, the study covered only twenty (20) districts across four regions of the country; it is important to note that Uganda comprises 135 districts as of 2024.

Focused particularly on the objectives of the family, the study's scope included divorce and Muslim Family Law, also referred to as Maqasid Shariah. This research underscores Ugandan jurisprudence as a minority and secular legal system.

1.8 MAQĀSID SHARI'AH AND THEORETICAL FRAMEWORK

Maqsid (plural: maqasid) refers to a purpose, objective, principle, intent, goal, end, telos (Greek), finalité (French), or Zweck (German). The maqasid of Islamic law are the objectives or purposes that underpin Islamic rulings (Jasser Auda, 2008).

The theory of Maslahah Mursalah, which means looking out for the public good, deals with public interests that haven't been clearly defined by the Lawgiver, as there is no specific text to support its importance. (Hashim, Kamal M., 2003)

"The Family" is one of the maqasid al-Shariah, also known as daruriyyah Khamsa, and it serves as a secondary source of legislation that follows the Quran and Sunnah. Maqasid al-Shari`ah enhances the devout aspects (ta'abudĭ) for every Muslim who endeavours to fully implement these principles, which are vital to the lives of all individuals. While adherence to these laws can lead to destruction, chaos, and neglect, it can also guide the community towards Allah and the path of righteousness as exemplified by Prophet Muhammad (SAW). (Hashim, Kamal M., 2003)

Overall, the objective of Maqasid is to affirm the sovereignty of Allah alone, who possesses the ultimate right to establish a path for humanity and liberates individuals from servitude to anyone apart from Allah. The primary sources of legislation in Islam are known as Huda, al-Kitāb, al-Wahyu, al-Dhikr, al-Furqān, al-Qasas, and Tanzīl. Their verses articulate various rulings (ahkām), including ahkām i`tiqadiyya, ahkām khulqiyya, and ahkām amaliyya. The ahkām amaliyya, along with Ibadāt and muamalat, deliberates what is appropriate and harmonious (wasf munásib mutá 'im) in alignment with the objectives of the Lawgiver.

Sūrat al-Játhiyah (45:18) stresses:

> Then We placed you on the Right Road (Shari'ah) of our command, so follow it. Do not follow the whims and desires of those who do not know.



Figure 1.2 Maqāsid and Family Institution

1.9 MAQĀSID AND DEFINITION OF TERMS

This section defines the term as follows:

1.9.1 Hadhanah

Upholding the rights of a person who has not yet reached maturity (mumayyiz) and is not independent enough to care for himself or protect himself from harm involves taking care of him appropriately. (Ahmad Mohamed Ibrahim, 2000)

1.9.2 Child Maintenance

The romanticised Arabic word nafaqa, or al-Nafaqah, is a noun derived from the word al-infaq, meaning “to spend money,” and it helps us understand maintenance. Providing for the wife’s and child's necessities, including clothing, food, drink, shelter, and other pertinent requirements, is another definition of the term. "Supply of the necessities of life for a person" is what maintenance entails. In other words, maintenance refers to the financial resources allocated to an individual who bears the responsibility of providing for them. Thus, maintenance includes education, clothing, food, drink, shelter, health, and other necessities. The term "child" refers to a person who has not reached puberty.

1.9.3 Mahr

The word "mahr" in Arabic means “dowry.” In addition to ‘mahr’, other Arabic phrases used in the Qur'an and hadiths to refer to dowry or bridal due are ‘sadaq, ‘nahlah, ‘ajr, and ‘faradah. When a man marries a woman, he gives her a benefit called a dowry.

1.9.4 Muajjal

The mahr amount given to the bride at the signing of the marriage contract is called a muajjal, which is paid at the time of marriage (nikah), and the portion that is promised but deferred is called a muajjal, which is paid after completion of marriage.

1.9.5 Mirath

Mirath means inheritance to be shared from the property of the deceased among his successors. The study of Mirath in Shariah gives rules as to who inherits, who is to be inherited, and what shares go to the heirs.

1.9.6 Iwadh

An Arabic term that denotes compensation or remuneration. In the context of Islamic financial and commercial transactions, it refers to what is given in return for something else. Compensation can be divided, from different points of view, into financial compensation and nonfinancial compensation and valid compensation and invalid compensation. (Doi A. a.-R., Shariah: Islamic Law , 2008)

1.9.7 Bain Kubra

The husband repudiates his wife for the third time, and it triggers a "major" divorce (al-baynuna al-Kubra), after which the couple cannot remarry without an intervening consummated marriage to another man. (Doi A. a.-R., Shariah: Islamic Law , 2008)

1.9.8 Iddah

The period a woman must observe after the death of her husband or after a divorce, during which she may not marry another man. (Doi A. a.-R., Shariah: Islamic Law)

1.9.9 Nafaqat, nafaqa, or nafkah

The Islamic legal term refers to the monetary assistance a husband is required to give to his wife, both during their marriage and in the aftermath of a divorce. (Doi A. a.-R., Shariah: Islamic Law)

1.9.10 Al-Faskh

Faskh is a court decision that terminates a marriage, initiated by the wife, based on grounds permitted by Islamic law. These grounds may include the husband's prolonged absence, mental illness, or specific conditions regarding certain individuals that render the marriage invalid. (Doi A. a.-R., Shariah: Islamic Law).

1.9.11 Mafqūd

Husband's Disappearance. Malikite jurists characterise mafqūd as a person who is absent from their family. The family feels a profound sense of grief for this individual and possesses no information concerning their location. (Mek Wok Mahmud, Siti Zulaikha binti Mokhtar, 2017)

1.9.12 Shāfiʿī

In Islam, one of the four Sunni schools of jurisprudence is founded on the teachings of Muḥammad ibn Idrīs al-Shāfiʿī (767–820). (Britannica, 2025).

1.9.13 Ẓāhirīyah

Literalists are adherents of an Islamic legal and theological school that stresses strict adherence to the literal text (ẓāhir) of the Qurʾān and Ḥadīth (the sayings and actions of the Prophet Muḥammad) as the exclusive source of Muslim law. This school rejects

certain legal practices, such as the use of analogies (qiyas) and pure reasoning (raʾy), as legitimate methods for interpreting the law, and it expresses scepticism regarding the concept of consensus (ijmāʾ). (Britanica, 2025)

1.9.14 Ḥanafī

The text effectively conveys the development and significance of the Ḥanafī legal school within Islamic law. It maintains a consistent tone and is generally clear in its meaning. However, we suggest the following revision to enhance clarity and flow:

The Ḥanafī legal school (madhhab) incorporates the legal opinions of the ancient Iraqi schools of Kūfah and is one of the four principal Sunni schools of Islamic law. It originated from the teachings of the theologian Imām Abū Ḥanīfah (c. 700–767) and was propagated by his students, Abū Yūsuf (d. 798) and Muḥammad al-Shaybānī (749/750–805). This school eventually became the primary Islamic legal system for both the ʿAbbāsid and Ottoman empires. Britannica, 2025.

1.9.15 Conjugal Relationship (ruju')

Ruju is established through talaq raj'i, which is a revocable divorce. A marriage contract referred to as 'aqad' results in an irrevocable divorce through talaq ba'in. Retraction of confession, divorce, and a like. (Imran Ahsan Khan Nyazee, 2002)

1.9.16 Nushūz

When his wife exhibits bad behaviour (disobedience, rebellion, or Nushūz in Arabic), a man may first reprimand her, then refuse to share their beds, and lastly, if necessary, softly beat her. However, if they return to obedience, do not use force against them. (Doi A. a.-R., Shariah: Islamic Law)

1.9.17 Arbitration (Taḥkīm)

The process involves appointing someone as an arbitrator (hakam) and granting them the authority to render a verdict. (Doi A. a.-R., Shariah: Islamic Law)

1.9.18 Evaluate

The determination of success in achieving defined goals. (APA Dictionary , 2018)

1.9.19 Impact

The Economic and Social Research Council (ESRC) defines research impact as the demonstrable contribution that high-quality research makes to society and the economy. This definition encompasses both academic impact, which refers to how impactful social and economic research enhances knowledge and contributes to the development of scientific methods, theories, and applications across various fields, and economic and societal impact, which illustrates how such research benefits society and the economy, as well as individuals, organisations, or countries. (ESRIC, 2025)

1.9.20 Family

“Family” is a loanword in the English lexicon derived from the Latin terms “familia” or “domus,” which refer to “patrimony.” The Romans employed the word to denote, firstly, individuals related by blood or marriage (kin in a broad sense); secondly, a lineage or house (descendants from the same stock or blood); and thirdly, all those living under the same roof, encompassing servants and other non-relatives, particularly during the sixteenth and seventeenth centuries The word ahl originally conveyed the basic idea and meaning of ‘the people of a house or dwelling’ (ahl al-bayt), and ‘people’ are understood to mean man’s cohabitants of the particular dwelling in question.. (Osman Bakar, 2011)

1.9.21 Law

Old English “laga” (plural “laga,” combining form “lah-”) signifies "an ordinance, a rule established by authority, a regulation, or a region governed by uniform laws." It can also refer to "rights" or "legal entitlement.” This term originates from Old Norse “lagu,” meaning “law,” which is the collective plural of “lag,” translating to “layer, measure, stroke.” It literally denotes "anything laid down; that which is fixed or established." (Etymoline, 2001)

1.9.22 Family Law

The legal framework regulates family relationships, including marriage and divorce, childcare, and related economic matters. (Campbel, Gaye Mitchell, and L., 2021)

1.9.23 Muslim Family Law

Muslim family law represents an effort by a secular state to reconcile the freedoms of a minority Muslim community. (Amien, 2020)

1.9.24 SDG

The Sustainable Development Goals are a collection of agendas that the member states of the United Nations Organisation aim to achieve between 2015 and 2030; there are a total of seventeen goals. (United Nations, 2023).

1.9.25 Socioeconomic Transformation

The National Resistance Movement (NRM), the ruling party currently in power in Uganda, has as its ideology patriotism (anti-sectarianism), Pan-Africanism (believing in East Africa and Africa), socio-economic transformation, and democracy. (NRM, n.d.)

1.9.26 Foundational Assumption

Uganda's Islamic family traditions and character form the structure of the Muslim Family Law Legislation's entire undertaking. Norms based on Islamic faith make this research distinct and exceptional, as it brings greater performance to the family institution in Uganda. This study provided a framework for reforms to the present legislation while it seeks to improve on community cohesion.

1.10 SUMMARY

This chapter examines the complexities encountered by partners in marital relationships because of failure to fulfil marriage conditions as prescribed by the Islamic family norms, encompassing cultural norms, economic pressures, issues of fidelity, and challenges related to infertility. This study presents six effective approaches for dissolving a marriage in alignment with Islamic family law, grounded in statistical data from Uganda. The study delineates five research objectives, articulates formulated research questions, and defines a scope that encompasses four principal areas. The chapter culminates in a section that succinctly encapsulates the principal factors discussed.

1.11 MAQĀSID AND ORGANISATION OF THE THESIS

This is a concise summary of the chapters in this study. Chapter One presents the study's history, articulates the research questions and objectives, examines the study's importance, delineates its scope, and specifies essential terminology. Chapter Two examines the beginnings of family, marriage, and divorce, as well as an analysis of Muslim Family Law. It encompasses definitions, functions, and a summary of its worldwide use in minority Muslim-developed and -developing nations. Chapter Three delineates the study's methodology, encompassing specifics regarding the population, sampling strategies, data collection methods, and analysis procedures. Chapter Four elaborates on the data analysis methodologies and offers the study's conclusions. It encompasses talks on data screening, statistical assumptions, and descriptive statistics.

Chapter Five: This chapter delineates the findings of the investigation. Chapter Six This chapter ends the research and presents recommendations derived from the findings. It also acknowledges the study's shortcomings and proposes avenues for future research, if relevant.

CHAPTERTWO

MAQĀSID SHARI`AH AND FAMILY INSTITUTION

2.1 INTRODUCTION

This chapter clarifies the ongoing discussion regarding the definition of an ideal Islamic marriage or divorce, particularly in contrast to the actual experiences of a Muslim minority in a secular state. This discourse has garnered both opponents and supporters, many of whom exhibit a lack of understanding of the Qur'an, the esteemed text of Islam, and the Sunnah, comprising the sayings, actions, and implicit approvals of Prophet Muhammad (Peace Be Upon Him), which serve as fundamental sources. Additionally, the agreement of Islamic scholars (Ijma), reasoning by analogy (Qiyas), fairness in Islamic law (Istihsan), public good (Maslahah Mursalah), local customs (Urf), preventing harmful actions (Sadd al-Dhara`I), and independent reasoning (Ijtihad) are recognised as extra sources of law.

2.2 MAQĀSID OF THE FAMILY INSTITUTION

This section provides insights into the foundations of Islamic family epistemology, emphasising key components such as Al-Kitab, Al-Amal, Tanfidh/Mutaba'a, and Khalifah.

2.2.1 Al Kitab: The Preserved Tablet

The history of creation has five parts; the first phase, the primordial period, during which only Allah (SWT) existed. Phase two: fabrication of the throne and its placement above water. Phase three, Divine Record, during which all was documented in the Book. Phase four: Formation of the Universe, Celestial Bodies, and Terrestrial Realm.

The family is categorised within phase three of creation, referred to as Al Kitab. Al Kitab, a tome of Ilm (knowledge), chronicles all that existed before its inception.

In the Book of Creation, Imam Bukhari documented Imran bin Husain, a companion of Prophet Muhammad (SAW), recounting an inquiry from the Banu Tamim on the origin of creation.

The Prophet (SAW) educated them by saying,

> First, there was nothing but Allah (SWT), and then He created His Throne). His throne was over the water, and He wrote everything in the Book, created heavens and the Earth.

The book is also called al-Lawh al-Mahfouz (Preserved Tablet). The Preserved Tablet is known as *Kitab mubiini* (Perspicuous, Perfect Record) in Qur'an Surat an-Naml: 27:75 and Kitab Mustuuraan (Surat al-Azhab: 33: 6).

The Preserved Tablet possesses several unique characteristics. Firstly, it serves as a comprehensive record of all that has occurred and all that will transpire. Secondly, it encompasses information regarding all of Allah's creations. Thirdly, its infinite nature ensures that it will never exhaust or deplete. A portion of the encrypted scripture from the Preserved Tablet is transferred and preserved in the Baitul Izzah, also referred to as the House of Mighty. This scripture aims to guide the Khalifah, or vicegerent, and evaluate their dedication to upholding Allah's Trust. The Qur'an elucidates the relationship between the vicegerent and trust in Surat al-Ahzab: 33:71.

> Indeed, We offered the Trust to the heavens and the earth and the mountains, and they declined to bear it and feared it; but man [undertook to] bear it. Indeed, he was unjust and ignorant.

2.2.2 Al 'Amal

In the entirety of human existence on Earth, individuals are expected to align their intentions and actions with Wahyu (Revelation). Islam regard a failure to do so as a profound betrayal of the Khalifah's Trust.

Iblis exemplified this betrayal of trust. (Tabari, Muhammad ibn Jarir Al-, 1989) God created Iblis in a state of beauty, honouring and ennobling him. He appointed him as ruler over the lower heavens and the earth and made him one of the keepers of Paradise. However, he became arrogant towards God, claimed divine lordship for himself, and urged those under his control to worship him. God thus stripped him of the blessings He had given him and turned him into a stoned Satan. God cursed him, expelling him from His heavens in the transient world and designating the Fire of Hell as the dwelling place for him and his followers in the hereafter. Surat al-Araf: 7:11–20. The Qur'an asserts:

> Surely, We created you, then shaped you, then said to the angels, "Prostrate before Adam," so they all did—but not Iblîs, who refused to prostrate with the others.
>
> Allah asked, "What prevented you from prostrating when I commanded you?" He replied, "I am better than he is: You created me from fire and him from clay. Allah said, "Then get down from Paradise! It is not for you to be arrogant here. So get out! You are truly one of the disgraced." He appealed, "Then delay my end until the Day of their resurrection." Allah said, "You are delayed until the appointed Day." He said, "For leaving me to stray I will lie in ambush for them on Your Straight Path. I will approach them from their front, their back, their right, their left, and then You will find most of them ungrateful." Allah said, "Get out of Paradise! You are disgraced and rejected! I will certainly fill up Hell with you and your followers all together.

The treacherous breach of trust involves an individual's propensity for malevolence, immorality, and making unfounded claims about Allah (SWT). The Qur'an corroborates this. (Surat al-Baqarah: 2:168)

> O mankind, eat from whatever is on the earth (that is) lawful and good and do not follow the footsteps of Satan. Indeed, he is to you a clear enemy. He only orders you to evil and immorality and to say about Allah what you do not know.

A further egregious breach of trust endangers humanity with destitution: The Qur'an Baqarah 2: 268 asserts.

> "Satan threatens you with poverty and orders you to immorality, while Allah promises you forgiveness from Him and bounty. Allah is all–Encompassing and knowing.

The treacherous breach of trust is summoning the insubordinate Satan, Surat an-Nisa: 4: 118 – 120

> Instead of Allah, they only invoke female gods and they invoke none but a rebellious Satan. cursed by Allah—who said, "I will surely take hold of a certain number of Your servants. I will certainly mislead them and delude them with empty hopes. Also, I will order them and they will slit the ears of cattle and alter Allah's creation." And whoever takes Satan as a guardian instead of Allah has certainly suffered a tremendous loss. Satan only makes them ˹false˺ promises and deludes them with ˹empty˺ hopes. Truly Satan promises them nothing but delusion.

2.2.3 Tanfidh /Mutaba'a`

The wahyu only endorses the actions of the vicegerents that conform to established procedures, stipulations, and intentions. The vicegerency forbids actions that diverge from the divine purpose on earth. The Qur'an in Surat al-Araf (7:11–27) states that Allah declared,

> "O Adam! Live with your wife in Paradise and eat from wherever you please, but do not approach this tree, or else you will be wrongdoers." Then Satan tempted them in order to expose what was hidden of their nakedness. He said, "Your Lord has forbidden this tree to you only to prevent you from becoming angels or immortals." And he swore to them, "I am truly your sincere advisor." So he brought about their fall through deception. And when they tasted of the tree, their nakedness was exposed to them, prompting them to cover themselves with leaves from Paradise. Then their Lord called out to them, "Did I not forbid you from that tree and ˹did I not˺ tell you that Satan is your sworn enemy?" They replied, "Our Lord! We have wronged ourselves. If You do not forgive us and have mercy on us, we will certainly be losers. Allah said, "Descend as enemies to each other. You will find in the earth a residence and provision for your appointed stay." He added, "There you will live, there you will die, and from there you will be resurrected." O children of Adam! We have provided for you clothing to cover your nakedness and as an adornment. However, the best clothing is righteousness. This is one of Allah's bounties, so perhaps you will be mindful. O children of Adam! Do not let Satan deceive you as he tempted your parents out of Paradise and caused their cover to be removed in order to expose their nakedness. Surely, he and his soldiers watch you from where you cannot see them. We have made the devils allies of those who disbelieve.

2.2.4 Khalifah

The following elements are elaborated upon: the origin, purpose, and distinction; the absence of corruption; evaluation (Taqyin); the Munthariin (those who warned the people); the selection of the Khalifah; Maqtan (contempt); and Adil (justice).

2.2.4.1 Origin

Surat al-Baqarah asserts the khalifah is the establishment of successive human authority on earth at 2:30.

> ˹Remember˺ when your Lord said to the angels, "I am going to place a successive human authority on earth." They asked ˹Allah˺, "Will You place in it someone who will spread corruption there and shed blood while we glorify Your praises and proclaim Your holiness?" Allah responded, "I know what you do not know."

2.2.4.2 Purpose

Khalifah is a test to elevate mankind. The Qur'an asserts in Surat al-An`am 6:165;

> Say, "He ˹alone˺ has the power to unleash upon you a torment from above or below you or split you into ˹conflicting˺ factions and make you taste the violence of one another." See how We vary the signs, so perhaps they will comprehend.

2.2.4.3 Distinction

Khalifa enhances the dignity of humanity. The Qur'an states in Surat al-Araf 7:69.

> Do you find it astonishing that a reminder should come to you from your Lord through one of your own so he may warn you? Remember that He made you successors after the people of Noah and increased you greatly in stature. So remember Allah's favours, so you may be successful.

2.2.4.4 No Corruption

Khalifa does not propagate corruption. The Qur'an states in Surah Al-A'raf, verse 74.

> Remember when He made you successors after ʾÂd and established you in the land—ʿandʾ you built palaces on its plains and carved homes into mountains. So remember Allah's favours, and do not go about spreading corruption in the land.

2.2.4.5 Evaluation (Taqyin)

To observe how khalifah or mankind acts. The Qur'an asserts in Surat al-Yunus 10:14.

> Then We made you their successors in the land to see how you would act.

2.2.4.6 Munthariin (Warned People)

The effects of rejection are significant. The Qur'an asserts in Surat al-Yunus 10:73.

> But they still rejected him, so We saved him and those with him in the Ark and made them successors, and drowned those who rejected Our signs. See then what was the end of those who had been warned!

2.2.4.7 Select of the Khalifah

The selection of the Khalifah involves questioning idolatry; the Khalifah is expected to challenge the belief in other deities. This divine role underscores Allah as the responder to distress and affliction. The notion of earthly succession highlights Allah's role in human stewardship, which calls for mindfulness and awareness of one's faith as well as the true source of assistance. Allah (SWT) appoints mankind as Khalifah. The Qur'an affirms this in Surat al-Yunus: 10:73.

> Or ˹ask them, “Who responds to the distressed when they cry to Him, relieving their affliction, and ˹Who˺ makes you successors in the earth? Is it another god besides Allah? Yet you are hardly mindful!”

2.2.4.8 Maqtan (contempt)

Contempt and contribution to loss. Allah has appointed mankind as stewards on earth. Disbelief in Allah leads to personal accountability; such denial results in increased disdain from God, ultimately leading to detrimental outcomes for those who disbelieve.

> Qur`an asserts in Surat al-Fatir: 35:39
>
> He is the One Who has placed you as successors on earth. So whoever disbelieves will bear ˹the burden of˺ their own disbelief. The disbelievers’ denial only increases them in contempt in the sight of their Lord, and it will only contribute to their loss.

2.2.4.9 Adil (Justice)

Divine instruction is given to mankind who are appointed as authorities in the land. He is urged to judge with truth while being cautioned against following personal desires, a warning about the consequences of straying from Allah's Way. The Qur'an emphasises the harsh penalty for disregarding the Day of Reckoning. The Qur'an asserts in Surat al-Fatir 38:26 that one should judge without being influenced by personal whims.

> ˹We instructed him: “O David! We have surely made you an authority in the land, so judge between people with truth. And do not follow ˹your˺ desires or they will lead you astray from Allah’s Way. Surely those who go astray from Allah’s Way will suffer a severe punishment for neglecting the Day of Reckoning.”

The issues discussed above on the khalifah are supported by the nine verses in the Qur'an that particularly reference Khalifah on earth. These verses are summarised as follows: 2:30, 6:165, 7:69, 7:74, 10:14, 10:73, 27:62, 35:39, and 38:26.

2.3 MAQĀSID SHARIʿAH AND FAMILY INSTITUTION

Historical evidence (Osman Bakar, 2011) indicates that the ascendance and decline of civilisations are intrinsically linked to the evolution of familial systems. Conversely, the robust condition of the family institution and its stability are recognised as pivotal determinants in the advancement of diverse human civilisations.

The inception of Islamic civilisation in precolonial Uganda, enabled by Islamic family institutions, signified the commencement of the historical evolution of the Islamic family in 1844.

The law serves numerous purposes. (David M. Adams, 2000) Legislative law, constitutional law, judiciary, administrative, and judicial laws are categorised based on their applications (Laurence D. Houlgate, 1988); penal laws impose fines or incarceration to enforce compliance. Remedial complaints and specific remedies encompass regulatory frameworks intended to safeguard individuals, especially children, from harm, including the allocation of private and public powers and associated benefits or responsibilities.

This advancement enabled the incorporation of Islamic principles in local familial frameworks and promoted the expansion of communal networks and educational programs. Secondly, the Islamic Family Institution (IFI) played a significant role in shaping the cultural and social processes that facilitated a synthesis of traditional and Islamic practices. During this phase of the historical evolution of the Islamic Family Institution, it had its initial crisis from 1888 to 1892. The interreligious confrontations between Muslims and Anglicans were driven by a desire to halt the ongoing Islamisation, resist imperialism, and establish a basis for colonialism. The collaborative endeavours of the imperialists and the Anglicans subdued Muslim armies or compelled them and their families to flee from the central region to the eastern and western regions of Uganda.

The third historical evolution of the Islamic Family institution was the British Order in the Council, which conferred legislative authority upon the Commissioner General and granted the right to issue decrees on behalf of the British Empire. The

Commissioner General forcibly amalgamated Islamic family rules with Christian ones. The objective was to establish universal family law. The Commissioner General enacted and designated the Marriage of African Ordinance (Chapter 253) on April 1, 1904.

The integration of two Abrahamic family laws proved contentious. For instance, consider the religious underpinnings of the marriage concept in Genesis 2:24 and the Qur'an: Ar-Rum 30:21. One soon recognises that the issues differ across the two religious traditions. In Christianity, marriage is regarded as a covenant established before God, uniting two individuals into one entity.

Therefore, a man shall leave his father and mother and be joined to his wife, and they shall become one flesh.

While for Islam, marriage is al-Nikah, viewed as a legal contract between a man and a woman. The Qur'an emphasises living a righteous life. Allah says:

> And among His signs is this, that He created for you mates from among yourselves, that you may dwell in tranquillity with them, and He has put love and mercy between your hearts. *(Ar-Rum 30:21)*.

Similarly, other examples of variance include the purpose of marriage (Ephesians 5:25) and divorce in canon law or ecclesiastical contexts (Matthew 19:6) (William P. Statsky, 2015).

> "Husbands, love your wives, just as Christ loved the church and gave himself up for her." (Bible: Ephesians 5:25). "Therefore, what God has joined together, let no one separate." (Bible: Matthew 19:6)

Fourthly, on 15 April 1906, the Marriage of Africans Act (Chapter 253) reformed the Islamic family system into Muslim family rules. The Commissioner General referred to these Muslim family rules as the Marriage and Divorce of Muhammedan Ordinance of 1906.

Fifthly, the 1979 crisis marked a significant milestone in the historical evolution of the Muslim Family Institution. The conflict in April subjected Muslim family structures to scrutiny due to the internal and external displacement of several families

seeking safety in neighbouring countries: Zaire (Democratic Republic of Congo) to the West, Sudan to the North, and Kenya to the East. A considerable number of Muslims were scattered since spouses were rendered unable to perform fundamental marital duties, and others endured human rights violations. The Washington reported on the despondent refugee Kenyan, estimating that 80% of the hundreds that arrived today, April 13, 1979, were Nubians. Jonathan C. Randal, 1979

The sixth development was the establishment of Muslim family regulations, which contained article 129(d)(1) in the 1995 constitution of Uganda. The Muslim family institution has reached a pivotal moment, although stakeholders impede the implementation processes.

The seventh historical evolution of family law is the resurgence of the Marriage of Africans Act ethos from 1903. Initially established in 2003 under the Domestic Relations Bill (DRB) and currently in 2024 under the Marriage Bill 2024. The family has experienced a nearly revolutionary transformation during the past generation (Robin Fretwell Wilson, 2006).

In summary, the historical evolution of the Islamic family institution in Uganda commenced in 1844; it encountered its initial setback from 1888 to 1892; it faced contamination in 1904; the Islamic family institution was reclassified as the Muslim family institution in 1906; in 1979, the Muslim family institution experienced its most significant crisis; and by 1995, it entered a phase of stagnation that persisted from 2008 to 2024.

2.4 MAQĀSID SHARI'AH AND IDEA OF SEPARATION OF CHURCH AND STATE

The concept of the separation of church and state evolved during the European Enlightenment period, often referred to as the Age of Reason, in the 17th and 18th centuries, influenced by the political and intellectual activities of scholars such as Baruch Spinoza (1667) and John Locke (1632–1704). The Declaration of Independence officially endorsed this idea in 1776, marking a significant development not in Europe but in America.

In his book "The Matter of Religion" (1990), Bernard Lewis references Thomas Jefferson, who stated, "The maxim of civil government should be reversed, and we should rather say, 'Divided we stand, united, we fall.'" Lewis argues that Jefferson's assertion succinctly encapsulates a notion that is considered quintessentially American: the separation of church and state. He further contends that the ideological basis for this separation can be traced back to Jesus' response to a question posed by his adversaries.

They attempted to trap him by questioning whether it was right for Jews, whose nation had been subjugated by the Roman Empire, to pay tribute to the Roman emperor. Jesus took a Roman coin, which was used for this tribute, and asked whose image was on it. His questioners replied, "Caesar's." Jesus' response implied that by using Roman coins, the Jews acknowledged the authority of the Romans, thus granting the Roman government the right to tax them, provided that the Jews did not compromise their religious obligations. His overarching point was, "Render unto Caesar the things that are Caesar's, and unto God the things that are God's."

Mazrui (1969) categorised the Occident's exploration in Africa into three distinct forms: Evangelical Exploration, Scientific Exploration, and Exploitation Exploration by Europeans. First, Evangelical Exploration aimed to spread civilisation, suppress the slave trade, or propagate new creeds by both secularists and religious missionaries. Notable figures included David Livingstone, a pioneer missionary and explorer; Lieutenant Colonel James Augustus Grant (1827–1892); Captain John Hanning Speke (1827–1864); Sir Samuel Baker (1821–1893); Alexander Mackay (1849–1895); Sir Albert Ruskin Cook (1870–1938); and John Howard Cook (1877–1946).

Second, scientific exploration was sponsored by learnt societies, such as the African Association, established in 1788, which later rebranded as the Raleigh Travellers' Club in 1827 and subsequently became the Geographical Society of London in 1830, officially becoming the Royal Geographical Society (RGS) in 1859. The Church Missionary Society (CMS), founded in London in 1799 as the Society for Missions in Africa and the East by Evangelical clergy of the Church of England, also played a significant role; it was renamed the Church Missionary Society for Africa and

the East in 1812. Third, exploitation exploration sought to establish commerce, new markets, resources, and potential new materials.

In 1894, Uganda's modern political history began when it came under British protection, with Queen Victoria acting as the de facto leader through the Commissioner of the Foreign Office. Following the Berlin Conference in 1884, all parties agreed on establishing European-centric institutions in the newly acquired territories.

Morris (1979) notes that, during the initial phases, the Foreign Office was unsure about its authority to legislate for the peace, order, and proper governance of the territory, especially regarding marriage law. Furthermore, the Foreign Office grappled with the decision of whether to base the laws on Indian or English legal principles.

In 1902, they resolved to draft legislation closely modelled on the Southern Nigeria Marriage Proclamation of 1900. This document was submitted to the Commissioner, who instructed that it be enacted as a Marriage Ordinance. The Foreign Office subsequently sent a similar document along with directives to other African territories under its jurisdiction.

Alfred Tucker (Morris, 1979) expressed dissent regarding the act, citing excessive costs as a primary concern. The implementation of these levies constituted an internal tax that, according to the Uganda Agreement, the Protectorate Government could not impose without the consent of Buganda.

The Uganda Agreement viewed the enforcement of English succession as a violation. The African community found the established process for marriage preliminaries to be burdensome and impractical. The law legalised marriage with a deceased wife’s sister and niece. Critics have described these developments as a significant setback to the principles of Christianity and morality.

2.5 MAQĀSID SHARIʿAH AND COMMON LAW DOCTRINE OF FAMILY INSTITUTION

This section delineates the concept of common law and examines the complexities encountered by Muslim families following the introduction of dual legal systems in Uganda.

2.5.1 Definition

The English common law, as noted by Kotz (2011), originated in 1066 under William I, who established a cohesive, integrated, and relatively straightforward feudal system with the king as the supreme feudal overlord.

The doctrines of common law pertaining to equity and the statutes of general application were introduced on 24th July 1874. This common law doctrine was first trialled in Uganda in 1902, based on a body of law derived from court decisions rather than codified statutes.

According to Twinning (1986), unwritten or common law can be effectively categorised into three distinct groups:

First, general customs, which represent the universal rules of the kingdom and constitute common law in its more rigorous and conventional sense.

Second, customs that primarily impact only the inhabitants of specific districts. Third, certain laws that, by custom are adopted and employed by various courts, reflecting broad and extensive jurisprudence.

2.5.1.1 Common Law and Dispensation of Muslim Justice

Katherine O'Donovan underscores the inadequacy of common law as a mechanism for addressing family matters. The prevailing legal concepts within this framework often neglect family representation and naturalisation. This neglect stems from a self-imposed

limitation concerning personal and private cultural constructs, rather than being an intrinsic aspect of legal or justice theories.

A key characteristic of common law is that judges influence Muslim family law through their decisions. Another feature is the establishment of legal precedents that inform future Muslim family law cases within the adversarial system.

In the realm of Muslim family justice, common law presents more drawbacks than advantages. These drawbacks include uncertainty, complexity, protracted processes, limited legislative involvement, a lack of uniformity, judicial activism, an overwhelming volume of case law, inefficiencies, and delays.

2.5.1.2 Filing Divorce Petitions in the Courts of Law

The divorce process in the civil court involves seven steps, which include both the magistrate's court and the high court. These steps are: one, filing a petition; two, submitting supporting documents to the petition; three, issuing summons; four, providing an answer to the petition; five, engaging in mediation; six, attending a hearing; and seven, obtaining a Decree Nisi. (Uganda Law Library, 2016).

2.5.1.2.1 Family Division of the High Court

Hon. Justice B. Kainamura (2013) court which granted a divorce to Sumaya Nabawanuka and categorically rejected a previous Islamic talaq judgement reached by the Shariah Courts, deeming it incompetent. Med Makumbi brought this talaq issue to the Uganda Muslim Supreme Council (UMSC), which settled it in talaq cause no. SC/MDO 65/10/2010.

Dissatisfied with the Islamic talaq ruling, Sumaya Nabawanuka, a Muslim woman, decided to file a petition to the High Court of Uganda in Kampala on 2nd December 2011. She sought, among other things, a decree nisi dissolving her marriage

to Med Makumbi, custody of their child, maintenance for the child, alimony, a share of the matrimonial property, and costs.

On 16th January 2012, Med Makumbi filed a response, refuting the allegations made by Sumaya Nabawanuka. He objected at the start, asking for her case to be thrown out because he claimed it had already been fully decided by the Sharia Court of the Muslim Supreme Council in divorce case no. SC/MDO 65/10/2011.

In her concluding remarks, Hon. Justice B. Kainamura rejected the narrative presented by Med Makumbi and instead supported Sumaya Nabawanuka's assertions. She argued that the Sharia Court of the Muslim Supreme Council is a court of competent jurisdiction, as envisaged under Article 129(1)(d) of the Constitution. She noted that Parliament has not yet operationalised the act referenced in Article 129(1)(d), which establishes Qadhi's courts. Consequently, if any such courts are currently in operation, they are functioning outside the provisions of Article 129(1)(d) and are therefore incompetent.

Hon. Justice Remmy Kasule (2001) reveals in the court record that the deceased Okullu Salim executed a will on 12th October 2001 prior to his death. The High Court of Uganda, convened in Gulu, affirmed the legitimacy of the will's execution in every aspect.

The findings reveal that Islamic inheritance law (2023) delineates various obstacles to inheritance: homicide; religious disparity, as no inheritance connections exist between Muslims and non-Muslims; enslavement, since a slave cannot own property and cannot serve as a murith (guardian) or warith (heir); and concurrent fatalities, which arise when close relatives perish in a shared calamity. Justice Tuhaise (2010) ruled that Zam Nakiyingi Kalule, a Muslim woman and biological mother of Enock Sebunya (the minor), was designated as the legal guardian of a non-Muslim minor after the demise of Samuel Kalule's father on 19th August 2003 in Case No. 137/2010 of the High Court Family Division.

Hon. Lady Justice Alice Komuhangi Khaukha denied Civil Appeal No. 0005 of 2021 on 6th July 2023. The Sharia Court's rule, decision, and orders regarding the

divorce case between Hajjat Mariam Fatuma Bunkeddeko and Hajj Bunkeddeko Badru, issued on 10th March 2021, were upheld. Moreover, Divorce Cause No. 0006 of 2016 was deemed res judicata, as the matters had previously been adjudicated by the Sharia Court at Old Kampala, resulting in the dismissal of the case. The parties in Divorce Cause No. 0006 of 2016 must implement the decree issued by the Sharia Court, which is the binding decree.

Furthermore, Miscellaneous Application No. 0270 of 2023 was rejected. The Muslim community is the most disadvantaged religious minority in divorce studies due to constrained research resources. There are no specific studies on the marriage and divorce practices of Muslims, and there is limited literature on this topic.

Besides, the procedures utilised in current investigations necessitate improvements.

This study seeks to tackle three significant concerns confronting the Muslim community: marriage and divorce issues, literary marginalisation, and inadequate research. Qadis possess a historical legacy in East Africa.

Hashim (2005) elucidates that the history of Muslim Family law in Kenya precedes independence, originating in 1889, when the Sultan of Zanzibar conferred concessions to the Imperial British East Africa Company (IBEA) to govern his territories in accordance with Shari'a. These agreements maintained the operation of Qadi courts, which persisted long into the independence era.

Hashim notes that the Sultan of Zanzibar appointed and managed qadis under his jurisdiction via consecutive agreements with British firms. In mainland Tanzania, previously referred to as Tanganyika, the Sultan of Zanzibar administered the coastal area throughout Sayyid Said's rule, instituting Muslim legal systems. The German colonial administration maintained these institutions established by the Sultan with minimal influence.

Hashim further states that the British subsequently supplanted the Germans while maintaining the pre-existing judicial institutions. He explains that, through a

gradual process, the British implemented legislation that encroached upon both Sharia and customary law.

Hashim asserts more that Sharia was applied to personal matters on the condition that courts would only accept it if it did not contravene justice, morality, or any governmental directives.

On Uganda, Hashim explains that, under the doctrine of indirect rule, local legal systems were allowed to operate under British governance, each retaining its own distinct jurisdictional domain. Islamic law governed marriage and divorce, whereas inheritance was subject to English common law.

The sovereign state inherited this legal framework and preserved the existing conditions upon its adoption. Despite the Muslim population in Uganda being considerably smaller than in other East African nations, they constitute 'a sizeable and highly important minority'.

The Constitution of the Republic of Uganda, which was enacted in 1995, came into effect on October 8. Objective XIX of the National Objectives and Directive Principles of State Policy emphasises the protection of the family, recognising it as the fundamental unit of society that deserves safeguarding from both society and the state.

2.5.1.2 Magistrate Courts

The Magistrate Courts consist of the Chief Magistrate, Magistrate Grade I, and Magistrate Grade II. Per Article 5 (1) of the Magistrate Court Act (Africa Law, 2023), a magistrate's court is deemed properly constituted when overseen by a magistrate legally authorised to adjudicate in that court. The Magistrate Court Act, also referred to as Chapter 19, commenced on 22 January 1977 and has been subject to multiple revisions.

2.5.1.2.1 Chief Magistrate

The Chief Magistrate possesses the authority to hear both criminal and civil cases. In civil cases, the Chief Magistrate's powers extend to matters involving financial claims. However, the Chief Magistrate cannot decide on cases that carry a death penalty. No monetary threshold restricts the Chief Magistrate's jurisdiction in cases concerning customary law.

2.5.1.2.2 Magistrate Grade1

Magistrate Grade 1 can only decide civil cases whose monetary value does not exceed Twenty million shillings (UGX 20 million). In criminal cases, a Magistrate Grade 1 has the power to decide any case except those whose maximum punishment is death or life imprisonment. The power of the Magistrate Grade I, is limited to deciding cases that are punishable by a sentence not exceeding ten years. (10). In cases involving customary law, the powers of the Magistrate Grade 1 are not limited to any amount of money.

2.5.1.2.3 Magistrate Grade II

The function of the Magistrate Grade 11 is to try any offenses such as rioting, threatening violence, abuse of office, and others. Magistrate Grade II cannot impose a sentence of imprisonment exceeding three years (3) or a fine exceeding five hundred thousand shillings (UGX 500,000) or both such imprisonment and fine.

2.5.1.2.4 Qadhi Accredited a Court Mediator

The Chief set a precedent in the history of the Judiciary by a pointing a District Qadhi of Arua District as a Court accredited Mediator on 29th October, 2024.

2.5.1.2.4.1 Article 133 (1)

The Chief Justice—(a) shall be the head of the judiciary and shall be responsible for the administration and supervision of all courts in Uganda.

2.5.1.2.4.1.1 Administration of the Judiciary Act Cap 4 section 3 (c)

The Chief Justice may, in exercise of his or her administrative and supervisory authority under article 133 of the Constitution —

(a) assign administrative duties of a higher status to a judicial officer for a specified period;

(b) establish performance and evaluation systems for the Judiciary; and

(c) take any other action appropriate to the exercise of the powers conferred on the Chief Justice by article 133 of the Constitution.

2.5.1.2.4.1.2 Divorce Petitions in Shariah Courts of Law

The registration of a divorce case requires the petitioner to complete the Marital Dispute Form (Form II) and submit the following documents to the Directorate: (i) a marriage certificate or equivalent documentation; (ii) an application to the Directorate of Sharia outlining the grounds for divorce or disengagement; (iii) identification, such as a National ID or passport; (iv) a bridal or full photograph; and (v) the disengagement or divorce note.

The Sharia Court subsequently issues a summons to the respondent to address the allegations presented by the petitioner. If either party cannot attend the court hearing or resides abroad, a Power of Attorney must be submitted. The designated representative must possess a thorough understanding of the case to adequately represent the party that is not present.

The court may choose to invite relatives, friends, or arbiters from both parties to promote dialogue and reconciliation, if feasible. After these procedures, the Sharia Court will render a final determination and deliver a judgement, which will subsequently be communicated to the involved parties.

Subsequently, the divorce papers will undergo processing, and a Divorce Certificate will be registered with the Uganda Registration Services Bureau (URSB) in compliance with public law.

The certificate may be submitted to the Ministry of Foreign Affairs and pertinent embassies as required. Uganda Muslim Supreme Council (2023).

2.5.1.2.4.1.3 Shari`ah Court

According to Godfrey Olukya (2021), Safina Namukose, a 30-year-old mother of three, was able to win a judicial battle against her husband who had stopped paying maintenance and abandoned the family after marrying a lady from a nearby village.

The issue of seeking justice from UMSC. Olukya believes courts are popular for civil matters but not criminal ones. In July, August, and September of 2022, the UMSC Shariah Court resolved 140 cases in Bugiri, one of Uganda's districts with the highest Muslim population. Ms. Namukose Safina won the nafaqah case against her husband at Bugiri. In July, August, and September 2021, the UMSC Shariah Court resolved 140 cases in Bugiri, Uganda's district with the greatest Muslim population, providing justice to many families. Namukose Safina successfully won a nafaqah case against her spouse.

Example two: The Chairperson of Sharia Court, Sheikh Sinani Muwaika, District Qadhi of Sharia Court of Iganga, granted Khula in Marital Dispute No. 002 of 2023 on December 3, 2023. Other Khulu cases were handed at Iganga District on December 30, 2023, and Talaq case on May 7, 2024. This research focusses on one pending Khulu case on Monday, May 6, 2024.

Mr. Sebide Farouq (District Secretary of Iganga District) summoned the husband, who took the wife away from home on April 26, 2024. In Marital Dispute No. 001 of 2022, the woman requested khula due to the husband's carelessness. On January 2, 2024, the Iganga Sharia courts granted her request.

The most recent Khulu case handled by District Qadhi Iganga was Marital Dispute No. 001 of 2024, as documented by Mr. Sebide Farouq (District Secretary of Iganga District) during Uganda Fieldwork in July 2024.

The Office of the District Qadhi's successful handling of marital issues in Iganga, a predominantly Muslim district, exemplifies a distinctive quality among others. If the disclaimant is dissatisfied with the verdict, they can refer or appeal to the Office of the Directorate of Sharia (UMSC) or the High Court, Family Division of Uganda.

2.5.1.2.4.1.4 Uganda Muslim Supreme Council

The UMSC is an umbrella body that promotes Muslim unity. The organisation was established in 1972.

The basic constitution was droughted and passed the same year, with revisions in 1982 and 1986. As of 2022, the government has authorised the UMSC to begin reviewing the constitution, which includes organisational structure and administrative divisions for 88 Muslim districts, 600 counties, 130.60 Juma community mosques, and special interest groups such as women, youth, and children.

The new constitution outlines nine amendments to the Mufti role. The candidate must be a male Sunni Muslim from Uganda, between the ages of 40 and 75, with a master's degree in Sharia and equivalent secular education. Proficiency in both Arabic and English is required, as is a commitment to following Prophet Muhammad's teachings and being a responsible practicing Muslim.

Furthermore, the candidate must have a clean record, be free of crimes under both national and Islamic rules, and have at least 10 years of experience in a Muslim leadership position. The mufti's term will be renewable for ten years. (Senkabirwa, 2022).

2.5.1.2.4.1.5 Muslim Zones in Uganda

There are four Muslim Zones in Uganda according to the Article 19 (1 – 5) of the Constitution of UMSC.

The first is the headquarters of UMSC at the National Mosque, secondly, 10 Muslim regions, Thirdly, Muslim Districts comprising of number of 78 districts, and lastly Muslim counties comprising of several numbers of mosques. Each district is headed by District and institution is headed by a Mufti who seats at the Headquarter. (Uganda Muslim Supreme Council , 2022)

2.5.1.2.4.1.6 Salient feature of the Directorate of Sharia

UMSC The Directorate of Shariah exhibits seven notable qualities, detailed below.

The initiative is directed by the Director of Sharia, supported by two deputies, one of whom is female.

The Management Committee is tasked with appointing the Director, two deputies, and five supplementary members.

Eligibility for appointment to the Sharia Committee mandates that the candidate be female, complete a five-year term, and possess a degree in a pertinent discipline.

Furthermore, the statute requires the Director of Sharia to supervise and coordinate all Qadhi Courts in Uganda. One Deputy Director of Sharia will oversee issues pertaining to marriage, divorce, and inheritance, while the second Deputy Director would manage Qadhi Courts and transactional affairs.

In additional, a registrar will be designated for the directorate, whose principal duty will be to preserve the directorate's records.

Followed by, the Management Committee may, at times, opt to enlist supplementary qualified persons from diverse categories to join the Directorate. The appointment of the Director, Deputy Directors, and Registrar of Sharia will occur at a Joint Session, contingent upon additional provisions. Candidates must be Ugandan natives who follow the Sunni Islamic school of thought, aged between 40 and 70 years, hold a minimum of a bachelor’s degree in Sharia from an approved Islamic university, and exhibit fluency in Arabic along with functional proficiency in English. Moreover, candidates must be reputable, legally married, and practicing Muslims possessing moral integrity and an impeccable record, devoid of any infractions of national and Islamic laws. They must ultimately have at least ten years of experience in Muslim leadership.

This section commenced with an examination of family and the common law notion, subsequently clarifying common law and Muslim family justice. The discussion encompassed an analysis

2.5.1.3 Status of Secular State

Since achieving independence from Britain on 9th October 1962, Uganda has experienced numerous political revolutions, navigating through the ideologies of socialism, militarism, and capitalism. On 8th October 1995, Uganda was formally designated as a secular state by the National Resistance Movement, signifying a transition from a one-party system to a multi-party framework.

2.5.1.4 People's Sovereignty

Chapter One, Article 2 asserts: Primarily, all authority resides in the populace, who shall exercise their sovereignty in accordance with this constitution. Furthermore, the people of Uganda are the source of all authority within the state; governance shall be conducted

in alignment with their will and consent, without undermining the first paragraph of this article.

The Constitution gives the government and its entities power and authority, which is based on the governed' s consent. Additionally, the populace shall express their will and consent regarding their governance and governing officials through regular, free, and equitable elections of their representatives or by referenda. (Constitution of Uganda, 1995)

2.5.1.5 Primacy of the Constitution of Uganda

Chapter One, Article 1, states that the Constitution is the highest legislation in Uganda. This Constitution shall be binding on all authorities and individuals throughout the country. As the supreme legal authority, the Constitution nullifies any legislation or custom that contradicts its provisions to the extent of the contradiction.

2.5.1.6 Safeguarding of Family

General Objective XIX recognises the family as a natural and fundamental societal unit deserving protection from both society and the State, as articulated in Article 18 and Chapter 252 of Ugandan law concerning the registration of births, marriages, and deaths. Moreover, the Constitution stipulates that the State is required to register all births, marriages, and deaths in Uganda.

2.5.1.7 Enacting of a law

2.5.1.7.1 First Stage Plenary

First, a minister introduces a "Bill for First Reading" – a formal introduction of a bill to Parliament.

Secondly, the bill is accompanied by a certificate of financial implication, issued by the Ministry of Finance, Planning and Economic Development, as required by the Budget Act 2001 and the Parliament Rules of Procedure.

Thirdly, the Certificate of Financial Implication outlines the specific outputs and outcomes of the bill and explains how these align with the overall policies and programmes of the government.

Fourthly, it details the costs involved and their impact on the budget.

Fifthly, it specifies the proposed or existing method of financing the costs related to the bill and assesses its feasibility. The Bill is then seconded by an MP or minister but is not debated at this stage. The Speaker refers the bill to a parliamentary committee, and it is subsequently published in the Uganda Gazette, the official government publication.

2.5.1.7.2 Second Stage Committee

The committee scrutinised the bill. It invites various stakeholders from civil society and government to public hearings and reviews relevant and related laws and documents. The committee may assent to the bill and must notify the Speaker in writing about its decision. It can return the bill to Parliament with a request for reconsideration or a specific provision. Alternatively, it may write a report with proposed amendments.

2.5.1.7.3 Third Stage Plenary

The minister introduces and substantiates the motion for the second reading of the bill. The committee chairperson subsequently presents the report on the bill, incorporating any minority report, if relevant. Subsequently, the Members of Parliament participate in a discussion concerning the committee report and the tenets of the bill. Thereafter, Parliament conducts a vote on the bill's second reading. The Bill is ultimately referred to the Committee of the Whole House.

2.5.1.7.4 Fourth Committee of the whole House

The Committee of the Whole House refers to a committee made up of all the Members of Parliament (MPs) present in the Chamber. It is chaired by the Speaker or Deputy Speaker (now termed the Chairperson or Deputy Chairperson, respectively). This committee includes all MPs. The Speaker leaves the Chair and takes a seat at the Clerk's Table. Subsequently, the MPs approve the clauses and schedules of the bill one by one.

2.5.1.7.5 Fifth Stage Plenary

One, the minister in charge of the bill requests that the plenary session resume; second, the plenary resumes, and the minister reports on the outcome of the Committee of the Whole House. Third, the plenary votes on the bill's third reading.

2.5.1.7.6 Sixth Stage the Clerk's Office

First, the Clerk's Office prepares copies for authentication and the assent of the President.

Secondly, a copy is sent to the president.

2.5.1.7.7 Seventh Stage the President's Office

One, the President assents to an Act of Parliament, which then becomes law in Uganda. Two, implementation begins on the commencement date. Three, the law is published in the Uganda Gazette, the official government publication. Four, the president may refuse to express assent.

The Constitution stipulates that the President shall, within 30 days after a bill is presented to him or her, either: a) assent to the bill, notify the Speaker in writing of the decision, or return the bill to Parliament with a request for reconsideration of the bill or a specific provision; or b) notify the Speaker in writing of the decision, after which the bill may be reconsidered and then presented for the President's approval.

However, the bill may become law without the president's assent if he or she returns it to Parliament twice, if it is supported by at least two-thirds of all members of Parliament.

2.6 MAQĀSID SHARI'AH AND STAKEHOLDERS OF SHARI'AH IN UGANDA

The section discusses stakeholders and their role to Muslim Family Institution highlighted below.

2.6.1 Roles of the Stakeholders

Stakeholders are individuals or groups that participate in the decision-making processes or activities of an organisation (ASQ, 2023). According to Masterclass (2022), a stakeholder is defined as an individual, group, or organisation that is involved in or affected by the development and finalisation of a project.

These stakeholders have a vested interest in the outcome, as it can yield benefits, either financial or related to career advancement—and they can influence the project's completion in various ways.

The primary responsibility of a stakeholder is to support the achievement of strategic objectives by contributing their expertise and perspective from the interest group to a project. They can also help in providing essential goods and resources. The support of stakeholders is crucial for a project's success.

Masterclass says that if stakeholders are unhappy with the results, the project is a failure, even if all goals are met. The masterclass explains that administrators are responsible for ensuring stakeholder satisfaction through effective stakeholder management, which involves timely communication and understanding of their expectations and the project structure.

Masterclass emphasises that successful management builds trust and confidence among project stakeholders, thereby enhancing their commitment and collaboration. Stakeholders are characterised by traits of tolerance and sensibility, as highlighted in Surat al-Hud: 11:87/88.

> They asked sarcastically, "O Shu'aib! Does your prayer command you that we should abandon what our forefathers worshiped or give up managing our wealth as we please? Indeed, you are such a tolerant, sensible man!

The Stakeholders qualities of tolerance and sensibilities are intended to bring best reforms to the community. Qur`an emphasis this to the stakeholder in Sūratul Hud: 11:88

> He said, "O my people! Consider if I stand on a clear proof from my Lord and He has blessed me with a good provision from Him. I do not want to do what I am forbidding you from. I only intend reform to the best of my ability. My success comes only through Allah. In Him I trust and to Him I turn.

2.6.1.1 Types of Stakeholders

The stakeholders for this research are categorised into internal and external stakeholder. The Internal one consists of; Muslim Community, Partners (other non-Muslim

Communities), Civil Societies, Judiciary, Judicial Service Commission, Parliament, Executive, and the other is External stakeholder the Global Partners.

2.6.1.1.1 Internal Stakeholders

Internal stakeholders in Uganda include the Muslim Ummah, non-Muslim partners, civil society organisations, the judiciary, parliament, and executive.

2.6.1.1.1.1 Muslim Community (Ummah)

Umma is an Arabic term for "nation." In the context of Islam, 'ummah' refers to the entire Muslim world or the collective community of believers.

This concept of ummah, as a theological idea, aims to transcend national, racial, and socioeconomic distinctions to unify all Muslims. Brown University illustrates that the notion of ummah has its origins in the time of Prophet Muhammad (SAW) and underscores the importance of organising society according to ethical and Islamic principles.

According to Brown, converts are included in the ummah, and at times, dhimmi are also considered part of it. Brown further explains that membership in the ummah is dependent on a tripartite consensus among its members: a consensus of the intellect (a shared understanding of the world) and a consensus of the heart (common fundamental values). (Brown University, 2010)

2.6.1.1.1.2 Imam or Qadhi and the majlis al shura

'Imam' refers to an individual who leads Muslim worshippers in prayer in a general sense. Globally, the term 'imam' is also used to denote the head of the Muslim community (ummah).

A Qadhi is a Muslim judge who makes decisions based on the Sharīʿah (Islamic law). Theoretically, the Qadhi's jurisdiction encompasses both civil and criminal matters. However, in modern states, qadis typically adjudicate only cases pertaining to personal status and religious customs, such as inheritance, pious bequests (waqf), marriage, and divorce.

In Islam, the lineage of rulers who succeeded the Holy Prophet Muhammad by birthright or election is referred to as the Khalifa, and the collective Muslim community is known as the caliphate. Originally, the Khalifa served as a religious and temporal ruler of a specific geographic area, but the caliphate also encompasses all Muslims worldwide. Islam mandates rida al awam, meaning popular consent, as a prerequisite for establishing legitimate political authority, and ijtihad jama'i, or collective deliberation, as essential for the effective administration of public affairs. Additionally, Islam emphasises mas'uliyah jama'iyyah, or collective responsibility, for upholding the public good in society. (Encyclopaedia, n.d.)

Shura is an Islamic tradition derived from the Qur'an, loosely translated as "consultation of the people." The Qur'an presents shura as a guiding principle rather than a formal system of governance, allowing for broad cultural interpretations. Shura has played a significant role in the Caliphate, where the Majlis al Shura (consultative council or parliament) provided counsel to the caliph. Furthermore, the Holy Prophet was instructed by Allah to engage in consultation with the people.

Surat al-Imran: 3: 159

> It is out of Allah's Mercy that you ˹O Prophet˺ have been lenient with them. Had you been cruel or hard-hearted, they would have certainly abandoned you. So pardon them, ask Allah's forgiveness for them, and consult with them in ˹conducting˺ matters. Once you make a decision, put your trust in Allah. Surely Allah loves those who trust in Him.

Shura is based on three fundamental precepts. First, all individuals in any society possess equal human and civil rights. Second, public matters are best resolved by majority opinion. Third, the principles of justice, equality, and human dignity, which form the moral core of Islam and from which all Islamic understandings of human and

civil rights originate, are optimally realised in both personal and public life under shura governance.

Shura and parliamentarism diverge in three key respects: Unlike shura, parliamentarism permits modifications to foundational texts. While the constitution can be amended, the Qur'an and the Sunnah cannot. Additionally, shura remains non-binding for the Caliph, whereas parliamentary processes and laws are binding and can only be overturned through a democratic process, rather than by unilateral or oligopolistic means.

Islamic discourse clarifies that it is the leader or ruler who initiates any consultation. Shura embodies the process through which the leader consults select individuals; it does not specify whom he should consult—be it scholars, relatives, or the entire adult Ummah. In parliamentarism, on the other hand, the populace elects' representatives, they engage in discussions among themselves, and they initiate laws.

Table 2.1 Muslim Parliamentary Caucus in the 11th Parliament of Uganda

NO.	NAME	CONSTITUENCY	DISTRICT/CITY	PARTY
1.	Adidwa Abdu	Bukooli South County	Namayingo	INDEPENDENT
2.	Agaba Aisa	Bugangaizi East County	Kakumiro	NRM
3.	Ali Moses	Adjumani west county	Adjumani	NRM
4.	Bangirana Anifa Kawooya	Mawogola West County	Sembabule	NRM
5.	Basalirwa Asuman	Bugiri Municipality	Bugiri	JEEMA
6.	Hashim Sulaiman	Nebbi Municipality	Nebbi	NRM

NO.	NAME	CONSTITUENCY	DISTRICT/CITY	PARTY
7.	Isabirye Iddi	Bunya County South	Mayuge	NRM
8.	Kagabo Twaha Mzee	Bukoto County South	Lwengo	NUP
9.	Kato Muhammed	Katerere County	Rubirizi	NRM
10.	Katuntu abdu	Bugweri County	Bugweri	INDEPENDENT
11.	Kauma Sauda	District Woman Representative	Iganga	NRM
12.	Kawalya Abubaker	Rubaga Division North	Kampala	NUP
13.	Kazibwe Bashir Mbaziira	Kawempe division south	Kampala	NUP
14.	Kirumira Hassan	Katikamu County South	Luweero	NUP
15.	Kiwanuka Abdallah	Mukono County North	Mukono	NUP
16.	Lubega Bashir Ssempa	Mubende Municipality	Mubende	NRM
17.	Magogo Moses Hassim	Budiope East County	Buyende	NRM
18.	Malende Shamim	District Woman Representative	Kampala	NUP
19.	Maneno Zumura	District Woman Representative	Obongi	NRM
20.	Masaba Karim	industrial division	Mbale City	INDEPENDENT
21.	Mutembuli Yusuf	Bunyole east county	Butaleja	NRM

NO.	NAME	CONSTITUENCY	DISTRICT/CITY	PARTY
22.	Mutumba Abdul	Kiboga West County	Kiboga	NRM
23.	Muwanga Kivumbi Muhammad	Butambara County	Butambara	NUP
24.	Nabukeera Hanifa Hussein	District Woman Representative	Mukono	NUP
25.	Naigaga Mariam	District Woman Representative	Namutumba	NRM
26.	Najjuma Sarah	District Woman Representative	Nakaseke	NRM
27.	Nakadama Rukia Isanga	District Woman Representative	Mayuge	NRM
28.	Nakayenze Connie Galiwango	City Woman Representative	Mbale City	INDEPENDENT
29.	Nalule Asha Aisha Kabanda	District Woman Representative	Butambara	NUP
30.	Nkunyingi Muwada	Kyadondo County East	Wakiso	NUP
31.	Odongo Jeje Abubakar	Orungo County	Amuria	NRM
32.	Oleru Huda Abason	Aringa east county	Aringa east county	NRM
33.	Otimgiw Isaac Ismail	Padyere County	Nebbi	NRM
34.	Sekindi Aisha	District Woman Representative	Kalungu	NRM
35.	Ssegirinya Muhammad	Kawempe division north	Kampala	NUP

NO.	NAME	CONSTITUENCY	DISTRICT/CITY	PARTY
	died (9 January 2025) replaced by Elias Luyimbaazi Nalukoola			
36.	Ssemujju Ibrahim Nganda	Kira Municipality	Wakiso	FDC
37.	Ssentayi Muhamad	Bukoto county west	Lwengo	NRM
38.	Twalla Fadil	Tingey Couty	Kapchorwa	NRM
(Parliament, MEMBERS OF THE 11TH PARLIAMENT [557] AS AT 20 JULY 2023, 2023)				

2.6.1.1.1.1.3 Partners other non-Muslim Communities

The Council of the International Islamic Fiqh Academy, part of the Organisation of Islamic Cooperation, held its 22nd session in Kuwait City, State of Kuwait, from 2 to 5 Jumādā al-Ākhirah 1436h (22 to 25 March 2015).

Resolution No. 209 (5/22) pertains to the standing of individuals who do not adhere to the Islamic faith: The principles of Shari`ah ensure that non-Muslims living in Muslim-majority nations are afforded the same rights, both in public and private spheres, as their Muslim counterparts.

Non-Muslims have the same rights and duties as Muslims. Individuals who do not practice Islam and live in Muslim-majority nations possess the right to follow the tenets of their religion concerning worship and personal or familial matters.

The state possesses the authority to create special courts tasked with resolving disputes and implementing the resulting judgements. In other matters, enforcement of the jurisdiction's statutes is mandatory.

Individuals, regardless of their religious affiliations, living in Muslim-majority nations are anticipated to uphold societal norms and decorum, refrain from legal infractions, and exhibit allegiance to their respective countries.

The media is encouraged to focus on elucidating the rights of non-Muslims as enshrined by Shari`ah in its endeavours to advance Islamic culture and showcase the principles of tolerance and justice inherent in Islam.

It is imperative that these rights acquire their place within educational curricula. Moreover, it is also imperative that all forms of media consistently refrain from provoking sedition and fostering sectarian intolerance among various segments of society to uphold national peace and order. Allah possesses complete and infinite knowledge. (IIFA, 2015).

2.6.1.1.1.1.4 Civil Societies

According to the World Bank, "civil society" refers to a wide array of organisations: community groups, non-governmental organisations (NGOs), labour unions, indigenous groups, charitable organisations, faith-based organisations, professional associations, and foundations (Jezard, 2018).

Adam Jezard emphasises that civil society's capacity to raise concerns, influence government policy, and foster meaningful dialogue between policymakers and the public will not be relinquished without significant resistance.

2.6.1.1.1.1.4.1 Uganda Muslim Youth Assembly

The Uganda Muslim Youth Association (UMYA) was established in 1982 under the auspices of the Uganda Muslim Supreme Council. The primary objective of the organization's Kiyimba (2025) is to assist young individuals in recognising and fulfilling their roles in the development of the Muslim community. UMYA initiatives focus on five critical areas:

Employment: UMYA endeavours to ensure that youth secure employment opportunities, enabling them to achieve financial independence and reduce their reliance on others.

Education: UMYA is committed to contributing to the educational advancement of the community.

Health: UMYA aims to promote health initiatives that benefit the community at large.

Social Foundations: UMYA seeks to strengthen the institution of marriage, which is vital for the community's stability and future.

Community Mobilisation: UMYA works to sensitise the community on various issues, emphasising the importance of making Islam a priority in all aspects of life and viewing it as a fundamental, unchangeable element of their existence.

The pre-UMYA era was characterised by marriages in which many Muslims married non-Muslim women, a significant issue that continues to affect the Muslim community today. Children from these marriages are often misguided in terms of Islamic teachings, impacting both educated and uneducated classes. Following the Idi Amin era, an influx of information about Islam, including insights into Muslim marriage, led to a re-evaluation of the institution as a means of nurturing the future of the Muslim community and citizens of the country.

Many Sheikhs returned with degrees in Sharia and were willing to engage openly in subjects that had previously gone unaddressed. Sheikhs began teaching at

Nakasero Mosque, which became a hub for knowledge acquisition, often referred to as the People's University. Consequently, knowledge proliferated significantly after Amin's regime.

Some of the upheavals faced by the Muslim community regarding marriage have led women to become more informed and empowered, challenging men who violate Muslim laws of marriage; these challenges sometimes result in divorce.

2.6.1.1.1.1.4.2 Uganda Musim Lawyers Association

The Uganda Muslim Lawyers Association (UMLAS) is a faith-based non-governmental organisation operating in Uganda. It advocates for justice and equity, influences public policy formulations, and promotes socioeconomic opportunities for marginalised communities.

The aim is to foster inclusive and sustainable development and ensure justice for all. The Islamic faith guides their core values, inspiring them to create an equitable, just, and vibrant legal community. (Uganda Muslim Lawyers Association, 2025).

2.6.1.1.1.1.5 Judiciary

According to the Encyclopaedia Britannica, the judiciary is defined as a branch of government in which judicial power is vested. It argues that the principal function of any judiciary is the adjudication of disputes or controversies.

Furthermore, it elaborates that regulations govern what parties may appear before a judicial assembly or court, what evidence will be admitted, what trial procedures will be followed, and what types of judgements may be rendered.

It asserts that typically present in court are the presiding judge, the parties to the matter (sometimes referred to as litigants), the lawyers representing the parties, and

other individuals, including witnesses, clerks, bailiffs, and jurors when the proceeding involves a jury.

Britannica notes that, although the courts' stated function is to administer justice according to rules enacted by the legislative branch, they also unavoidably make law. It cites that, in deciding how legislative provisions are to be applied to specific cases, the courts effectively create law by establishing rules for future cases; this is known as the doctrine of precedent. In some jurisdictions, courts possess the power of judicial review, enabling them to declare legislation or acts of the executive unconstitutional.

2.6.1.1.1.1.5.1 Judicial Service Commission

The Uganda Judicial Service Commission defines itself as an independent agency of the state, established under the Constitution of the Republic of Uganda. It serves as a specialised appointment commission, possessing broad oversight functions concerning the services provided to the public by the judiciary.

The Commission states that its mandate and functions are outlined in Articles 146-151 of the Constitution, which include the recruitment of judicial officers and the regulation of their conduct.

2.6.1.1.1.1.5.2 Family Division of the High Court

The establishment of the Family Division was designed to address various issues, covering both administrative and familial matters such as adoption, guardianship, and maintenance. Additionally, it deals with miscellaneous causes, applications, civil appeals, civil suits, originating summons, civil revisions, and divorce proceedings. (High Court, 2025).

2.6.1.1.1.1.6 Parliament

According to the New World Encyclopaedia, parliament is defined as a legislature, particularly in countries whose system of government is based on the Westminster model, which originates from that of the United Kingdom. The term derives from the French word "parlement", which relates to the action of "parler" (to speak); thus, a parlement signifies a discussion. Over time, it evolved to indicate a meeting where such discussions took place and has acquired its contemporary meaning as the body of individuals (in an institutional context) convening to deliberate on matters of state.

Lobbying is described as any attempt by individuals or private interest groups to influence government decisions. Initially, the term referred to efforts aimed at swaying the votes of legislators, typically occurring in the lobby outside the legislative chamber. (Britannica, 2023) Please consult Table 2.8, generated from the Parliament of Uganda.

Table 2.2 Synopsis of the Uganda legislature

ITEM	SEATING	YEAR
	First Parliament	1962 – 1963
	Second Parliament	1963 – 1971
	Third Parliament	1979 – 1980
	Fourth parliament	1980 – 1985
	Fifth Parliament	1986 – 1996
	Sixth Parliament	1996 – 2001
	Seventh Parliament	2001 – 2006
	Eighth Parliament	2006 – 2011
	Nineth Parliament	2011 – 2016
	Tenth Parliament	2016 – 2021
	Eleventh Parliament	2021 – Present

Source: Generated from the Parliament of Uganda

Table 2.3 Constituency Representative

Item	Constituency Representatives	Number
	District Woman Representatives	146
	Uganda Peoples' Defence Forces' Representatives	10
	Youth Representatives	5
	Persons with Disabilities (PWDs) Representatives	5
	Workers' Representatives	5
	Older Persons' Representatives	5
	Ex Officio Members	28
		557
Leaders Speaker and Deputy speaker		2
Item	Parliament Committees	MP Numbers
	The Business Committee	40
	The Appointments Committee	31
	The Budget Committee	38
	The Committee on Climate Change	40
	The Committee on National Economy	40
	The Committee on Equal Opportunities	38
	The Committee on Rules, Privilege and Discipline	36
	The Committee on HIV /AIDS and Related Matters	36
	The Committee on Human Rights	42
	The Committee on Government Assurance and Implementation	37
	The Committee on Public Accounts (Central Government.)	41
	The Committee on Commissions, Statutory, Authorities, and	43

Item	Constituency Representatives	Number
	State Enterprises	
	The Committee on Public Accounts (Local Government.)	42
	The Committee on Science, Technology, and Innovation	21

Source: Generated from the Parliament of Uganda

2.6.1.1.1.1.7 Executive

The president of Uganda is the head of state and commander-in-chief of the armed forces. The President is tasked with implementing and enforcing the laws enacted by Parliament and is also responsible for appointing the Cabinet. The Vice President is a member of the Executive Branch and is prepared to assume the presidency if necessary. (Uganda T. S., 2023).

The State House defines Government as the Government Uganda as a Sovereign State and a Republic. It explains, it is a sitting member of the United Nations, African Union, The East African Community, and the Common wealth. State House defines the Government of the Republic of Uganda as a Democracy made up of three arms: The Executive – comprising of The President, The Vice President, The Prime Minister, The Cabinet; The Legislature – The Parliament; and The Judiciary – Magistrates' Courts, High Court, Court of Appeals (Constitutional Court), Supreme Court. The Constitution of Uganda was promulgated October 8, 1995 on the eve of Uganda's Independence Day anniversary held annually on October 9 since 1962.

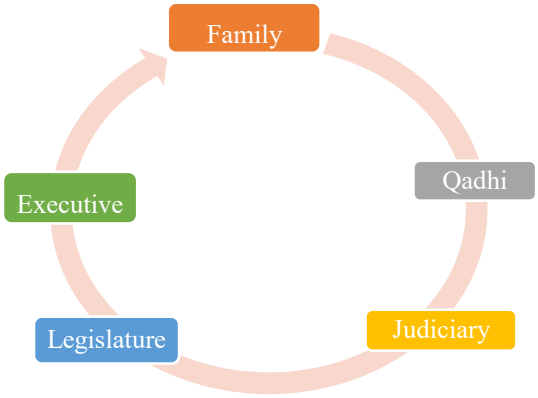


Figure 2.1 Muslim Family Stakeholders in Uganda

2.6.1.1.1.7.1 Resident District Commissioner

Article 203 of the Constitution of Uganda pertains to the position of Resident District Commissioner.

(1) There shall be a Resident District Commissioner for each district, who will be a senior civil servant appointed by the President.

(2) The functions of a Resident District Commissioner are as follows: (a) to coordinate the administration of government services within the district; (b) to advise the district chairperson on national matters that may impact the district or its plans and programmes, particularly regarding the relationship between the district and the government; and (c) to perform any other functions that may be assigned by the president or stipulated by Parliament.

2.6.1.1.2 External Stakeholders

This study refers to external stakeholders as 'global partners'. A global partner is an organisation that collaborates with others in a different region of the world. According to IGI Global, a partner is an actor associated with another or others in an activity or a sphere of common interest (Global, 2023).

The first global partner is the United Nations. On 25 October 1962, Uganda became the 101st member of the United Nations. On 10 December 1948, the General Assembly adopted Resolution 217, which declared the Universal Declaration of Human Rights (UDHR) to be a common standard for all peoples and nations. Article 16 (1-3) of the UDHR states that:

Men and women of full age, without any limitation due to race, nationality, or religion, have the right to marry and start a family. They have the right to equality before, during, and after marriage.

Marriage shall be entered into only with the free and full consent of the intending spouses.

Society and the state have the right to protect the family, which is the natural and fundamental group unit of society.

The second global partner is the Organisation of Islamic Cooperation (OIC). Uganda became the 49th member of the OIC during the conference held in Lahore from 22 to 24 February 1974 (Ismail S. Gyagenda and Warda M. Rajab, 2016). The OIC's Directorate of Cultural, Social Affairs, and Statistical Economic and Social Research and Training Centre for Islamic Countries (SESRIC) aims to improve the statistical capabilities of OIC member states by promoting research and supporting socio-economic development through training and knowledge sharing (OIC, 2025).

The OIC Strategy for the Empowerment of Family and Marriage Bul sleeting encompasses seven strategic areas:

1. The strategy focusses on enhancing the wellbeing and quality of life standards within marriage and family institutions.

2. Enhancing the preservation and protection of the value system of marriage and family institutions.

3. OIC aim to expand the involvement of families in all facets of society.

4. The goal is to enhance the productivity of marriage and family institutions.

5. The goal is to enhance the prosperity of marriage and family institutions.

6. Enhancing partnerships and collaboration is crucial for the implementation of marriage and family policies throughout the Organisation of Islamic Cooperation (OIC).

7. The OIC is committed to strengthening and managing marriage and family institutions throughout the region by implementing appropriate legislation, policies, and laws (OIC - SESRIC, 2019).

2.6.1.1.2.1 Islamic Family Institution and Stakeholders

The Shari'ah, (Eijk) as Islamic law is called in Arabic, is the complex of divinely revealed rules which faithful Muslims must observe if he seeks to perform the duties of religion.

The crucial difference between Islamic and Western Law is immediately apparent from this description. The unique ground of validity of Islamic law is that it is the manifested will of the Almighty: it does not depend on the authority of any earthy lawgiver.

The consequences of these differences are manifold. Sūratul Nisa: 4:65:

> But no! By your Lord, they will never be ˹true˺ believers until they accept you ˹O Prophet˺ as the judge in their disputes, and find no resistance within themselves against your decision and submit wholeheartedly.

And those who do not judge by what Allah has revealed. Sūratul Maida: 5:45 warns.

> We ordained for them in the Torah, "A life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth—and for wounds equal retaliation." But whoever waives it charitably, it will be atonement

> for them. And those who do not judge by what Allah has revealed are ˹truly˺ the wrongdoers.

Eijk goes on to say that one consequence of Islamic law is the notion of immutability, which is considered a divinely revealed rule.

He claims that Western legal systems generally recognise that legal content evolves to fit changing demands, which are affected by lawmakers, judges, and other social forces involved in lawmaking.

In contrast, Islam holds that all current rules are the result of Allah, who revealed them to humanity at a certain point in history through His Prophet Muhammad.

He believes that Islamic legal theory cannot accept the historical approach of evaluating law in response to changing living situations within a certain community.

He emphasises this idea by observing that the Shari'ah courts have jurisdiction over personal and family laws, including marriage, divorce, inheritance, and child status.

Service Commission, Parliament, the executive, and worldwide partners the Qur`an emphasises this partnership should be geared to preserving the code of law and a way of life Sūratul Maida: 5:48 uncompromisable affirms:

> We have revealed to you ˹O Prophet˺ this Book with the truth, as a confirmation of previous Scriptures and a supreme authority on them. So judge between them by what Allah has revealed, and do not follow their desires over the truth that has come to you. To each of you We have ordained a code of law and a way of life. If Allah had willed, He would have made you one community, but His Will is to test you with what He has given ˹each of˺ you. So compete with one another in doing good. To Allah you will all return, then He will inform you ˹of the truth˺ regarding your differences.

To recap, this section discussed Muslim Family Institution, Stakeholder, including both external and internal stakeholders, such as the Muslim community, civil society, the judiciary, the Judicial among others as reflected below.

Shari`ah, Management, and the Stakeholders

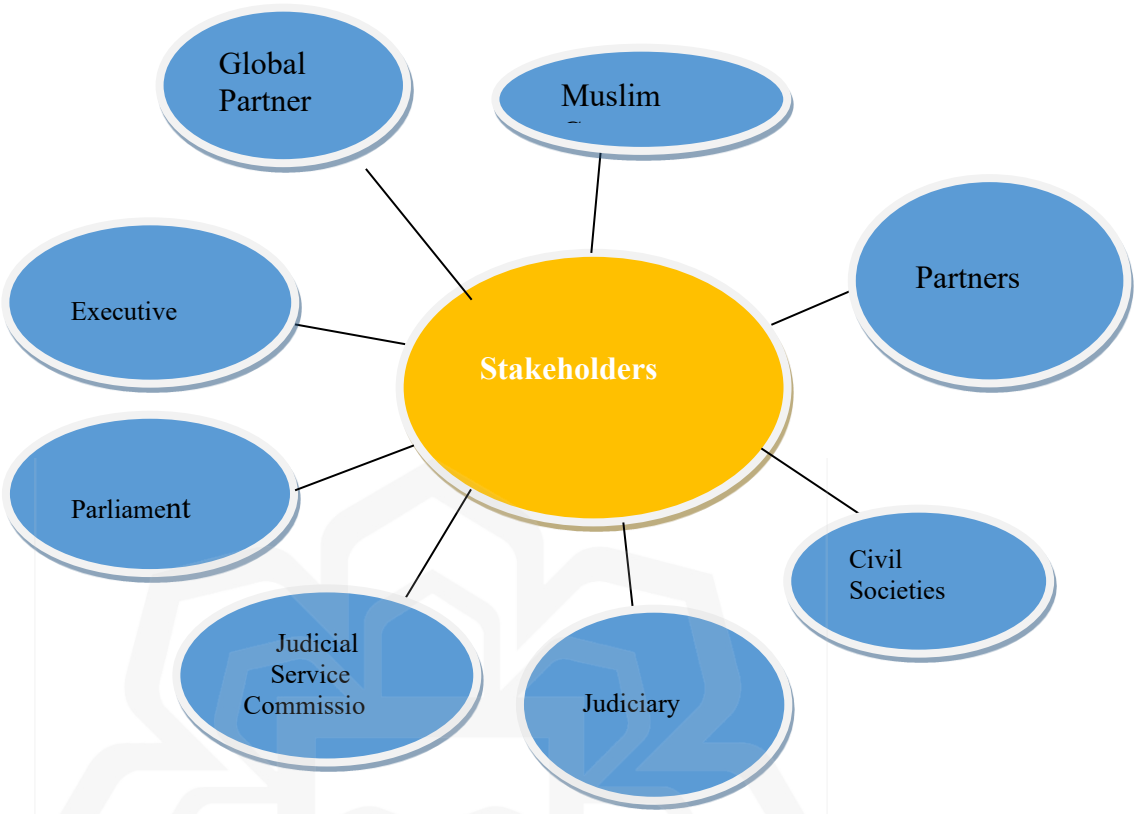


Figure 2.2 Shariah Stakeholders

2.7 MAQĀSID SHARI`AH AND FAMILY INSTITUTION REVIEWED LITERATURE GLOBAL CONTEXT

The description sheds light on the perception of family institutions in various countries, particularly those with minority but significant Muslim populations worldwide. The countries selected are from three continents that are Anglo-Saxon speaking and were once a colony or a British protectorate. In the United States of America. Europe, United Kingdom. In Asia, India and Singapore are in Southeast Asia. In the African continent, particularly in the sub-Saharan nations of Ghana, South Africa, Kenya, and Uganda.

2.7.1 America

The United States of America is the focus in North America.

2.7.1.1 United States of America

The preliminary data (William M. Kephart, 1988) released by the Census Bureau pertained to the year 1867. In that year, the total number of divorces was 9,937, and by 1975, annual divorces exceeded one million. The causes of divorces were attributed to cultural factors: evolving family dynamics, informal marriages, women's employment, diminishing moral and religious constraints, the pursuit of happiness, and more lenient divorce legislation. The contributing variables include inadequate marital preparation, youthful marriage, previous divorce, disparity in educational attainment between spouses, premarital pregnancy, and upbringing in a fractured household.

In 2021, there were 689,308 divorces in 45 US states, while 1,985,072 marriages took place, resulting in a marriage rate of 6 per 1,000 in the US. Christy Bieber, 2023 Findings: First marriages, half of which are dissolved, while second and third marriages fail at a considerably higher rate.

The mean duration of marriage before divorce is eight years. Christy and Bieber assert that the protracted divorce process exceeds one year for resolution, but a straightforward divorce can be completed in as little as three months, with an average expenditure of 7,000 US dollars. Post-divorce, 64% of men and 52% of women subsequently remarry. Christy and Bieber assert the crude divorce rate, which denotes the number of divorces per 1,000 individuals, as well as the refined divorce rate.

The divorce rate, defined as the number of divorces per 1,000 married women, is more precise. And divorce trends over time suggest the number of people terminating their union has declined from 4.0 to 2.5 since 2000.

In 2000, Christy and Bieber reaffirm that there were 944,000 divorces and annulments. The crude divorce rate was 4.00 per capita that year. By 2021, the divorce

rate had decreased to 2.5 per 1,000 individuals, with just 689,308 divorces recorded that year. The marriage rate has decreased from 8.2 per population in 2000 to 6.0 per people.

The divorce rate for third marriages is 73%, the highest among all marital types. Individuals who marry many times experience a significantly elevated divorce rate; second marriages conclude at 67%, while third marriages terminate at 73%. Forty percent of new weddings involve a partner who is entering into a second marriage. In most weddings, 60% are the initial marriages for both individuals. However, approximately 20% of partnerships contain at least one individual who has previously been married, while another 20% consist of repeat marriages for both parties. Merely 6% of divorced couples re-enter matrimony with one another.

A full 72% of reunited couples remain married after reuniting. Divorcees exhibit a higher propensity for premature mortality compared to their married counterparts. The death rate is 1,363 per 100,000 for divorced individuals, in contrast to 779 per 100,000 for married individuals. Christy and Bieber note that divorced men suffer the brunt with a death rate of 1,772 per 100,000 compared to divorced women at 1,095 per 100,000.

Most divorcees possess their residence. In 2022, 53.4% of those who divorced possessed their own residence. Just 46.6% rented. Couples who live together before marriage are more likely to divorce: Married couples' marriages lasted 20 or more years at 57%, compared with 46% for unmarried. Living together prior to marriage is one indicator of the chance of divorce. Fifty-seven per cent of couples did not cohabit before marriage. Christy and Bieber indicate that having divorced acquaintances elevates the likelihood of divorce by 75%; additionally, couples experiencing two separations face a 33% increased risk. Certain sociologists argue that it is induced via social contagion.

The predominant grounds for divorce are lack of commitment at 75%, infidelity at 60%, and domestic abuse, which accounts for 24% of instances. Fundamental incompatibility and financial concerns: fifty-eight per cent of couples report frequent disputes and heightened tension, forty-five per cent married at an early age, and thirty-eight per cent experience financial difficulties. Final Straw: infidelity 24%, domestic violence 21%, substance addiction 12%, total 67%. 66% of men and 74% of women

think their partners should have worked harder to save the marriage, while 32% of men and 33% of women personally believe they should have made attempts.

2.7.2 Europe

The United Kingdom is the focus in Europe.

2.7.2.1 United Kingdom

The proportion of adults (Census, 2023) who have never married or been in a civil partnership has increased every decade from 26.3% in 1991 to 37.9% in 2021, whereas the proportion of adults who are married or in a civil partnership (including separated) has fallen from 58.4% in 1991 to 46.9% in 2021.

The census data indicate a rise in the number of persons who have never married or entered a civil partnership since 2011; this trend is seen across all local authorities, religious affiliations, and ethnicities following age standardisation. From 2011 to 2021, the population of bereaved adults (3.0 million) declined by 6.3%; the number of widowed women decreased by 8.3%, but the number of widowed men climbed by 0.6%. The percentage of divorced adults in 2021 (9.1%) is comparable to that in 2011 (9.0%); nevertheless, the rate of divorce among younger persons has diminished, while that among elderly adults has escalated.

2.7.3 Asia

The focus in Asia were India and Singapore.

2.7.3.1 India

According to Divorce.com (2023), India has the lowest divorce rate of 0.1%, influenced by several factors. Factors such as religious beliefs, regional divorce legislation, and insufficient social support and employment prospects for the divorced demographic can diminish the probability of couples seeking divorce.

Divorce.com claims that regional idiosyncrasies influence divorce proceedings in every nation. For example, married women in sub-Saharan African countries do not get divorced because their families will have to refund the “bride price” (dowry) that the husband’s family paid before the wedding.

Divorce.com indicates that the predominant grounds for divorce include lack of commitment (75%), infidelity (59.6%), irreconcilable differences (57.7%), marrying at a young age (45.1%), financial difficulties (36.7%), substance addiction (34.6%), and domestic violence (23.5%). The age of the respondents (Kailash, 2023) is a significantly large variable in divorce research. While analysing the age of the respondents, the data suggests that a lion's share (70%) of the respondents are in the age range of 30-39 years. While analysing the data of male and female divorcees separately, it is notable that the highest percentage (36.8%) of female respondents is within the age range of 30-34 years, whereas the highest percentage (53.6%) of male respondents is within the age range of 35-39 years.

The table further illustrates that a significant proportion of divorce occurrences in males is observed beyond the age of 35; conversely, in females, the percentage of divorce occurrences is noted before the age of 35.

2.7.3.2 Singapore

Statistics (Singapore, 2023) on Marriages and Divorces: Unprecedented Number of Marriages in 2022; Median Age at Initial Marriage Rosa. In 2022, the number of registered marriages reached a new high of 29,389, reflecting a 3.7% increase from the 28,329 marriages recorded in 2021, as reported in the “Statistics on Marriages and Divorces, 2022” publication by the Singapore Department of Statistics (DOS).

The census indicates that over the past five years, the annual average of registered marriages (26,562) was inferior to the annual average recorded in the prior five years from 2013 to 2017 (27,833), partially attributable to the diminished number of marriages in 2020, when the COVID-19 pandemic disrupted some marriage plans.

The Singapore Census says marriage rates for both males and females increased in 2022. The marriage rate was 47.0 per thousand unmarried males aged 15-49 years, an increase from 43.8 in 2012. In a similar vein, there were 45.5 weddings per thousand unmarried females aged 15 to 49 years, an increase from 39.4 a decade prior. The census shows that general marriage rates in 2022 for both males and females were among the highest in the past two decades, second only to the highs of 47.5 for males and 45.8 for females recorded in 2002.

In 2022, the median age at first marriage was 30.7 years for grooms and 29.3 years for women, an increase from 30.1 years for grooms and 28.0 years for brides ten years prior, illustrating the trend of delayed weddings. The census indicates a decline in the incidence of marital dissolutions; the median age at divorce has increased. In 2022, 7,107 marriages concluded in divorce or annulment, reflecting a 9.9 per cent drop from the 7,890 marital dissolutions recorded in the preceding year. From 2018 to 2022, the yearly average of marital dissolutions was 7,385, which is lower than the preceding five-year period's average of 7,509.

The census indicates that, alongside the reduction in marital dissolutions, the overall divorce rate decreased for both males and females in 2022. The rate of marital dissolutions was 6.2 per thousand married males aged 20 and older, a decrease from 7.1 in 2012. Similarly, there were 5.9 marital dissolutions per thousand married females aged 20 and older, a decrease from 6.7 a decade prior.

The median age at divorce increased over the past decade, from 41.6 years in 2012 to 44.4 years in 2022 for male divorcees and from 38.0 years to 40.5 years for female divorcees. The census indicates a drop in dissolution rates prior to the 10th marriage anniversary among more recent resident marriage cohorts. Dissolution rates prior to the 10th marriage anniversary decreased among resident marriage cohorts post-2005. The cumulative percentage of marriages that ended before the 10th anniversary

decreased from 17.0 per cent for the 2005 marriage cohort to 14.5 per cent for the 2011 marriage cohort. The dissolution rate of resident marriages was higher between the 5th and prior to the 10th anniversary compared to other five-year intervals. Since the 10th anniversary, the percentage of marriages that ended decreased with each following five-year milestone.

2.7.4 Sub-Saharan Africa

This section focuses on Ghana, South Africa, and Kenya from the category Sub–Saharan Africa.

2.7.4.1 Ghana

According to the Population and Housing Census (PHC) (Ghana, 2021), 553,065 people in Ghana have had their marriages dissolved, and 405,090 have split. These numbers were gathered through interviews with participants in the 2021 PHC, which began on June 27 and finished on August 15, 2021.

According to the Ghana Statistical Service's (GSS) PHC report, 362,233 of the 553,065 divorced people are women, while the remaining 190,832 are men, representing 65.5% and 34.5%, respectively. The bulk of the over 400,000 separated spouses are women, with 252,079 in total; the remaining 153,011 are men.

According to the 2021 PHC figures, there are 8,366,466 married people in Ghana, 6,748,622 of whom have not registered their marriages, leaving only 1,617,844 registered.

According to the research, married status refers to the civil status of a person aged 12 or older on Census Night, June 27, 2021. It may be either: Informal/consensual union/living arrangements: A couple living together in a marital relationship but lacking civil or conventional recognition. The census report asserts Married using civil/ordinance/customary/traditional/Islamic ceremonies, whether registered or not.

Separated: A person who no longer shares living arrangements with their spouse, but whose marriage has not been declared customary or legally dissolved. Divorced: A person whose marriage has been cancelled or dissolved, either legally or by custom, and who has not remarried.

Muslim family law (Sezgin, 2022) is colonial legislation that is accepted and regulated in Ghana; courts recognise normative existence but dismiss cases on procedural grounds without examining MFL merits; judicial attitudes towards Islamic law are less substantial. Judicial policy of the pluri-legal system influences multireligious democracy, Robert Cover's views and conceptions from "Nomos and Narrative" to the courts, "undignified" jurispathy towards Islamic law, The judiciary destroys legal meanings built around Islamic law, causing normative tensions between the state and Muslim groups, and undermines the rule of law, erodes public trust in democratic institutions, and encourages scholars to broaden the scope of their investigations to the concept of undignified jurispathy, state-religion relations, and constitutional debates in pluri-legal societies, as his main issues discussed in his work, "Undignified jurispathy: Muslim family law at Figure 1.1.

2.7.4.2 South Africa

Muslim marriages in South Africa have not been recognised by the state for over 300 years. It was not until June 28, 2022, that the Constitutional Court acknowledged that non-recognition of Muslim marriages violates Muslims' constitutional rights.

To amend the Divorce Act of 1979 so as to insert a definition for a Muslim marriage; to provide for the protection and safeguarding of the interests of dependent and minor children of a Muslim marriage; to provide for the redistribution of assets on the dissolution of a Muslim marriage; to provide for the forfeiture of patrimonial benefits of a Muslim marriage; and to provide for matters connected therewith." (Government Gazette, 2024).

The first legal instrument for registering Muslim marriage in South Africa began on January 6, 2022, with a directive from the Director General, Mr. L.T. Makhode:

registration of Muslim marriage under the recognition of the Marriage Act, 1998 (Act No. 120 of 1998) (Home Affairs Department, n.d.). The Gantt Chart for Marriage Bill B43-2023 is at the introduction stage, awaiting passage to the Portfolio, National Assembly, Select Committee, National Council of Provinces, and Sent for Assent stages. (The Parliament of the Republic of South Africa, 2023). According to the Parliament of the Republic of South Africa website, Marriage Bill B43-2023 aims to provide for the recognition of marriages, to provide for the requirements for monogamous and polygamous marriages, to provide for the designation of marriage officers, to provide for the solemnisation and registration of marriages, to provide for proprietary consequences and the dissolution of marriages, to provide for offences and penalties, and to provide for matters.

Marriages are becoming less prevalent (Statsa, 2021), with people marrying later and unmarried couples increasingly choosing to live together rather than marry. According to Weddings and Divorces, 2021, 106 499 weddings were registered in South Africa in 2021, up from 161 112 in 2012.

Groundbreaking decision (Amien, 2020) recognising Muslim marriages Prepare, develop, enact, and enforce legislation and regulations governing the repercussions of Muslim marriage. The main issues in the work "Regulation of Muslim Family Law in Muslim-Minority Countries:

The Case of South Africa" are why the South African State fails to enact Muslim Family Law despite repeated calls from Muslim communities for recognition, the human rights implications of the judgement, and whether the Western Cape High Court's order will make a difference in the lives of Muslims and go far enough to ensure sufficient protection of Muslim women's human rights.

South Africa practices a version of secularism ("A South African Case Study for the Recognition and Regulation of Muslim Family Law in a Minority Muslim Secular Context", 2020) that does not maintain a tight boundary between religion and state but rather collaborates with both.

Muslim family law is a secular state's attempt to balance a minority Muslim community's independence while enforcing religious family regulations without jeopardising female members' right to equality. The religious diversity management spectrum safeguards existing and new family laws such as the Muslim Marriages Bill through three approaches: assimilation, accommodation, and integration.

2.7.4.3 Kenya

According to the Judiciary (Nation, 2022), figures from the State of the Judiciary Annual Report (SOJAR) show that 3,784 divorce cases were filed at magistrate courts across the country in the fiscal year ending June 2022, while 1,820 were submitted at Kadhi courts.

According to the comparison data, divorce cases increased in the previous year, ending June 2021, with 3,082 filed at magistrate courts and 1,654 at Kadhi courts. According to Senior Principal Kadhi (Musawah, 2017), in practice. The lack of a standard codified Muslim family law in Kenya allows practitioners, including Kadhis, lawyers, scholars, and Muslims in general, to rely on their preferred Muslim school(s) of thought; ultimately, a Kadhi Court judge's choice of fiqh may be influenced by his personal philosophical inclination towards a particular school of thought, sect, or opinion.

Furthermore, according to the senior principle, Chief Khadi, during marriage, Muslim husbands and spouses adopt typical roles. The husband provides for the family's needs, while the wife manages the family's internal matters. They may work together or go into business separately.

Kenyan Muslim leaders (Tayob) argue Kadhis courts in politics and state policy, which strains relations between Muslims and Christians. Muslims found themselves on the defensive as some Christian groups mounted a sustained campaign against the place of Kadhis courts in the constitution; Muslim public debate responses were on the nation-state framework; the Kenyan state was looking for a new politics; and rhetoric about

Kadhis courts focused on Muslims' relationship to the nation-state of Kenya as critical issues for the work article, "Kadhis courts in Kenya's constitutional review (1998-2010).

Muslim Personal Law status (Hashim, 2005) and its application in both countries present several grounds of contention. A contentious conflict reconciles two judicial trends. Rashid Ridha and Imam Muhammad Abu Zahra, modern Muslim scholars, work on the influence of common law principles, the fact that Muslim disputants' presumption of common law marriage cannot be accommodated in the Shari'ah, Muslim scholars' silence or divergent opinions, and the possibility of reconciling Shari'ah and common law principles.

Adopting a progressive approach to evaluating domestic services and contributions of the wife in divorce settlements, as well as granting the right to custody of children to either of the parents under the welfare principle, and contemporary Muslim legal scholars must accommodate these notions without sacrificing their religious values, are among the ideas chosen in the work titled "Muslim Personal Law in Kenya and Tanzania.

2.7.4.3.1 Muslim Personnel Law and Qadhi Courts

In Kenya, both Muslim personal laws and Qadhi Courts are recognised. Article 170 (5) of the Muslim Personal Law addresses concerns of personal status, marriage, divorce, and inheritance in procedures in which both parties profess the Muslim religion and submit to the jurisdiction of the Kadhi courts.

While the rest of Article 170 provides for the Qadhi Court, as noted below. Article 170 of the Kenyan Constitution contains provisions (Constitution of Kenya, 2010).

A Chief Kadhi and at least three additional Kadhis would be appointed under a Parliamentary Act.

To hold or act in the office of Kadhi, a person must (a) profess the Muslim religion and (b) possess knowledge of Muslim law applicable to any sect of Muslims, as determined by the Judicial Service Commission.

Parliament will establish Kadhis' courts with legislative authority and powers, subject to Article (5).

The Chief Kadhi and the other Kadhis, or the Chief Kadhi and such other Kadhis (not fewer than three in number) as defined by an Act of Parliament, shall each be empowered to hold a Kadhi's court with jurisdiction inside Kenya.

A Kadhi's court's jurisdiction is limited to determining problems of Muslim law related to personal status, marriage, divorce, or inheritance in procedures where both parties are Muslim and submit to their jurisdiction.

2.7.4.4 Uganda

The administration of the Muslim Family Institution in Uganda encompasses planning, organising, and leadership, extending from the colonial period to the present.

2.7.4.4.1 British Order in the Council

The progression of divorce legislation in Uganda began with the Marriage Ordinance of 1902, succeeded by the Marriage of Africans Ordinance of 1903, and concluded with the Marriage and Divorce of Muhammadan Ordinance of 1906. The British Order in Council, which regulated these affairs from 1902 to 1920, delineated jurisdictions within the Uganda Protectorate and was promulgated in London on 11 August 1902 (Anderson, 1955).

Anderson observes that before 1906, both the Marriage of Africans Ordinance of 1903 and the Marriage Ordinance of 1902 mandated that "a Muslim man marrying a Christian woman under the Marriage of Africans Ordinance could neither enter into

another legal marriage nor divorce his wife, except in accordance with the Divorce Ordinance—although he was permitted to marry up to three additional wives or divorce his wife for any reason or none under Islamic Law."

A Muslim female who has attained the age of twenty-one may wed a non-Muslim in accordance with the Marriage Ordinance. Moreover, a girl below that age may proceed if her father, or, in instances of his insanity or departure from the Protectorate, her mother, grants written agreement; yet, such a relationship is completely prohibited under Muhammadan Law.

A non-Muslim man married under the Marriage Ordinance or the African Ordinance who later converts to Islam is not entitled to divorce his wife or remarry, nor can he consider his marriage automatically dissolved, except as specified in the Divorce Ordinance, irrespective of Islamic Law provisions.

A non-Muslim woman married under either of these ordinances immediately has her marriage dissolved if her husband, also a non-Muslim, declines to embrace Islam in accordance with Shariah. In that year, groundbreaking legislation concerning inheritance was enacted under the Succession of 1906.

2.7.4.4.2 Marriage and Divorce of Mohammedans Ordinance of 1906

According to this ordinance, all marriages between individuals who profess the Mohammedan faith, as well as all divorces from such marriages that are celebrated or granted in accordance with the customary rites and practices of the Mohammedan religion within the relevant tribe or sect, shall be considered valid and registered as stipulated in this Act (Uganda, 1906).

2.7.4.4.3 Registration of Marriage and Divorce

The recorded marriages for 1906, as documented in the Protectorate Report of 1908, were as follows: Church Missionary Society (CMS) recorded 717 marriages, Mill Hill

recorded 250, White Fathers recorded 1294, and Muslims recorded 58. The total number of divorces was 6. In the same year, the total recorded marriages for CMS were 668, for Mill Hill 214, for White Fathers 1281, and for Muslims 103, with the number of divorces amounting to 5. Consequently, the cumulative total of marriages and divorces recorded over the years reached 4796.

In 1907, the recorded marriages included CMS with 582, White Fathers with 1155, and Mill Hill with 218, resulting in a total of 1955 Christian marriages; Muslims accounted for 11 marriages, and there were 2 divorces, totalling 1968 marriages against an estimated population size of 3,520,000 (Report—Annual, 1909).

The recorded marriages and divorces in 1908 comprised 1771 from the White Fathers Mission, 188 from Mill Hill Mission, and 389 from the Church Missionary Society, leading to a total of 2348 Christian marriages; Muslims recorded 62 marriages, with 2 divorces. The gross total of registrations for that year was 2412 (Report—Annual, Uganda Report for 1909-10, 1911).

In 1909, the recorded marriages were White Fathers Mission 860, Mill Hill Mission, Nsambya 131, and Church Missionary Society 407, summing to a total of 1398 Christian marriages; Muslim marriages were 20, and there were no divorces. The gross registered marriages, with no divorces that year, amounted to 1418, against an estimated population of 2,400,267.

For 1910, the population estimate was 2,843,325. The recorded marriages included White Fathers Mission 933, Mill Hill Mission, Nsambya 416, and Church Missionary Society 142, leading to a total of 1491 Christian marriages; Muslims recorded 38 marriages, with no divorces. The gross number of registered marriages without divorces totalled 1529 (Colonial, 1912).

In 1911, as reported in the Annual Reports of 1915, the population census indicated the following religious denominations: Protestants 200,733, Roman Catholics 230,568, Mahomedans (Muslims) 73,792, and Pagans 1,096,689. The recorded marriages and divorces for 1911 were: White Fathers Mission 1212, Mill Hill Mission 538, and Church Missionary Society 128, amounting to a total of 1878 Christian

marriages. In 1913, the recorded marriages and divorces were: White Fathers Mission 1288, Mill Hill Mission 605, and Church Missionary Society 161, resulting in a total of 2054 Christian marriages. The gross number of Christian marriages from 1911 to 1913 was 5909, but no information was available about Muslim marriages and divorces during that period.

Table 2.4 Census Of 1911

ITEM	Denomination	Population
	Muslims	73,792,
	Christians	431,301
	Pagans	1,096,689
	Total	1,601,782

Source generated from Uganda Protectorate Report 1911

The Table 2.1 above was generated from Uganda Census of 1911 while table 2.2 below was generated from Uganda Protectorate Report of 1916.

Table 2.5 Population of the Protectorate (March, 1916)

No	**Category**	**Total**	**Male**	**Female**
	Europeans	963	691	272
	Asiatic	3455	2809	646
	Native	2,733,382	1,259,089	1,474,293
	Rudolf Province unadministered Eastern Province	150,000	-	-
	Gross Total as per 1916	2,887,800	1,262,589	1,475,211
	Census of 1911	2,840,469		
	Increase	47,000		

Source generated from Uganda Protectorate Report 1916

In March 1918, the estimated population of the protectorate stood at 3,360,439. This figure includes 570 Europeans, of whom 257 are female, as well as 3,467 Asians, comprising 2,622 men and 845 women. Reliable statistics indicate that the native population in these regions consists of 1,421,098 males and 1,785,982 females, amounting to a total of 3,207,080. Furthermore, we must account for an estimated 150,000 inhabitants from Rudolf Province and the unregulated areas of the Eastern Province. Consequently, we calculate the overall native population to be 3,357,080, compared to the March 1911 census figure of 2,840,469. Annual Reports, 1919.

The table 2.3 was generated from Uganda Protectorate Report of 1919.

Table 2.6 Population of the Protectorate (March, 1918)

No	Category	Total	Male	Female
	Europeans	570	313	257
	Asiatic	3,467	2,622	845
	Native	3,207,080	1,421,098	1,785,982
	Rudolf Province unadministered Eastern Province	150,000	-	-
	Gross Total as per 1918	3211,117		
	Census of 1911	2,840,469		
	Increase	370,648		

Source generated from Uganda Protectorate Report 1918

2.7.4.4. 4 Native Inhabitants

This section addresses the indigenous populations, British Dependencies, independent surveys, and judicial records.

2.7.4.4.4.1 Historical Survey of the Natives

The first British explorers to visit the country were Speke and Burton during their search for the Nile in 1862. Samuel Baker discovered Lake Albert shortly afterwards. Stanley reached Buganda in 1875, and was greatly struck with the intelligence of the natives. As the result of his appeal the first band of missionaries arrived in June 1877, followed two years later by a party of French Catholics. Both denominations quickly gained adherents, but on the accession of King the Protectorate covers an area of approximately 110,300 square miles, including 16,169 square miles of water. The population on the 31st March, 1920, was estimated to be 3,062,551, viz., 948 Europeans, 4,528 Asiatic and 3,057,075 n (Reports—Annual, 1921)

Provides a Historical Survey Mwanga a systematic persecution of the Christians was inaugurated with the murder of Bishop Hannington in 1885. Mwanga was deposed by joint action of the Christians and Mahomedans in 1888, and fled to Sesse Islands in Lake Victoria. Religious antagonism soon revived, and the Christians were compelled to leave the country. They returned in 1889, and after severely defeating the Mahomedans restored Mwanga to his Kingdom. (Reports—Annual, 1922)

The Report outlines the historical Negotiations between the British and German Governments during the following year placed Uganda under British influence, and Captain Lugard (now The Right Hon. Sir Frederick Lugard, G.C.M.G., C.B., D.S.O.) proceeded inland on behalf of the Imperial British East Africa Company, and, despite opposition from the French missionaries…Mwanga's signature on the 26th December 1890 to…giving the British the right to intervene in the internal affairs of Buganda.

The report suggested, this proved signal for armed attacks from both Mahomedan and Catholic factions, and resulted in fighting, in which the Sudanese levies, collected by Lugard to maintain his authority, with difficulty repulsed both their opponents' forces in detail. King Mwanga, who had sided with the French, escaped to German territory at Bukoba. He was persuaded ultimately to return, and an agreement was drawn up granting the Catholic and Mahomedan parties' definite spheres of influence in Buganda.

The position the report asserts was however unsatisfactory, and the British Government was forced by public opinion in England to assume direct control of affairs in 1894. Comparative quite ensued for the next three years until Mwanga instigated a rebellion, which was defeated by the Sudanese force under the Acting Commissioner Colonel Ternan.

The report suggest Mwanga fled the country, his infant son, Daudi Chwa, the present ruler, being proclaimed King or " Kabaka " at Kampala under the guidance of three Regents. Discontent soon afterwards arose amongst a section of the Sudanese force; Mwanga returned to join the mutineers, aided by Kabarega, the rebel king of the Banyoro. Fortunately, the Baganda remained loyal, and the outbreak was quelled after a year's fighting, during which several British officers lost their lives. Mwanga and Kabarega were captured and deported.

The report says early part of 1899 the country has been peaceful and British administration has spread over the neighbouring tribes. Control was extended over Busoga and Bunyoro on the 3rd July 1896, whilst arrangements for the inclusion of the other peoples within the existing frontiers were affected by Sir H. H. Johnston between the years 1900 and 1902.

The urges on the arrangement’s native governments of Buganda, Toro, and Ankole were negotiated by the same Commissioner for the purpose of regulating the native administration and defining their relations with the suzerain power. It was found advisable to suspend the Ankole Agreement in 1905, after the local murder of the British Sub-Commissioner, but the subsequent loyalty of the natives justified the restoration of their privileges in 1912.

The report concludes apart from above incidents, the population acquiesced in European rule, and only unimportant disturbances have occurred in outlying districts of Buganda, Toro, and Ankole. However, the opening of the Uganda Railway from Mombasa to Lake Victoria in the early years, and the subsequent installation of a Earner service on the Lake proved a valuable stimulus to development, and responsible for the country's rapid progress in the twenty-five years of British administration.

2.7.4.4.4.2 British Dependencies

A Conference of the Judicial Adviser of different British dependencies in Africa, (Anderson, 1955)which met in Uganda in February 1953, discussed the problems arising from application of Islamic Law ang analysed some of the difficulties which had be encounter in the administration of the justice by Muslim Courts in areas which contained large groups of non-Muslims.

But it was clear that the subject was of a scale which could only be dealt after a detailed and comprehensive survey of the position. Survey on participants were Mulki Settlements (Two Imams) of Bombo, Arab and Swahili colony of Mbale, Muslim Leader in Buganda (Prince Badru Kakungulu), Chief Justice, and Protectorate Officials. The scope of participation was limited to Buganda regime methods was interview.

2.7.4.4.4.3 Independent Survey of 1965

Islamic law of family(Schacht, 1965) the is recognized as the customary law of the Muslims (although the Ismailis and the Bohoras always settle their cases out of court), but the inheritance of the Muslims is ruled by customary law which is essentially tribal; it is possible for a man to express the wish that his inheritance be distributed in a certain way, for instance according to the rule of Islamic law, but this is likely to be overruled by the head of the clan. Now, however, there is a desire on the part of the Muslims to have the Islamic law of family officially recognized as part of the laws of Uganda, and it is possible that their demand will be partly successful in an indirect way.

In 1964 a Commission was appointed in Uganda to investigate the question of marriage, divorce and the status of women, and its recommendations followed, in general, the proposals in the Ghana Bill, though very much fuller. As in the case of the Ghana prototype, the problems of implementing these proposals were apparently found to be too formidable and no legislation resulted.

2.7.4.4.4.1 Independent Survey of 2020

Data shows that in Uganda divorce happens at least 370,000 times a year. 7% of adult Ugandans encounter divorce or separation. The study focused on the Legal problems related to divorce and separation are some of the most frequent and pressing justice needs in Uganda. In 2015, HiiL conducted a Justice Needs and Satisfaction survey in Uganda, resulting in a report describing the population's need for fair solutions. The report made evident that in Uganda, the three most prevalent legal problems are in the domains of family (namely divorce), land, and crime. These problems need further investigation in the form of a Deep Dive report. (Martin Gramatikov, 2020)

HiiL publishes special reports on all these specific problems to provide in-depth knowledge of their prevalence, causes and consequences. These reports feature quantitative Justice Needs and Satisfaction data from 2019 and qualitative data from 2018. To improve access to justice, we analyse this data and examine gaps or knots in the system to attain fair remedies for these justice problems.

This Deep Dive report focused on individuals who reported recent experiences with a divorce or separation problem as their most pressing justice need. The report reviews these justice problems, their consequences, and possible solutions, and examines specific issues related to family justice.

First, the report outlines the HiiL methodology. Then we introduce the most common justice problems related to divorce and separation in Uganda. Next, we explore what Ugandans do in these situations and how they evaluate the outcomes of their justice journeys. Finally, we present key findings and action points for future development. Methodology; The results of this report are based on the HiiL Justice Needs and Satisfaction quantitative data set from 2019, and complementary qualitative interviews collected in 2018. Quantitative research methodology the quantitative research data consists of 6129 randomly selected adult individuals who were interviewed during June and July in 2019. They were asked to report any justice problems they have encountered in the past four years. Our standard approach is to disaggregate results based on several variables, such as gender, income, education, and other relevant demographic factors.1 Demographics of the sample:

1. A bit more than half (52%) of the sample is female.
2. The mean age is 33 years. More than half (55%) of the respondents are between 25 and 54 years of age.
3. Around 80% of the respondents come from rural areas. • Many (37%) of the respondents are married monogamously, and some (6%) are in a polygamous marriage. 7% are married but live separately.
4. Another 30% are single and have never been married, while 4% are divorced. Widow(er)s make up 6% of the sample.
5. The average household size consists of 4,3 people.
6. Seventy per cent of the people interviewed have one or more children (ren). On average, people have 1,9 children aged 14 or younger.
7. Many respondents are self-employed (36%), followed by people who are engaged in informal work (18%) and people who work for an employer (12%). Nine per cent of the respondents are carers.

2.7.4.4.5 Judiciary Records

The ruling and/or decision and Orders/ Decree issued by the Sharia Court on 16 10th March 2021 vide Divorce (Khulu-U) Cause No. 1909/2316/04 between Hajjat Mariam Fatuma Bunkeddeko and Hajj Bunkeddeko Badru was upheld; Divorce Cause No. 0006 of 2016 was declared res judicata, the issues in the same having been determined by the Sharia Court at Old Kampala. (Khaukha, 2023)

Refuted the narrative (Kainamura, 2011) put across by Med went instead Sumaya Nabawanuka' s assertion arguing that the Sharia court of the Muslim Supreme Council is a court of competent jurisdiction, she continued saying as envisaged under article 129 (1) (d) of the constitution as parliament has not yet operationalized ACT. 129 (1) (d) of the constitution which establishes Qadhi's courts, and that if there are such courts in operation, they are operating outside the dictates of Aticle.129 (1) d) and are consequently incompetent.

2.7.5. Maqāsid Shari`ah and Family Institution Reviewed Literature Results

Findings number one, in the United States of America: The divorce literature reviewed the Census Bureau which recorded 9,937 divorces in 1867. The numbers increased significantly, reaching over 1,000,000 by 1975, more than a 100-fold rise. However, the figures plummeted to 689,308 by 2023. Christy Bieber and Adam Ramirez.

Findings number two in Britain divorce statistics began in 1801, compiled by the Office for National Statistics, which relies on official state statistics from the census. The British Empire introduced the census to its former colonies, including India, in 1881. The divorce rate for 2023 is reported at 0.001% according to independent sources.

Findings number three in Singapore results indicate the statistics that in 2021, there were 7,890 divorces. In 2022, this figure decreased to 7,107. The official source for this data is the Singapore Department of Statistics. For more details Global Divorce Rate See Table 2. below.

Table 2.7 Summary 0f Global Divorce Rate

Summary 0f Global Divorce Rate				
ITEM	Country	Year	Statistics	Divorce Rate
	United States of America	1867	9,937	-
		1975	1,000,000	-
		2023	689,308	-
	Britain	2011		9.1%
		2021	-	9 %
	India	2023		0.001%
	Singapore	2021	7890	-
		2022	7107	-
DIVORCE SUBSAHARAN				
ITEM	Country	Year	Statistics	Divorce Rate
	Ghana	2021	405,090	
	South Africa	2020	18,208	
		2021	16,097	
	Kenya	2021	4736	
		2022	5604	

Source Generated from data base of the different countries above

Findings number three in Sub Saharan Africa first in Ghana: In 2021, the divorce statistics stood at 405,000 according to the Source: Ghana Statistical Service. Secondly, in South Africa, the divorce statistics recorded were 18,208 in 2020, according to the Department of Statistics of South Africa. This figure subsequently decreased to 16,097. Thirdly in Kenya, the divorce figures were 4,736 in 2021, and the number rose to 5,604 in 2022. Official source: Magistrates and Kadhi, the Kenyan Judiciary. (See Table 2.4)

Fourthly in Uganda, first results indicated Marriage statistics were 277 marriages and Chiristian 15,338 among Christians. The total number of divorces for both denominations is 15 from 1905 to 1914 Protectorate Report (1906-1914) reports, For illustration see Table 2.5. Secondly result of the literature indicates Marriage and Divorce Ordinance of 1906 work. Thirdly, the work of Norman Dalrymple Anderson of 1954 found that the participants in this study included two Imams from the Mulki settlement in Bombo, as well as representatives from the Arab and Swahili colony of Mbale, the Muslim leader in Buganda (Prince Badru Kakungulu), the Chief Justice, and various Protectorate officials.. The fourth result of Uganda, indicated that Independent, Schacht, Joseph published some thing on the Muslims for the recognition of family laws, published in 1965. The fifth result indicated that judiciary the judgement of Hon. Billy Kainamura (2021) Justice Alice Komuhangi Khaukha (2023). Sith results indicates that 370,090 occurs every year abd divorce rate of 7% according to Martin Gramatikov, Armi Korhonen, Rodrigo Nunez, and Tim Verheij stastics of 2020.

Table 2.8 Uganda Protectorate Divorce

ITEM	Denomination	Year	Marriage Statistics	Divorce Statistics
	Christians Muslim	1905	3449 58	 6
	Christians Muslim	1906	2163 108	 5
	Christians Muslim	1907	1957 11	2
	Christians Muslim	1908	2348 62	2
	Christians Muslim	1909	1491 38	-

ITEM	Denomination	Year	Marriage Statistics	Divorce Statistics
	Christians Muslim	1911	1878 -	-
	Christians Muslim	1913	2054 -	-
	Muslims and Christian Muslims Christians	1905 – 1913	15,614 277 15,338	15

Source Generated from the Uganda Protectorate Reports (1905 -1913)

Table 2.9 Divorce Survey Summary on Uganda

Item	Category	Year	Statistics	Divorce Rate
	British Dependencies	1955	-	
	Independent	1965	-	-
	Judiciary	2011	1	
	Independent	2020	370,090	7%
	Judiciary	2023	1	

Sources Generated from British dependence, independent and Judiciary reports.

The results on divorce Subject, the researchers typically examined divorce in conjunction with marriage rates to identify the factors contributing to its occurrence. Researchers often use a population sample of 1,000 to calculate these rates. In the United States, both the Government Census Bureau and independent researchers such as Christy Bieber and Adam Ramirez have employed this method in their surveys. Most countries worldwide adhere to this calculation approach, except for South Africa, which uses a metric of marriages and divorces per 100,000 of the population. Global and regional studies illuminated significant concerns related to divorce. First, second, or third marriages can dissolve, and studies established the average duration of a marriage before divorce. There were two types of divorce: contested and simple. The duration of a simple divorce was typically three months.

The costs associated with divorce vary based on individual circumstances and may have both minimum and maximum amounts. Following a divorce, some

individuals opt to remarry. There are two types of divorce measurements; crude and refined, that assist in analysing divorce trends over time. The most prevalent reasons for divorce include lack of commitment, infidelity, domestic abuse, basic incompatibility, financial difficulties, and marrying at a young age.

Results on literature revealed, divorce literature materials are available at both global and regional levels. For global divorce statistics, the following sources were referenced: In the United States of America, data can be obtained from the Census Bureau for the years 1867 and 1975, as well as from Christy Bieber and Adam Ramirez. In Britain, statistics are sourced from the Office for National Statistics. Independent sources are available for India. In Singapore, the Singapore Department of Statistics provides relevant data. At the regional level, Ghana offers divorce statistics through the Ghana Statistical Service. The Department of Statistics of South Africa provides access to divorce statistics in the country. The Judiciary in Kenya provided statistics, specifically through the Magistrates and Kadhi data.

The results on the Methods revealed, common research methods employed in global and regional studies encompass quantitative, qualitative, and mixed methodologies. Noteworthy sources for global divorce statistics include the Census Bureau and independent researchers such as Christy Bieber and Adam Ramirez in the United States, as well as the Office for National Statistics in Britain and the Department of Statistics in Singapore. For regional divorce statistics, relevant sources include the Ghana Statistical Service in Ghana and the Department of Statistics in South Africa. A mixed-methods study on divorce in Uganda was conducted by Martin Gramatikov, Armi Korhonen, Rodrigo Nunez, and Tim Verheij.

The results on divorce Subject indicates despite the considerable amount of information derived from global, regional, and country-specific studies, several important issues regarding dissolution and marriage studies remain unaddressed. The samples employed in these studies were overly generalised and failed to specifically reference first, second, and third marriages among Muslims. Furthermore, there is a lack of data on the average duration of Muslim marriages, the predominant types of divorce within the Muslim community—whether contested or simple—and the overall duration of the divorce process itself. Additionally, information regarding the minimum and

maximum costs associated with Muslim divorce is absent. No research has been conducted on both crude and refined measurements of Muslim divorce, nor on the trends related to Muslim divorce. Moreover, there is no existing data or studies detailing the most common reasons for divorce among Muslims. The limited studies that have tackled this subject matter were broad in scope, with frequently cited reasons for divorce including lack of commitment, infidelity, domestic abuse, basic incompatibility, financial issues, frequent arguing, excessive conflict, marrying at a young age, and financial difficulties.

The results of the Literature allude; there is a scarcity of data on divorce cases among Muslims in Kenya and Uganda. While the judiciary in Kenya possesses some statistics, most registered cases pertain to non-Muslims. In Uganda, only two High Court judgements provide perspectives on Muslim divorce. Other research tends not to focus on Muslim marriage or divorce specifically. However, the available literature on divorce tends to concentrate on various countries, including the United States of America, Britain, India, Singapore, and several African nations such as Ghana and South Africa, without taking any religious denomination into account.

The results of the Methods revealed, Martin Gramatikov, Armi Korhonen, Rodrigo Nunez, and Tim Verheij conducted a mixed-methods study on marriage and divorce in Uganda. However, their research did not specifically address the marriage and divorce practices among Muslims. Common research methods employed in studies on divorce, both globally and regionally, as well as in my country, include quantitative, qualitative, and mixed approaches. The Census Bureau, along with independent sources such as Christy Bieber and Adam Ramirez in the United States, the Office for National Statistics in Britain, and the Singapore Department of Statistics, are among the most frequently cited sources for global divorce statistics. For regional divorce statistics, organisations such as the Ghana Statistical Service in Ghana and the Department of Statistics in South Africa provide data; however, information on divorce in Uganda is not readily available.

In summary, this section discussed various aspects of the subject of divorce, including the literature and the merits of different research methods. It also highlighted the demerits of the literature and methods used in various studies on divorce.

2.7.6 Discussion

This part illustrates on the Divorce subject, literature, and Methods below. This section illustrates on the Divorce Subject, Literature, and Method.

On the Divorce Subject. This reviewed literature presented a careful assessment of the subject of divorce, along with an analysis of divorce and marriage rates and the factors that contribute to their occurrence. To calculate divorce rates, a population of 1,000 is typically considered. Important concerns include the fact that dissolution can occur in first, second, or third marriages, as well as the average length of time spent in a marriage before divorce. There are two types of divorce: contested and simple; the duration of a simple divorce is approximately three months.

The cost of divorce varies depending on individual circumstances and may have both minimum and maximum amounts. Following a divorce, some individuals choose to remarry. Additionally, there are two types of divorce measurements—crude and refined, that help analyse divorce trends over time. The most common reasons for divorce include lack of commitment, infidelity, domestic abuse, basic incompatibility, financial problems, and marrying at a young age.

On the Literature; this reviewed literature found out that it appears from the sources examined that formal research on the family institution began with the protectorate administration for accountability purposes to Westminster Abbey between 1906 and 1914, focusing on marriage and divorce registration for both the House of Commons and the House of Lords in London. The most effective approach was to register marriages and issue certificates. A pertinent statistic illustrates this: the number of registered marriages was 277 for Muslims and 15,338 for Christians, with a total of 15 divorces recorded across both denominations. Since then, official information regarding the performance of marriage and divorce has remained largely unavailable or tightly controlled by state apparatus.

In the British Dependencies, Norman Dalrymple Anderson was assigned a research task prior to independence to investigate the application of Shariah rules by Muslim families.

This reviewed literature was significant as it was the first undertaken by Her Majesty's Government to address concerns regarding Muslim family matters. The participants in the study included two Imams from the Mulki settlement in Bombo, the Arab and Swahili colony of Mbale, as well as the Muslim leader of Buganda at the time, Prince Badru Kakungulu, the Chief Justice, and Protectorate Officials. However, the study conducted qualitative research exclusively in the Buganda region through interviews in 1954.

In the post-independence period, Joseph Schacht noted the aspirations of Muslims to have their family laws recognized— a point published in 1965. Despite the research conducted by Professor Norman Dalrymple Anderson under the auspices of the British government, little action was taken by either the administration or the Muslim community, which did not follow up on its status as beneficiaries. According to Professor Dalrymple Anderson's findings, the Nubian Mulki were promised a Shari'ah court to arbitrate their marriages, but it seems they did not pursue this promise.

In recent times, Hon. Billy Kainamura and Hon. Lady Justice Alice Komuhangi Khaukha have called for reforms in the application of Muslim family laws. Research by Gramatikov, Armi Korhonen, Rodrigo Nunez, and Tim Verheij, published in 2020, indicates that the divorce rate in Uganda stands at 7%, with approximately 370,090 annual divorces. However, this study was general and did not specifically address the Muslim family or the application of Muslim family law in Uganda.

Global and regional reviewed Literature on divorce rates tends to be broad and does not focus specifically on Muslim families or the application of Muslim family law, whether in the United States (as reported by the Census Bureau in 1867 and 1975 and by scholars Christy Bieber and Adam Ramirez), in Britain (as noted by the Office for National Statistics), in India (as indicated by independent sources), or in Singapore (according to the Singapore Department of Statistics). While Singapore captures data on Muslim families, research in other regions, including the USA, Britain, India, Ghana (as reported by the Ghana Statistical Service), and South Africa (as per the Department of Statistics of South Africa), also lacks specificity regarding Muslim family law. In contrast, Kenya appears to have resolved issues related to Muslim family arbitration.

On the Method the work of Martin Gramatikov, Armi Korhonen, Rodrigo Nunez, and Tim Verheij conducted a mixed-method study on marriage and divorce in Uganda, alongside Christy Bieber and Adam Ramirez from the United States.

The works of the Office for National Statistics Census in Britain and the Singapore Department of Statistics are among the most referenced sources for global divorce statistics. In the regional context, the Ghana Statistical Service and the Department of Statistics in South Africa serve as significant motivations for conducting mixed-method research.

2.7.7 Research Gap

Theoretical Research gap is the first result from the reviewed literatures in this chapter two section 2.7.6. The knowledge gap about theory on protection of the family which is one of the five Maqāsid Shariah. According to the literature we looked at, no publications have focused on family protection in Uganda yet.

Literature, is the second research gap identified by the results from section 2.7.6. According to the literature survey, less than ten books have addressed the topic of safeguarding Muslim institutions in Uganda. a significant publication regarding the current state of Muslim family law did not occur until 1954.

Methodological is the third research gap identified by the results from section 2.7.6 The available studies according to the literature we combed through, this study mostly few qualitative and a mixed-methods study which was out of the scope of this study.

Geographically, is the fourth research gap identified by the results from section 2.7.6. The Muslim family unit studies in various parts in Sub-Saharan Africa including Uganda in East Africa are very scanty.

Population, is the fourth research gap identified by the results from section 2.7.6. Muslim The literature we looked at indicates that no studies have evaluated the quantity

of Muslim family structures, such as spouses, wives, children, community leaders, and the responsibilities they play in safeguarding families.

Contradiction is the fifth research gap identified by the results from section 2.7.6. The reviewed literature hardly any studies that specifically addressed An-Niyyah, al-ILM, Amal, Tanfidh, Bala'/Fitnah and Talaq, Khul', Ila, Li'an, or Zihar as part of the Maqåsid of family in Uganda.

2.8 MAQĀSID SHARI`AH: CONCEPTUAL FRAMEWORK

This section seeks to elucidate the aspects involved by employing the IV + MV = DV models, which have been modified to examine marital troubles and the reasons couples opt to terminate their marriages through Talaq, Khula, widowhood, or Walk Away. Talaq constitutes the fundamental conceptual underpinning for this research

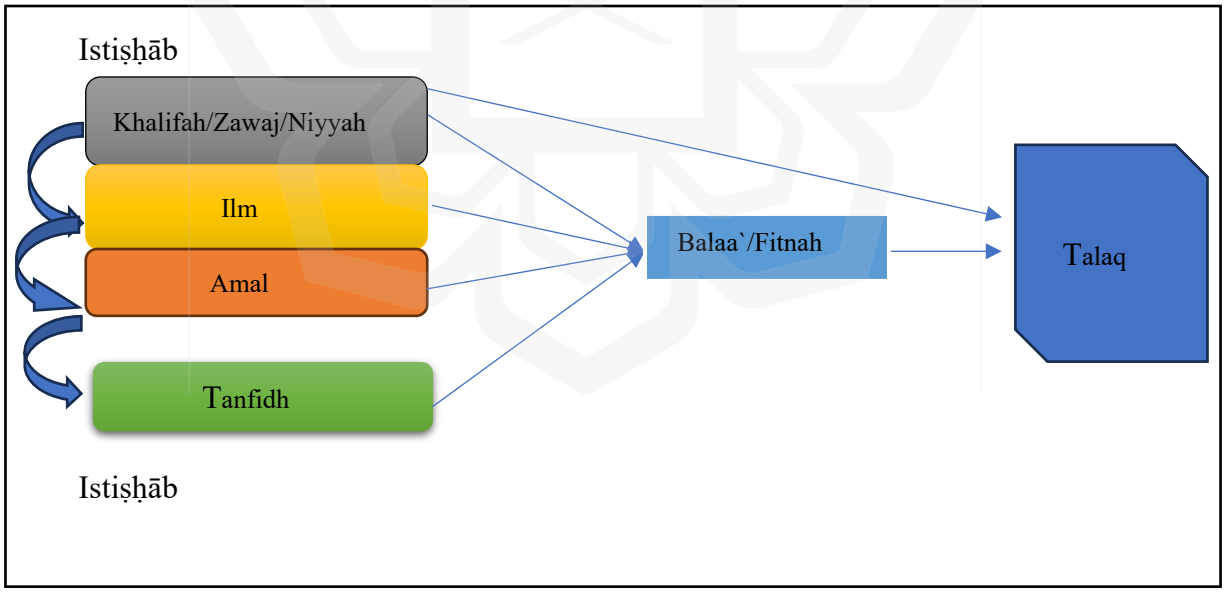


Figure 2.3 Conceptual Framework

Definition of the Variables

The variable explained below are; Independent Variable (IV), Moderating Variable (MV) and Dependent Variable (DV).

2.8.1 Independent Variable

Khalifah, or Allah's deputies on Earth, signifies the appointment of an individual as a succeeding human authority, with the intention of undergoing a test and thereafter being raised among humanity.

Enhancement of his/her dignity as an individual. No dissemination of corruption, evaluation (Taqyin). Observe their behaviour; Munthariin, caution them of the repercussions of rejecting or complying with the appointed Khalifah. Questions regarding disobedience as he/she evades Maqtan (contempt) and embodies Adil (justice) are elaborated in section 2.2.4. pp 24 – 31 of this chapter two,

Every individual is endowed with a desire that, upon reaching full maturity, necessitates the declaration of intent to marry prior to the culmination of marital companionship and conjugal relations.

2.8.1.1 Niyyah (Intention)

The niyyah, ilm, amal, and Tanfidh of zawaj are intricately connected with umūr, wherein both husband and wife are anticipated to patiently practice Istiṣḥāb in their marriage. The sustenance derived from marriage, referred to as amal zawaj or rizq, is an inherent aspect of life. The teachings of the Prophet Muhammad (Peace Be Upon Him) have been meticulously documented in Sahih Bukhari.

> 'Abdullah bin Mus'ud narrates. Allah's Apostle, the true and truly inspired said, (The matter of the Creation of) a human being is put together in the womb of the mother in forty days, and then he becomes a clot of thick blood for a similar period, and then a piece of flesh for a similar period. Then Allah sends an angel who is ordered to write four things. He is

> ordered to write down his (the new creature's) deeds, his livelihood, his (date of) death, and whether he will be blessed or wretched (in religion). Then the soul is breathed into him… (Sahih Bukhari: Volume 4, Book 54, Number 430).

The age of maturity is a phenomenon related to human development, supported by scientific research. According to Cleveland (2021), maturity begins when a part of a child's brain called the hypothalamus starts producing gonadotropin-releasing hormone (GnRH). The hypothalamus then sends GnRH to another brain region known as the pituitary gland. GnRH stimulates the pituitary gland to release two additional hormones: luteinising hormone (LH) and follicle-stimulating hormone (FSH). These hormones travel to the sex organs (ovaries and testes), prompting them to release sex hormones (oestrogen and testosterone). This hormonal activity initiates the noticeable signs of puberty. There are specific terms associated with menstruation. "Catamenia" refers to menstruation in women, typically lasting between three to seven days, which signifies the end of a menstrual cycle.

Another term is "Nifas", which denotes postpartum bleeding occurring after childbirth and lasting approximately 40 days as the body undergoes recovery. Additionally, "Mahiith" refers to a general period of ritual impurity or menstruation, which affects certain activities such as sexual intercourse, the performance of Salah, and recitation of the Qur'an.

The first sign of maturity in females is marked by the onset of the first menses or menstruation, as confirmed by Qur'an Surat al-Baqarah 2:222.

> They ask you ˹O Prophet˺ about menstruation. Say, “Beware of its harm! So keep away, and do not have intercourse with your wives during their monthly cycles until they are purified. When they purify themselves, then you may approach them in the manner specified by Allah. Surely Allah loves those who always turn to Him in repentance and those who purify themselves.

To recap the human body grows physically and biological as elaborated above by science and confirmed by Qur’an.

2.8.1.1.1 Pre – Marriage Phase and Science

This part discusses the view of science on the Girl Puberty Growth and Puberty Growth in general.

2.8.1.1.1.1 Girl Puberty Growth (GPG)

According to the study by the Cleveland Clinic, the Tanner stages also outline puberty for girls and when they are likely to occur. The Tanner stages are for girls are five. The first Tanner of Stage is prepubertal where girls have no visible changes.

Cleveland says in the second Tanner stage, the physical changes begin between the ages of 8 and 13 that girl typically experience their breasts begin to bud, their areolas (pigmented area around the nipple) enlarge, their Scant pubic hair appears and height increase by about 2¾ inches per year.

The study continues maintains in the Third Tanner of Stage, the Physical changes speed up between the ages of 9 and 16. Their breast continues budding, underarm hair begins to grow, and pubic hair continues to grow. Public hair is coarse, curly and in the shape of a triangle, a growth spurt of more than 3 inches per year occurs, the skin becomes oilier, and acne develops.

Cleveland further reasons Stage Fourth of Tanner puberty hits full stride between the ages of 10 and 15 as their breasts continue growing, and their nipples start to protrude, pubic hair is still in a triangle, and there are now too many hairs to count and problems with acne may continue.

The study further submits that the periods typically start around 12 years (usually around the same age their mother`s and sisters` period began). Some girls, especially those with disorders eating start later.

In the Fifth Tanner stage according to the Cleveland Clinic is the final phase where girls' development typically ends in this stage Girls reach physical adulthood. Pubic hair may extend out to their thighs, and some girls may have a line of hair up to

their belly button. Most girls attain their peak height by age 16, but some may continue growing through age 20.

Thus, the Tanner stages are indeed the fitnah or call them umūr of the natural human disposition age growth of man summarised by the Cleveland Clinic studies as stage of; from 0 to 7 years as prepubertal, stage two from 8 -13 as Physical changes age, stage three from age 9 to 16 as speed up puberty charge, fourth stage as full puberty from age 10 to 15 and finally, puberty development end age (adulthood), from 16 to 20 ages.

2.8.1.1.1.2 Boys' Puberty Growth (BPG)

For boys Cleveland used a tool called the Tanner stages to outline stages of puberty as five likely to occur; Tanner stages for penis/testicles and pubic hair. Stage 1 is prepubertal; in this stage boys have not experienced any visible changes.

Cleveland urges in Stage 2 physical changes begin between the ages of 9 and 14 with boys typically begin to experience, Genital development (growth of their testicles and scrotum) and Growth development of sparse hair around their penis and under their arms, an increase in height (typically about 2 to 21/2 inches per year), which could bring growing pain.

Cleveland illustrates that in stage 3 physical changes in boys growth speed up between the ages of 10 and 16 with continued growth of their penis and testicle as well as possible "wet dreams." The Cleveland defined "Wet dreams" as ejaculation at night while they sleep" darkening and coarsening public hair in the shape of a triangle in their genital area, the continued increase of height (about 2 ¾ to just over 3 inches per year), more sweating which could lead to body odour, vocal changes (and cracking in the process), and increased muscle mass. Cleveland suggests some breast development or gynecomastia occurs in about 50% of all teenage boys but it typically resolves by the end of puberty. It`s common between the ages of 11 and 15. Cleveland illustrates that in stage 4 puberty hits full stride between the ages of 11 and 16 years. The boys experience in this state growth in penis size and darkening of the skin on their scrotum

and testicles, body hair growth that reaches adult levels. Pubic hair remains in a coarse triangle. A peak growth spurt that averages nearly 4 inches per year, development of acne, and continued cracking of the voice.

Cleveland concludes illustration stage five as the final phase where puberty ends and boys finish their growth and physical development. It says many boys may not develop facial hair until this stop in the process that public hair may extend out to their thighs while some boys may have a line of hair up to their belly button. Most boys finish growing by age 17, but some may continue growing through their early 20s. The Cleveland study suggests that girls typically start puberty two years earlier than boys. Girls typically begin puberty between the ages of 8 and 13.

To recap the independent of marriage intention GPG and BPG next section analyses the Mukallaf.

2.8.1.1.2 Mukallaf Phase

Mukallaf and mukallafah the competent person who is in possession of his/her faculty of reasoning, Takliif (criterion of obligation) is `aql. (Kamali, Mohammad Hashim, 2008). Mukallaf is a person who is responsible with the duty and order to carry out the law of Islam demands, secondly abstain from prohibitions, based on the age of person has reached of adulthood, and has a common sense (aql baligh) and accept Islam. Exception includes a person who is insane, A child who has not reached puberty. One who lives somewhere that is not up to the Islamic Shari'ah also does not belong to the mukallaf even though he is an adult. Mukallaf (educalingo Dictionary , 2023)

The intenders reach the age of Maturity (Bulugh) and search for their written zawaj tangible and intangible rizq as soon as the threshold of adulthood becomes visible. Some scholars fixed eighteen years for boys and seventeen for girls, while others fixed fifteen years for both. The Hanafiyyah boy and the girl shall both be considered mature under Islamic law after they have completed their fifteenth year, irrespective of whether signs of maturity are found this is based on Qur`an Surat an-Nisa: 4:6.

And test the orphans [in their abilities] until they reach marriageable age…

This study affirms the human disposition understood by Prophet Muhammad (SWT) on mater of pre – zawaj niyyah and maturity Marhala he educated humanity (Dawud, 2008)

Command your children to pray when they become age of seven, and discipline them for it when they reach the age of ten, and (at that age) separate between them in their beds." (Sahih)

Prophet (SAW)) further educates mature youth with ability to marry as to protect their chastity in the Book 26, Hadith 14, Vol. 4, Book 26, Hadith 3211 (an-Nasa'i, n.d.)

Abdullah narrated that the Messenger of Allah said to us: 'O young men, whoever among you can afford it, let him get married, for it is more effective in lowering the gaze and guarding chastity, and whoever cannot then he should fast, for it will be a restraint (wija') for him. (al-Bukhari, n.d.)

Abu Huraira narrates that the Prophet (SAW) educates that;

"A woman is married for four things, for example; her wealth, her family status, her beauty and her religion. So you should marry the religious woman (otherwise) you will be a losers.

Zawaj tangible and intangible rizq, Amir al-Mu'minin (Leader of the Believers), Abu Hafs `Umar bin al-Khattab (may Allah be pleased with him), who said: he heard the Messenger of Allah (peace be upon him), say:

Actions are according to intentions, and everyone will get what was intended. Whoever migrates with an intention for Allah and His Messenger, migration will be for the sake of Allah and His Messenger. And whoever migrates for worldly gain or marry a woman, then, his migration will be for the sake of whatever he migrated for. (Related by Bukhari and Muslim).

Zawaj tangible and intangible rizq niyyah Qur`an Surat al-Imran 3:145

And it is not [possible] for one to die except by permission of Allāh at a decree determined. And whoever desires the reward of this world - We

will give him thereof, and whoever desires the reward of the Hereafter - We will give him thereof. And We will reward the grateful.

First Zawaj's tangible and intangible rizq niyyah is Al-Hajiz, this is the first impact of the intention upon the heart. Then Al-Khatir is where intention permeates the heart. Followed by Al-Nafs where a person is uncertain between the thought of declaring the intention of marriage or refraining therefrom. Then followed by Al-Hamm is where the intention of committing the marriage overshadows the thought of refraining therefrom. Then Zawaj tangible and intangible rizq niyyah concludes Al-'Azm which is solidified by the will and determination to implement the act.

This is natural human disposition everything a human in this world is based on and affects zawaj niyyah sah (validity), batal (invalidity) or haram (forbidden) as the principle goes "*Alghayah la tubarriru al- wasilah"* ends do not justify the means and good intentions cannot be accepted, if means contradict Islam. Zawaj tangible and intangible rizq niyyah relationship of Act/Intention summed as first Act/policies that are good in themselves and actuated by good objectives/intentions. Secondly, Acts/policies that are not good in themselves but are resorted for commendable objectives. -Need to make an amendment. Thirdly, Acts/policies that are actuated by objectionable intents but lead to a good result. Lastly, objectionable intentions with objectionable policies. – Rejected. Qur`an affirms in Surat al-Hud: 11:6

There is no moving creature on earth whose provision is not guaranteed by Allah. And He knows where it lives and where it is laid to rest. All is ⌜written⌝ in a perfect Record.

The Zawaj tangible and intangible rizq niyyah best model is Prophet Muhammad (PBUH) Qur`an Surat al-Azhab 33:21

Indeed, in the Messenger of Allah you have an excellent example for whoever has hope in Allah and the Last Day, and remembers Allah often.

Zawaj tangible and intangible rizq niyyah is manifested in marriages of the Prophet Muhammad (SWT) to the wives and mothers of believers Qur`an Surat al-Azhab: 33:6 asserts.

> The Prophet has a stronger affinity to the believers than they do themselves. And his wives are their mothers. As ordained by Allah, blood relatives are more entitled ˹to inheritance˺ than ˹other˺ believers and immigrants, unless you want to show kindness to your ˹close˺ associates through bequest˺. This is decreed in the Record.

2.8.1.2 Having Knowledge before doing a Deed-

It is a requirement to first have knowledge before acting on a deed Qur`an Surat al-Isra 17: 36 affirms;

> Do not follow what you have no ˹sure˺ knowledge of. Indeed, all will be called to account for ˹their˺ hearing, sight, and intellect.

2.8.1.2.1 Selection of Spouse

The selection of the wives of Prophet Muhammad (SAW) and for his Ummah be elaborated in this section.

2.8.1.2.1.1 Marriage Proposals of the wives of the Prophet Muhammad

The selection of the wives for marriage classified into three; Selection of the widows, Selection of virgin and selection of the divorce women. The Qur`an Surat al-Azhab 33:50 affirms;

> O Prophet! We have made lawful for you your wives to whom you have paid their ˹full˺ dowries as well as those ˹bondwomen˺ in your possession, whom Allah has granted you. And ˹you are allowed to marry˺ the daughters of your paternal uncles and aunts, and the daughters of your maternal uncles and aunts, who have emigrated like you. Also ˹allowed for marriage is˺ a believing woman who offers herself to the Prophet ˹without dowry˺ if he is interested in marrying her—˹this is˺ exclusively for you, not for the rest of the believers. We know well what ˹rulings˺ We have ordained for the believers in relation to their wives and those ˹bondwomen˺ in their possession. As such, there would be no blame on you. And Allah is All-Forgiving, Most Merciful.

2.8.1.2.1.1 Selection of the Widows

Saudah bint Zam`ah, Hafsa bint Umar, Umm Habibah bint Abi Sufyan, Maymunah bint al- Harith, Safiyyah bint Huyayy ibn Akhtab, Juwayriyah bint al – Harith.

2.8.1.2.1.1.1 Saudah bint Zam`ah, Safiyyah bint Huyayy

Saudah bint Zam`ah was first married to As- Sakran ibn Amr and widowed in 619. Khaula bint Hakeem proposed Saudah bint Zam`ah to Prophet Muhammad tenth years of his Prophethood three years before Hejirah to Madina.

The role of Khaula bint Hakeem as a matchmaker of the Prophet Muhammad. And the Shahid of Badr Khunays Ibn Khudhafa left Hafsah *armalat*(widow) with father Umar proposed to Prophet Muhammad (SAW) to marry her after battle of Badr before battle of events of Uhud. Hafsa follows Aisha follows Sauda bint Zam'ah who was married after death Khadijah Bin Khuwaylid. Ubayd ibn Harith a shahid of Badr and Zaynab Khuzayma armalat (widow).

2.8.2.1.1.1.2 Safiyyah bint Huyayy

Safiyyah bint Huyayy from Banu Nadir niyyah of zawaj commenced in 629 after expedition of Khybar to the Prophet (SWT) and Maimuna bint al- Harith widow. Zawaj's tangible and intangible rizq niyyah to the Prophet ended (khatim) with the Qur`an Surat al-Ahzab: 33:52 instruction.

> "It is not lawful for you ˹O Prophet˺ to marry more women after this, nor can you replace any of your present wives with another, even if her beauty may attract you—except those ˹bondwomen˺ in your possession. And Allah is ever Watchful over all things. The other wives of the Prophet Muhammad (Peace Be Upon Him) under this category are; Hafsa bint Umar, Umm Habibah bint Abi Sufyan, Maymunah bint al- Harith, Safiyyah bint Huyayy ibn Akhtab, Juwayriyah bint al – Harith who lost their former husbands after active service of Islam in the battles of Badr, Uhud, Khybar and other expedition.

2.8.1.2.1.2 Selection of the Virgins

Aisha bint Abi Bakr al-Siddiq marriage Jibril came to the Prophet (S.A.W) with her image upon a piece of green silk cloth, and he said: "This is your wife in the world, and in the Hereafter. (at-Tirmidhi, n.d.).

Narrated Hisham's father: Khadija died three years before the Prophet (SAW) departed to Medina. He stayed there for two years or so and then he married `Aisha when she was a girl of six years of age, and he consumed that marriage when she was nine years old. Sahih al-Bukhari 3896 (al-Bukhari, n.d.)

> Aisha r.a reported: Allah`s Messenger (S.A.W) married me when I was six years old and I was admitted to his house at the age of nine. Aisha r.a reported she was seven years old and she was taken to his house as a bride when she was nine, her dolls with hers; and when he (the Holy Prophet) died, she was eighteen years old. (Shah, Nik Nororiani Nik Badli, 2001).

2.8.1.2.1.3 Selection of the Divorce

Hind bint Abi Umayya and Zaynab bint Jahsh illustrated below.

2.8.1.2.1.3.1 Hind bint Abi Umayya

Abu Salama (Abdallah bin A`bdd al – Sad (r.a) participated in Hejirah to Abyssinia and Madinah also participated in the Badr and Uhud, he was badly wounded subsequently leading to his death as Shahid and leaving Umm Salamah (Hind bint Abi Umayya) as an armalat. The event of Badr, Uhud and the Khandaq premises for Prophet Muhammad (SAW) to resolve the orphan, divorce, and widow crisis Surat an-Nisa: 3

> "If you fear you might fail to give orphan women their ⌜due⌝ rights ⌜if you were to marry them⌝, then marry other women of your choice—two, three, or four. But if you are afraid you will fail to maintain justice, then ⌜content yourselves with⌝ one or those ⌜bondwomen⌝ in your possession. This way you are less likely to commit injustice.

2.8.1.2.1.3.2 Zaynab bint Jahsh

Prophet Muhammad (SAW) marriage to Zaynab bint Jahsh described in Qur`an Surat al-Azhab: 33:37.

> (Remember) when you (O Prophet,) were saying to the one who was favoured by Allah and favoured by you, "Keep your wife to yourself and fear Allah." And you were concealing in your heart what Allah was going to reveal, and you were fearing people, while Allah is more entitled to be feared by you. So, when Zaid finished his desire for her, We gave her into your marriage, so that there may not be a problem for the believers in marrying wives of their adopted sons when they finish their desire for them, and Allah's decree had to be enforced.

When the iddah of Zainab was over, (Muslim, Abu Hussain, 2007) the Messenger (SAW) said to Zaid: Make mention of me to her (for marriage).

> Zaid set out, and came to her when she was adding yeast to her dough. He said: When I saw her, because I felt a great deal of respect for her, and I could not look at her, because Messenger of Allah had mentioned her. So I turned my back on her and stepped backwards, and said: "O Zainab, the Messenger of Allah (SAW) has sent a proposal of marriage to you." She said: "I will not do anything until I consult my Lord. ` Then she went to her prayer place. Then Qur`an was revealed…"

To recap the age of maturity and intention to engage the deed of marriage is explained with examples from the Family of Prophet Muhammad PBUH) who consisted of Young, old, Virgin, widows and divorced before looking at those of his ummah.

2.8. 2.1.2 Selection of Spouse in Marhala (phase) of the Ummah

In Jahiliya marriage were categorised into four; Consensual Marriage where man requests a guardian for a girl's hand, gives Mahr, and marries her. Al-Istibda' where a man allows his wife to sleep with another man for noble offspring; he resumes relations upon her pregnancy. Group Marriage where Multiple men sleep with one woman; she names the father of her child after birth. Prostitution where Women allow all men to visit; if pregnant, paternity is established through recognition of the child. Islam

abolished all these practices retaining only consensual. According to the hadith by narrated by 'Urwa bin Az-Zubair and recorded (Sahih al-Bukhari, n.d.)

The Qur`an described consensual marriage of Jahiliya of Abu Lahab`s spouse “as a wife” who was symbolically referred to as the "carrier of thorny kindling." Qur`an Surat al-Lahab: 111:4 says;

“and ˹so will˺ his wife, the carrier of ˹thorny˺ kindling,

Islam does not impose any obligation that contradicts the requirement of `aql.

The criterion of obligation *(takliif)* is `aql, and without it all legal obligations fall to the ground, it follows that a hukm *shari`ii* which is abhorrent to `aql is of no consequences (Kamali, Mohammad Hashim, 2008).

2.8.2.1.2.1 Reasons for Selection of Spouse

There four reasons particularly point out Qur`an and Hadith in selecting a spouse and there are; Selection of single, Wealth, Family status, Beauty and Piety. For Selecting singles Qur`an Surat an-Nur 24:32 asserts;

> Marry off the ˹free˺ singles among you, as well as the righteous of your bondmen and bondwomen. If they are poor, Allah will enrich them out of His bounty. For Allah is All-Bountiful, All-Knowing.

For selection considering Wealth, Family status, Beauty and Piety. It was narrated by Abu Huraira: The Prophet (SAW)) said,

> "A woman is married for four things, i.e., her wealth, her family status, her beauty and her religion. So you should marry the religious woman (otherwise) you will be a losers. Bukhair 5090

For every action is judged by its intention It is narrated on the authority of Amir al-Mu'minin (Leader of the Believers), Abu Hafs 'Umar bin al-Khattab (may Allah be pleased with him), who said: I heard the Messenger of Allah (peace be upon him), say

> "Actions are according to intentions, and everyone will get what was intended. Whoever migrates with an intention for Allah and His messenger, the migration will be for the sake of Allah and his Messenger. And whoever migrates for worldly gain or to marry a woman, then his migration will be for the sake of whatever he migrated for." Related by Bukhari & Muslim (Imam Nawawi, n.d.)

2.8.2.1.2.2 Virtues of Zawaaj

Marriage is a sign of Allah where affection and mercy are placed between them to find tranquillity. Sūratul Rūm: 30: 21

> And of His signs is that He created for you from yourselves mates that you may find tranquillity in them, and He placed between you affection and mercy. Indeed, in that are signs for a people who give thought.

Marriage is a sign of Allah where affection and mercy are placed between them to find tranquillity led to Jannat: Surat al-Baqarah: 2:24,

> Give good news ˹O Prophet˺ to those who believe and do good that they will have Gardens under which rivers flow. Whenever provided with fruit, they will say, "This is what we were given before," for they will be served fruit that looks similar ˹but tastes different. They will have pure spouses, and they will be there forever.

Marriage as a sign of Allah where affection and mercy are placed between them to find tranquillity led to Jannat and creates of Lineage: Sūratul Nahl: 16:72

> Allah has created spouses from among you and created sons and grandsons for you from your spouses, and gave you provision from good things. Is it the falsehood that they believe in and the blessing of Allah that they reject?

Marriage as affection and mercy placed between the two to find tranquillity may lead to Jannat and creates Lineage as it is Ḥarth means "farmland"—the husband is like a farmer, the wife like productive land, and children like seeds—a metaphor for fertility and growth. Sūratul Baqarah: 2:234

> Your wives are like farmland for you, so approach them ˹consensually˺ as you please. And send forth something good for yourselves. Be mindful of Allah, and know that you will meet Him. And give good news to the believers.

Marriage is a sign of Allah where affection and mercy are placed between them to find tranquillity leading to Jannat and creates of Lineage as it is Ḥarth means "farmland"—the husband is like a farmer, the wife like productive land, and children like seeds—a metaphor for fertility and growth and a Clothing: Sūratul Baqarah: 2:187

> It has been made permissible for you the night preceding fasting to go to your wives [for sexual relations]. They are a clothing for you and you are a clothing for them. Allāh knows that you used to deceive yourselves, so He accepted your repentance and forgave you. So now, have relations with them and seek that which Allāh has decreed for you [i.e., offspring]. And eat and drink until the white thread of dawn becomes distinct to you from the black thread [of night]. Then complete the fast until the night [i.e., sunset]. And do not have relations with them as long as you are staying for worship in the mosques. These are the limits [set by] Allāh, so do not approach them. Thus, Allāh makes clear His verses [i.e., ordinances] to the people that they may become righteous.

Marriage is a sign of Allah where affection and mercy are placed between them to find tranquillity led to Jannat and creates of Lineage as it is Ḥarth means "farmland"—the husband is like a farmer, the wife like productive land, and children like seeds—a metaphor for fertility and growth and a Clothing a metaphor for Human species growth. Sūratul Nisa'i: 4:1

> O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women. And fear Allah, through whom you ask one another, and the wombs. Indeed, Allah is ever, over you, an Observer.

Despite the virtues mentioned such as marriage being a sign of Allah where affection and mercy are placed between them to find tranquillity led to Jannat and creates Lineage as it is Ḥarth means "farmland"—the husband is like a farmer, the wife like productive land, and children like seeds—a metaphor for fertility and growth and a Clothing preserves Human species. The opposite of it is Adultery an abominable act that brings destruction. Sūratul Isra: 17:32

> And do not approach adultery, indeed adultery is an abominable act and an evil path (that brings destruction).

To prevent destruction to the Ummah men are commanded to Lower their Gaze of Men. Sūratul Nur 24:30

> O Prophet! ˹ Tell the believing men to lower their gaze and guard their chastity. That is purer for them. Surely Allah is All-Aware of what they do.

As well as women lowering their Gaze. Sūratul Nur 24:31

> And tell the believing women to lower their gaze and guard their chastity, and not to reveal their adornments except what normally appears. Let them draw their veils over their chests, and not reveal their ˹hidden˺ adornments[3] except to their husbands, their fathers, their fathers-in-law, their sons, their stepsons, their brothers, their brothers' sons or sisters' sons, their fellow women, those ˹bondwomen˺ in their possession, male attendants with no desire, or children who are still unaware of women's nakedness. Let them not stomp their feet, drawing attention to their hidden adornments. Turn to Allah in repentance all together, O believers, so that you may be successful.

2.8.2.1.2.3 Choice of a Partner was not among the forbidden people to be married

The subject of the prohibited Marriage has attracted various dimension by Islamic contemporary scholars: Permanent Prohibited degree (Doi, Abd ar-Rahman I., 2008) and Temporary Prohibition (Khan M. M., 2011) Marrying two sisters one after the other, marrying a woman, not having four wives at a time, marrying during Iddah, and having two suitors proposing for the same woman. (Fawzan, Salih Al -, 2005) Asbab – ut-Tahrim (Legal Disability to Marriage) as absolute, relative, prohibitive, directory. Prohibited also for a man remarry his ex-wife sworn allegation of adultery and divorced by public imprecation. The rest of prohibition are elaborated below;

2.8.2.1.2.3.1 Former/ wives of fathers as Partner

Former/ wives of fathers as Partner Assert Qur`an Surat an-Nisa 4:22

> Do not marry former wives of your fathers—except what was done previously. It was indeed a shameful, despicable, and evil practice.

2.8.2.1.2.3.2 Married Woman Ordeal

On the voluntary or coercive ordeal of proposing to a married woman as forbidden. Abu Hurairah narrates the Prophet Muhammad (PBUH) cited an ordeal on Prophet Ibrahim`s (SAW) with a tyrant below;

> Abu Hurairah reported the Prophet (saw) as saying Ibraham (peace be upon him) never told a lie except on three occasions twice for the sake of Allaah. Allaah quoted his words (in the Qur'an) "I am indeed sick" and "Nay, this was done by - this is their biggest one". Once he was passing through the land of a tyrant (king). He stayed there in a place. People went to the tyrant and informed him saying "A man has come down here; he has a most beautiful woman with him." So he sent for him (Ibraham) and asked about her. He said she is my sister. When he returned to her, he said "he asked me about you and I informed him that you were my sister. Today there is no believer except me and you. You are my sister in the Book of Allaah (i.e., sister in faith). So do not believe me before him. The narrator then narrated the rest of the tradition.
>
> Abu Dawud said "A similar tradition has also been narrated by Shu'aib bin Abi Hamza from Abi Al Zinad from Al A'raj on the authority of Abu Hurairah from the Prophet (SAW). Sunan Abi Dawud 2212

2.8.2.1.2.3.3 Forbidden for Marriage Permanently

Mothers, daughters, sisters, paternal and maternal aunts, your brother`s Daughters, your sister`s daughters, your foster mothers, foster sisters, mothers in law, step daughter, under your guardian, wives of your sons, nor two sisters together at the same time Partner; Qur`an Surat an-Nisa 4:23,

> Also᾽ forbidden to you for marriage are your mothers, your daughters, your sisters, your paternal and maternal aunts, your brother's daughters, your sister's daughters, your foster-mothers, your foster-sisters, your mothers-in-law, your stepdaughters under your guardianship if you have consummated marriage with their mothers—but if you have not, then you can marry them—nor the wives of your own sons, nor two sisters together at the same time—except what was done previously. Surely Allah is All-Forgiving, Most Merciful.

2.8.2.1.2.3.4 Proposing to an Engaged Woman

The Prophet Muhammad (SAW) said as reported by bn Umar (Allah be pleased with them) reported

> None amongst you should outbid another in a transaction, nor should he make proposals of marriage upon the proposal made by someone else. (Sahih Muslim Hadith 3386).

2.8.2.1.2.3.5 Shighar Marriage

Prohibition and invalidity of Shighar Marriage ibn Umar (Allah be pleased with them)

> said that Allah's Messenger (SAW) prohibited Shighar which means that a man gives his daughter in marriage on the condition that the other gives his daughter to him in marriage with- out any dower being paid by either. (Sahih Muslim Hadith 3395).

2.8.2.1.2.3.6 Altwaibaat and khabiithaat inequality

Qur`an forbid marriage among Altwaibaat and khabiithaat inequality. Qur`an Surat an-Nur: 24: 26

> Wicked women are for wicked men, and wicked men are for wicked women. And virtuous women are for virtuous men, and virtuous men are for virtuous women. The virtuous are innocent of what the wicked say. They will have forgiveness and an honourable provision.

2.8.2.1.2.3.7 Equivalency of the Prospectus

The spouse equivalencies (Fawzan, A summary of Islamic Jurisprudence, 2005) indicate two spouses must be equivalent in things four things; Religiousness, Freedom, Profession, and Solvency:

First the religiousness; a defiantly disobedient or corrupt person is not a suitable match as a person is rejected.

Second Freedom; a slave (or slave who is partially free due to his agreement with his master to be fully free after the payment of a certain amount of money or after his master`s (death) is not a suitable match for a free woman, as the former is inferior due to slavery.

Third Profession; one of a low profession such as a cupper or weaver, is not a suitable match for the daughter of one in a high profession such as a merchant or a businessman. Fourth is solvency; the groom is solvent to afford the dowry and marriage expenses. That is, an insolvent man is not a suitable match for a prospectus woman as this causes her harm owing to his inability to meet her due expenses. Salih Al-Fauzan when these equivalencies are not fulfilled it is tantamount to the violation of the equivalence.

2.8.2.1.2.3.7 Inter-Faith Marriage

Inter-Faith Marriage between Muslims and Kafirs is Prohibited: Qur`an Surat al-Baqarah: 2:221.

> Do not marry polytheistic women until they believe; for a believing slave-woman is better than a free polytheist, even though she may look pleasant to you. And do not marry your women to polytheistic men until they believe, for a believing slave-man is better than a free polytheist, even though he may look pleasant to you. They invite you to the Fire while Allah invites ˹you˺ to Paradise and forgiveness by His grace. He makes His revelations clear to the people so perhaps they will be mindful.

A male fornicator would only marry a female fornicator or idolatress

Qur`an Surat an-Nur 24:3:

> A male fornicator would only marry a female fornicator or idolatress. And a female fornicator would only be married to a fornicator or idolater. This is ˹all˺ forbidden to the believers. Whatever the Messenger gives you, take it. And whatever he forbids you from, leave it.

2.8.2.1.2.3.7.1 Role of Obeying the Prophet in Everything

Role of Obeying the Prophet (SAW) is emphasised in Qur`an Sūratul Hashir 59: 7:

> As for gains granted by Allah to His Messenger from the people of other lands, they are for Allah and the Messenger, his close relatives, orphans, the poor, and needy travellers so that wealth may not merely circulate among your wealth. Whatever the Messenger gives you, take it. And whatever he forbids you from, leave it. And fear Allah. Surely Allah is severe in punishment.

2.8.2.1.3 Knowledge of Marriage (ilm Zawaaj)

Islamic Epistemology (Amin W. M., 2011) ilm refers to one of the attributes of God who is al- ‘Alim (The Omniscient) and al-ma‘rifah one of the attributes of mankind who is al- ‘aarif. The entire ma`rifa of creation are captured in Al Kitab of Ilm well before `aarif. The Chief aarifah Prophet Muhammad, Qur`an Surat an-Najm 53:3 -5:

> Nor does he speak of his own whispers. It is only a revelation sent down ˹to him˺. He has been taught by one ˹angel˺ of mighty power. Ibn Katheer exegesis (Katheer, Muhammad, peace be upon him, was sent as a Mercy for all that exists; He does not speak of His Desire, 2023) says Allah said, He does not speak out of desire (Nor does he speak of desire)

The Qur`an asserts nothing the Prophet Muhammad utters is not of his own desire or wish, it is only a Revelation revealed (It is only a revelation revealed.), means,

he only conveys to the people what he was commanded to convey, in its entirety without additions or deletions.

Ibn Katheer quotes Imam Ahmad to have recorded that Abu Umamah said that he heard the Messenger of Allah, peace and blessings be upon him, say,

> "They will enter Paradise through the intercession of a man who is not a prophet like the living, or like one of the living, Rabi'ah and Mudar."(Verily, numbers similar to the two tribes, or one of them, Rabi`ah and Mudar, will enter Paradise on account of the intercession of one man, who is not a Prophet.) A man asked, "O Allah's Messenger! not Rabi`ah a subtribe of Mudar." The Prophet said, "I only say what I say" (I said what I said.) Imam Ahmad recorded that `Abdullah bin `Amr said, "I used to record everything I heard from the Messenger of Allah, peace and blessings be upon him, so it would be preserved. The Quraysh discouraged me from this, saying, `You record everything you hear from the Messenger of Allah, peace and blessings be upon him, even though he is human and sometimes speaks when he is angry.' I stopped recording the Hadiths for a while, but later mentioned what they said to the Messenger of Allah, peace and blessings be upon him, who said, "Write, by the One in whose hand is my soul, nothing has come out of me but the truth." (Write! By He in Whose Hand is my soul, every word that comes out of me is the Truth.)" Abu Dawud also collected this Hadith.

The Chief aarifah Prophet Muhammad (SAW), a quality taught to him by Allah Whose throne is over the water, and He wrote everything in the Book, created heavens and the Earth known and wrote it on the al-Lawh al Mahfouz/ Kitab mubiini, Kitab Mustuuraan. The Prophet`s Ma'rifah Model is to give pure guidance (Hidayah) Qur`an Surat al-Baqarah: 2:2

> This is the Book! There is no doubt about it1—a guide for those mindful ˹of Allah˺,

> (Katheer, Guidance is granted to Those Who have Taqwa, n.d.) Hidayah - correct guidance - is only granted to those who have Taqwa - fear of Allah). Allah said,

> (Say: It is for those who believe, a guide and a healing. And as for those who disbelieve, there is heaviness (deafness) in their ears, and it (the Qur'an) is blindness for them. They are those who are called from a place far away (so they neither listen nor understand)) (41:44), and,

> (And We send down of the Qur'an that which is a healing and a mercy to those who believe (in Islamic Monotheism and act on it), and it increases the Zalimin (wrongdoers) in nothing but loss) (17:82).

This is a sample of the numerous Ayat indicating that the believers say Ibn Katheer, in particular, benefit from the Qur'an. That is because the Qur'an is itself a form of guidance, but the guidance in it is only granted to the righteous, just as Allah said,

> (O mankind! There has come to you a good advice from your Lord (the Qur'an, enjoining all that is good and forbidding all that is evil), and a healing for that (disease of ignorance, doubt, hypocrisy, and differences) which is in your breasts, - a guidance and a mercy (explaining lawful and unlawful things) for the believers) (10:57).

> Ibn `Abbas and Ibn Mas`ud and other Companions of the Messenger of Allah (SAW) said, (guidance for the Muttaqin (the pious and righteous persons), means, a light for those who have Taqwa.

The Chief aarifah Prophet Muhammad (SAW) above all aarifah entitled to give authentic Hidayah to all aspect of deeds inclusive to Zawaj guidance where nothing is left behind or forgotten, deals Hidiyyah of all zawaj life in the world, all zawaj information are recorded in the Qur`an Surat al-Hijr 15:9

> "It is certainly We Who have revealed the Reminder, and it is certainly We Who will preserve it."

2.8 2.1 3.1 Seeking Knowledge of Before Deed of Marriage (ilm Zawaaj)

Surat al-Zumar 39: 9 compares knowledge and illiterates, the knowledgeable have more advantage to performance of deeds than the illiterates. Qur`an emphasises as below.

> ˹Are they better˺ or those who worship ˹their Lord˺ devoutly in the hours of the night, prostrating and standing, fearing the Hereafter and hoping for the mercy of their Lord? Say, ˹O Prophet, ˺ "Are those who know equal to those who do not know?" None will be mindful ˹of this˺ except people of reason.

Surat al-Muhammad 47:19 echo to the important of knowledge before a deed.

> So, know ˹well, (O Prophet), ˺ that there is no god ˹worthy of worship˺ except Allah...

The virtue of seeking knowledge before a deed is also emphasised by Prophet Muhammad (SAW) that whoever takes a path upon which to obtain knowledge quote;

> Allah makes the path to Paradise easy for him or her this hadith was recorded by Jami` at-Tirmidhi 2646 and narrated by Abu Huraira.

2.8.2.1.3.2 The Deed

Marriage Proposal Post, Engagement, Marriage Contract, Walimah and Duties and responsibilities are five intergrow parts of marriage deed.

2.8.2.1.3.2.1 Marriage Proposal Khitbah

Khiṭbah is derived from the Arabic verb khaṭaba, yakhṭubu, khiṭbatan, meaning when a man seeks a lady's hand in marriage. (Sa'ad, Islamic Principles on Khitbah and Courtship Versus the Effects of Social Media on Muslim Marriages in Northern Nigeria, 2021). The consent of the prospectus wife in any marriage is compulsory for it is validity be it a remarry or inaugural Sahih al-Bukhari (5136) and Sahih Muslim (1419) reported.

> "A previously married woman must not be married till she is consulted, and a virgin must not be married till her consent is asked." They asked, "O Allah's Messenger, how is her consent indicated?" He replied, "It is by her silence."

2.8.2.1.3.2.2 Marriage Proposal is determined by Al–Niyyah Al-Hajiz. Al–Niyyah Al-Hajiz

Marriage Proposal is determined by Al–Niyyah Al-Hajiz. Al–Niyyah Al-Hajiz is the first impact on the heart. Then Al-Khatir is where intention permeates the heart. Followed by Al-Nafs where a person is uncertain between the thought of declaring the intention of marriage or refraining therefrom. Then followed by Al-Hamm is where the intention of committing the marriage overshadows the thought of refraining therefrom. Next Zawaj tangible and intangible rizq niyyah concludes Al-'Azm which is solidified by the will and determination to implement the act in the Qalb (heart), Nafs (passion) Aql (intellect) and Ruh are all involved.

The Qalb (Heart) is the place where intention permeates (Ghazzali, 1993) urges heart have two meanings first one; is a piece of flesh (see Hadith of an – Nu`man bin Bashir below for full Hadith) in the left part breast called heart which hollows in the interior, and the second meaning is called Nafs or Lawwamah or passion addicted to evil. The Qur`an Surat al-Yusuf 12 :53 says:

> And I do not seek to free myself from blame, for indeed the soul is ever inclined to evil, except those shown mercy by my Lord. Surely my Lord is All-Forgiving, Most Merciful.

Nafs (Ghazzali, 1993) is passion or base and lower purpose. Passion is a comprehensive word consisting of greed, anger, and other evil attributes. When Nafs assumes calmness and has removed passion, it is then termed Nafs mutmainna or satisfied soul as Qur`an Surat al-Fajr 87: 27 says: O satisfied soul, return to your Lord satisfied and satisfying Him

Hadith on the meaning of a piece of flesh in the body In the Topic of Belief and the superiority of that person who leaves all doubtful (unclear) things for the sake of his religion sub – topic: Sahih al-Bukhari Book 2, Hadith 45 Vol. 1, Book 2, Hadith 50 An-Nu'man bin Bashir narrated that he heard Allah's Messenger (SAW) saying,

> 'Both legal and illegal things are evident but in between them there are doubtful (suspicious) things and most of the people have no knowledge about them. So whoever saves himself from these suspicious things saves

> his religion and his honor. And whoever indulges in these suspicious things is like a shepherd who grazes (his animals) near the Hima (private pasture) of someone else and at any moment he is liable to get in it. (O people!) Beware! Every king has a Hima and the Hima of Allah on the earth is His illegal (forbidden) things. Beware! There is a piece of flesh in the body if it becomes good (reformed) the whole body becomes good but if it gets spoilt the whole body gets spoilt and that is the heart.

On Aql Imām Al – Ghazzali defines "Aql" as the intellect's true nature of things of this material world as a seat of the Soul (Ruh). Al – Ghazzali's second meaning of Aql as the power to understand the secrets of different learnings. It is a subtle essence called knowledge which an attribute.

On Ruh, he describes it as material things within the heart that vibrates the whole body like an electric current and runs through the body's vein. It is called "Life" as it has the power of touch, hearing, sight, smell, and the power of limbs of the body. He says; it is just like the radiation of the light of a lighted lamp patched in the corner of a house. Ghazzali gives a second meaning of soul as an immaterial subtle thing called soul and no life. He quotes the Qur`an Surat al-Isra: 17:85:

> They ask you ˹O Prophet˺ about the spirit. Say, "Its nature is known only to my Lord, and you humanity˺ have been given but little knowledge.

Surat al-Saffa 61: 2 - 3 asserts;

> O believers! Why do you say what you do not do? How despicable it is in the sight of Allah that you say what you do not do!

2.8.2.1.3.2.3 Human Development

The prospectus wife has a choice to accept or reject a marriage proposal issued to her as seen above. Acceptance or rejection is taken with Sakina or serenity upon the hearts Allah educates in Qur`an Surat al-Fath: 48:4:

> He is the One Who sent down serenity upon the hearts of the believers so that they may increase even more in their faith. To Allah ˹alone˺ belong

the forces of the heavens and the earth. And Allah is All-Knowing, All-Wise.

The prospectus wife right to participate into Human development and her Acceptance or Rejection is a preliminary stage. Qur`an Surat al-Hajj: 22: 5 says:

> O humanity! If you are in doubt about the Resurrection, then ˹know that˺ We did create you from dust, then from a sperm-drop, then ˹developed you into˺ a clinging clot, then a lump of flesh—fully formed or unformed—in order to demonstrate ˹Our power˺ to you. ˹Then˺ We settle whatever ˹embryo˺ We will in the womb for an appointed term, then bring you forth as infants, so that you may reach your prime. Some of you ˹may˺ die ˹young˺, while others are left to reach the most feeble stage of life so that they may know nothing after having known much. And you see the earth lifeless, but as soon as We send down rain upon it, it begins to stir ˹to life˺ and swell, producing every type of pleasant plant.

The prospectus wife right to participate into Human development should be aware that it is Allah Who determines offspring whether, daughters, sons, or both; sons and daughter or infertity is a privilege of Allah: Qur`an Sūratul as – Shuraa: 42:49 -50

> To Allah ˹alone˺ belongs the kingdom of the heavens and the earth. He creates whatever He wills. He blesses whoever He wills with daughters, and blesses whoever He wills with sons, or grants both, sons and daughters, ˹to whoever He wills˺, and leaves whoever He wills infertile. He is indeed All-Knowing, Most Capable.

2.8.2.1. 3.2.4 Refusal of the Proposal to marry

Al-Miswar bin Makhrama Az-Zuhri narrated; I heard the Prophet (SAW) saying,

> "Banu Al-Mughira have asked my leave to let `Ali marry their daughter, but I give no leave to this effect. (Sahih al-Bukhari 5278)

2.8.2.1.3.3 Categories of Amal Zawaj

The prospectus wife or husband be aware of the wājib (obligatory), makrūh (reprehensible), mandūb (commendable), haram (forbidden), mubāḥah of Marriage.

Wājib Marriage is considered (obligatory) if a person is so tormented by sexual desire that he/she fears falling into the sin of fornication. Qur`an Surat al-Israh: 17: 32:

> Do not go near adultery. It is truly a shameful deed and an evil way. Ibn Katheer says*:* The Command to avoid Zina (Unlawful Sex) and Everything that leads to it. (And come not near to unlawful sex). Verily, it is a Fahishah (immoral sin) meaning a major sin, (and an evil way.) meaning, a terrible way to behave.

Ibn Katheer cites Imam Ahmad recorded Abu Umamah saying that a young man came to the Prophet and said,

> O Messenger of Allah! Permit me to commit Zina (unlawful sex)." The people surrounded him and rebuked him, saying, "Stop! Stop!" But the Prophet said. (Come close) The young man came to him, and he said, (Sit down) so he sat down. The Prophet said, (Would you like it (unlawful sex) for your mother) He said, "No, by Allah, may I be ransomed for you." The Prophet said, (Neither do the people like it for their mothers.) The Prophet said, (Would you like it for your daughter) He said, "No, by Allah, may I be ransomed for you." The Prophet said, (Neither do the people like it for their daughters.) The Prophet said, (Would you like it for your sister) He said, "No, by Allah, may I be ransomed for you." The Prophet said, (Neither do the people like it for their sisters.) The Prophet said, (Neither do the people like it for their sisters.) The Prophet said, (Would you like it for your paternal aunt) He said, "No, by Allah, O Allah's Messenger! may I be ransomed for you." The Prophet said, (Neither do the people like it for their paternal aunts.) The Prophet said, (Would you like it for your maternal aunt) He said, "No, by Allah, O Allah's Messenger! May I be ransomed for you!" The Prophet said, (Neither do the people like it for their maternal aunts.) Then the Prophet put his hand on him and said, (O Allah, forgive his sin, purify his heart, and guard his chastity.) After that, the young man never paid attention to anything of that nature.

Ibn Ahmad ibn Muhammad ibn Juzayy al-Kalbi: In general terms, marriage is considered:

Obligatory, and this is in the case where someone is capable of it in terms of wealth and fears illicit sexual relations for himself.

Recommended, and this is in the case of someone incapable of it in terms of wealth but has no fear of illicit sexual relations for himself.

Forbidden, and this is in the case of the person who is capable (of it in terms of wealth) and has no fear (of illicit sexual relations).

Disapproved, and this is in the case of someone who does not fear illicit sexual relations but has a fear that he will not be able to fulfil marriage rights.

Permitted, and this is every other case.

2.8.2.1.3. 4 Virtue of the Marriage Knowledge

Eagerness in terms of knowledge (ilm zawaj), Enthusiasm in terms of material, Enthusiasm in terms of material, Forms of interactions in Engagement are virtues of having marriage knowledge.

2.8.2.1.3.4.1 Eagerness in Terms of Knowledge (ilm zawaj)

Knowledge is something that a Muslim must have, not only to get married but also to carry out all muamalat activities. (Farel Rifandanu, 2023)

2.8.2.1.3.4. 2 Enthusiasm in Terms of Material

Property as mahr and property as a husband's livelihood for his wife and children in meeting primary needs in the form of clothing, shelter, and food.

2.8.2.1.3.4. 3 Eagerness in Physical Terms

That is, a man can carry out his obligations and duties as a husband, whether they are impotent or impotent in marriage.

2.8.2.1.3, 5. Forms of interactions in Engagement

Pledges, Writing, Talking, proximity, seeing, the matchmaker, gift, and cancelling of the Engagement are forms of interaction during engagement elaborated in this section below.

2.8.2.1.3.5.1 The Post Khitbah Pledges

Fulfilling the marriage pledges between husband and wife. Qur`an Surat al-Maida: 5:1

> "O you who believe, fulfil and perfect the covenants. It is lawful for you (to eat) livestock (and so on), except what will be recited (about its prohibition) to you. (The halal of livestock and the like) does not mean that you can halal hunting when you are in ihram. Verily, God decrees what He wills.

Fulfilling the conditions stipulated in the Marriage: Uqba b. Amir (Allah be pleased with him) reported Allah's Messenger (SAW) as saying**:**

> The worthiest condition which must be fulfilled is that which makes sexual intercourse lawful. In the narration transmitted by Ibn Muthanna (instead of the word" condition"), it is" conditions". (Muslim 3302).

2.8.2.1.3.5.2 The Post Khitbah write

Write the promises and have witness during time of entering marriage. Qur`an Sūratul Baqarah: 2:282 emphasises husband and wives to write:

O believers! When you contract a loan for a fixed period of time, commit it to writing. Let the scribe maintain justice between the parties. The scribe should not refuse to write as Allah has taught them to write. They will write what the debtor dictates, bearing Allah in mind and not defrauding the debt. If the debtor is incompetent, weak, or unable to dictate, let their guardian dictate for them with justice. Call upon two of your men to witness. If two men cannot be found, then one man and two women of your choice will witness—so if one of the women forgets the other may remind her. The witnesses must not refuse when they are summoned. You must not be against writing ˹contracts˺ for a fixed period—whether the sum is small or large. This is more just ˹for you˺ in the sight of Allah, and more convenient to establish evidence and remove doubts. However, if you conduct an immediate transaction among yourselves, then there is no need for you to record it, but call upon witnesses when a deal is finalized. Let no harm come to the scribe or witnesses. If you do, then you have gravely exceeded ˹your limits˺. Be mindful of Allah, for Allah ˹is the One Who˺ teaches you. And Allah has ˹perfect˺ knowledge of all things.

2.8.2.1.3.5.3 The Khitbah Talk

Islam emphasises speaking the truth in all circumstances including the Khitbah process which is very crucial in the lasting of the marriage life. Qur`an Surat al-Baqarah Taubah 9:119 emphasises:

"O believers! Be mindful of Allah and be with the truthful"

Speaking the truth as a condition for victory. Qur`an Surat al-Ahzab: 33:70 – 71

O believers! Be mindful of Allah, and say what is right. He will bless your deeds for you, and forgive your sins. And whoever obeys Allah and His Messenger, has truly achieved a great victory.

It is a despicable act to Allah and among major sins Qur`an Surat al-Safar: 61: 2- 3.

O believers! Why do you say what you do not do? How despicable it is in the sight of Allah that you say what you do not do!

2.8.2.1.3.5.4 The Khitbah Matchmaker

Khitbah is marriage proposal between male and woman under Islamic Family Institution. Tirmidh and Ibn Majah recorded Prophet Muhammad (PBUH) guiding.

> Khaulah Bint Hakim al – Sulamiyyah (r.a) is well-known for educating on the popular athkar from Prophet Muhammad (SAW); When anyone lands at a place, and then says:" I seek refuge in the Perfect Word of Allah from the evil of what He has created," nothing would harm him until he marches from that stopping place." Sahih Muslim (2708 Sunan al - Tirmidhi (3437) and Ibn Majah (3547).

> However, she is well-known for matchmaking Saudah bint Zam`ah and Aishah bint Abubakr to Prophet Muhammad (SAW) after the death of the first wife of Prophet Muhammad (SAW) Khadijah bint Khuwaylid (R.A)

> Allah is the only Wali (Guardian) of Believer Qur`an Surat al-Maida: 5:55:

> Your guardian can be only Allah; and His messenger and those who believe, who establish worship and pay the poor due, and bow down (in prayer)."The believers are expected to establish any kind of worship as guided by Allah and His Messenger this includes the guardians of the prospectus husband and wife.

2.8.2.1.3.5.5 The khitbah khalwat (close - proximity)

Close - proximity (khalwat) is a significant factor. Prospective candidates have certain restrictions in the Khitbah as they are not yet married, and the rules of *Ikhlatit* apply to them until they tie the knot. This means that they are not allowed to be alone in a particular place unless accompanied by a non-Mahram and all bodily contact is also restricted.

> Ibn 'Umar narrated:" 'Umar delivered a Khutbah to us at Al-Jabiyah. He said: 'O you people! Indeed, I have stood among you as the Messenger of Allah (s.a.w) stood among us, and he said: "I order you (to stick to) my Companions, then those who come after them, then those who come after them. Then lying will spread until a man will take an oath when no oath was sought from him, and a witness will testify when his testimony was not sought. Behold! A man is not alone with a woman but the third of

them is Ash-Shaitan. Adhere to the Jama'ah, beware of separation, for indeed Ash-Shaitan is with one, and he is further away from two. Whoever wants the best place in Paradise, then let him stick to the Jama'ah. Whoever rejoices with his good deeds and grieves over his evil deeds, then that is the believer among you.'" (Jami` at-Tirmidhi 2165 Vol. 4, Book 7, Hadith 2165.

2.8.2.1.3.5.5.1 Khitbat (seeing)

Sighting the prospectus wife before consummation of marriage contract. Al-Mughirah bin Shu'bah narrates:

I proposed marriage to a woman during the time of the Messenger of Allah, and the Prophet said: 'Have you seen her?' I said: 'No.' He said: 'Look at her, for that is more likely to create love between you.'" (: Sunan an-Nasa Vol. 4, Book 26, Hadith 3237)

Also, Abu Huraira reported:

A man came to Allah's Messenger (SAW) and said: I have contracted marriage with a woman of the Ansar, whereupon Allah's Apostle (SAW) said: Did you cast a glance at her, for there is something in the eyes of the Ansar? He said: I did cast a glance at her, whereupon he said: For what (dower) did you marry her? He said: For four 'uqiyas. Thereupon Allah's Apostle (SAW) said: For four 'uqiyas; it seems as if you dig out silver from the side of this mountain (and that is why you are prepared to pay such a large amount of dower). We have nothing which we should give you. There is a possibility that we may send you to an (expedition) where you may get (booty). So he sent that man (in the expedition) which was despatched to Banu 'Abs (Muslim 3295.

2.8.2.1.3.5.5.2 Khitbah hibah (Gift)

Accepting gifts by the prospectus wife during engagement Abu Huraira reported.

The Prophet, peace and blessings be upon him, said, "Give each other gifts and you will love each other." (al-Bukhār, 2023) al-Adab al-Mufrad 594

2.8.2.1.3.5.5.3 Cancelling of the khitbah

Returning the Gift upon prospectus wife Cancelling of the engagement khitbah Abdullah bin `Umar reported;

> "When Hafsa became a widow," `Umar said, "I met Abu Bakr and said to him, If you wish I will marry Hafsa bint `Umar to you.' I waited for a few days then Allah's Messenger (SAW) asked for her hand. Later Abu Bakr met me and said, 'Nothing stopped me from returning to you concerning your offer except that I knew that Allah's Messenger (SAW) had mentioned (his wish to marry) her, and I could never let out the secret of Allah's Messenger (SAW). If he had left her, I would have accepted her.' " (Sahih Bukhair: Vol. 7, Book 62, Hadith 75)

2.8.2.1.4. Nikah or Marriage Contract

The conditions for the validity of a marriage contract are Consent of the Guardian (Wali), Mahr (Marital Gift, Wakil and Siighah consent of the prospectus Husband/Wife are essential condition of a marriage Contract elaborated below.

2.8. 2.1.5 Guardian or Wali

Wali is from the word *wilayah* and refers to guardianship. The Guardian (wali mujbir) without whom there is no legal marriage narrated by Aisha that the Messenger of Allah (SAW) said;

> Any woman whose marriage is not arranged by her guardian, her marriage is invalid, her marriage is invalid, her marriage is invalid. If (the man) has had intercourse with her, then the Mahr belongs to her in return for his intimacy with her. And if there is any dispute then the ruler is the guardian of the one who does not have a guardian." (Majaah, n.d.).

2.8.2.1.5.1 List of Wali

First, if the son is present (for a widow or a divorced woman) then he will have the right of guardianship, Second, if not then the grandson.

Third, if the bride is getting married for the first time, then the father will have the right of guardianship, then the grandfather, and so on.

Fourth the order of Legislated Ranks of Wilayah as in the inheritance; one, Grandson, two, Great Grandson, three, Oldest Full Brother, four, Oldest Full Brother, five, Oldest Half-Brother (from the Father's side), six, Oldest Half-Brother (from the Father's side, seven, Oldest son of a Full Brother (Nephew), eight, Oldest Son of Full Brother, nine, Oldest Son of a Half-Brother from the Father's side (Nephew), ten, Oldest Son of a Half Brother from the Father's side, eleven, Grandson of Full Brother (oldest first), twelve, Grandson of Half-Brother from the Father's side (oldest first), thirteen, Oldest Paternal Uncle, fourteen, Oldest Paternal Uncle, fifteen, Oldest Son of Paternal Uncle (Cousin), sixteen, Oldest Son of Paternal Uncle, seventeen, Oldest Great (Paternal) Uncle and eighteen Oldest Great (Paternal) Uncle. (Mūsá Richardson, 2012)

Fifth, and if there is any dispute then the ruler is the guardian of the one who does not have a guardian as narrated by Aisha wife of the Prophet (SAW) as recorded by Ibn Majah Sunan Ibn Majah 1879.

2.8.2.1.5.2 Rejection of a Wali

A woman is rejected to be a Wali Mujbir and her offering herself for Marriage to. Abu Hurairah narrates that the Messenger of Allah (SAW) said:

> "No woman should arrange the marriage of another woman, and no woman should arrange her own marriage. The adulteress is the one who arranges her own marriage." (Majah I. , Sunan Ibn Majah, Vol. 3, Book 9, Hadith 1882, n.d.).

2.8.2.1.6 Mahr or Marriage Gift

The Mahr or Marriage Gift is compulsory gift given to the prospectus wife before contradiction of a marriage contract by the prospectus husband. Qur`an Surat al-Baqarah 4:4 makes mahr a marriage requirement;

> And give the women [upon marriage] their [bridal] gifts graciously. But if they give up willingly to you anything of it, then take it in satisfaction and ease.

> Mutually gracious regarding Mahr Qur`an Sural Nisa 4:24

> ...Give those you have consummated marriage with their due dowries. It is permissible to be mutually gracious regarding the set dowry. Surely Allah is All-Knowing, All-Wise.

2.8.2.1.6.1 Names of Mahr

Nihla, Ṣidāq, Ujr, Alāiq, Ḥibā'a, Tawl, Farīdhah, and Ugur and their essence elaborated below.

2.8.2.1.6.1.1 Nihlah

Literally mean A gift or a present which is given to a person for nothing in return. It is used in the context of marriage with the meaning of giving a dowry in a good-spirited manner, as a form of a religious obligation. It is considered a gift 'for nothing in return' as both husband and wife mutually benefit from marital relations mainly based on Qur`an, Hadith and the works of Abu Salam Muhammad Aydeed and Abul Abbaas Naveed Ayaaz. (Abu Salma Muhammad Aydeed & Abul Abbaas Naveed Ayaaz, 2019)

2.8.2.1.6.1.2 Ṣidāq

Literally mean A truthful act of charity. It is a symbolic act of sacrifice in which a person gives something which is naturally beloved to his heart i.e. money. The term Aṣ-Ṣadaqah has a similar meaning.

2.8.2.1.6.1.3 Ujr

Literally A due compensation. The dowry is a compensation for one's wife on account of the marriage which permits them to have intimate relations with each other.

2.8.2.1.6.1.4 Alāiq

Literally Gifts which are precious to somebody and they will be attached to them. When the Prophet was asked the meaning of this word, he replied: "That which your spouses are pleased with."

2.8.2.1.6.1.5 Hibā'a

Literally A gift by which a husband honours his wife. It is an amount given to the wife in addition to the Mahr, however it comes under the rulings of a Mahr.

2.8.2.1.6.1.6 Tawl

Literarily Ability and wealth. Taken from the saying of Allāh, (And whoever among you cannot [find] the means (does not have the availability and wealth to provide a mahr) to marry…) Qur`an Surat an-Nisa 4:25.

2.8.2.1.6.1.7 Farīdhah

Literarily, an obligation the dowry is a religious obligation, which Allah obligated upon a man for his Taken from the saying of Allah, (give them their due compensation (i.e. dowry) as an obligation) Surat an-Nisa 4:24.

2.8.2.1.6.1.8 Ugur

Literally An indemnity as a form of security, protection or compensation.

2.8.2.1.6.1.9 Essence of Mahr

The three essences of mahr Muajjal, Muakkhar, and Mithi Mahr (Silsila, 2023) below.

2.8.2.1.6.1.9.1 Muajjal Prepared Mahr

This is stipulated and given to the bride before or at the time of the Nikāḥ.

2.8.2.1.6.1.9.2 Muakkhar Deferred or Postponed mahr

The mahr stipulated during the Nikāḥ; however, its payment is deferred. It remains an obligation upon the husband even if time passes. The deferred mahr is further categorised into two types mentioned below.

2.8.2.1.6.1.9.3 Muakkhar al - Musamma

This type of Muakkhar specifies a particular time or event when the mahr will be paid. For example, the husband may agree to pay the mahr after a certain number of years, or after the birth of a child.

2.8.2.1.6.1.9.4 Muakkhar al – Muallaq

This type of Muakkhar does not specify a particular time or event when the mahr will be paid. Instead, the payment is left to the discretion of the husband. However, it is important to note that the wife can request the payment at any time, and the husband is obligated to pay it.

2.8.2.1.6.1.9.5 Mithi Ambiguous or Unstipulated Mahr

This is when no amount was specified as, however the obligation remains unless the bride relinquishes her right to a dowry.

2.8.2.1.6.1.10 Yardstick of the Value of Mahr

Stay in service for 8 to 10 years duration, Mahr of the mothers of Believers, Daughters of the Prophet (SAW), Ring, Mahr of gold equal to a date-stone, and equivalence of Mahr to Contemporary Times elaborated below.

2.8.2.1.6.1.10.1 Stay in service for 8 to 10 years duration

Stay in service for 8 to 10 years duration Surat al-Qasas 28:27 – 28

> The old man proposed, "I wish to marry one of these two daughters of mine to you, provided that you stay in my service for eight years. If you complete ten, it will be ˹a favour˺ from you, but I do not wish to make it difficult for you. Allah willing, you will find me an agreeable man.
>
> Moses responded, "˹Then˺ it is ˹settled˺ between you and I. Whichever term I fulfil, there will be no ˹further˺ obligation on me. And Allah is a Witness to what we say."

2.8.2.1.6.1.10.2 Mahr of the mothers of Believers

Mahr of the mothers of Believers reported Abu Salama b. 'Abd al-Rahman:

> I asked 'A'isha, the wife of Allah's Messenger (SAW): What is the amount of dower of Allah's Messenger (SAW))? She said: It was twelve 'uqiyas and one nash. She said: Do you know what is al-nash? I said: No. She said: It is half of uqiya, and it amounts to five hundred dirhams, and that was the dower given by Allah's Messenger (SAW) to his wives. (Sahih Muslim 1426)

2.8.2.1.6.1.10.3 Daughters of the Prophet (SAW) or Mahr Fatimi 719.81 (USD)

The Mahr Fatimi is approximately 480 dirhams according to many scholars. According to the calculation 1 silver dirham is approximately 3.06 grams of silver. This means that 480 dirhams will be 1,468.8 or 1,469 grams of silver. Since the price of silver fluctuates, you can find out the price of one gram of sliver at any given time and then multiply it by 1,469. to arrive at the figure for Mahr Fatimi. At the present time, the price of silver is .49 cent (US) per gram of silver (which is $ 3.32 TT). With this price, the Mahr Fatimi will be $ 719.81 (USD) or $ 4,877.08 (TT). (Darul Uloom Trinidad and Tobago, 2019).

2.8.2.1.6.1.10.4 Ring

Sahl bin Sa`d narrated said The Prophet (SAW) said to a man,

> "Marry, even with (a Mahr equal to) an iron ring." (Sahih Buhair, n.d.) Sahih al-Bukhari 5150

> Do not go to extremes regarding the Mahr Abu Ajfa As-Sulami said:

> “Umar bin Khattab said: 'Do not go to extremes with regard to the dowries of women, for if that were a sign of honor and dignity in this world or a sign of Taqwa before Allah, then Muhammad (SAW) would have done that before you. But he did not give any of his wives and none of his daughters were given more than twelve uqiyyah. A man may increase dowry until he feels resentment against her and says: “You cost

me everything I own," or, "You caused me a great deal of hardship.'" Sunan Ibn Majah 1887

2.8.2.1.6.1.10.4 Mahr of Gold Equal to A Date-Stone

The Mahr Abdur-Rahman bin `Auf, s was gold equal to a date-**stone** Anas **narrated**

The Prophet (SAW) seeing a yellow mark (of perfume) on the clothes of `Abdur-Rahman bin `Auf, said, "What about you?" `Abdur-Rahman replied, "I have married a woman with a Mahr of gold equal to a date-stone." The Prophet (SAW) said, "May Allah bestow His Blessing on you (in your marriage). Give a wedding banquet, (Walima) even with one sheep." Sahih al-Bukhari 6386.

2.8.2.1.6.1.10.5 Fixed a mahr (dowry) for more than 400 dirhams for his wife

One day Caliph Umar during his sermon to the people, said: "If any one marries and fixes a mahr (dowry) for more than 400 dirhams for his wife, I will inflict the prescribed punishment on him and will deposit the excess amount in the Baitu'l-Mal (Public Treasury)." A woman from the audience called out: "Umar! Is what you say more acceptable or Allah's ordinance? Does not Allah Almighty say: 'And if you wish to have (one) wife in place of another and you have given one of them a heap of gold, then take not from it anything. Quran Surat an-Nisa: 4:20.

If you desire to replace a wife with another and you have given the former ⌜even⌝ a stack of gold ⌜as a dowry⌝, do not take any of it back. Would you ⌜still⌝ take it unjustly and very sinfully?

Having heard this verse and the retort of the woman, Umar said: "You have better knowledge of fiqh and problems than Umar, all of you, including even the women observing purdah sitting in their homes. "Then Umar again mounted the pulpit and said: "Although I have forbidden you to give more than 400 dirhams as dowry to your wives, I now permit you to give as much as you like beyond the appointed limit. There is no harm in it." (Abu Muaaz Mohammed Manna, 2020)

2.8.2.1.6.1.10.6 Equivalence of Mahr to Contemporary Times

Abu Salma and Abul Abbaas explain Prophetic Mahr formular and establishes it equivalence in the Contemporary Times. the value of 500 dirhams was 42 Dināŕs which is the price of 42 sheep so the formula we need to calculate the collective dowry of the Prophet's wives is as follows: 4.25grams x 42 x value of gold today = collective dowry of wives. Abu Salma and Abul Abbaas adds, this is of course without inflation factored in because the purchasing power of gold – as mentioned earlier – is relatively constant. So, let us calculate and find the figure, the value of 1g of 22 carat gold today (19 Sept 2019) is £35.39. 4.25 x 42 x £35.39 = £6317. They continue assert that Based on the above £6317 is the amount equal to 500 dirhams if you calculate using the value of gold. Abu Salma and Abul Abbaas calculate based on the price of sheep today and factor CPI and inflation: 42 (no. of sheep) x £163 (price of one sheep today) = £6846 (USD $8,440) According to the CPI they would need £6846 to be able to purchase 42 sheep in today's economy.

Abu Salma and Abul Abbaas explains that Prophet Mahr is equivalent £684.25. They however add in terms of purchasing power (CPI) that the mahr is equal to £6846 approximately, but if they use the value of gold which is constant it is equal to £6317.The mahr is £529 between the two figures (Abu Salma Muhammad Aydeed & Abul Abbaas Naveed Ayaaz, 2019)

2.8.2.1.6.11 Wakil or Witnesses

'Wakil' is from 'wikalah', and it means acting or representing on behalf of another. In marriage, the agent of the bride or groom is the person who has been authorised by the bride or groom to conduct their marriage. The Roles of Wakil is to Publicly present the groom in the marriage ceremony and speaks for himself when proposing or accepting the marriage contract. The bridegroom, and a bride who is neither in `iddah nor in the state of ihraam. The siighah forms the marriage rites, which means (iijaab and Qabuul). According to the Shafi'i. There are five requirements of Marriage. One; is the husband, the wife, the Guardian, (Wali) the two witnesses (wakil) and the Siighah is the willingness of parties to consent. (iijaab and Qabuul). Hanafi attention to definite and

clear words must be uttered in the iijaab and Qabuul, and acceptance must be made in the gathering where iijaab is uttered (fi majlis al -iijaab). It is a recommended act (mustahabb) to give a small homily (Khutbah) (Doi, Abd ar-Rahman I., 2008).

2.8.2.1.6.11.1 Shahådah or Marriage Certificate

As observed in the above section; there are four conditions that must be fulfilled before a marriage contract be conducted; Mutual content of prospectus Husband/Wife, presence of a Wali (Guardian) for the prospectus wife, presences of two witness, and giving mahr to the Prospectus wife by the prospectus husband. The two concepts help to defined what a Marriage Certificate is; Shahadah, Certificate and Aqd. First Shahådah is a testimony yet Certificate is a document containing a certified statement especially as to truth of something. (Merriam Webster Dictionary, n.d.) and Aqd (contract) is used in Islamic jurisprudence to describe every agreement to create, amend, cancel or end an obligation. (Mohammad Rasmi Al-Umari, and Mutasim Ahmad Alqudah, 2023) After fulfilment of Mutual consent of the prospectus Husband/Wife, in the presence of a Wali (Guardian) for the prospectus wife, the presences of two witness, and mahr given to the Prospectus wife by the prospectus husband. Then a marriage certificate is issued as authentic record to entry and exit of the marriage signed by all the above-mentioned parties. Qur`an Surat al-Baqarah: 2:282 literates writing contracts.

> O believers! When you contract a loan for a fixed period of time, commit it to writing. Let the scribe maintain justice between the parties. The scribe should not refuse to write as Allah has taught them to write. They will write what the debtor dictates, bearing Allah in mind and not defrauding the debt. If the debtor is incompetent, weak, or unable to dictate, let their guardian dictate for them with justice. Call upon two of your men to witness. If two men cannot be found, then one man and two women of your choice will witness—so if one of the women forgets the other may remind her. The witnesses must not refuse when they are summoned. You must not be against writing ˹contracts˺ for a fixed period—whether the sum is small or great. This is more just ˹for you˺ in the sight of Allah, and more convenient to establish evidence and remove doubts. However, if you conduct an immediate transaction among yourselves, then there is no need for you to record it, but call upon witnesses when a deal is finalized. Let no harm come to the scribe or witnesses. If you do, then you have gravely exceeded ˹your limits˺. Be

mindful of Allah, for Allah ˹is the One Who˺ teaches you. And Allah has ˹perfect˺ knowledge of all things.

2.8.2.1.6.11.2 Venue of the Marriage Contract

Venue is the place where public meeting or event happens. (Cambridge Dictionary , 2025). The event or meeting during the marriage Contract between prospectus husband and wife include; home of the Father, the Mosque, home of the Father-in-Law, the Court when the four Pillars of Marriage (refer to the subsequent section) and other public meeting and event regulations prescribed by Islam. The later are highlighted in the next section.

2.8.2.1.6.11.3 Home of the Father

The home is place for rest and settlement; Qur`an Surat an-Nahl 16:80 asserts; And Allah has made your homes a place to rest... And Qur`an Surat al-Ahzab 33:33 emphasises home as a place to settle; Settle in your homes. A place of good treatment of the Father and mother by the children among others attributes mentioned in Qur`an and Hadith sources.

2.8.2.1.6.11.4 Home of Father-in-Law

The home of the father of one`s wife with same attributes like in the home of the father section above.

2.8.2.1.6.11.5 Mosque

Mosque is any place in which one can perform the acts of Sujjud (prostration), or acts of worship or devotion. The word “mosque” is derived from the Arabic term “masjid” which means literally “sujud” or prostration The mosque is the principal religious building in Islam, and paramount among its many functions is as a place for communal

prayer and place reserved for the worship of Allah alone. Qur`an, Surat al-Al-Jinn (72: 18).

> "And indeed, the mosques are for (the worship of) Allah alone, so call not on anyone else besides Allah"

2.8.2.1.6.11.6 The Court or Al – Mahkamah

A Court is any official tribunal presided over by one or several judges in which legal issues and claims are heard and determined. (Cornnel Law School, 2022)

Mahkamah means `court or courthouse' in a Islamic context of Justice System where dispensation of Justice is wājib or obligatory Qur`an Nahl 16:90

> Indeed, Allah commands justice, grace, as well as generosity to close relatives. He forbids indecency, wickedness, and aggression. He instructs you so perhaps you will be mindful.

2.8.2.1.6.11.6.1 Features of Islamic Judicial System

There four features of IJS namely; Sources of Law, Rule of Law, Production of Witness, and System of the Court elaborated below.

2.8.2.1.6.11.6.1.1 Sources of Law

Sources of law mean the sources from where law or the binding rules of human conduct originate. (Marin Petkov, Dragomir Krastev, 2018)

The sources of law categorised into Primary and secondary sources. The primary sources of Shari'a are the Quran and Sunnah. The secondary sources are Ijma (Consensus), Qiyas (Analogical Reasoning), Istihsan (Equity in Islamic Law), Maslahah Mursalah (Public Interest), Urf (Custom), Sadd al-Dhara'i (Blocking the Means), and Ijtihad (Critical Thinking). (Kamali, Mohammad Hashim, 2008).

2.8.2.1.6.11.6.1.2 Rule of Law

The rule of law is a durable system of laws, institutions, norms, and community commitment that delivers four universal principles: accountability, just law, open government, and accessibility and impartial justice (William H. Neukom, 2025).

Under Islam the Rule of Law is built on the pillars of Sovereignty of Allah, just law, and reward and punishment in hereafter. (Mohd Hisham Mohd Kamal, 2022).

2.8.2.1.6. 11.6.2 Production of Witness

First, Qarinah (circumstantial) and Iqar (Confession) are process of production of witness. One, Qarinah in its literal meaning means connection, conjunction, relation, union, affiliation, linkage or association yet legally is speaking refers to logical inference to be drawn from circumstances. (Mohd Munzil bin Muhamad, Ahmad Azam Mohd Shariff, Ramalinggam Rajamanickam. Mazupi Abdul Rahman, Anowar Zahid, Noorfajri Ismail, 2015)

Secondly, Iqar refers to a statement made by a person, either orally, in writing, or through gestures, acknowledging a debt, obligation, or liability to another person. Binding only the person making the acknowledge. Iqrar is a specific admission or acknowledgement used to prove a right or interest of another against oneself, or to admit an offence or liability

Thirdly, others include according Abdul Karim Zaydan in his renowned work, Niẓām al-Qaḍā'ī fī al-Sharī'ah al-Islāmiyyah listed nine here less by two and methods of proof; shahādah (testimony), yamin (oath), nukūl 'an al-yamin (refusal to take an oath), al-'ilm al-qadhi (personal knowledge of a judge), al-qasamah (oath to deny involvement in murder), al-qiyāfah (paternity establishment) and al-qur'ah (voting).

2.8.2.1.6.11.6.2.1 System of the Court

Firstly, the court comprises of only one judge who has authority to pronounce Judgement. Secondly, Other judge is allowed to accompany him only as advisers of assistant. Moreover, there is no Jury. In Islam, this is because the judge is to refer to Islamic sources. Thirdly, the court proceedings only take place when the evidence is proven to be definite, and finally, any doubt to the proof of evidence whole case is thrown out while the judgement is considered the Law of Allah on Issue and cannot be revoked as referred to in Qur`an Surat an-Nahl 16: 90.

2.8.2.1.6.11.6.2.2 Qualifications of the Judge

One, Mature, Free, Sane, Just, and a legal jurist being aware of how to apply rules on situations.

Two, Judges of the Court for the "Unjust Acts" must additionally be qualified with being male and a Mujtahid for example can make Ijtihad.

Three, Qadi Madhalim has the authority to dismiss any official. Allah`s appointed Abdallah Ibn Nawfil and Rashid Ibn Abdallah head of Judiciary and Complaints Tribunal in Madiana.

Four, the Judge, Qadi Amm settles disputes among people in Aqd or Transaction and punishment, the mushtasib judge for violation of the Community right, Mahkamat ul Madhalim settles dispute between citizens including non-Muslim, and officials of the state. Wilayatul mazalim (Courts of Tort) of Qasamah Homicide compensation and Aqilah (blood money), Nidaam al- ukubat (Islamic Penel Court) Punishment system serves Muslim accountability for performance to his/her for every actions as there exist punishment for every crime enforced by the state as an act of Kaffarah means to repent and seek forgiveness. (Fathullah Al Haq and Muhamad Asni, 2017).

2.8.2.1.7 Walimah

After completion of the marriage contract husbands are encouraged to do walima or a marriage banquet. The newly husbands are instructed to over offer Walimah. It was recorded by Sahih Bukhair the Anas bn Malik recorded that;

> The Messenger of Allah (SAW) saw a yellow mark on Abdur Rahman ibn Awf (RA) and said: "What's this?" He replied: "I have married a woman with the dowry being gold to the weight of a date stone." The Messenger of Allah (SAW) said: "May Allah bless you (in your marriage), perform a Walima, even if it is only with a goat." [Bukhari]Jumhuur of scholars

Anas ibn Malik (RA) narrates that he was a boy of ten when the Messenger of Allah (SAW) migrated to Madina. (He added):

> "My mother and aunts used to urge me to serve the Messenger of Allah (SAW) regularly, thus I served him for ten years. When the Messenger of Allah (SAW) passed away, I was twenty years old, and I knew about the order of Hijab more than anyone else, when it was revealed. It was revealed for the first time when the Messenger of Allah (S A W) had consummated his marriage with Zainab bint Jahsh (RA). The Messenger of Allah (S AW) in the morning was a bridegroom, and he invited the people to a banquet. So they came, ate, and then all left except a few who remained with the Messenger of Allah (SAW) for a long time…[Bukhari]

2.8.2.1.7. 1 Who to invite

The less privileged should also be invited during the wedding. Bukhair Recorded Prophet Muhammad (PBUH) instructing the prospectus husband and wife.

> Narrated Abu Huraira: The worst food is that of a wedding banquet to which only the rich are invited while the poor are not invited. And he who refuses an invitation (to a banquet) disobeys Allah and His Apostle. (Bukhari: Vol. 7, Book 62, Hadith 106)

2.8.2.1.7.2 Accepting invitation status

Accepting wedding invitation from prospectus husband and wife. Bukhair Recorded Prophet Muhammad (PBUH) issuing instruction to the Muslim Community.

> Narrated `Abdullah bin `Umar: Allah's Messenger (SAW)said, "If anyone of you is invited to a wedding banquet, he must go for it (accept the invitation)." Bukhair Vol. 7, Book 62, Hadith 10)

2.8.2.1.7.3 Post Nikkah and al – Hamu (in – Laws) roles

The maintenance role from al- Hamu stopped be it nieces and cousins as the previous roles are transferred after the marriage contract of their daughter to the husband. Qur`an maintain the husband`s roles over al-Hamu in Surat an-Nisa'I 4: 34

> Men are the caretakers of women, as men have been provisioned by Allah over women and tasked with supporting them financially. And righteous women are devoutly obedient and, when alone, protective of what Allah has entrusted them with...

Further Qur`an directs the al – Hamu and believers to seek permission before entering the al Hamu and other houses Surat an-Nur 24:27 says;

> O believers! Do not enter any house other than your own until you have asked for permission and greeted its occupants. This is best for you, so perhaps you will be mindful.

Further the al – Hamu Prophet Muhammad referred to them as death in the hadith narrated by `Uqba bin `Amr: Allah`s Messenger said

> "Beware of entering upon the ladies." A man from the Ansar said, "Allah's Apostle! What about Al-Hamu the in-laws of the wife (the brothers of her husband or his nephews etc.)?" The Prophet (SAW) replied: The in-laws of the wife are death itself. (Sahih al-Bukhari 5232)

However, Husband and wive may three rights of proximity by Islam, proximity by blood and proximity as Jaari (neighbour). A'isha reported that the Prophet, may Allah bless him and grant him peace, said,

> "Jibril, may Allah bless him and grant him peace, kept on recommending that I treat neighbours well until I thought that he would order me to treat them as my heirs." (Sahih Bukhar, n.d.)

2.8.2.1.8. Rights, Duties and Responsibilities in Marriage

The right and responsibility of the wife to the husband and vice versa are elaborated in this section.

2.8.2.1.8.1 Rights and responsibility of Wife on the Husband

Obedience to rights and responsibilities entered during the Nikkah marriage contract elaborated below.

2.8.2.1.8.1.1 Qānit and Qānitāt

Qānit and Qānitāt are active participle words for obedience one for Masculine and the other for feminine. Qānit and Qānitāt obedience several times in the Qur`an (Kais Dukes, 2017). Qānitāt is referred to being devoutly obedient in fulfilling rights and responsibilities of the marriage in Surat an-Nisa 4:34;

> ... And righteous women are devoutly obedient and, when alone, protective of what Allah has entrusted them with...

In marriage and other forms of acts of worship the features of Qānit and Qānitāt quality of excellence expected form both masculine and feminine gains great reward from the Allah. Others include; Muslim men and women, believing men and women, truthful men and women, patient men and women, humble men and women, charitable

men and women, fasting men and women, men and women who guard their chastity and men and women who remember Qur`an Surat al-Azhab: 33: 33.

> Surely ˹for˺ Muslim men and women, believing men and women, devout men and women, truthful men and women, patient men and women, humble men and women, charitable men and women, fasting men and women, men and women who guard their chastity, and men and women who remember Allah often—for ˹all of˺ them Allah has prepared forgiveness and a great reward. Allah often—for ˹all of˺ them Allah has prepared forgiveness and a great reward.

2.8.2.1. 8.2 Fulfilling the reproductive right

Fulfilling of the marriage contract as a precondition to have sexual relationship in marriage between husband and wife in Islam. Bukhair recorded Prophet Muhammad (Peace Be Upon Him) setting the sexual boundaries for all Muslim marital relations.

> Narrated `Uqba bin Amir: Allah's Messenger (SAW) said, "From among all the conditions which you have to fulfil, the conditions which make it legal for you to have sexual relations (the marriage contract) have the greatest right to be fulfilled. (Sahih Bukhair, n.d.) Sahih Bukhair, Book 54, Hadith 10

2.8.2.1.8.3 Treatment of Husband Advises

Apiece of advice to a daughter from a father regarding her husband (Prophet Muhammad (SAW), not to ask more from husband, not answer husband back, not give up talking to husband, and do not be tempted to imitate your neighbour. Do not prohibit what is lawful Qur`an Surat al-Tahrim: 66:1 asserts

> O Prophet! Why do you prohibit ˹yourself˺ from what Allah has made lawful to you, seeking to please your wives? And Allah is All-Forgiving, Most Merciful

To fulfilling their oath asserts Qur`an Surat al-Tahrim: 66:2

Allah has already ordained for you ˹believers˺ the way to absolve yourselves from your oaths. For Allah is your Guardian. And He is the All-Knowing, All-Wise.

Not disclosing the weakness Qur`an Surat al-Tahrim: 66:3

˹Remember˺ when the Prophet had ˹once˺ confided something to one of his wives, then when she disclosed it ˹to another wife˺ and Allah made it known to him, he presented ˹to her˺ part of what was disclosed and overlooked a part. So when he informed her of it, she exclaimed, "Who told you this?" He replied, "I was informed by the All-Knowing, All-Aware."

Asking for forgives when fault occur alluded Qur`an Surat al-Tahrim: 66:4

˹It will be better˺ if you ˹wives˺ both turn to Allah in repentance, for your hearts have certainly faltered. But if you ˹continue to˺ collaborate against him, then ˹know that˺ Allah Himself is his Guardian. And Gabriel, the righteous believers, and the angels are ˹all˺ his supporters as well.

The wives should not incline to oppose their husbands if their husbands are in the Straight of path of Islam. Bukhair records the incidence of Aisha and Hafsa (May Allah be pleased with them) mothers of believers when their heart incline to oppose the Prophet likes.

Narrated Ibn `Abbas**:** I had been eager to ask `Umar bin Al-Khattab about the two ladies from among the wives of the Prophet regarding whom Allah said: 'If you two (wives of the Prophet (SAW) namely Aisha and Hafsa) turn in repentance to Allah, your hearts are indeed so inclined (to oppose what the Prophet (SAW) likes. (Qur`an Surat al-Tahrim: 66.4) till `Umar performed the Hajj and I too, performed the Hajj along with him. (On the way)

`Umar went aside to answer the call of nature, and I also went aside along with him carrying a tumbler full of water, and when `Umar had finished answering the call of nature, I poured water over his hands and he performed the ablution. Then I said to him,

"O chief of the Believers! Who were the two ladies from among the wives of the Prophet (SAW) regarding whom Allah said: "If you two (wives of the Prophet) turn in repentance to Allah your hearts are indeed so inclined (to oppose what the Prophet (SAW) likes)?" (66.4) He said, "I am

astonished at your question, O Ibn `Abbas. “They were `Aisha and Hafsa."

Then `Umar went on narrating the Hadith and said, "I and an Ansari neighbour of mine from Bani Umaiyya bin Zaid who used to live in `Awali-al-Medina, used to visit the Prophet (SAW) in turn. He used to go one day and I another day. When I went, I would bring him the news of what had happened that day regarding the Divine Inspiration and other things, and when he went, he used to do the same for me.

We, the people of Quraish used to have the upper hand over our wives, but when we came to the Ansar, we found that their women had the upper hand over their men, so our women also started learning the ways of the Ansari women. I shouted at my wife and she retorted against me and I disliked that she should answer me back. She said to me, 'Why are you so surprised at my answering you back?

By Allah, the wives of the Prophet answer him back and some of them may leave (does not speak to) him throughout the day till the night.' The (talk) scared me and I said to her, 'Whoever has done so will be ruined!'

Then I proceeded after dressing myself, and entered upon Hafsa and said to her, 'Does anyone of you keep the Prophet (SAW) angry till night?' She said, 'Yes.' I said, 'You are a ruined losing person! Do not you fear that Allah may get angry for the anger of Allah's Messenger (SAW) and thus you will be ruined? So do not ask more from the Prophet (SAW) and do not answer him back and do not give up talking to him.

Ask me whatever you need and *do not be tempted to imitate your neighbour* (`Aisha) in her manners for she is more charming than you and more beloved to the Prophet (SAW)." `

Umar added, “At that time a talk was circulating among us that (the tribe of) Ghassan were preparing their horses to invade us. My Ansari companion, on the day of his turn, went (to the town) and returned to us at night and knocked at my door violently and asked if I was there. I became horrified and came out to him.

He said, 'Today a great thing has happened.' I asked, 'What is it? Have (the people of) Gha swan come?' He said, 'No, but (What has happened) is greater and more horrifying than that: Allah's Messenger (SAW); has divorced his wives. `Umar added, "The Prophet (SAW) kept away from his wives and I said "Hafsa is a ruined loser.' I had already thought that most probably this (divorce) would happen shortly.

So I dressed myself and offered the morning prayer with the Prophet (SAW) and then the Prophet; entered an upper room and stayed there in seclusion. I entered upon Hafsa and saw her weeping. I asked, 'What makes you weep? Did I not warn you about that? Did the Prophet (SAW) divorce you all?' She said, 'I do not know. There he is retired alone in the upper room.'

I came out and sat near the pulpit and saw a group of people sitting around it and some of them were weeping. I sat with them for a while but could not endure the situation, so I went to the upper room where the Prophet (SAW); was and said to a black slave of his, 'Will you get the permission (of the Prophet (SAW) for `Umar (to enter)?'

The slave went in, talked to the Prophet (SAW) about it and then returned saying, 'I have spoken to the Prophet (SAW) and mentioned you but he kept quiet.' Then I returned and sat with the group of people sitting near the pulpit.

But I could not bear the situation and once again I said to the slave, 'Will you get the permission for `Umar?' He went in and returned saying, 'I mentioned you to him but he kept quiet.' So I returned and sat with the group of people sitting near the pulpit, but I could not bear the situation, and so I went to the slave and said, 'Will you get permission for `Umar?' He went in and returned to me saying, 'I mentioned you to him but he kept quiet.' When I was leaving, behold! The slave called me, saying, 'The Prophet (SAW) has given you permission.'

Then I entered upon Allah's Messenger (SAW) and saw him Lying on a bed made of stalks of date palm leaves and there was no bedding between it and him.

The stalks left marks on his side and he was leaning on a leather pillow stuffed with date-palm fires.

I greeted him and while still standing I said, 'O Allah's Apostle! Have you divorced your wives?' He looked at me and said, 'No.' I said, 'Allah Akbar!' And then, while still standing, I said chatting, 'Will you heed what I say, O Allah's Messenger (SAW)?

We, the people of Quraish used to have power over our women, but when we arrived at Madina we found that the men (here) were overpowered by their women.' The Prophet (SAW) smiled and then I said to him, 'Will you heed what I say, O Allah's Messenger (SAW)?

I entered upon Hafsa and said to her, "Do not be tempted to imitate your companion (`Aisha), for she is more charming than you and more beloved to the Prophet.' " The Prophet (SAW) smiled for a second time. When I saw him smiling, I sat down.

Then I looked around his house, and by Allah, I could not see anything of importance in his house except three hides, so I said, 'O Allah's Messenger (SAW)! Invoke Allah to make your followers rich, for the Persians and the Romans have been made prosperous and they have been given (the pleasures of the world), although they do not worship Allah.'

Thereupon the Prophet (SAW) sat up as he was reclining. and said, 'Are you of such an opinion, O the son of Al-Khattab? These are the people who have received the rewards for their good deeds in this world.' I said, 'O Allah's Messenger (SAW)! Ask Allah to forgive me.'

Then the Prophet (SAW) kept away from his wives for twenty-nine days because of the story which Hafsa had disclosed to `Aisha.

The Prophet (SAW) had said, 'I will not enter upon them (my wives) for one month,' because of his anger towards them when Allah had admonished him. So, when twenty-nine days had passed, the Prophet (SAW) first entered upon `Aisha. `

Aisha said to him, 'O Allah's Messenger (SAW)! You had sworn that you would not enter upon us for one month, but now only twenty-nine days have passed, for I have been counting them one by one.'

The Prophet (SAW) said, 'The (present) month is of twenty-nine days.' `Aisha added, 'Then Allah revealed the Verses of the option. And out of all his wives he asked me first, and I chose him.' Then he gave options to his other wives and they said what `Aisha had said. " The Prophet, ' had decided to abstain from eating a certain kind of food because of a certain event, so Allah blamed him for doing so. Some of his wives were the cause of his taking that decision, therefore he deserted them for one month. (Bukhair: Vol. 7, Book 62, Hadith 119)

2.8.2.1.8.4 Husband`s invitation

The wife should never refuse her husband`s invitations in marriage. Bukhair Recorded the Prophet (Peace Be Upon Him) giving strong warning to the wives for failure to honor husband`s invitation where there is no excuse.

> The Prophet (saw) said, "If a man Invites his wife to sleep with him and she refuses to come to him, then the angels send their curses on her till morning." (Bukhari: Vol. 7, Book 62, Hadith 121)

2.8.2.1.8.5 Allow anyone not to enter the house except with husband's consent

It is the duty and responsibility of the wife not to allow anyone to enter the house except her husband's consent (here too).

> Narrated Abu Huraira: Allah's Messenger (SAW) said, "It is not lawful for a lady to fast (Nawafil) without the permission of her husband when he is at home, and she should not allow anyone to enter his house except with his permission; and if she spends of his wealth (on charitable purposes) without being ordered by him, he will get half of the reward." (Bukhari: Vol. 7, Book 62, Hadith 123)

2.8.2.1.8.6 Gratitude and not being unthankful to the husband

The wives are required to appreciate contributions of their husbands be it good times or bad marriage life. Sahih Bukhair recorded Prophet (PBUH) advising wives to avoid this kind of practice.

Narrated `Abdullah bin `Abbas: During the lifetime of Allah's Messenger (SAW), the sun eclipsed.

> Allah's Messenger (SAW) offered the prayer of (the) eclipse) and so did the people along with him. He performed a long Qiyam (standing posture) during which Surat-al-Baqara could have been recited; then he performed a pro-longed bowing, then raised his head and stood for a long time which was slightly less than that of the first Qiyam (and recited Qur'an). Then

he performed a prolonged bowing again but the period was shorter than the period of the first bowing, then he stood up and then prostrated. Again, he stood up, but this time the period of standing was less than the first standing. Then he performed a prolonged bowing but of a lesser duration than the first, and then he stood up again for a long time but for a lesser duration than the first. Then he performed a prolonged bowing but of lesser duration than the first, and then he again stood up, and then prostrated and then finished his prayer. By then the sun eclipse had cleared. The Prophet (SAW) then said, "The sun and the moon are two signs among the signs of Allah, and they do not eclipse because of the death or birth of someone, so when you observe the eclipse, remember Allah (offer the eclipse prayer)." They (the people) said, "O Allah's Messenger (SAW)! We saw you stretching your hand to take something at this place of yours, then we saw you stepping backwards." He said, "I saw Paradise (or Paradise was shown to me), and I stretched my hand to pluck a bunch (of grapes), and had I plucked it, you would have eaten of it as long as this world exists. Then I saw the (Hell) Fire, and I have never before, seen such a horrible sight as that, and I saw that the majority of its dwellers were women." The people asked, "O Allah's Messenger (SAW)! What is the reason for that?" He replied, "Because of their ungratefulness." It was said. "Do they disbelieve in Allah (are they ungrateful to Allah)?" He replied, "They are not thankful to their husbands and are ungrateful for the favors done to them. Even if you do good to one of them all your life, when she seems some harshness from you, she will say, "I have never seen any good from you. (Bukhari: Vol. 7, Book 62, Hadith 125)

2.8.2.1.8.7 Sparing Quality time

Sparing time for the wife in marriage by the husband is a right of the wife. Bukhair recorded Prophet Muhammad (PBUH) advising a husband.

Narrated `Abdullah bin `Amr bin Al-`As: Allah's Messenger (SAW) said, "O `Abdullah! Have I not been formed that you fast all day and stand in prayer all night?" I said, "Yes, O Allah's Messenger (SAW)!" He said, "Do not do that! Observe the fast sometimes and leave them (the fast) at other times; stand up for the prayer at night and sleep at night. Your body has a right over you, your eyes have a right over you and *your wife has a right over you*. (Bukhair: Vol. 7, Book 62, Hadith 127)

2.8.2.1.8.8 Guardian of the husband`s house

The wife is a guardian and responsible for her husband's house and his offspring in marriage in Islam. Sahih Bukhari recorded Prophet Muhammad issuing this directive to all couples.

> Narrated Ibn `Umar: The Prophet (SAW) said, "All of you are guardians and are responsible for your wards. The ruler is a guardian and the man is a guardian of his family; the lady is a guardian and is responsible for her husband's house and his offspring; and so all of you are guardians and are responsible for your wards." (Bukhari: Vol. 7, Book 62, Hadith 128)

2.8.2.1.8.9 Showing Compassion

The practice of showing compassion is emphasised in Marriage. Abdullah ibn Mughaffal reported that the Prophet, may Allah bless him and grant him peace, said,

إِنَّ اللَّهَ رَفِيقٌ يُحِبُّ الرِّفْقَ، وَيُعْطِي عَلَيْهِ مَا لاَ يُعْطِي عَلَى الْعُنْفِ.

> "Allah is compassionate and loves compassion. He gives for compassion what He goes not give for harshness. (al-Bukhār, 2023)al-Bukhār, Muḥammad ibn Ismā ‘īl.

2.8.2.1.8.10 Rights of husband over wife

The husbands provide wife with food that he has for yourself, and clothe her by which you clothe yourself, wife is do not beaten nor insulted in marriage. Abu Dawud Recorded Prophet Muhammad (Peace Be Upon Him) illegalising them as evil.

> Narrated Mu'awiyah al-Qushayri: I went to the Messenger of Allah (SAW) and asked him: What do you say (command) about our wives? He replied: Give them food what you have for yourself, and clothe them by which you clothe yourself, and do not beat them, and do not revile them. (Sunan Abu Dawud, 2144).

2.8.2.1.8.10.1 Nafaqat

The source of happiness in marriage is to have a good neighbour, comfortable mount, spacious abode provided by the husband. Imam Ahmad Recorded.

> Naafi` ibn Abd al- Haarith said: The Messenger (SAW)said: "Part of a man`s happiness includes a good neighbour, a comfortable mount, and a spacious abode. (Ahmad 15409)

So, Nafaqat is compulsory for the husband. Qur`an Baqarah; 2:233, Nisa 4:34, al-Taliq; 65:6. Qur`an Surat al-Baqarah: 2:233

> Mothers may nurse [breastfeed] their children two complete years for whoever wishes to complete the nursing [period]. Upon the father is their [the mothers'] provision and their clothing according to what is acceptable. No person is charged with more than his capacity. No mother should be harmed through her child, and no father through his child. And upon the [father's] heir is [a duty] like that [of the father]. And if they both desire weaning through mutual consent from both and consultation, there is no blame upon either of them. And if you wish to have your children nursed by a substitute, there is no blame upon you as long as you give payment according to what is acceptable. And fear Allāh and know that Allāh is Seeing of what you do.

Qur`an Surat an-Nisa: 4:34

> Men are caretakers of women, since Allah has made some of them excel the others, and because of the wealth they have spent. So, the righteous women are obedient, (and) guard (the property and honor of their husbands) in (their) absence with the protection given by Allah. As for women of whom you fear rebellion, convince them, and leave them apart in beds, and beat them. Then, if they obey you, do not seek a way against them. Surely, Allah is the Highest, the Greatest.

Qur`an Surat al-at -Talaq: 65:6

> Let them live where you live ˹during their waiting period˺, according to your means. And do not harass them to make their stay unbearable. If they are pregnant, then maintain them until they deliver. And if they nurse your child, compensate them, and consult together courteously. But if you fail to reach an agreement, then another woman will nurse the child for the father.

Nafaqah is an Arabic word rooted form Ifaaq, which means to spend for a good purpose. It means what a person spends on his family members. In general, maintenance refers to what is spent to support one`s family with food, clothing, accommodation, and other expenditures. Muslim Jurists have given several similar definitions of the word nafaqat. (Azizah Mohd, 2010)

Hanafi: Nafaqat as food, clothing, and accommodation. Hanbali: Nafaqat is what is sufficient for maintaining a family with food, clothing, their supplements. Shafi'i: Expanded scope of maintenance to the wife.

2.8.2.1. 8.10.2 Conjugal Relationships

To enjoy Obedience of Allah and to be steadfast in the fulfilment of his duties and responsibilities as regards to marriage. Qur`an Surat al-Taha: 20:132

> Order your people to pray, and pray steadfastly yourself. We are not asking you to give Us provision; We provide for you, and the rewards of the Hereafter belong to the devout.

The husband is a cloth and farmland to the wife confirmed in the Qur`an Surat al-Baqarah 2:187

> It has been made permissible for you to be intimate with your wives during the nights preceding the fast. Your spouses are a garment for you as you are for them. Allah knows that you were deceiving yourselves. So He has accepted your repentance and pardoned you. So now you may be intimate with them and seek what Allah has prescribed for you. ˹You may˺ eat and drink until you see the light of dawn breaking the darkness of night, then complete the fast until nightfall. Do not be intimate with your spouses while you are meditating in the mosques. These are the limits set by Allah, so do not exceed them. This is how Allah makes His revelations clear to people, so they may become mindful ˹of Him˺.

Also, Qur`an Surat al-Baqarah: 2:223

> Your wives are like farmland for you, so approach them ˹consensually˺ as you please. And send forth something good for yourselves. Be mindful

of Allah, and know that you will meet Him. And give good news to the believers.

Also, Qur`an Surat al-Baqarah:2:222

They ask you ˹O Prophet˺ about menstruation. Say, “Beware of its harm! So keep away, and do not have intercourse with your wives during their monthly cycles until they are purified. When they purify themselves, then you may approach them in the manner specified by Allah. Surely Allah loves those who always turn to Him in repentance and those who purify themselves.”

2.8.2.1.8.10.3 Men are protectors and maintainers of women

The husbands are providers in marriage Sahih Bukhair recorded this instruction from Prophet Muhammad (Peace Be Upon Him).

Narrated Anas: Allah's Messenger (SAW) took an oath that he would not visit his wives for one month, and he sat in an upper room belonging to him. Then, on the twenty-ninth day, he came down. It was said, "O Allah's Messenger (SAW)! You had taken an oath not to visit your wives for one month." He said, "The (present) month is of twenty-nine days." (Bukhari: Vol. 7, Book 62, Hadith 129)

2.8.2.1.8.10.3.1 Concealing Secrets of the Marriage

It is the cardinal role of the husband and wife to conceal secrets of the home. Abu Sa'id al-Khudri reported that Allah's Messenger (may peace be upon him) said:

The most wicked among the people in the eye of Allah on the Day of judgment is the men who goes to his wife and she comes to him, and then he divulges her secret. (Sahih Muslim 1437a, n.d.)

2.8.2.1.8.10.4 Conjugal Relationships Not to obey the husband if he orders to do something sinful

Sahih Bukhair Recorded Prophet Muhammad (Peace Be Upon Him) instructed wives to obey sinful commands from the husband.

> Narrated `Aisha: An Ansari woman gave her daughter in marriage and the hair of the latter started falling out. The Ansari women came to the Prophet (SAW) and mentioned that to him and said, "Her (my daughter's) husband suggested that I should let her wear false hair." The Prophet (SAW) said, "No, (don't do that) for Allah sends His curses upon such ladies who lengthen their hair artificially." (Bukhari: Vol. 7, Book 62, Hadith 133)

2.8.2.1.8.10.5 Protection of the rights of the wife

Everything pertaining to the Days of Ignorance is under my feet completely abolished. Blood revenge, usury, women rights, provide them with food and clothing in a fitting manner. Sahih Muslim Recorded the Prophet (Peace Be Upon Him) on fulfilments of right of the women.

> Ja'far b Muhammad reported on the authority of his father: We went to Jabir b. Abdullah and he began inquiring about the people (who had gone to see him) till it was my turn…. Behold! Everything pertaining to the Days of Ignorance is under my feet completely abolished. Abolished are also the blood-revenges of the Days of Ignorance. The first claim of ours on blood-revenge which I abolish is that of the son of Rabi'a b. al-Harith, who was nursed among the tribe of Sa'd and killed by Hudhail. And the usury of pre-Islamic period is abolished, and the first of our usury I abolish is that of 'Abbas b. 'Abd al-Muttalib, for it is all abolished.
>
> Fear Allah concerning women! Verily you have taken them on the security of Allah, and intercourse with them has been made lawful unto you by words of Allah. You too have right over them, and that they should not allow anyone to sit on your bed whom you do not like. But if they do that, you can chastise them but not severely. Their rights upon you are that you should provide them with food and clothing in a fitting manner. I have left among you the Book of Allah, and if you hold fast to it, you would never go astray. And you would be asked about me (on the Day of Resurrection), (now tell me) what would you say? They (the audience) said: We will bear witness that you have conveyed (the message),

> discharged (the ministry of Prophethood) and given wise (sincere) counsel… He (the narrator) said: He (the Holy Prophet) then raised his forefinger towards the sky and pointing it at the people (said):" O Allah, be witness. O Allah, be witness," saying it thrice... (Muslim S. , The Book of Pilgrimage, Sahih Muslim 1218a, Book 15, Hadith 159, n.d.)

A successful wife focuses on performing her roles in marriage throughout life time as an act of worship. Qur`an Surat al-Hijr 15: 97 affirms.

> And worship your Lord until there comes to you the certainty [death].

Husband and wife should finish their actions righteously a very important bar set by Islam in marriage. Sahl ibn Sa'd narrates that the Messenger of Allah (peace be upon him) stated that the true measure of deeds is based on their concluding state at the end-of-life Al Bukhair hadith 6607.

2.8.2.1.8.10.5.1 Complains of Husbands by Wives

The Hadith of Abu Zar is commonly known narrated `Aisha highlighting 11 wives each have a complain about her husband presented to the Aisha wife Prophet (SAW) in a meeting and Aisha after presented 11 issues raise to the Prophet (SAW) (Sahih Bukhair, n.d.). The 11 issues are outlined and the option of Prophet (SAW) wrap this Hadith below.

2.8.2.1.8.10.5.1.1 My husband is like the meat of a slim weak camel

The first one said, "My husband is like the meat of a slim weak camel which is kept on the top of a mountain which is neither easy to climb, nor is the meat fat, so that one might put up with the trouble of fetching it."

2.8.2.1.8.10.5.1.2 Shall not relate my husband's news

The second one said, "I shall not relate my husband's news, for I fear that I may not be able to finish his story, for if I describe him, I will mention all his defects and bad traits."

2.8.2.1.8.10.5.1.3 My husband is the "too-tall"

The third one said, "My husband, the "too-tall"! if I describe him (and he hears of that) he will divorce me, and if I keep quiet, he will keep me hanging (neither divorcing me nor treating me as a wife)."

2.8.2.1.8.10.5.1 4 My husband is (moderate in temper) like the night of Tihama

The fourth one said, "My husband is (moderate in temper) like the night of Tihama: neither hot nor cold; I am neither afraid of him, nor am I discontented with him."

2.8.2.1.8.10.5.1.5 My husband, when entering (the house) is a leopard (sleeps a lot)

The fifth one said, "My husband, when entering (the house) is a leopard (sleeps a lot), and when going out, is a lion (boasts a lot). He does not ask about whatever is in the house."

2.8.2.1.8.10.5.1.6 If my husband eats, he eats too much (leaving the dishes empty)

The sixth one said, "If my husband eats, he eats too much (leaving the dishes empty), and if he drinks, he leaves nothing; if he sleeps, he sleeps he rolls himself (alone in our blankets); and he does not insert his palm to inquire about my feelings."

2.8.2.1.8.10.5.1.7 My husband is a wrong-doer or weak and foolish

The seventh one said, "My husband is a wrong-doer or weak and foolish. All the defects are present in him. He may injure your head or your body or may do both."

2.8.2.1.8.10.5.1.8 My husband is soft to touch like a rabbit and smells like a Zarnab (a kind of good smelling grass)

The eighth one said, "My husband is soft to touch like a rabbit and smells like a Zarnab (a kind of good smelling grass)."

2.8.2.1.8.10.5.1. 9 My husband is a tall generous man wearing a long strap for carrying his sword.

The ninth one said, "My husband is a tall generous man wearing a long strap for carrying his sword. His ashes are abundant (i.e. generous to his guests) and his house is near to the people (who would easily consult him)."

2.8.2.1.8.10.5.1.10 My husband is Malik (possessor)

The tenth one said, "My husband is Malik (possessor), and what is Malik? Malik is greater than whatever I say about him. (He is beyond and above all praises which can come to my mind). Most of his camels are kept at home (ready to be slaughtered for the guests) and only a few are taken to the pastures. When the camels hear the sound of the lute (or the tambourine) they realize that they are going to be slaughtered for the guests."

2.8.2.1.8.10.5.1.11 My husband is Abu Zar

The eleventh one said, "My husband is Abu Zar` and what is Abu Zar` (i.e., what should I say about him)? He has given me many ornaments and my ears are heavily loaded with them and my arms have become fat (i.e., I have become fat). And he has pleased me, and I have become so happy that I feel proud of myself. He found me with my

family who were mere owners of sheep and living in poverty, and brought me to a respected family having horses and camels and threshing and purifying grain. Whatever I say, he does not rebuke or insult me. When I sleep, I sleep till late in the morning, and when I drink water (or milk), I drink my fill. The mother of Abu Zar and what may one say in praise of the mother of Abu Zar? Her saddle bags were always full of provision and her house was spacious. As for the son of Abu Zar, what may one say of the son of Abu Zar? His bed is as narrow as an unsheathed sword and an arm of a kid (of four months) satisfies his hunger. As for the daughter of Abu Zar, she is obedient to her father and to her mother. She has a fat well-built body and that arouses the jealousy of her husband's other wife. As for the (maid) slave girl of Abu Zar, what may one say of the (maid) slave girl of Abu Zar? She does not uncover our secrets but keeps them, and does not waste our provisions and does not leave the rubbish scattered everywhere in our house." The eleventh lady added, "One day it so happened that Abu Zar went out at the time when the milk was being milked from the animals, and he saw a woman who had two sons like two leopards playing with her two breasts. (On seeing her) he divorced me and married her. Thereafter I married a noble man who used to ride a fast tireless horse and keep a spear in his hand. He gave me many things, and also a pair of every kind of livestock and said, Eat (of this), O Um Zar, and give provision to your relatives." She added, "Yet, all those things which my second husband gave me could not fill the smallest utensil of Abu Zar'.

2.8.2.1.8.10.5.1.12 Allah's Messenger I am to you as Abu Zar was to his wife Um Zar

`Aisha then said: Allah's Messenger (SAW) said to me, "I am to you as Abu Zar was to his wife Um Zar."

2.8.2.1.8.10.6 Resentment of Amal by a Muslim

Resentment of any Islamic deed by a Muslim highlights Allah's disgrace and displeasure to the servant. Qur`an Surat al-Maidah: 5: 54 asserts;

> O believers! Whoever among you abandons their faith, Allah will replace them with others who love Him and are loved by Him. They will be

humble with the believers but firm towards the disbelievers, struggling in the Way of Allah; fearing no blame from anyone. This is the favour of Allah. He grants it to whoever He wills. And Allah is All-Bountiful, All-Knowing.

Believers are advised against seeking guidance from non-believers and those who previously received Scripture, as they may trivialize faith. It's essential to remain mindful of Allah if one claims to be a true believer. The enjoyment of the world desire, Certainly, way of Allah, any deed less of Islam are forms of recent. Surat al-Maidah 5:7

O believers! Do not seek the guardianship of those given the Scripture before you and the disbelievers who have made your faith a mockery and amusement. And be mindful of Allah if you are ˹truly˺ believers.

The enjoyment of the world desire Surat al-Imran 3: 14

The enjoyment of ˹worldly˺ desires—women, children, treasures of gold and silver, fine horses, cattle, and fertile land—has been made appealing to people. These are the pleasures of this worldly life, but with Allah is the finest destination

Certainly, way of Allah is Islam Qur`an asserts Surat al-Imran: 3: 19

Certainly, Allah’s only Way is Islam.1 Those who were given the Scripture did not dispute ˹among themselves˺ out of mutual envy until knowledge came to them. Whoever denies Allah’s signs, then surely Allah is swift in reckoning

Any deed less of Islam will not be accepted. Qur`an Surat al-Imran 3:84

Whoever seeks a way other than Islam, it will never be accepted from them, and in the Hereafter, they will be among the losers.

2.8.2.1.8.10.6.1 Refraining from Swallah Defaulting

Offering the daily prayer is a defining covenant between Muslims and non-Muslims. And abandoning prayer it is considered an act of Kufr (disbelief). For ʻAbdullah bin Buraidah narrated that his father said: "The Messenger of Allah (SAW) said:

> 'The covenant that distinguishes between us and them is prayer; so whoever leaves it, he has committed Kufr.' (Ibn Majah , n.d.)

2.8.2.1.8.10.6.2 Refraining from Zina and Adultery

Fornication and adultery is an abomination as the nature of the deed is prohibited, shameful and evil. Qur`an Surat al-Isra 17:32 Guides;

> Do not go near adultery. It is truly a shameful deed and an evil way.

> Accusation of Adultery: Surat an-Nur: 24: 6

> And those who accuse their wives ˹of adultery˺ but have no witness except themselves, the accuser must testify,[1] swearing four times by Allah that he is telling the truth,

2.8.2.1.8.10.6.3 Refraining from taking a human life

Qur`an Surat al-Isra 17:34

> Do not take a ˹human˺ life—made sacred by Allah—except with ˹legal˺ right. If anyone is killed unjustly, We have given their heirs the authority, but do not let them exceed limits in retaliation,[3] for they are already supported ˹by law.

2.8.2.1.5.10.6.4 Refraining from Khamr(alcohol) and Drugs

Khamr and intoxicants are an abomination Surat al-Maidah: 3:90 asserts.

> O believers! Intoxicants, gambling, idols, and drawing lots for decisions1 are all evil of Satan's handiwork. So shun them so you may be successful.

Every intoxicant is unlawful. It was narrated from 'Abdullah bin 'Umar that the Messenger of Allah (SAW) said:

> "Every intoxicant is unlawful and whatever causes intoxication in large amounts, a small amount of it is (also) unlawful." Sunan Ibn Majah 3392 (Ibn Majah, n.d.)

2.8.2.1.8.10.6.5 Refraining from confrontation

Narrated Ahnaf b. Qais: I came out with the intention of (participating in) fighting. Abu Bakrah met me and said: Go back, for I heard the Apostle of Allah (SAW) say:

> When two Muslims face each other with their swords, the killer and the slain will go to Hell. He asked: Apostle of Allah, this is the killer (so naturally he should go to the Hell), but what is the matter with the slain? He replied: He intended to kill his companion. Book 30, Number 4255:

Restraining the tongue during the period of commotion: Narrated Abu Hurairah: The Prophet (SAW)) said:

> There will be civil strife (fitnah) which will render people deaf, dumb and blind regarding what is right. Those who contemplate it will be drawn by it, and giving rein to the tongue during it will be like smiting with the sword. Book 30, Number 4251.

Fighting is deceit Jabir bin Abdallah narrated Prophet (SAW) said;

"War is deceit" Sahih al-Bukhari 3030 (Bukhair , n.d.)

2.8.2.1.8.10.6.6 Refrain from mistreatment to the order of nearness

Honour parents, not scuffing them, and giving close relatives the due respective. Qur`an Surat al-Isra17:24 – 26) Allah asserts.

> For your Lord has decreed that you worship none but Him. And honour your parents. If one or both of them reach old age in your care, never say to them ˹even˺ 'ugh,' nor yell at them. Rather, address them respectfully.
>
> And be humble with them out of mercy, and pray, "My Lord! Be merciful to them as they raised me when I was young."
>
> Give to close relatives their due, as well as the poor and ˹needy˺ travellers. And do not spend wastefully.

But if the parents and close relative pressure to Shirk and Haram no obedience is expected. Qur`an Lukman 31: 15

> But if they pressure you to associate with Me what you have no knowledge of, do not obey them. Still keep their company in this world courteously, and follow the way of those who turn to Me ˹in devotion˺. Then to Me you will ˹all˺ return, and then I will inform you of what you used to do.

On refraining from mistreatment to the order of nearness. Abu Huraira reported that a person said:

> Allah's Messenger, who amongst the people is most deserving of my good treatment? He said: Your mother, again your mother, again your mother, then your father, then your nearest relatives according to the order (of nearness) Book 32, Number 6181.

2.8.2.1.8.10.6.6.1 Misery Husband

It is known fact that stealing is prohibited as per Qur'an Surat al-Maida 5:38 and calls for Hadd punishment of cutting the hand judiciously of a man or woman, rich or poor. A miser husband who adamantly fails to provide basic chores and necessities of

maintenance to his family. Sahih Bukhair reports that narrated `Aisha: Hind bint `Utba said, "O Allah's Messenger (SAW)! Abu Sufyan is a miser and he does not give me what is sufficient for me and my children. Can I take of his property without his knowledge?"

> The Prophet (SAW) said, "Take what is sufficient for you and your children, and the amount should be just and reasonable (bukhari:5364)

2.8.2.1.8.10.7 Categories of the Servants of Allah

The servants of Allah are categorised into three; those who wronged themselves, those who follow the middle course, and those foremost in goodness Qur`an Surat al-Fatir 35: 32

> Then We granted the Book to those We have chosen from Our servants. Some of them wrong themselves, some follow a middle course, and some are foremost in good deeds by Allah's Will. That is ˹truly˺ the greatest bounty.

2.8.2.1.8.10.8 Acceptance from Servant of Allah

Those who commit evil ignorantly or reckless among the Muslims. Qur`an Surat an-Nisa 4: 17 – 18 give elaborates;

> Allah only accepts the repentance of those who commit evil ignorantly ˹or recklessly˺ then repent soon after—Allah will pardon them. And Allah is All-Knowing, All-Wise.
>
> However, repentance is not accepted from those who knowingly persist in sin until they start dying, and then cry, "Now I repent!" nor those who die as disbelievers. For them We have prepared a painful punishment.

2.8.2.1.8.10.9 Mafqūd Missing Wife/Husband Situations

> The word al-mafqūd originates from Arabic language from the root word fa qa da which means lost, missing and disappear Muhammad Raziz cites classical scholars; Imam al-Shafie defines it as: "Whoever that is unheard from (does not send any word)." For Imam al-Nawawi defines mafqūd as: "Someone that is unheard from and his whereabouts are unknown during his travels, war or shipwreck and others." (Mohammad Raziz, 2017)

He asserts contemporary scholars from madhab Shafie states mafqūd as:

> "A person missing from his place of residence for a long time with no news and it is unknown whether he is alive or dead."

The Duration of *Mafqūd* in Madhhab. The Prophet PBUH said:

> "For the wife of a missing person, she will be considered as his wife until clear evidence come proving otherwise." Sunan al-Baihaqi (15565)

Raziz starts by citing Madhab Shafie on Mafqūd according to qaul jadid of Imam al-Shafie (the opinion which is presented by al-Imam al-Shafi'i when he stayed in Iraq), the duration for the wife to wait before marrying another man is until she has confirmation of her husband's death or that he has divorced her. However, according to qaul qadim (the opinion which is presented by al-Imam al-Shafi'i when he stayed in Egypt) of Imam al-Shafie, the duration is 4 years with the addition of the duration of 'iddah, which is 4 months and 10 days. This is also the opinion of Umar bin Al-Khattab, 'Uthman bin 'Affan, Ibn 'Abbas, Ibnu 'Umar, Malik bin Anas, and Ahmad. The strong opinion among the scholars of al-Shafie is that the duration must be determined by the judge for the case. However, there are also opinions stating the duration for mafqūd as 68 years, 70 years, 80 years, 100 years and 120 years.

Raziz on Madhab Hanafi he explains in madhab Hanafi, a missing person is presumed dead when all the people that lived in the same time of life as him are all dead. However, scholars of madhab Hanafi did not set a certain age for someone to be declared as dead. For Imam Abu Hanifah, he declared death for a missing person if the missing person has reached 120 years old and this opinion is supported by al-Qadwari.

Abu Yusuf set the age as 100 years old, and there are some scholars that state the age depends on the ijtihad of the judge, taking into consideration the condition of the missing person and the evidences presented to him.

Raziz on the Madhab Maliki he says according to madhab Maliki, if a person went missing in Muslim countries, he can be declared dead after the waiting for a duration of 4 years. Furthermore, his wife must complete her ‘iddah of 4 months and 10 days for the death of her husband before she can marry another man. Rezif allures that, if he went missing in other countries (other than Muslim countries), then he cannot be presumed as dead before valid evidences are presented to the court or if he has reached an age where it will be impossible for anyone to be alive at the age.

Imam Malik and Ibn Qasim state the age is around the age of 80 years old, while Ibn Arafah said it to be around 75 years old. There are also scholars that hold the opinion that it is the same as a person who went missing in Muslim countries. Further, more that If a person went missing during a war against the non-Muslims, Imam Malik and Ibn Qasim’s opinion states that the wife must wait for a year before completing her ‘iddah. There are also opinions in mazhab Maliki that ruled it the same as someone who went missing in countries other than Muslim countries. He starts in conclusion of Maliki opinion If a person went missing in a war between Muslims, then there are differing opinions in this mazhab, some state that the wife must wait a year before completing her ‘iddah, while others state that it depends on the ijtihad of the judge or the ruler.

On Fourth Madhab Hanbali Raziz asserts according to scholars of madhab Hanbali, there are two opinions for someone who went missing but his departure is generally considered as safe: First, the husband and wife are considered married until there is evidence that proves that the husband had died. Secondly, the wife must wait until her husband reached the age of 90 years old, and there are other narrations that state that the duration is determined by the ruler or mufti. This is the strong opinion in madhab Hanbali. He further says, If a person went missing and his departure is considered as dangerous, then the wife must wait 4 years before she starts her ‘iddah for the death of her husband. Razif suggested to determine the general duration of mafqūd, it depends on the ijtihad of the judge, according to the time he went missing

for a long time and that there are no longer people that are of the same age as him that are still alive.

Raziz after elaborating thoughts four school of thoughts turned to the Duration of Mafqūd According to the Shari'ah Law in Malaysia Section 806 of the Shariah Court Evidence (Federal Territories) Act 1997 (Act 561) provides for:

> When the question is whether a person is alive or dead, and it is evident that no news has been heard about it for four years by the person who should have heard of it if he is alive, then the burden of proving that he is still alive switched to the person affirming it.

This provision is reinforced by section 53 (1) of the Islamic Family Law (Federal Territories) Act 1984 (Act 303) stating that:

> "If the husband of any woman is dead, or is believed to have died, or has not heard about for a period of four years or more, and such circumstances as he may, for the purpose of enabling her to remarry, be considered in accordance with Syara' law as dead, the Court may, on the petition of the woman and after such reasonable inquiry, issue in the prescribed form a certificate of the death of the husband and the Court may on the petition of the woman make an order for the dissolution of marriage or fasakh as provided for under section 52. "

Raziz then presented the Statement of Mufti Wilayah Persekutuan emphasising after discussing the opinions of Islamic scholars, we are inclined towards the opinion that states that the duration for mafqūd depends on the decision and consideration of the judge. This is in line with a strong opinion in mazhab al-Shafie. Furthermore, it corresponds to the act stipulated in Malaysia through the Shariah Court. Which means, if the judge decides that the duration is 4 years or more, then the wife must wait, and it is permissible for her to remarry after completing her 'iddah. Thus, after 6 months – as an example – there is evidence that proves her husband has died, then the wife can straight away start her 'iddah and after its completion, she can remarry. Razil continues to say the If the husband returned after the duration of mafqūd ended, he has a right to choose to remarry his wife or accept the returning of the mahar given before (consenting to his wife's new husband). This is in accordance with a statement by Saidina Umar and Saidina Uthman: *When the husband returned (after the duration of mafqūd ended), then*

the husband can choose to take his wife back or accept the return of his wife's Mahar. Sunan Abi Shaibah (16723)

He continues regarding the issue of the drama 'Menanti Februari' (Waiting for February), if the husband went missing at sea (in Malaysia for example), then the duration for mafqūd depends on the decision of the judge after consulting with Malaysian Maritime Enforcement Agency, the Prime Minister's Department who are responsible for carrying out maritime search and rescue duty at the Maritime Zone of Malaysia and in the deep seas.

Raziz concludes with the following opinions:

Firstly, the marriage of the wife with her new husband is invalid for the duration of mafqūd stated is 6 months without any scene showing that the wife receives a court decision regarding her marriage status with her missing husband.

Secondly, the first wife is still considered as a legitimate wife of the missing husband for the duration for mafqūd has not ended.

Third, the child that the wife is pregnant with, because of her relationship with her second husband is considered as a shubhah (doubtful) child conceived from shubhah (doubtful) intercourse and is named as the child of his or her biological father (the second husband) and the child will inherit from the father. The scholars agree to the obligation of 'iddah and the validity of lineage from an invalid marriage due to marrying another man's wife, if there are shubhah (doubts) that nulls the fornication ruling, for they did not know the prohibition of the marriage. Hence, the marriage (invalid) is not considered as fornication, and the chid is considered as the child of the man that have intercourse with the mother.

2.8.3.3 Tanfidh Zawaj

Tanfidh zawaj means fulfilling the duties and responsibilities, roles, and rights between a husband and wife as ibadat until the end. Fulfilling the duties, responsibilities, roles,

and rights of both husbands and wives and exercising Istiṣḥāb is an act of righteousness and leads to a good life of contentment in the Tanfidh zawaj Quran confirms this in.

2.8. 3..3.1 Istiṣḥāb

The regular and consistence good. Aisha Mother of Believers narrated that the Prophet (SAW) was asked, "What deeds are loved most by Allah?" He said,

> "The most regular constant deeds even though they may be few." He added, 'Don't take upon yourselves, except the deeds which are within your ability." Sahih al-Bukhari 6465 (Sahih al-Bukhari 6465, n.d.)

2.8. 3.3.1.1 Good standard of Living

Good standard of Living Good assets Qur`an Surat an-Nahl: 16:97

> Whoever does good, whether male or female, and is a believer, We will surely bless them with a good life, and We will certainly reward them according to the best of their deeds.

2.8.3.3.1.1.1 Agriculture, Husbandry and Trade

Muslims are instructed to exercise Istiṣḥāb in Agriculture, Husbandry, and Trade as sources of provision of livelihood Surat al-Mu`min 23: 18 – 22

> We send down rain from the sky in perfect measure, causing it to soak into the earth. And We are surely able to take it away. With it We produce for you gardens of palm trees and grapevines, in which there are abundant fruits, and from which you may eat, as well as ˹olive˺ trees which grow at Mount Sinai, providing oil and a condiment to eat. And there is certainly a lesson for you in cattle, from whose bellies We give you ˹milk˺ to drink, and in them are many other benefits for you, and from them you may eat.

For Specifically Agriculture Plantation Anas bin Malik narrated the Allah's Messenger (SAW) said,

> "There is none amongst the Muslims who plants a tree or sows seeds, and then a bird, or a person or an animal eats from it, but is regarded as a charitable gift for him." Sahih al-Bukhari 2320

Particularly for Permissibility to Trading and not participate in Riba as means of trade and livelihood Qur`an Surat al-Baqarah 2:275 asserts below;

> Those who consume interest will stand ˹on Judgment Day˺ like those driven to madness by Satan's touch. That is because they say, "Trade is no different than interest." But Allah has permitted trading and forbidden interest. Whoever refrains—after having received warning from their Lord—may keep their previous gains, and their case is left to Allah. As for those who persist, it is they who will be the residents of the Fire. They will be there forever.

2.8.3.3.1.1.2 Salient Features of Istiṣḥāb of the provisions of the livelihood

One, Istiṣḥāb feature is that provision should be good and Lawful. Qur`an Surat al-An – Nahl: 16: 114 educates;

> So eat from the good, lawful things which Allah has provided for you, and be grateful for Allah's favours, if you ˹truly˺ worship Him ˹alone˺.

Two; Istiṣḥāb in the providing livelihood to ones family is ibadat certainly and will be recompensed Surat al-Kahf: 18:30 attests.

> As for those who believe and do good, We certainly never deny the reward of those who are best in deeds.

And other features of features of Istiṣḥāb highlighted below;

In fulfilling Tanfidh Zawaj both husband and wife should desist at all costs from Shirk or associating partners or zawaj worship with Allah Qur`an warns in Surat al-Kahf 18:110 as there is no Istiṣḥāb, no niyyah and amal.

> Say, ˹O Prophet,˺ “I am only a man like you, ˹but˺ it has been revealed to me that your God is only One God. So whoever hopes for the meeting with their Lord, let them do good deeds and associate none in the worship of their Lord.”

In fulfilling Tanfidh Zawaj both husband and wife are to humble and strive to be true servants of Allah by not responding to the foolish and ignorant as there is no amal for Istiṣḥāb Qur`an warns and educates them in Surat al-Furqan: 25: 63

> The ˹true˺ servants of the Most Compassionate are those who walk on the earth humbly, and when the foolish address them ˹improperly˺, they only respond with peace.

Tanfidh Zawaj both husband and wife spend in Tahajjud, praying Allah to keep Hell away from them, here there is Istiṣḥāb in the amal Qur`an affirms in Surat al-Furqan: 25: 63 and 64:

> ˹They are˺ those who spend ˹a good portion of˺ the night, prostrating themselves and standing before their Lord.
>
> ˹They are˺ those who pray, “Our Lord! Keep the punishment of Hell away from us, for its punishment is indeed unrelenting.

Tanfidh Zawaj both husband and wife should not spend wastefully nor stingily but moderately in amal and doing so there is Istiṣḥāb Qur`an educates Surat al-Furqan: 25:67;

> They are˺ those who spend neither wastefully nor stingily, but moderately in between.

Tanfidh Zawaj human life has been made sacred by Allah therefore both husband and wife are expected to be within the legal limits of Istiṣḥāb Qur`an alludes in Surat al-Furqan:25: 68,

> ˹They are˺ those who do not invoke any other god besides Allah, nor take a ˹human˺ life—made sacred by Allah—except with ˹legal˺ right, nor commit fornication. And whoever does ˹any of˺ this will face the penalty.

The husband and wife in the event one of them gets a shortfall in the Tanfidh Zawaj are expected to repent, believe, and do good deeds, here wife or husband who repents turns to Allah properly. There is Istiṣḥāb here as Qur`an Surat al-Furqan 25:70/71 affirms.

> As for those who repent, believe, and do good deeds, they are the ones whose evil deeds Allah will change into good deeds. For Allah is All-Forgiving, Most Merciful.

And whoever repents and does good has truly turned to Allah properly.

The husband and wife do not bear false witness and pass falsehood with dignity in Tanfidh Zawaj and here Istiṣḥāb is required Qur`an affirms in Surat al-Furqan: 24:72

> They are˹ those who do not bear false witness, and when they come across falsehood, hey pass ˹it˺ by with dignity.

The husband-and-wife Istiṣḥāb to the revelation of their Lord by not turning blind eyes or a deaf ear in the Tanfidh Zawaj Qur`an Surat al-Furqan: 25:73 Qur`an educates;

> ˹They are˺ those who, when reminded of the revelation of their Lord, do not turn a blind eye or a deaf ear to it.

The husband and wife have Heart enjoyment Istiṣḥāb to Tanfidh zawaj Qur`an Surat al-Furqan: 25: 74 educates them.

> ˹They are˺ those who pray, “Our Lord! Bless us with ˹pious˺ spouses and offspring who will be the joy of our hearts, and make us models for the righteous.

Husband and wife Tanfidh Zawaj of their rights and duties, their duties, and responsibilities and subsequent Istiṣḥāb do not matter without having faith and Imam in Allah. Qur`an Surat al-Furqan: 25:77

> Say, ˹O Prophet,˺ “You ˹all˺ would not ˹even˺ matter to my Lord were it not for your faith ˹in Him˺. But now you ˹disbelievers˺ have denied ˹the truth˺, so the torment is bound to come.”

2.8.3.3.1.1.3 Khawatim

Husband and wife Tanfidh Zawaj of their rights and duties, their duties, and responsibilities and subsequent Istiṣḥāb certainly will end at one point. Therefore, husband and wife strive to perfect their Tanfidh Zawaj, Niyyah and amal before artificial or natural ends of Tanfidh Zawaj. The Prophet said,

> “Verily, deeds are only judged by their endings.” Ṣaḥīḥ Muslim 112. Sahl ibn Sa’d reported: The Messenger of Allah, peace and blessings be upon him, said, “Verily, a man may appear to people as doing the deeds of the people of Paradise, yet he is among the people of Hellfire. Verily, a man may appear to people as doing the deeds of the people of Hellfire, yet he is among the people of Paradise. Ṣaḥīḥ al-Bukhārī 2898, and Qur`an Surat al-Hijr:15:99 confirms “and worship your Lord until the inevitable comes your way.

2.8.3.3.1.1.4 Sihr

Sihr (sorcery, witchcraft, diviners) is a word referring to something hidden. Sihr (Witchcraft and Magic) is a test to Iman, cause psychological harm or/of rift between couples, and its price cause misery to the self. Qur`an Surat al-Baqarah 2:102

> They ˹instead˺ followed the magic promoted by the devils during the reign of Solomon. Never did Solomon disbelieve, rather the devils disbelieved. They taught magic to the people, along with what had been revealed to the two angels, Hârût and Mârût, in Babylon.[1] The two angels never taught anyone without saying, “We are only a test ˹for you˺, so do not abandon ˹your˺ faith.” Yet people learned ˹magic˺ that caused a rift ˹even˺ between husband and wife; although their magic could not harm anyone except by Allah’s Will. They learned what harmed them and did not benefit them—although they already knew that whoever buys into magic would have no share in the Hereafter. Miserable indeed was the price for which they sold their souls, if only they knew!

Sihr is among seven destructive sins in Islam: Abu Hurairah related that 'The Prophet (saws) said: "Avoid seven most dangerous things."

> The Companions then asked: 'O Messenger of Allah! What are these things' He (SAW), answered: 'Making anyone or anything a partner of Allah; practicing magic; killing a living being whose life has been declared sacred by Allah without justification; practicing usury; misappropriating the property of an orphan; running away from the infidels in a battle; and slandering chaste, innocent, believing women.' (Muslim and Bukhair , 2013)

Sihr or sorcerer is disbelieved in Islam. And it was narrated by the authors of al-Sunan and by al-Hakim, who classed it as saheeh, that the Prophet (peace and blessings of Allah be upon him) said:

> "Whoever goes to a soothsayer and believes what he says has disbelieved in that which was revealed to Muhammad."

Prohibition of divination ('Arraf) and diviner. Safiyya reported from some of the wives of Allah's Apostle (SAW) Allah's Apostle (SAW) having said:

> He who visits a diviner ('Arraf) and asks him about anything, his prayers extending to forty nights will not be accepted. Sahih Muslim 2230 (Sahih Muslim, n.d.).

2.8.3.3.1.1.5 Cycle of Life

The Cycle of Life starts from dust, sperm-drop, and a clinging clot, womb, born, some die young; others age and forget. Surat al-22:5

> O humanity! If you are in doubt about the Resurrection, then ˹know that˺ We did create you1 from dust, then from a sperm-drop,2 then ˹developed you into˺ a clinging clot,3 then a lump of flesh4—fully formed or unformed5—in order to demonstrate ˹Our power˺ to you. ˹Then˺ We settle whatever ˹embryo˺ We will in the womb for an appointed term, then bring you forth as infants, so that you may reach your prime. Some of you ˹may˺ die ˹young˺, while others are left to reach the most feeble stage of life so that they may know nothing after having known much.

> And you see the earth lifeless, but as soon as We send down rain upon it, it begins to stir ˹to life˺ and swell, producing every type of pleasant plant.

2.8.3.3.1.1.5 .1 Reverse in development of the aged Surat al-Yasin 36:68

> And whoever We grant a long life, We reverse them in development. Will they not then understand?

2.8.3.3.1.1. 5 .2 Prime Age 40 years Surat al-Ahqaf: 15

> We have commanded people to honour their parents. Their mothers bore them in hardship and delivered them in hardship. Their ˹period of˺ bearing and weaning is thirty months. In time, when the child reaches their prime at the age of forty, they pray, “My Lord! Inspire me to ˹always˺ be thankful for Your favours which You blessed me and my parents with, and to do good deeds that please You. And instil righteousness in my offspring. I truly repent to You, and I truly submit ˹to Your Will˺.”

2.8.3.3.1.1.5.3 Age of the Ummah 60 – 70 years

> Abu Hurairah narrated that the Messenger of Allah (s.a.w) said:
>
> "The lifespan for my Ummah is from sixty years to seventy [years]." Jami` at-Tirmidhi 2331 (Tirmidhi, n.d.)

The worldwide population of postmenopausal women is increasing. In 2021, women aged 50 and beyond constituted 26% of the total female population worldwide. This percentage increased from 22% a decade prior.

Moreover, women are seeing increased longevity. In 2019, a woman aged 60 years worldwide may anticipate an average life expectancy of an additional 21 years. (World Health Organisation, 2024)

The World Health Organisation states that for the majority of women, menopause is characterised by the cessation of monthly menstruation, attributable to the decline in ovarian follicular function. This indicates that the ovaries cease the release of eggs for fertilisation. WHO confirms that the regularity and duration of the menstrual cycle fluctuate throughout a woman's reproductive lifespan, however natural menopause typically occurs between the ages of 45 and 55 for women globally. Natural menopause is confirmed to have happened after 12 consecutive months of amenorrhoea, with no identifiable physiological or pathological reason and without clinical intervention. The WHO warns that certain women undergo menopause prematurely, specifically before the age of 40. This early menopause may result from specific chromosomal anomalies, autoimmune conditions, or other unidentified factors.

As per NHS regarding Ando Pause Some men experience despair, diminished libido, erectile dysfunction, and various physical and emotional ailments upon entering their late 40s to early 50s. Studies demonstrate that in ageing men, diminished testosterone levels are chiefly attributed to a decrease in Leydig cell mass within the testes or impairment in hypothalamic-pituitary regulatory mechanisms, or both, resulting in insufficient secretion of luteinizing hormone and, subsequently, reduced testosterone synthesis.

The NHS acknowledges that, with typical male ageing, average plasma testosterone levels decrease, although there is significant heterogeneity among individuals and a wide range of age-related values. Cross-sectional and prospective studies indicate a deterioration that commences in early middle age and then advances in a linear manner. 6, 7, 8, 9, 10, 11

The decrease in plasma testosterone levels is accompanied by an age-related rise in plasma sex hormone-binding globulin (SHBG), leading to a more significant reduction in the active or bioavailable form of testosterone. 12, 13, 14 Bioavailable testosterone concentrations diminish by up to 50% from the ages of 25 to 75 years.

The NHS determined that it has been suggested that approximately 50% of males over 50 years exhibit hypotestosteronaemia in relation to peak early morning testosterone levels in younger men. (NHS, n.d.)

2.8. 3.3.1.1.5 4 Diseases

Islam emphasises compassion and support for the sick through various teachings of the Qur`an and the Prophet Muhammad (Sallallahu Alayhi wa Sallam). Trials as Purification Trials, Visiting the Sick Visiting and supporting the sick, Prayer for Healing, and Emotional Support.

For Trials as Purification Trials are a means for believers to expiate sins and elevate their status. Narrated 'Aisha:(the wife of the Prophet) Allah's Apostle said,

> "No calamity befalls a Muslim but that Allah expiates some of his sins because of it, even though it were the prick he receives from a thorn." Volume 7, Book 70, Number 544. (Bukhair, n.d.)

For visiting the Sick Visiting and supporting the sick is highly virtuous. Narrated 'Abdullah:

> I visited Allah's Apostle while he was suffering from a high fever. I said, "O Allah's Apostle! You have a high fever." He said, "Yes, I have as much fever as two men of you." I said, "Is it because you will have a double reward?" He said, "Yes, it is so. No Muslim is afflicted with any harm, even if it were the prick of a thorn, but that Allah expiates his sins because of that, as a tree sheds its leaves." Volume 7, Book 70, Number 551 (Bukhair, n.d.)

For Prayer for Healing the Prophet actively prayed for the sick and encouraged them to seek treatment. Narrated 'Aisha:

> Whenever Allah's Apostle paid a visit to a patient, or a patient was brought to him, he used to invoke Allah, saying, "Take away the disease, O the Lord of the people! Cure him as You are the One Who cures. There is no cure but Yours, a cure that leaves no disease." Volume 7, Book 70, Number 579.

Islamic teachings promote sympathy, care, and non-judgmental support towards the ill because it cleanses body and mind from sins.

2.8.3.3.1.1.5.5 Phone

The Communication Gadge like smart phones have converge to include Speech, Sight, Pressing the finger, Listening, feeling, and covering the ears. Also Deaf, Dump and Blind.

On sight Qur`an; Eyes (Ainain) Surat al-Balad 90: 8

"Do they think that no one sees them?"

On the speech Tongue (Lisan) and shafatain (the lips) Surat al-Balad 90: 9

a tongue, and two lips;

On the touch the Finger (isba'), lis Ear, (udhin) and Cloth (thaub)

And whenever I invite them to be forgiven by You, they press their fingers into their ears, cover themselves with their clothes, persist ⌜in denial⌝, and act very arrogantly

Deaf [aSwamu), Dump (ahmaqu), and Blind (a'maa) Surat al-Baqarah 2:171

The example of the disbelievers ⌜not responding to the Messenger's warning⌝ is like a flock not comprehending the calls and cries of the shepherd. ⌜They are wilfully⌝ deaf, dumb and blind so they have no understanding.

For feeling by Skin (Juldun)Surat an-Nisa: 4:56 -57

Surely those who reject Our signs, We will cast them into the Fire. Whenever their skin is burnt completely, We will replace it so they will ⌜constantly⌝ taste the punishment. Indeed, Allah is Almighty, All-Wise.

Teleportation of Queen Sheeba and her throne in a stand by Jinn.. Surat an-Naml 27: 39;

> One mighty jinn responded, “I can bring it to you before you rise from this council of yours. And I am quite strong and trustworthy for this ˹task˺.”

Teleportation of Queen Sheeba and her throne in a blink of an eye by for person knowledge of scripture known as Aṣif ibn Barkhiya; Surat an-Naml 27: 40

> But the one who had knowledge of the Scripture said,1 “I can bring it to you in the blink of an eye.” So when Solomon saw it placed before him, he exclaimed, “This is by the grace of my Lord to test me whether I am grateful or ungrateful. And whoever is grateful, it is only for their own good. But whoever is ungrateful, surely my Lord is Self-Sufficient, Most Generous.

For Isra wal Miraj travel in record time and speed more than that of rising and blinking of an eye but still Speak, See, Listen, feel. That was the power of Isra wal Miraj see Surat al-Isra 17:

> Glory be to the One Who took His servant ˹Muḥammad˺ by night from the Sacred Mosque to the Farthest Mosque whose surroundings We have blessed, so that We may show him some of Our signs.[1] Indeed, He[2] alone is the All-Hearing, All-Seeing.

Al-Isrâ' refers to the Prophet’s Night Journey from Mecca to Jerusalem about a year before his emigration (or Hijrah) from Mecca to Medina. This journey came as a comfort for the Prophet after several years of hardship and persecution, which included a 3-year siege by Meccan pagans, who drove the Muslims out of the city and forbade anyone from trading, marrying, or feeding them. This was followed by the “Year of Sadness,” which included the death of the Prophet’s uncle Abu Ṭâlib, the major defender of Muḥammad (SAW) despite his disbelief in his message, as well as the death of the Prophet’s beloved wife Khadîjah. The Prophet was carried overnight by a noble steed (called Burâq) from Mecca to Jerusalem where he met some earlier prophets and led them in prayer. He was later carried to the heavens (this journey is called Al-Mi’râj, or the Ascension) where he received direct orders from Allah to observe five daily prayers. The Ascension is referred to in 53:13–18. (Mustafa Khattab, n.d.)

The Scenery of the worlds human and physic cannot comprehend. Surat al-Isra 53:13–18

> And he certainly saw that ˹angel descend˺ a second time, at the Lote Tree of the most extreme limit ˹in the seventh heaven˺—, near which is the Garden of ˹Eternal˺ Residence—, while the Lote Tree was overwhelmed with ˹heavenly˺ splendours! The ˹Prophet's˺ sight never wandered, nor did it overreach. He certainly saw some of his Lord's greatest signs.

2.8.3.3.1.1.5.5.1 Speaking the Truth

Truth Qur`an emphasise Surat al-Isra: 17: 81

> And declare, "The truth has come and falsehood has vanished. Indeed, falsehood is bound to vanish."

and, Surat al-Taubah: 9 119

> O believes! Be mindful of Allah and be with the truthful.

Not accept to be lured from speaking the truth Surat al-Hashir: 59: 16

> ˹They are˺ like Satan when he lures someone to disbelieve. Then after they have done so, he will say ˹on Judgment Day˺, "I have absolutely nothing to do with you. I truly fear Allah—the Lord of all worlds

Say what is right Surat al-Ahzab 33:70;

> O believers! Be mindful of Allah, and say what is right

It is despicable it is in the sight of Allah that you say what you do not do!

Only speak what you do not do. Surat al-Safa 61:2 - 3

> O believers! Why do you say what you do not do?

2.8.3.3.1.1.5.5.2 Lying (Kathib)

Do not lie even when you are winning. Qur'an on lying Surat an-Nahl 16: 92

> Do not be like the woman who ˹foolishly˺ unravels her yarn after it is firmly spun, by taking your oaths as a means of deceiving one another in favour of a stronger group. Surely Allah tests you through this. And on the Day of Judgment He will certainly make your differences clear to you.

Do not support lies Surat an-Nisa': 4: 10

> Do not advocate for those who wrong themselves.1 Surely Allah does not like those who are deceitful, sinful.

Do not slip to hell due to lying Surat al-Baqarah 2: 9

> They seek to deceive Allah and the believers, yet they only deceive themselves, but they fail to perceive it.

Lying is a disease Surat al-Baqarah:10

> They seek to deceive Allah and the believers, yet they only deceive themselves, but they fail to perceive it.

Also; Hypocrisy to plague their hearts, Surat al-Taubah: 9: 77

> So He caused hypocrisy to plague their hearts until the Day they will meet Him, for breaking their promise to Allah and for their lies.

Lying is symptoms of injustice Surat al-An A'am 6: 93

> Who does more wrong than the one who fabricates lies against Allah or claims, “I have received revelations!”—although nothing was revealed to them—or the one who says, “I can reveal the like of Allah’s revelations!”? If you ˹O Prophet˺ could only see the wrongdoers in the throes of death while the angels are stretching out their hands ˹saying˺, “Give up your souls! Today you will be rewarded with the torment of disgrace for telling lies about Allah and for being arrogant towards His revelations!”

Do not Identifying a layer Surat al-Ghafir: 40: 28

A believing man from Pharaoh's people, who was hiding his faith, argued, "Will you kill a man1 ˹only˺ for saying: 'My Lord is Allah,' while he has in fact come to you with clear proofs from your Lord? If he is a liar, it will be to his own loss. But if he is truthful, then you will be afflicted with some of what he is threatening you with. Surely Allah does not guide whoever is a transgressor, a total liar.

Do not worry about deception of a liar. Surat al- Anfal: 8: 62

But if their intention is only to deceive you, then Allah is certainly sufficient for you. He is the One Who has supported you with His help and with the believers

Non will ever get away with lying Surat al-Al Ankabut: 29:3

We certainly tested those before them. And ˹in this way˺ Allah will clearly distinguish between those who are truthful and those who are liars.

Truth has wonderful rewards Surat al-Maida 5:119

Allah will declare, "This is the Day when ˹only˺ the faithful will benefit from their faithfulness. Theirs are Gardens under which rivers flow, to stay there for ever and ever. Allah is pleased with them and they are pleased with Him. That is the ultimate triumph."

Truthfulness leads to righteousness and wickedness leads to hell. It was narrated `Abdullah:

The Prophet (SAW) said, "Truthfulness leads to righteousness, and righteousness leads to Paradise. And a man keeps on telling the truth until he becomes a truthful person. Falsehood leads to Al-Fajur (i.e., wickedness, evil-doing), and Al-Fajur (wickedness) leads to the (Hell) Fire, and a man may keep on telling lies till he is written before Allah, a liar." Sahih al-Bukhari 6094.

When a person lies is a sign of hypocrisy Abu Huraira reported:

> The Messenger of Allah, peace and blessings be upon him, said, “Among the signs of a hypocrite are three, even if he fasts and prays and claims to be a Muslim: when he speaks, he lies, when he gives a promise he breaks it, and when he is trusted he betrays. Ṣaḥīḥ al-Bukhārī 33, Ṣaḥīḥ Muslim 59.

If a person has nothing to say let them keep silent it was narrated Abu Huraira:

> The Prophet (SAW) said, "Whoever believes in Allah and the Last Day, should not hurt his neighbour and whoever believes in Allah and the Last Day, should serve his guest generously and whoever believes in Allah and the Last Day, should speak what is good or keep silent." [Sahih al-Bukhari 6136]

2.8.3.3.1.1.6 Beating a Women

The beating of women is disapproved Narrated `Abdullah bin Zam`a: The Prophet (SAW) said,

> "None of you should flog his wife as he flogs a slave and then have sexual intercourse with her in the last part of the day." Sahih al-Bukhari 5204**.**

2.8.3.3.1.1.7 Death in Marriage

Qur`an Assurance that every soul will taste death Surah Al-Imran (3:185)

> Every soul will taste death. And you will only receive your full reward on the Day of Judgment. Whoever is spared from the Fire and is admitted into Paradise will ˹indeed˺ triumph, whereas the life of this world is no more than the delusion of enjoyment.

The Martyrdom dying in dying from a plague, when a pregnant woman dies in childbirth, dying of drowning, or burning, or of pleurisy: It was narrated from ‘Abdullah bin ‘Abdullah bin Jabir bin ‘Atik, from his father, that his grandfather fell sick and the Prophet (SAW) came to visit him. One of his family members said: “We hoped that when he died it would be as a martyr in the cause of Allah.” Sunan Ibn Majah 2803 (Ibn Majah, n.d.)

> The Messenger of Allah (SAW) said: “In that case the martyrs of my nation would be few. Being killed in the cause of Allah is martyrdom; dying of the plague is martyrdom; when a pregnant woman dies in childbirth that is martyrdom; and dying of drowning, or burning, or of pleurisy, is martyrdom

A wife who dies husband is pleased with her. Umm Salamah (May Allah be pleased with her) reported: Messenger of Allah (SAW) said,

> "Any woman dies while her husband is pleased with her, she will enter Jannah". (Riyad as-Salihin 286/Tirmidhi

Righteous Husband and wife be in Jannah. Qur`an Surat al-Radd: 13:23 -24:

> the Gardens of Eternity, which they will enter along with the righteous among their parents, spouses, and descendants. And the angels will enter upon them from every gate, ˹saying, ˺ Peace be upon you for your perseverance. How excellent is the ultimate abode!”

2.8.2 Moderating Variable

Trial and tribulations in form of fitnah and Bala`a are illustrated below:

In the Arabic Qur`an, there are typically two words for the word “test.” The first is the word “a*l-balā*” (الْبَلَاء), and the other is “a*l-fit’nah*” (الْفِتْنَة). The root for *balā* occurs 38 times in the Quran. While the root for *fit’na* occurs 60 times in the Qur`an. (Qur`an Talk , 2023). On the other hand, “*fit’na*” is a term that refers to a trial that is designed to separate truth from falsehood or good from evil. This type of test is often associated with *temptation, deception*, and *confusion*.

Its purpose is to determine if someone is a true believer or merely providing lip service. The idea behind fit’na is that it serves as a way of sorting the wheat from the chaff, so to speak, and of strengthening the faith of believers by enabling them to overcome deception and temptation while at the same time weeding out individuals who do not believe.

2.8.2.1. Temptation Fitnah

The Fitnah situations that influence the niyyah, amal zawaj, Tanfidh and Istiṣḥāb of the duties and responsibilities, rights and obligation between husband and wife often caused by inorganic situations leading to temptations. Richness and women, allurement fitnah; allurement restrain, deception fitnah, and confusion Fitnah.

2.8.2.1.1 Temptation Fitnah of Rich and Women

Usama b. Zaid reported that Allah's Messenger (way peace be upon him) said: I stood at the door of Paradise and I found that the overwhelming majority of those who entered therein was that of poor persons and the wealthy persons were detained to get into that. The denizens of Hell were commanded to get into Hell, and I stood upon the door of Fire and the majority amongst them who entered there was that of women. (Sahih Muslim 2736).

2.8.2.1.2 Allurement Fitnah

Abu Sa'id Khudri reported that Allah's Messenger (SAW) said: The world is sweet and green (alluring) and verily Allah is going to install you as vicegerent in it to see how you act. So avoid the allurement of women: verily, the first trial for the people of Isra'il was caused by women. And in the hadith transmitted on the authority of Ibn Bashshar the words are:" So that He should see how you act." (Muslim S. , The Book of Heart-Melting Traditions, n.d.)

2.8.2.1.3 Allurement restrain

Sahih Muslim Recorded restrain to commit illegal relationship serves from calamities narrating the events of the wayfarers by the Prophet Muhammad (PBUH) narrated by Abdullah b. Umar citing one situation relevant to this study.

The second one said: O Allah, I had a female cousin whom I loved more than the men love the women. I wanted to have sexual intercourse with her; she refused but on the condition of getting one hundred dinirs. It was with very great difficulty that I could collect one hundred dinirs and then paid them to her and when I was going to have sexual intercourse with her, that she said: Servant of Allah, fear Allah and do not break the seal (of chastity) but by lawful means. I got up. 0 Allah, if Thou art aware that I did this to seek Thine pleasure, rid us from this trouble. The situation was somewhat eased for them. The third one said: Allah, I employed a workman for a measure of rice. After he had finished his work I gave him his dues (in the form of) a measure of rice, but he did not accept them. I used this rice as seeds, and that gave a bumper crop and I became rich enough to have cows and flocks (in my possession). He came to me and said: Fear Allah, and commit no cruelty upon me regarding my dues. I said to him: Take this flock of cows and sheep. He said: Fear Allah and do not make fun of me. I said: I am not making fun of you. You take the cows and the flocks. So he took them. 0 Allah, if Thou art aware that I did it for Thine pleasure, case the situation for us. And Allah relieved them from the rest of the trouble. (Sahih Muslim 2743a)

2.8.2.1.4 Deception Fitnah

It is narrated on the authority of Abu Huraira that the Messenger of Allah (SAW) happened to pass by a heap of eatables (corn). He thrust his hand in that (heap) and his fingers were moistened. He said to the owner of that heap of eatables (corn): What is this? He replied: Messenger of Allah, these have been drenched by rainfall. He (the Holy Prophet) remarked: Why did you not place this (the drenched part of the heap) over other eatables so that the people could see it? He who deceives is not of me (is not my follower) (Muslim S. , The Saying of the prophet (saws): "Whoever deceives us is not one of us.", n.d.).

2.8.2.1.5 Confusion and Fitnah

False accusation of adultery harms marriage especially with failure of evidence as Accusations requires substantial proof. The Impact of rumours cause destructive due to nature of baseless gossip which affect character. Uploading couple`s integrity amid false claims affect social justice and fairness in judging and treatment. This puts the deficient in the Trust of the couples in their community.

Bukhair recorded the breath-taking fitnah adultery accusation of Aisha by Abdullah Ibn Ubayy Ibn Salool to have committed adultery with Safwan bin Mu'athal.

The wife of the Prophet Aisha (r.a) "Whenever Allah's Messenger (SAW) intended to go on a journey, he would draw lots amongst his wives and would take with him the one upon whom the lot fell. During a Ghazwa of his, he drew lots amongst us and the lot fell upon me, and I proceeded with him after Allah (SWT) had decreed the use of the veil by women. I was carried in a Howdah (on the camel) and dismounted while still in it. When Allah's Messenger (SAW) was through with his Ghazwa and returned home, and we approached the city of Medina, Allah's Messenger (SAW) ordered us to proceed at night. When the order to set off was given, I walked till I was past the army to answer the call of nature. After finishing I returned (to the camp) to depart (with the others) and suddenly realized that my necklace over my chest was missing. So, I returned to look for it and was delayed because of that.

The people who used to carry me on the camel came to my Howdah and put it on the back of the camel, thinking that I was in it, as, at that time, women were light in weight, and thin and lean, and did not use to eat much. So, those people did not feel the difference in the heaviness of the Howdah while lifting it, and they put it over the camel. At that time I was a young lady. They set the camel moving and proceeded on. I found my necklace after the army had gone, and came to their camp to find nobody. So, I went to the place where I used to stay, thinking that they would discover my absence and come back in my search. While in that state, I felt sleepy and slept.

Safwan bin Mu'attal As-Sulami Adh-Dhakwani was behind the army and reached my abode in the morning. When he saw a sleeping person, he came to me, and he used to see me before veiling. So, I got up when I heard him saying, "Inna lil-lah-wa inn a ilaihi rajiun (We are for Allah, and we will return to Him)." He made his camel knell down. He got down from his camel and put his leg on the front legs of the camel and then I rode and sat over it. Safwan set out walking, leading the camel by the rope till we reached the army who had halted to take rest at midday.

Then whoever was meant for destruction, fell into destruction, (some people accused me falsely) and the leader of the false accusers was `Abdullah bin Ubai bin Salul. After that, we returned to Medina, and I became ill for one month while the people were spreading the forged

statements of the false accusers. I was feeling during my ailment as if I were not receiving the usual kindness from the Prophet (SAW) which I used to receive from him when I got sick. But he would come, greet, and say, 'How is that (girl)?' I did not know anything of what was going on till I recovered from my ailment and went out with Um Mistah to the Manasi where we used to answer the call of nature, and we used not to go to answer the call of nature except from night to night and that was before we had lavatories near to our houses. And this habit of ours was like the habit of the old 'Arabs in the open country (or away from houses).

`So, I and Um Mistah bint Ruhm went out walking. Um Mistah stumbled because of her long dress and on that she said, 'Let Mistah be ruined.' I said, 'You are saying a bad word. Why are you abusing a man who took part in (the battle of) Badr?' She said, 'O Hanata (you there) didn't you hear what they said?' Then she told me the rumours of the false accusers.

My sickness was aggravated, and when I returned home, Allah's Messenger (SAW) came to me, and after greeting he said, 'How is that (girl)?' I requested him to allow me to go to my parents. I wanted then to be sure of the news through them, Allah's Messenger (SAW) allowed me, and I went to my parents and asked my mother, 'What are the people talking about?' She said, 'O my daughter! Do not worry much about this matter. By Allah, never is there a charming woman loved by her husband who has other wives, but the women would forge false news about her.

I said, 'Glorified be Allah! Are the people taking of this matter?' That night I kept on weeping and could not sleep till morning. In the morning Allah's Messenger (SAW) called `Ali bin Abu Talib and Usama bin Zaid when he saw the Divine Inspiration delayed, to consul them about divorcing his wife (Aisha).

Usama bin Zaid said what he knew of the good reputation of his wives and added, 'O Allah's Messenger (SAW)! Keep you, wife, for, by Allah, we know nothing about her but good.' `Ali bin Abu Talib said, 'O Allah's Messenger (SAW)! Allah has no imposed restrictions on you, and there are many women other than she, yet you may ask the woman-servant who will tell you the truth.' On that Allah's Messenger (SAW) called Barirah and said, 'O Barirah. Did you ever see anything which roused your suspicions about her?' Barirah said, 'No, by Allah Who has sent you with the Truth, I have never seen in her anything faulty except that she is a girl of immature age, who sometimes sleeps and leaves the dough for the goats to eat.'

On that day Allah's Messenger (SAW) ascended the pulpit and requested that somebody support him in punishing `Abdullah bin Ubai bin Salul.

Allah's Apostle said, 'Who will support me to punish that person (`Abdullah bin Ubai bin Salul) who has hurt me by slandering the reputation of my family? By Allah, I know nothing about my family but good, and they have accused a person about whom I know nothing except good, and he never entered my house except in my company.'

Sa`d bin Mu`adh got up and said, 'O Allah's Messenger (SAW)! by Allah, I will relieve you from him. If that man is from the tribe of the Aus, then we will chop his head off, and if he is from our brothers, the Khazraj, then order us, and we will fulfil your order.' On that Sa`d bin 'Ubada, the chief of the Khazraj and before this incident, he had been a pious man, got up, motivated by his zeal for his tribe and said, 'By Allah, you have told a lie; you cannot kill him, and you will never be able to kill him.' On that Usaid bin Al-Hadir got up and said (to Sa`d bin 'Ubada), 'By Allah! you are a liar. By Allah, we will kill him; and you are a hypocrite, defending the hypocrites.'

On this, the two tribes of Aus and Khazraj got excited and were about to fight each other, while Allah's Messenger (SAW) was standing on the pulpit. He got down and quieted them till they became silent and he kept quiet. On that day I kept on weeping so much so that neither did my tears stop, nor could I sleep. In the morning my parents were with me and I had wept for two nights and a day, till I thought my liver would burst from weeping. While they were sitting with me and I was weeping an Ansari woman asked my permission to enter, and I allowed her to come in. She sat down and started weeping with me.

While we were in this state, Allah's Messenger (SAW) came and sat down and he had never sat with me since the day they forged the accusation. No revelation regarding my case came to him for a month. He recited Tashah-hud (None has the right to be worshipped but Allah and Muhammad is His Apostle) and then said, 'O `Aisha! I have been informed such-and-such about you; if you are innocent, then Allah will soon reveal your innocence, and if you have committed a sin, then repent to Allah and ask Him to forgive you, for when a person confesses his sin and asks Allah for forgiveness, Allah accepts his repentance.' When Allah's Messenger (SAW) finished his speech, my tears ceased completely and there remained not even a single drop of it. I requested my father to reply to Allah's Messenger (SAW) on my behalf. My father said, By Allah, I do not know what to say to Allah's Messenger (SAW)' I said to my mother, 'Talk to Allah's Messenger (SAW) on my behalf.' She said, 'By Allah, I do not know what to say to Allah's Apostle. I was a young girl and did not have much knowledge of the Qur'an.

I said, I know, by Allah, that you have listened to what people are saying and that has been planted in your minds and you have taken it as a truth.

Now, if I told you that I am innocent and Allah knows that I am innocent, you would not believe me and if I confessed to you falsely that I am guilty, and Allah knows that I am innocent you would believe me. By Allah, I do not compare my situation with you except to the situation of Joseph's father (Jacob) who said, 'So (for me) patience is most fitting against that which you assert and it is Allah (Alone) whose help can be sought.' Then I turned to the other side of my bed hoping that Allah would prove my innocence.

By Allah, I never thought that Allah would reveal Divine Inspiration in my case, as I considered myself too inferior to be talked of in the Holy Qur'an. I had hoped that Allah's Messenger (SAW) might have a dream in which Allah would prove my innocence. By Allah, Allah's Apostle had not got up and nobody had left the house before the Divine Inspiration came to Allah's Apostle. So, there overtook him the same state which used to overtake him, (when he used to have, been inspired divinely). He was sweating so much so that the drops of the sweat were dropping like pearls though it was a (cold) wintry day. When that state of Allah's Messenger (SAW) was over, he was smiling and the first word he said was, `Aisha! Thank Allah, for Allah has declared your innocence.' My mother told me to go to Allah's Messenger (SAW) I replied, 'By Allah, I will not go to him and wil+l not thank but Allah.

'So Allah revealed: "Verily! They who spread the slander are a gang among you . . ." (24.11)

Allah gave the declaration of my Innocence, Abu Bakr, who used to provide for Mistah bin Uthatha for he was his relative, said, 'By Allah, I will never provide Mistah with anything because of what he said about Aisha.' But Allah later revealed: -

"And let not those who are good and wealthy among you swear not to help their kinsmen, those in need and those who left their homes in Allah's Cause. Let them forgive and overlook. Do you not wish that Allah should forgive you? Verily! Allah is Oft-forgiving, Most Merciful." (24.22)

After that Abu Bakr said, 'Yes ! By Allah! I like that Allah should forgive me,' and resumed helping Mistah whom he used to help before. Allah's Messenger (SAW) also asked Zainab bint Jahsh (the Prophet's wife about me saying, 'What do you know and what did you see?' She replied, 'O Allah's Messenger (SAW)! I refrain to claim hearing or seeing what I have not heard or seen. By Allah, I know nothing except goodness about Aisha." Aisha further added "Zainab was competing with me (in her beauty and the Prophet's love), yet Allah protected her (from being malicious), for she had piety." (Bukhair, n.d.).

2.8.2.1.7 Summary of Fitnah verses

The marriage are tests and tribulation to husbands and wives and there are expected to do their best to attain full dividend in the shares of this world and hereafter as Qur`an elaborates below: Qur`an Surat al-Al-`Ankabut: 29:2

> Do people think once they say, "We believe," that they will be left without being put to the test?
>
> Qur`an Surat al-Al-`Ankabut: 29:2
>
> We certainly tested those before them. And ˹in this way˺ Allah will clearly distinguish between those who are truthful and those who are liars.
>
> Qur`an Surat al-Hajj: 22:53
>
> All that so He may make Satan's influence a trial for those ˹hypocrites˺ whose hearts are sick and those ˹disbelievers˺ whose hearts are hardened. Surely the wrongdoers are totally engrossed in opposition.
>
> Qur`an Surat al-Al -A`raf: 7:27
>
> O children of Adam! Do not let Satan deceive you as he tempted your parents out of Paradise and caused their cover to be removed in order to expose their nakedness. Surely he and his soldiers watch you from where you cannot see them. We have made the devils allies of those who disbelieve.
>
> Qur`an SuratulTaha: 20:85
>
> Allah responded, "We have indeed tested your people in your absence, and the Sâmiri has led them astray.
>
> Qur`an Surat al-Imran: 3:7
>
> He is the One Who has revealed to you ˹O Prophet˺ the Book, of which some verses are precise—they are the foundation of the Book—while others are elusive. Those with deviant hearts follow the elusive verses

seeking ˹to spread˺ doubt through their ˹false˺ interpretations—but none grasps their ˹full˺ meaning except Allah. As for those well-grounded in knowledge, they say, "We believe in this ˹Quran˺—it is all from our Lord." But none will be mindful ˹of this˺ except people of reason.

Qur`an Surat al-At -Taghabun: 64:15

Your wealth and children are only a test, but Allah ˹alone˺ has a great reward.

Qur`an Surat al-Anfal: 8:28

And know that your wealth and your children are only a test and that with Allah is a great reward.

Qur`an Surat al-Anfal: 8:73

As for the disbelievers, they are guardians of one another. And unless you ˹believers˺ act likewise, there will be great oppression and corruption in the land.

2.8.2.2 Balā`

Generally, when the word "*balā*" is used about a test, it is meant to strengthen the faith of believers and increase their reliance on Allah. This is a test that every human will have to go through and can take many forms, including physical hardship, financial hardship, or the loss of a loved one, but it is always seen as a means of drawing believers closer to God and increasing their spiritual strength or put another way, *balā* is a test meant to refine and purify the soul, strengthen the faith of believers, and increase their reliance on God.

2.8.2.2.1 Procreation Balā`

Qur`an Surat al-Ghafir: 40:67- 68

> He is the One Who created you from dust, then from a sperm-drop, then developed you into a clinging clot, then He brings you forth as infants, so that you may reach your prime, and become old—though some of you ˹may˺ die sooner—reaching an appointed time, so perhaps you may understand ˹Allah's power˺.

He is the One Who gives life and causes death. When He decrees a matter, He simply tells it, "Be!" And it is!

2.8.2.2.2 Miscarriage Balā`

Qur`an Surat al-Ambiya :22: 5

> O humanity! If you are in doubt about the Resurrection, then ˹know that˺ We did create you from dust, then from a sperm-drop, then ˹developed you into˺ a clinging clot, then a lump of flesh—fully formed or unformed—in order to demonstrate ˹Our power˺ to you. ˹Then˺ We settle whatever ˹embryo˺ We will in the womb for an appointed term, then bring you forth as infants, so that you may reach your prime. Some of you ˹may˺ die ˹young˺, while others are left to reach the most feeble stage of life so that they may know nothing after having known much. And you see the earth lifeless, but as soon as We send down rain upon it, it begins to stir ˹to life˺ and swell, producing every type of pleasant plant.

Fully formed or unformed demonstrates Allah`s power over the Balā of miscarriage as the Messenger of Allah (SAW) said:

By the One whose Hands is my soul, the miscarriage foetus will drag his mother to paradise by his (umbilical cord) if she was patient (with the miscarriage), hoping to be rewarded. (Ahmad).

2.8.2.2.3 Post parthum and pregnancy Balā`

Being killed in the Cause of Allah, dying of plaque, Pregnant women dying in childbirth, dying of drowning or burning and dying of pleurisy. Ibn Majah Recorded Prophet Muhammad (Peace Be Upon Him) to have complemented on the Bala'a situations.

> It was narrated from 'Abdullah bin 'Abdullah bin Jabir bin 'Atik, from his father, that his grandfather fell sick and the Prophet (SAW) came to visit him. One of his family members said: "We hoped that when he died it would be as a martyr in the cause of Allah." The Messenger of Allah (SAW) said: "In that case, the martyrs of my nation would be few. Being killed in the cause of Allah is martyrdom; dying of the plague is martyrdom; when a pregnant woman dies in childbirth that is martyrdom; and dying of drowning, or burning, or of pleurisy, is martyrdom. (Majah I. , Sunan Ibn Majah Vol. 4, Book 24, Hadith 2803, n.d.)

2.8.2.2.4 Abtar Balā`

Qassim, Abdallah and Ibrahim, the three sons of Prophet Muhammad died in their infant stage. Surat al-Thauthar:108**:** 1- 3 educates**:**

> Indeed, We have granted you ˹O Prophet˺ abundant goodness. So pray and sacrifice to your Lord ˹alone. Only the one who hates you is truly cut off ˹from any goodness˺

Ibn Katheer quotes Ibn `Abbas, Mujahid, Sa`id bin Jubayr and Qatadah all said,

> This Ayah was revealed about (Quraysh /Al-`As bin Wa'il) Whenever the Messenger of Allah (SAW) would be mentioned (in his/their presence) he would say, `Leave him, for indeed he is a man who is cut off having no descendants. So when he dies, he will not be remembered. (Kathir, n.d.).

2.8.2.2.5 Inaathah(daughters) Balā`

It is Allah that blesses with inaathah(daughters) and a-dhukur(sons) or bless with both inaathah(daughters)and a-dhukur (sons) attests Qur`an Surat al-As- Shura 42: 49:

> Allah ˹alone˺ belongs the kingdom of the heavens and the earth. He creates whatever He wills. He blesses whoever He wills with daughters, and blesses whoever He wills with sons, or grants both, sons and daughters, ˹to whoever He wills˺, and leaves whoever He wills infertile. He is indeed All-Knowing, Most Capable.

Birth of Girl Balā tests pressure on the Quraysh man and women Qur`an Surat al-An -Nahl: 16:58 -59.

> Whenever one of them is given the good news of a baby girl, his face grows gloomy, as he suppresses his rage. He hides himself from the people because of the bad news he has received. Should he keep her in disgrace, or bury her ˹alive˺ in the ground? Evil indeed is their judgment!

Nobility is based on righteousness as based on gender; male or female Qur`an enlightens in Surat al-Hujurat: 49: 13:

> O humanity! Indeed, We created you from a male and a female, and made you into peoples and tribes so that you may ˹get to˺ know one another. Surely the most noble of you in the sight of Allah is the most righteous among you. Allah is truly All-Knowing, All-Aware.

2.8.2.2.6 Balā` of infertility

(Aqiimah) infertile affirms in the Qur`an Surat al-As- Shura:50

> or grants both, sons and daughters, ˹to whoever He wills˺, and leaves whoever He wills infertile. He is indeed All-Knowing, Most Capable.

Full stage where end in the fertilities in humanity Qur`an Surat al-ahqaf: 46:16 educates about this stage of life:

> We have commanded people to honour their parents. Their mothers bore them in hardship and delivered them in hardship. Their ˹period of˺ bearing and weaning is thirty months. In time, when the child reaches their prime at the age of forty, they pray, “My Lord! Inspire me to ˹always˺ be thankful for Your favours which You blessed me and my parents with, and to do good deeds that please You. And instil righteousness in my offspring. I truly repent to You, and I truly submit ˹to Your Will˺.”

Infertility is a disease of the male or female reproductive system defined by the failure to achieve a pregnancy after 12 months or more of regular unprotected sexual intercourse. (WHO W. H., 2023) argues Infertility affects millions of people – and has an impact on their families and communities WHO suggest that approximately one in every six people of reproductive age worldwide experience infertility in their lifetime. WHO further deliberates that in the male reproductive system, infertility is mostly caused by problems in the ejection of semen, absence or low levels of sperm, or abnormal shape (morphology) and movement (motility) of the sperm. However, in the female reproductive system, infertility may be caused by a range of abnormalities of the ovaries, uterus, fallopian tubes, and endocrine system, among others.

WHO facts on infertility can be primary or secondary. Primary infertility is when a pregnancy has never been achieved by a person, and secondary infertility is when at least one prior pregnancy has been achieved.

Premenopause means “before menopause” and perimenopause means, “around menopause. (Amin S. , 2021) the age of perimenopause is 40`s age and the age of menopause is 50s for women. A female may know that they are starting perimenopause if their menstrual cycle varies by 7 days or more but they still have at least one period in 3 months.

Amin alludes Menopause occurs when there have been no periods for 12 months. It is a moment of transition rather than a stage. At this point, the ovaries no longer release eggs, and estrogen production in the ovaries has fallen significantly:

> The lack of ovaries to release eggs, and estrogen production is a Balā: Qur`an confirms in Surat al-As- Shura:42:50:

"…˹to whoever He wills˺, and leaves whoever He wills infertile…"

2.8.2.2.7 Balā of Khuntha (Hermaphrodite, inter sex individual)

Umm Salama reported that she had a eunuch (as a slave) in her house. Allah's Messenger may peace be upon him) was once in the house that he (the eunuch) said to the brother of Umm Salama:

Abdullah b. Aba Umayya. if Allah grants you victory in Ta'if on the next day, I will show you the daughter of Ghailan for she has four folds (upon her body) on the front side of her stomach and eight folds on the back. Allah's Messenger (SAW) heard this and he said: Such (people) should not visit you. (Sahih Muslim 2180 Book 39, Hadith 44)

> A'isha reported that a eunuch used to come to the wives of Allah's Apostle (SAW) and they did not and anything objectionable in his visit considering him to be a male without any sexual desire. Allah's Apostle (SAW) one day came as he was sitting with some of his wives and he was busy describing the bodily characteristics of a lady and saying: As the comes in front four folds appear on her front side and as she turns her back eight folds appear on the backside. Thereupon Allah's Apostle (SAW) said: I (I did not know) that he knows these things; do not, therefore. allow him to cater. She (" A'isha) said: Then they began to observe veil from him:(Sahih Muslim 2181).

2.8.2.2.8 of Balayā (Calamities)

It was narrated from Anas bin Malik that the Messenger of Allah (SAW) said: "The greatest reward comes with the greatest trial. When Allah loves a people, He tests them. Whoever accepts that wins His pleasure but whoever is discontent with that earns His wrath." (Sunan Ibn Majah, Vol. 5, Book 36, Hadith 4031.

2.8.2.2.9 Balā of losing a wife

Umm Salamah (May Allah be pleased with her) reported: Messenger of Allah (SAW) said, "Any woman dies while her husband is pleased with her, she will enter Jannah" (Tirmidh, n.d.).

2.8.2.2.10 Balā of being Mad

Overview of verses in Qur`an using word Maftum (madness)The theme of madness is associated Usurers, Jannah and Islamophobic tendencies against the Prophet (SAW). The verses and meaning are highlighted as follows;

Firstly Surah Al-Qalam 68:6 Questions who among them is mad (Maftum).

Secondly Surah Al-Baqarah 2:275 Usurers will stand on Judgment Day as if driven mad by Satan.

Third Surah Al-A'raf 7:185 Questions if there is madness in the Prophet, declaring him a plain warner.

Fourth Surah Al-Mu'minun 23:25 Claims the Prophet is just a man with madness; advised to observe him.

Fifth Surah Al-Mu'minun 70 Denies claims of madness, asserting he brings the Truth.

Six Surah Saba 34:8 Questions if he is a liar or mad; emphasizes disbelievers are in error.

Seventh Surah Saba 34:46 Urges reflection, reiterating the Prophet is not mad, but a warner.

Eighth, Surah Qamar 54:24 Refers to following a mortal as leading to error and madness.

Nineth Qamar 54:47 Describes the guilty as being in error and madness.

Tenth Surah Waqi'ah 56:19 Describes a place where there is no headache or madness.

However, there are also other Hadith which are spot about Madness (Maftum)

لَّهُمَّ إِنِّي أَعُوذُ بِكَ مِنَ الْهَمِّ وَالْحَزَنِ، وَالْعَجْزِ وَالْكَسَلِ، وَالْبُخْلِ وَالْجُبْنِ، وَضَلَعِ الدَّيْنِ وَغَلَبَةِ الرِّجَالِ

O Allah! I seek refuge with You from worry and grief, from incapacity and laziness, from cowardice and miserliness, from being heavily in debt and from being overpowered by (other) men. Al-Bukhari 7/158. (Muslim, n.d.)

Anas ibn Malik reported: The Messenger of Allah, peace and blessings be upon him, would say in his supplications,

"O Allah, I seek refuge in You from disability and sloth, cowardice and senility, hardness of heart and negligence, dependence and humiliation and misery. I seek refuge in You from poverty and unbelief, wickedness and discord, hypocrisy and fame-seeking and ostentation. I seek refuge in You from deafness and dumbness, insanity and contagion, leprosy, and evil ailments."

The pens are lift on three individuals Ali ibn Abi Talib reported:

The Messenger of Allah, peace and blessings be upon him, said, "The pen is lifted from three people: a sleeping person until he awakens, a child until he becomes an adult, and an insane person until he regains his sanity."

(Sunan al-Tirmidhī 1423) (Tirmidhi , n.d.)

On the It was narrated from 'Aishah that the Prophet said:

> "The pen has been lifted from three: From the sleeper until he wakes up, from the minor until he grows up, and from the insane until he comes back to his senses or recovers." Sunan an-Nasa'i 3432

On the theme one punishing an insane, It was narrated from Al-Hasan that `Umar bin Al-Khattab (RA) wanted to stone an insane woman, but ‘Ali said to him:

> You do not have the right to do that. He said: I heard the Messenger of Allah (SAW) say: “The Pen has been lifted from three: from the sleeper until he wakes up, from the child until he reaches adolescence, and from the insane person until he recovers, or comes to his senses. ` So `Umar (RA) pardoned her. (Musnad Abi Talib, n.d.).

2.8.2.2.11 Summary of Balā verses of Qur`an

For purpose of this section ten verses quoted are outlined below;

> Qur`an Surat al-Baqarah: 2:155-156
>
> We will certainly test you with a touch of fear and famine and loss of property, life, and crops. Give good news to those who patiently endure—who say, when struck by a disaster, “Surely to Allah we belong and to Him we will ˹all˺ retur.
>
> Qur`an Surat al-Imran: 3:186
>
> You ˹believers˺ will surely be tested in your wealth and yourselves, and you will certainly hear many hurtful words from those who were given the Scripture before you and ˹from˺ the polytheists. But if you are patient and mindful ˹of Allah˺—surely this is a resolve to aspire to.
>
> Qur`an Surat al-A`raf: 7: 168
>
> We dispersed them through the land in groups—some were righteous, others were less so. We tested them with prosperity and adversity, so perhaps they would return ˹to the Right Path˺.
>
> Qur`an Surat al-Anfal: 8:17

It was not you ˹believers˺ who killed them, but it was Allah Who did so. Nor was it you ˹O Prophet˺ who threw ˹a handful of sand at the disbelievers˺, but it was Allah Who did so, rendering the believers a great favour. Surely Allah is All-Hearing, All-Knowing.

Qur`an Surat al-Imran: 3:152

Indeed, Allah fulfilled His promise to you when you ˹initially˺ swept them away by His Will, then your courage weakened and you disputed about the command and disobeyed,1 after Allah had brought victory within your reach. Some of you were after worldly gain while others desired a heavenly reward. He denied you victory over them as a test, yet He has pardoned you. And Allah is Gracious to the believers.

Qur`an Surat al-Imran: 3:154

Then after distress, He sent down serenity in the form of drowsiness overcoming some of you, while others were disturbed by evil thoughts about Allah—the thoughts of ˹pre-Islamic˺ ignorance. They ask, “Do we have a say in the matter?” Say, ˹O Prophet,˺ “All matters are destined by Allah.” They conceal in their hearts what they do not reveal to you. They say ˹to themselves˺, “If we had any say in the matter, none of us would have come to die here.” Say, ˹O Prophet,˺ “Even if you were to remain in your homes, those among you who were destined to be killed would have met the same fate.” Through this, Allah tests what is within you and purifies what is in your hearts. And Allah knows best what is ˹hidden˺ in the heart.

Qur`an Surat al-Baqarah: 2:249

When Saul marched forth with his army, he cautioned: “Allah will test you with a river. So whoever drinks ˹his fill˺ from it is not with me, and whoever does not taste it—except a sip from the hollow of his hands—is definitely with me.” They all drank ˹their fill˺ except for a few! When he and the ˹remaining˺ faithful with him crossed the river, they said, “Now we are no match for Goliath and his warriors.” But those ˹believers˺ who were certain they would meet Allah reasoned, “How many times has a small force vanquished a mighty army by the Will of Allah! And Allah is ˹always˺ with the steadfast.”

Qur`an Surat al-An`am : 6:165

He is the One Who has placed you as successors on earth and elevated some of you in rank over others, so He may test you with what He has given you. Surely your Lord is swift in punishment, but He is certainly All-Forgiving, Most Merciful.

Qur`an Surat an-Naml: 27: 40

But the one who had knowledge of the Scripture said1 “I can bring it to you in the blink of an eye.” So when Solomon saw it placed before him, he exclaimed, “This is by the grace of my Lord to test me whether I am grateful or ungrateful. And whoever is grateful, it is only for their own good. But whoever is ungrateful, surely my Lord is Self-Sufficient, Most Generous.

Qur`an Surat al-Al -Qalam: 67:17

Indeed, We have tested those ˹Meccans˺ as We tested the owners of the garden—when they swore they would surely harvest ˹all˺ its fruit in the early morning,

2.8.3 Dependent Variable

The essential elements discussed in this section include; Divorce, blatant misconduct, Iddah period and Talaq, Fitnah (Trial and tribulation of tyrant on married wives, Khula and Nushūz and Shiqāq rebellions, Lian mutual curse, and Luqata and divorce.

2.8.3.1 Divorce

This subsection define divorce in the both Islamic and conventional perspective. In the conventional way term "Divorce" refers to the legal process of ending a marriage. According to the Cambridge Dictionary, it is an official procedure to dissolve a marriage, while Merriam-Webster describes it as the legal dissolution of marriage. The American Psychological Association (APA) defines it as the termination of a marital union, which allows both partners the freedom to remarry.

In the Islamic perspective, however, there are five different situations for ending a marriage between husband and wife these include; Talaq, Khul, Illah, Zihar, and Lian. The dissolution of marriage in Islamic tradition is recognized through various methods, including Talaq, Khul, Illah, Zihar, and Lian. So divorce here means five elements of Talaq, Khul, Illah, Zihar, and Lian form elements of the Dependent Variable discussions.

The purpose of marriage is centred on the idea of companionship and procreation between a husband and wife. It is embedded in the Mithaq, where they both pledged to fulfil their duties and responsibilities while respecting each other's rights and obligations throughout the marriage span.

Talāq is the Arabic word for divorce means “Freeing or undoing the Knots” Bala` of zawaj, Aqiimah Bala` of zawaj, calamities Bala` of Zawaj situations influence zawaj in one way or the other that affect the functionality of marriage duties and rights, responsibilities and obligations as illustrated below:

Bala` Zawaj is a situation where a husband and wife achieves procreation objectives through zawaj amal eventually attaining a mixed offsprings of both boys and girls after Istiṣḥāb (continuance) efforts in fulfilment of functionalities of family, husband, and wife, in the Al- Kitab (Lauhul Mahfudh) through fitrah they both losses all the tangible and tangible provision of their sons in the infantry, while fitrah spares the only girls. This Bala` Zawaj situation is called Abtar.

Bala` Zawaj of Aqiimah is a situation where a husband and wife totally fail to achieve the objective of procreation despite of Tanfidh (execution) of zawaj amal eventually not attaining neither mixed offsprings of both boys or girls after several Istiṣḥāb (continuance) efforts; he or she fulfils of the functionalities of marriage except conceiving in the Al- Kitab (Lauhul Mahfudh) it confirms there is nothing simply intangible or tangible provision determined by fitrah on conception dispute of them doing Istiṣḥāb of getting offspring.

Bala` calamities of zawaj are calamities already determined will happen in the Al- Kitab (Lauhul Mahfudh) which will bring the amal zawaj to khatim (end) and no

Istiṣḥāb of intangible or tangible provision. The examples here; include death associated with pregnancy caused by pandemic, war, earthquake, hurricane or storm, wars, floods, landslides, wildfire, tornado, tsunami, and many others caused by artificial or natural circumstances.

However, it is only Balaa` of Aqiimah out of Abtar Balaa` zawaj and Calamity Balaa` which may lead to Talāq as the sole purpose of marriage between husband and wife is not achieved and it comes worse when the wife is normal and the husband is abnormal. This causes natural harm to the wife as per the natural human disposition.

The niyyah, amal, and Tanfidh is influenced by Fitnah in the Istiṣḥāb of amal zawaj between husband and wife: The temptation of rich and women, allurement fitnah, the restrain, other forms confusion of zawaj fitnah and deception zawaj fitnah. The failure to restrain from violating the duties and responsibilities caused through either by temptations, confusion and deception may likely lead to Talāq.

2.8.3.2 Divorce Blatant misconducts

Collin describes Blatant misconduct as something bad that is done in an open or obvious way. (Dictionary C. F., 2023)

The disobedience (*Nushūz*) and dissension (*Shiqāq*) in marriage are among the major issues faced by Muslim families. The disputes may occur due to trivial reasons resulting in divorce and permanent separation among the spouses. The Qur'anic scholars (*Mufassirūn)* laid special emphasis on resolving the marital disputes by applying the lessons from the Qur'anic *ayāt* and Prophetic *ahadīth* (traditions). (Muhammad Faizul Haque, : 2019)

The *Nushūz* disobedience by the wife her to honor roles, duties, Obligations, and responsibilities in marriage and to the husband as discussed early. Qur`an Surat an-Nisa: 4:34 affirms.

> Men are caretakers of women, since Allah has made some of them excel the others, and because of the wealth they have spent. So, the righteous

> women are obedient, (and) guard (the property and honor of their husbands) in (their) absence with the protection given by Allah. As for women of whom you fear rebellion, convince them, and leave them apart in beds, and beat them. Then, if they obey you, do not seek a way against them. Surely, Allah is the Highest, the Greatest.

The Shiqāq disobedience by the wife her to honor roles, duties, Obligations, and responsibilities in marriage and to the husband as discussed early. Qur`an Surat an-Nisa: 4:35 affirms;

> If you anticipate a split between them, appoint a mediator from his family and another from hers. If they desire reconciliation, Allah will restore harmony between them. Surely Allah is All-Knowing, All-Aware.

Niyyah of divorce in Talāq; Umar bin Al Khattab reported the Apostle of Allaah (SAW) as saying:

> Actions are to be judged only by intentions and a man will have only what he intended. When one's emigration is to Allaah and His Apostle, his emigration is to Allaah and His Apostle but his emigration is to a worldly end at which he aims or to a woman whom he marries, his emigration is to that for which he emigrated. Sunan Abi Dawud 2201

Action on the niyyah; Abu Hurairah reported the Prophet (SAW) as saying

> "Allah has ignored for my community what comes to their mind, so long as they do not act or pronounce words to that effect." Sunan Abi Dawud 2209

2.8.3.3 Pronouncement of Talāq

Pronouncement is a formal or authoritative announcement or declaration of end of marriage by husband or wife. The pronouncement takes form of words, writing, mediator or gestures. Prior to declaration of the intention for pronouncement to end the marriage. The following condition must be meet, Failure of a Mediation, intention must be declared, the wife not be in her menstruation period.

2.8.3.3.1 Failure of a Mediation

When the Wakil/ Wali reach consensus with husband and wife over ill conduct (Nushūz) or Shiqaaq reason to the extermination of the marriage.

For Nushūz (ill conduct) Qur`an Surat an-Nisa 4:34 asserts;

> And if you sense ill-conduct from your women, advise them ˹first˺, ˹if they persist,˺ do not share their beds, ˹but if they still persist,˺ then discipline them ˹gently˺. But if they change their ways, do not be unjust to them. Surely Allah is Most High, All-Great.

For Shiqāq (Rebellion) Qur`an Surat an-Nisa 4:34 asserts;

> If you anticipate a split between them, appoint a mediator from his family and another from hers. If they desire reconciliation, Allah will restore harmony between them. Surely Allah is All-Knowing, All-Aware.

2.8.3. 3..2 Declaration of the intention to pronouncement of end of marriage

The declaration entails; Jest. Ghalaq (duress), Speak, Gesture. Write or Mediator.

2.8.3.3.2.1 Not under duress (Ghalaq)

Ghalaq (duress) pronouncement are invalid. Muhammad ibn Ubayd ibn Abu Salih who lived in Ayliya said**:** I went out with Adi ibn Adi al-Kindi till we came to Mecca. He sent me to Safiyyah daughter of Shaybah who remembered a tradition (that she had heard) from Aisha. She said: I heard Aisha say: I heard the Messenger of Allah (SAW) say:

> There is no divorce or emancipation in case of constraint or duress (ghalaq). Abu Dawud said: I think ghalaq means anger. (Sunan Abi Dawud 2193).

2.8.3.3.2.2 Jest

Narrated Abu Hurayrah**:** The Prophet (SAW) said: There are three things which, whether undertaken seriously or in jest, are treated as serious: Marriage, divorce and taking back a wife (after a divorce which is not final) Sunan Abi Dawud 2194).

2.8.3. 3.2.3 Verbal Pronouncement

On Verbal Pronouncement Umaima bint An- Nu`man bin Sharahil; when it was said to him (SAW)"I seek refuge with Allah from you" and he replied; "You have sought refuge with One Who gives refuge" The details of this pronouncement is in Sahih al-Bukhari, 5255 below:

> Narrated Abu Usaid: We went out with the Prophet (SAW) to a garden called Ash-Shaut till we reached two walls between which we sat down. The Prophet (SAW) said, "Sit here," and went in (the garden). The Jauniyya (a lady from Bani Jaun) had been brought and lodged in a house in a date-palm garden in the home of *Umaima bint An- Nu`man bin Sharahil, and her wet nurse was with her*. When the Prophet (SAW) entered upon her, he said to her, "Give me yourself (in marriage) as a gift." She said, "*Can a princess give herself in marriage to an ordinary man*?"

2.8.3. 3.2.5 Gesture

Gesture according (Dictionary C. , Gesture , 2022) is a movement of hands, arms, or head and extra to express an idea or feeling. The gestures of Prophet Muhammad (SAW) included he raised his hand to pat. Abu Huraira, Anas bin Malik, Ibn `Umar, Ibn `Abbas, documented feels and ideas of the Prophet Muhammad (SAW) through gestures of The Prophet (SAW) include when he raised his hand to pat her so that she might become tranquil.

> *She said, "I seek refuge with Allah from you."* He said, "You have sought refuge with One Who gives refuge. Then the Prophet (SAW) came out to us and said, "O Abu Usaid! Give her two white linen dresses to wear and let her go back to her family." (Sahih al-Bukhari 5255)

The placing of the top finger on palm of the other hand between, middle finger and the little one. Narrated Abu Huraira: Abul Qasim (the Prophet (SAW) said,

"There is an hour (or a moment) of particular significance on Friday. If it happens that a Muslim is offering a prayer and invoking Allah for some good at that very moment, Allah will grant him his request." (The sub-narrator placed the top of his finger on the palm of the other hand between the middle finger and the little one.) (Sahih al-Bukhari 5294)

Moving of the head as express an idea or feeling:

Narrated Anas bin Malik: During the lifetime of Allah's Messenger (SAW) a Jew attacked a girl and took some silver ornaments she was wearing and crushed her head. Her relative brought her to the Prophet (SAW) while she was in her last breaths, and she was unable to speak. Allah's Messenger (SAW) asked her, "Who has hit you? So-and so?", mentioning somebody other than her murderer. She moved her head, indicating denial. The Prophet (SAW0 mentioned another person other than the murderer, and she again moved her head indicating denial. Then he asked, "Was it so-and-so?", mentioning the name of her killer. She nodded, agreeing. Then Allah's Messenger (SAW); ordered that the head of that Jew be crushed between two stones. (Sahih al-Bukhari 5295)

Pointing as a gesture of expressing as idea:

Narrated Ibn `Umar**:** I heard the Prophet (SAW) saying, "Afflictions will emerge from here," pointing towards the East. (Sahih al-Bukhari 5296)

Thumb and Index finger gesture of expressing feelings and idea.

Narrated Ibn `Abbas: Allah's Messenger (SAW) performed the Tawaf (around the Ka`ba while riding his camel, and every time he reached the corner (of the Black Stone) he pointed at it with his hand and said, "Allahu Akbar." (Zainab said: The Prophet (SAW) said, "An opening has been made in the wall of Gog and Magog like this and this," *forming the number 90 (with his thumb and index finger*). (Sahih al-Bukhari 5293).

2.8.3.3.2.5 Oath

It is forbidden to swear oath to act in the Disobedience of Allah. ‘Amr bin Shu’aib narrates Prophet Muhammad said;

> “If anyone swears an oath to do an act of disobedience to GOD, his oath is not valid, and if anyone swears an oath to sever the relationship, his oath is not valid (he must not fulfil it) Sunan Abi Dawud 219. also been transmitted by ‘Amr bin Shu’aib through a different chain of narrators. This version adds The Prophet (SAW) said “There is no vow except in an act which seeks the pleasure of Allah, the Exalted. Sunan Abi Dawud 2192

Anas bin Malik says:

> Allah's Messenger (SAW) took an oath that he would abstain from his wives, and at that time his leg had been sprained (dislocated). So he stayed in the Mashruba (an attic room) of his for 29 days. Then he came down, and they (the people) said, "O Allah's Messenger (SAW)! You took an oath to abstain from your wives for one month." He said, "The month is of twenty-nine days. (Sahih al-Bukhari 5289)

2.8.3.3.2.6 Menstruation

The pronouncement to end the marriage is prohibited during menstruation period. `Abdullah bin `Umar narrates that he had divorced his wife while she was menstruating during the lifetime of Allah's Messenger (SAW). `Umar bin Al-Khattab asked Allah's Messenger (SAW) about that. Allah's Messenger (SAW) said,

> "Order him (your son) to take her back and keep her till she is clean and then to wait till she gets her next period and becomes clean again, whereupon, if he wishes to keep her, he can do so, and if he wishes to divorce her he can divorce her before having sexual intercourse with her; and that is the prescribed period which Allah has fixed for the women meant to be divorced." (Sahih al-Bukhari 5251)

Also, Abi Daud and Bukhair respectively recorded the issue of menstruation below;

‘Abd Allah bin Umar said that he divorced his wife while she was menstruating during the time of the Apostle of Allaah (SAW). So ‘Umar bin Al Khattab asked the Apostle of Allaah (SAW) about this matter. The Apostle of Allaah (SAW) said “Order him, he must take her back and keep her back till she is purified, then has another menstrual period and is purified. Thereafter if he desires, he may divorce her before having intercourse with her, for that is the period of waiting which Allaah the Glorified has commanded for the divorce of women. (Sunan Abi Dawud 2179)

For Bukhair on the issue of menstruation below

Narrated Abi Ghallab Yunus bin Jubair: I asked Ibn `Umar,"(What is said regarding) a man divorces his wife during her period?" He said, "Do you know Ibn `Umar? Ibn `Umar divorced his wife while she was menstruating. `Umar then went to the Prophet (SAW) and mentioned that to him. The Prophet (SAW) ordered him to take her back and when she became clean, he could divorce her if he wanted." I asked (Ibn `Umar), "Was that divorce counted as one legal divorce?" He said, "If one becomes helpless and foolish (will he be excused? Of course, not) (Sahih al-Bukhari 5258)

2.8.3.3.2.7 Witnesses

The divorce witnesses are required reinstatement and avoid repeating divorce process.

Abu Dawud recorded:

Mutarrif ibn Abdullah: Imran ibn Husayn was asked about a person who divorces his wife and then has intercourse with her, but he does not call any witness to her divorce nor to her restoration. He said: You divorced against the sunnah and took her back against the sunnah. Call someone to bear witness to her divorce, and to her return in marriage, and do not repeat it. (Sunan Abi Dawud 2186)

2.8.3.3.2.8 Pronouncement Count

Abu Dawud recorded Prophet Muhammad SAW) instructed

> 'Amr b. Shu'aib further adds on his father's authority said that his grandfather (Abdullah ibn Amr ibn al-'As): The Prophet (SAW) said: There is no divorce except in what you possess; there is no possession, there is no sale transaction till you possess. The narrator Ibn as-Sabbah added: There is no fulfilling a vow till you possess. (Sunan Abi Dawud 2190). Further sunnah points divorce one's wife thrice (at a time), whoever said to his wife: "you are haram for me.", a man takes his wife back without any witnesses, there is no divorce except in what one possesses.

Bukhair recorded Ibn Umar narrates; Sahih al-Bukhari 5253 ***Ummul*** Mu`minin *A*isha says further says**:**

> A man divorced his wife thrice (by expressing his decision to divorce her thrice), then she married another man who also divorced her. The Prophet (SAW) was asked if she could legally marry the first husband (or not). The Prophet (SAW) replied, "No, she cannot marry the first husband unless the second husband consummates his marriage with her, just as the first husband had done. (Sahih al-Bukhari 5261)

> *Nafi' adds:*

> When Ibn 'Umar was asked about person who had given three divorces, he said, "Would that you gave one or two divorces, for the Prophet (SAW) ordered me to do so. If you give three divorces then she cannot be lawful for you until she has married another husband (and is divorced by him)." (Sahih al-Bukhari 5264)

2.8.3.3.2.8.1 What do you think if someone becomes helpless and foolish

The divorce of insanity and anxiety Anas bin Seereen narrated Ibn `Umar said: "I divorced my wife while she was menstruating. `Umar mentioned that to the Prophet. The Prophet (SAW) said, (to my father),

"Let your son take her back." I asked (Ibn `Umar), "Is such a divorce counted (as one legal divorce)?" Ibn `Umar said, "Of course." Narrated Yunus bin Jubair: Ibn `Umar said, "The Prophet (SAW) said to `Umar, 'Order him (Ibn `Umar) to take her back.' " I asked, "Is such a divorce counted (as one legal divorce)?" Ibn `Umar said, "What do you think if someone becomes helpless and foolish?" (Sahih Bukhair 5252, n.d.)

2.8.3.3.3 Iddah or Wating Period

Definition of Iddah is the waiting period of staying in the home after pronouncement of the intention to end with the marriage. See; Qur`an Surat al-Talāq: 65:1 – 2 below;

O Prophet! ⸢Instruct the believers: ⸣ When you ⸢intend to⸣ divorce women, then divorce them with concern for their waiting period, and count it accurately. And fear Allah, your Lord. Do not force them out of their homes, nor should they leave—unless they commit a blatant misconduct. These are the limits set by Allah. And whoever transgresses Allah's limits has truly wronged his own soul. You never know, perhaps Allah will bring about a change ⸢of heart⸣ later.

Qur`an Surat al-Talāq:

Then when they have ⸢almost⸣ reached the end of their waiting period, either retain them honourably or separate from them honourably. And call two of your reliable men to witness ⸢either way⸣—and ⸢let the witnesses⸣ bear true testimony for ⸢the sake of⸣ Allah. This is enjoined on whoever has faith in Allah and the Last Day. And whoever is mindful of Allah, He will make a way out for them.

2.8.3.3.3.1 Preconditions

The Pre conditions of Talāq, Khula and armalat elaborated below;

2.8.3.3.3.1.1 Talāq

Provision of Khalwah (Privacy) during iddah, Waiting Period for Divorced women, Waiting Period for Non-Menopause, Menopause and Pregnant are elaborated below.

2.8.3.3.3.1.1.1 Provision of Khalwah (Privacy) during iddah

The provision of Khalwah (Privacy) during iddah is highlighted by Qur`an Baqarah 2:241asserts;

> Reasonable provisions must be made for divorced women—a duty on those mindful ˹of Allah˺.

2.8.3.3.3.1.1.2 Waiting Period for Divorced women

The iddah period for a divorced woman Qur`an Surat al-Baqarah 2: 228 affirms;

> Divorced women must wait three monthly cycles ˹before they can re-marry˺. It is not lawful for them to conceal what Allah has created in their wombs, if they ˹truly˺ believe in Allah and the Last Day. And their husbands reserve the right to take them back within that period if they desire reconciliation. Women have rights similar to those of men equitably, although men have a degree ˹of responsibility˺ above them. And Allah is Almighty, All-Wise.

2.8.3.3.3.1.1.3 Waiting Period for Non and Menopause and Pregnancy

The Iddah period for non – menopause, menopause, and pregnant woman Qur`an Surat al-Talaq 65:5 states;

> As for your women past the age of menstruation, in case you do not know, their waiting period is three months, and those who have not menstruated as well. As for those who are pregnant, their waiting period ends with delivery. And whoever is mindful of Allah, He will make their matters easy for them.

2.8.3.3.3.1.1.4 Khula Preconditions

Wife asking for Khula, Permission for Khula, waiting period for Khula, Khula intercession, and returning of Mahr are elaborated below.

2.8.3.3.3.1.1.4.1 Wife asking for Khula

It is forbidden for a wife to ask for A wife for khula without any sound reason.

> Narrated Thawban: The Prophet (SAW) said: If any woman asks her husband for divorce without some strong reason, the odour of Paradise will be forbidden to her. (Sunan Abi Dawud 2226*)*

> And;

> Narrated Ibn `Abbas: The wife of Thabit bin Qais came to Allah's Messenger (SAW) and said, "O Allah's Messenger (SAW)! I do not blame Thabit for any defects in his character or his religion, but I cannot endure to live with him." On that Allah's Messenger (SAW) said, "Will you return his garden to him?" She said, "Yes." (Sahih al-Bukhari 5275).

2.8.3.3.3 1.1.4.2 Permission for Khula

The exceptional permission granted to the Wife by the Prophet (SAW) to the of Thabit ibn Qays ibn Shimmas see the hadith below;

> Amrah, daughter of 'Abd al-Rahman ibn Sa'd ibn Zurarah, reported on the authority of Habibah, daughter of Sahl al-Ansariyyah: She (Habibah) was the wife of Thabit ibn Qays ibn Shimmas. The Messenger of Allah (SAW) came out one morning and found Habibah by his door. The Messenger of Allah (SAW) said: Who is this? She replied: I am Habibah, daughter of Sahl. He asked: What is your case? She replied: I and Thabit ibn Qays, referring to her husband, cannot live together.

> When Thabit ibn Qays came, the Messenger of Allah (SAW) said to him: This is Habibah, daughter of Sahl, and she has mentioned (about you) what Allah wished to mention.

> Habibah said: Messenger of Allah, all that he gave me is with me.

> The Messenger of Allah (SAW) said to Thabit ibn Qays: Take it from her. So he took it from her, and she lived among her people (relatives). (Sunan Abi Dawud 2227)

2.8.3.3.1.1.4.3 Waiting Period Iddah

One menstrual cycle. Abdallah ibn Abbas and Ibn Umar narrate Prophet Muhammad (SAW) demonstrated below;

> Narrated Abdullah ibn Abbas: The wife of Thabit ibn Qays separated herself from him for compensation. The Prophet (SAW) made her waiting period a menstrual course. Abu Dawud said: This tradition has been transmitted by 'Abd al-Razzaq from Ma'mar from 'Amr b. Muslim from 'Ikrimah from the Prophet (SAW) in a mursal form (missing the link of the Companion).

> Ibn ‘Umar said further emphasises “The waiting period of a woman who separates herself from her husband for compensation is a menstrual period.” (Sunan Abi Dawud 2230)

> Ibn ‘Abbas said “The husband of Barirah was a black slave called Mughith. The Prophet (SAW) gave her choice and commanded her to observe the waiting period.” (Sunan Abi Dawud 2232)

2.8.3.3.1.1.4.4 Khula Intercession

Ibn ‘Abbas said “Mughith was a slave.” He said “Apostle of Allaah (SAW) make intercession for me to her (Barirah)”. The Apostle of Allaah (SAW) said “O Barirah fear Allah. He is your husband and father of your child”. She said “Apostle of Allah (SAW) do you command me for that? He said No, I am only interceding. Then tears were falling on his (her husband’s) cheeks. The Apostle of Allah (SAW) said to ‘Abbas “Are you not surprised with the love of Mughith for Barirah and her hatred for him. (Sunan Abi Dawud 2231)

2.8.3.3.1.1.4.5 Return of Mahr

> Narrated Aisha, Ummul Mu'minin: Habibah daughter of Sahl was the wife of Thabit ibn Qays Shimmas He beat her and broke some of her part. So she came to the Prophet (SAW) after morning, and complained to him against her husband. The Prophet (SAW) called on Thabit ibn Qays and said (to him): *Take a part of her property and separate yourself from her*.

> He asked: Is that right, Messenger of Allah? He said: *Yes.* He said: I have given her two gardens of mine as a dower, and they are already in her possession. The Prophet (SAW) said: Take them and *separate yourself from her*. (Sunan Abi Dawud 2228).

2.8.3.3.1.1.4.5.1 Matrimonial Property (Nasab)

Matrimonial Property is the property that is obtained through joint effort by the husband and wife during their marriage effective according to the requirements set by the Sharia. Matrimonial property includes; money, movable property or any assets acquired jointly during the marriage period. Qur`an Surat al-An – Nisa 4:32 asserts;

> And do not crave what Allah has given some of you over others. Men will be rewarded according to their deeds and women ˹equally˺ according to theirs. Rather, ask Allah for His bounties. Surely Allah has ˹perfect˺ knowledge of all things.

2.8.3.3.1.1.4.5.2 al-walad lil-firåsh (child belonged to the bed)

It is already established principle of Nasab belongs to legitimate marriage. Umar narrated Prophet Muhammad (SAW) to have ruled;

> The child belonged to the bed. (Sunan Ibn Majah 2005, n.d.)

2.8.3.3.1.1.4. 5.3 Claim of Fatherhood to Non-Father

The practice of Claim of Fatherhood to Non-Father Sa‘d b. Abu Waqqas and Abu Bakra reported God’s Messenger as saying,

> "If anyone knowingly claims as father one who is not his father, paradise is forbidden to him.” (Bukhari and Muslim) (Mishkat al-Masabih 3314, n.d.)

2.8.3.3.1.1.4.5.4 Circumstantial Evidence of Deoxyribonucleic Acid DNA

DNA is the hereditary material in humans and almost all other organism. (National Library of Medicine , 2021)

DNA testing of paternity has emerged as conclusive scientific evidence of ascertaining paternity to overcome the problem of 'paternity fraud' and 'misattributed paternity' in the West. (Sayed Sikandar Shah Haneef, 2015).

2.8.3.3.4 Armalat (widow)

The Iddah period of a widow is four months and ten days after death of the husband. Qur`an Surat al-Qur`an Surat al-Baqarah 2:234 attests**;**

> As for those of you who die and leave widows behind, let them observe a waiting period of four months and ten days. When they have reached the end of this period, then you are not responsible for what they decide for themselves in a reasonable manner. And Allah is All-Aware of what you do.

2.8.3.3.5. Az-zihar

Those of you who ˹sinfully˺ divorce their wives by comparing them to their mothers/daughters and all those persons forbidden to be married.

Qur`an Surat al-Mujadila: 58:1 make is practice of Az - Zihar an abomination.

> Those of you who ˹sinfully˺ divorce their wives by comparing them to their mothers ˹should know that˺ their wives are in no way their mothers. None can be their mothers except those who gave birth to them. What they say is certainly detestable and false. Yet Allah is truly Ever-Pardoning, All-Forgiving.

Narrated Khuwaylah, daughter of Malik ibn Tha'labah: My husband, Aws ibn as-Samit, pronounced the words:

> You are like my mother. So I came to the Messenger of Allah (SAW) complaining to him about my husband. The Messenger of Allah (SAW) disputed with me and said: Remain dutiful to Allah; he is your cousin. I continued (complaining) until the Qur'anic verse came down: "Certainly has Allah heard the speech of the one who argues with you, [O Muhammad], concerning her husband..." [58:1] till the prescription of expiation. He then said: He should set free a slave. She said: He cannot afford it. He said: He should fast for two consecutive months. She said: Messenger of Allah, he is an old man; he cannot keep fasts. He said: He should feed sixty poor people. She said: He has nothing which he may give in alms. At that moment an araq (date-basket holding fifteen or sixteen sa's) was brought to him.
>
> I said: I shall help him with another date-basked ('araq). He said: You have done well. Go and feed sixty poor people on his behalf, and return to your cousin. The narrator said: An araq holds sixty sa's of dates. Abu Dawud said: She atoned on his behalf without seeking his permission. Abu Dawud said: This man (Aws b. al-Samit) is the brother of 'Ubadah b. al-Samit. (Sunan Abi Dawud 2214)

2.8.3.3.5.1. Az-zihar Az – zihar fines

Qur`an Surat al-Mujadila: 58:3;

> Those who divorce their wives in this manner, then ˹wish to˺ retract what they said, must free a slave before they touch each other. This ˹penalty˺ is meant to deter you. And Allah is All-Aware of what you do.

2.8.3.3.5.2 Az-zihar Az – zihar fines

The tradition mentioned above has been transmitted by Sulaiman bin Yasar. This version has “Then some dates were brought to the Apostle of Allah (SAW) and he gave it to him. They measured about fifteen sa’s. “He said “Give them in alms”. He said “Is there anyone needier than I and my family. Apostle of Allah (SAW)?” The Apostle of Allah (SAW) said “Eat them, you, and your family (Sunan Abi Dawud 2217).

2.8.3.3.5.3 Fifteen sa's of wheat penalty for az-zihar

The quantity referenced by the Prophet (PBUH) is delineated as 1 saa' of food, which corresponds to 4 madd. A madd is defined as the amount of food that can be gathered when one cups their hands together. Abu Daud records

> I recited to Muhammad bin Wazir Al Misri and said to him Bishr bin Bakr narrated it to you and Al Auza'i narrated it to us. And he said "At'a narrated it to us on the authority of Aus brother of 'Ubadah bin Al Samit. The Prophet (SAW) gave him fifteen sa's of wheat to feed sixty poor people.

> And;

> Abu Dawud said At'a did not meet Aws (bin Al Samit) who was one of the people of Badr and died in the early days of Islam. This version is therefore, mursal (a successor narrated it directly from the Prophet (SAW), the link of the Companions is missing). This has been narrated by Al Auza'i from At'a from Aus. (Sunan Abi Dawud 2218).

2.8.3.3.6. Ila

Ila refers to a circumstance where husbands pledge to abstain from sexual relations with their wives. Men who take this vow must observe a waiting period lasting four months. If they choose to revoke their vows, it is important to remember that Allah is recognized for His forgiveness and mercy. Qur`an Surat al-Baqarah 2:226 educates:

> Those who swear not to have intercourse with their wives must wait for four months. If they change their mind, then Allah is certainly All-Forgiving, Most Merciful.

Ibn `Umar discussed the topic of Ila as it is outlined in Islamic law. He pointed out that once the specified duration of Ila ends, the husband must either honourably keep his wife or choose to divorce her, as instructed by Allah's guidelines. It recorded in Sahih Bukhair and narrated by Nafi`:

> Ibn `Umar used to say about the Ila (which Allah defined (in the Holy Book), "If the period of Ila expires, then the husband has either to retain his wife in a handsome manner or to divorce her as Allah has ordered. (Sahih al-Bukhari 5290)
>
> Ibn `Umar adds;
>
> "When the period of four months has expired, the husband should be put in prison so that he should divorce his wife, but the divorce does not occur unless the husband himself declares it. This has been mentioned by `Uthman, `Ali, Abu Ad-Darda, `Aisha and twelve other companions of the Prophet (SAW)."

2.8.3.3.7 Li'an mutual cursing

When husband accuses wife and vice versus of adultery, they must take an oath by Allah four times to affirm the validity of their accusation, followed by a fifth oath in which they declare that Allah may punish them if they are untruthful. In her defence, the wife is required to swear by Allah four times, claiming that the accuser is not telling the truth, along with a fifth oath stating that Allah may curse her if the accuser is indeed truthful. This matrimonial situation is referred in the Qur`an Surat an-Nur: 24: 6-9:

> And those who accuse their wives ˹of adultery˺ but have no witness except themselves, the accuser must testify, swearing four times by Allah that he is telling the truth, and a fifth oath that Allah may condemn him if he is lying For her to be spared the punishment, she must swear four times by Allah that he is telling a lie, and a fifth oath that Allah may be displeased with her if he is telling the truth.

The case of Uwaimir bin Ashqar Al Ajilani illustrates a significant moral and ethical dilemma. Uwaimir, troubled by the actions of a man who discovered his wife with another man, sought guidance from Asim. In response, Asim consulted Prophet Muhammad (Peace Be Upon Him) to obtain insight into the matter. The Prophet expressed disapproval of the inquiry, indicating its inappropriateness. However, Uwaimir insisted on seeking direct clarification from the Prophet. Subsequently, the Prophet received a revelation regarding the situation and instructed Uwaimir to bring his wife for further discussion. Ultimately, Uwaimir made the difficult decision to

divorce her, acknowledging that retaining her would compromise his integrity and be fundamentally dishonest. The matrimonial problem are recorded in the hadith books cited below.

Sahl bin Sa'ad Al Sa'idi said that

'Uwaimir bin Ashqar Al Ajilani came to 'Asim bin Adl and said to him "Asim tells me about a man who finds a man along with his wife. Should he kill him and then be killed by you, or how should he act? Ask the Apostle of Allaah (SAW) 'Asim, for me about it. 'Asim then asked the Apostle of Allaah (SAW) about it. The Apostle of Allaah (SAW) disliked the question and denounced it. What 'Asim heard from the Apostle of Allaah (SAW) fell heavy on him. When 'Asim returned to his family 'Uwaimr came to him and asked 'Asim "What did the Apostle of Allaah (SAW)say to you"? Asim replied "You did not do good to me". The Apostle of Allaah (SAW) disliked the question that I asked him. Thereupon 'Uwaimir said "I swear by Allaah, I shall not leave until I ask him about it. So, 'Uwaimir came to the Apostle of Allaah (SAW)while he was sitting in the midst of the people." He said "Apostle of Allaah (SAW) tell me about a man who finds a man along with his wife. Should he kill him and then be killed by you, or how should he act?" The Apostle of Allaah (SAW) said "A revelation has been sent down about you and your wife so go away and bring her. Sahl said "So we cursed one another while I was along with the people who were with the Apostle of Allaah (SAW). Then when they finished, 'Umamir said "I shall have lied against her, Apostle of Allaah (SAW) if I keep her. He pronounced her divorce three times before the Apostle of Allaah (SAW) commanded him (to do so).

And;

Ibn Shihab said "Then this became the method of invoking curses. (Sunan Abi Dawud 2245)

'Abbas bin Sahl reported on the authority of his father;

The Prophet (SAW) said to 'Asim bin 'Adl. Keep the woman with you till she begets the child. (Sunan Abi Dawud 2246)

Sahl bin Sa’d Al Sa’idi said;

“I attended the invoking of the curses with the Messenger of Allah (SAW) when I was fifteen. He then narrated the rest of the tradition. In this version he said “She then came out pregnant and the child was ascribed to its mother. (Sunan Abi Dawud 2247)

‘Abd Allah (bin Mas’ud) said

“We were in the mosque on the night of a Friday, suddenly a man from the Ansar entered the mosque”. And said “If a man finds a man along with wife and declares (about her adultery) you will flog him. Or if he kills you, you will kill him or if keeps silence he will keep silence in anger. I swear by Allaah, I shall ask the Apostle of Allaah (SAW) about it”. On the next day he came to the Apostle of Allaah (SAW) and said “If a man finds a man along with wife and declares (about her adultery) you will flog him. Or if he kills you, you will kill him or if keeps silence he will keep silence in anger.” He said “O Allaah, disclose”. He kept on praying until the verses regarding invoking curses (li’an) came down “As for those who accuse their wives but have no witnesses except themselves.” So, the man was first involved in this trial among the people. He and his wife came to the Apostle of Allaah (SAW). They invoked curses on each other. The man bore witness before Allaah four times that the thing he said was indeed true. He then invoked curse of Allaah on him for the fifth time if he was a liar. She then wanted to invoke curses of Allaah on him. The Prophet (SAW) said “Do not do that. Bust she refused and did so (i.e., invoked curses). When they returned, he said “Perhaps she will give birth to a black child with curly hair. (Sunan Abi Dawud 2253).

2.8.3.3.8 Luqata and Divorce

Luqata pertains to an object that has been abandoned or property that has been found. A divorce case involving Luqata may come up if one spouse wrongfully takes another's wealth or property. To establish ownership rights, the discovery should be asserted without any misconduct; witnesses are important for gathering evidence that supports ownership claims. The process of divorce requires engaging in justice and mediation, which is essential. Finally, seeking a resolution through Islamic legal channels is important. It is narrated by Yazid (the Maula of Munba'ith).

> The Prophet (SAW) was asked regarding the case of a lost sheep. He said, "You should take it, because it is for you, or for your brother, or for the wolf." Then he was asked about a lost camel. He got angry and his face became red and he said (to the questioner), "You have nothing to do with it; it has its feet and its water container with it; it can go on drinking water and eating trees till its owner meets it." And then the Prophet (SAW) was asked about a Luqata (money found by somebody). He said, "Remember and recognize its tying material and its container and make public announcement about it for one year. If somebody comes and identifies it (then give it to him), otherwise add it to your property. (Sahih al-Bukhari 5292).

2.8.4 Summary and Justification of the Study

This review discusses the Islamic Family Institution, which focuses on Al-kitab (The Revelation), al-amal (deed), Tanfidh/Mutaba'a (following), and Khalifah (representative of Allah). The Islamic Family Institution evolved from the era of Adam to Issa Bin Mariam, with marriage being linked to companionship and procreation as the fundamental source of matrimonial difficulties. Contemporary Muslim family institutions face numerous challenges, including illegal marriages, polygamy, apostasy, maintenance of offspring from illicit unions, marital abandonment, divorces sanctioned by non-Muslim judges, decrees nisi for marriage dissolution, child custody, child maintenance, alimony related to disputes, marital relations, legal guardianship, cessation of maintenance payments by husbands, mutual harm, and issues pertaining to civil courts. The review also highlights the importance of the Family and Common Law Doctrine in Muslim Justice inside family courts. The conceptual framework has four variables: Intention, Knowledge, Deed, and Implementation, with Divorce as the dependent variable. The review focuses on matrimonial issues and circumstances that may prompt couples to terminate their marriage partnerships within the context of Muslims in secular Uganda.

CHAPTER THREE

MAQĀSID SHARI`AH AND MIXED METHODOLOGY

3.1 INTRODUCTION

The section on research methodologies outlines the research process. The introduction presents relevant information and outlines the research questions. This chapter outlines the study's philosophy, type, strategy, timescale, sampling approach, and data collection techniques and data analysis, as well as the validity, reliability, and justification for the methods used. The chapter concludes with an examination of ethical considerations, limitations, and a summary of the study.

3.2 MAQĀSID SHARI'AH AND ATTRIBUTES OF ILLAH OR EFFECTIVE CAUSE

This study looked at the reasons behind marital problems that led couples to end their marriages using the Walk Away concept, focussing on five key factors: Illah (effective cause), manḍabiq (constant attribute), Ẓåhir (evident), al-wasf al-munásib (proper attribute), and muta`addī (transient). This study also acknowledged the significance of complying with the established laws of the text (Mohammad Hashim Kamali, 2008).

The obstacles encountered by individuals in their pursuit of achieving, acquiring, and sustaining the various blessings of familial livelihoods are influenced by both natural and artificial phenomena, as documented in numerous verses of the Holy Qur'an. We elucidated this study difficulty by using Surat al-Balad (90:4-12) to illustrate the walk-away condition.

> Indeed, We have created humankind in 'constant' struggle. Do they think that no one has power over them, boasting, "I have wasted enormous wealth!? Do they think that no one sees them? Have We not given them two eyes, a tongue, and two lips; And shown them two ways of 'right and wrong? If only they had attempted the challenging path 'of goodness instead! And what will make you realise what 'attempting' the challenging path is?

The path individuals took due to matrimonial hardship, was the focus of the statement of the problem. However, reasons that motivated conduction of this study are described in the next subsection below.

3.2.1 Investigation of Walk Away Practice in Uganda

The Walk Away research was notable for five primary reasons. Initially, it discerned the factors contributing to matrimonial issues that frequently prompted couples to terminate their marital unions.

Secondly, the study analysed the choices and rationales for selection made before entering these married relationships, assessing if they significantly contributed to the ensuing matrimonial problems that led to the decision to disengage.

Thirdly, the study evaluated the percentage of couples encountering marital issues that led to the termination of their marriages via Talaq and Khula, in contrast to those who concluded their partnerships through the Walk Away method.

The research examined the roles of different stakeholders in mediating marital disputes prior to couples deciding to dissolve their marriages. Principal stakeholders comprised families, Imams from local mosques or Qadhi offices, the judiciary, parliament, and executive entities.

The study aimed to elucidate the appropriate etiquette for dissolving a marriage and to examine the conditions pertaining to walk-away spouses, informed by the overarching principle of Shariah, which emphasises the safeguarding of the family unit.

In summary, the five factors stated above were crucial in establishing the parameters of this study. We provide a further elaboration of the identified scope below.

3.3.2 Scope

Individuals who got into marriage partnerships and ultimately made the decision to end those relationships, either through artificial means or by natural events, were the focus of the individuals who participated in the study.

Among the individual studies of husbands and wives, we classified them into the following five categories: widow, widower, talaq, khul, and walk away marriages.

The first group was the widow, which focused only on the wife who was actively engaged in fulfilling her marriage rights and responsibilities up until the time that her husband's death caused an end to their marital relationship, so leaving the rights and responsibilities to continue to be fulfilled by the husband.

The second category was known as widowers, and it referred to circumstances in which husbands passed away while they were still married. This led to the automatic termination of their rights and responsibilities within the marriage.

The third category consisted of spouses who were dissatisfied with their wives because they did not fulfil significant marital rights and responsibilities. Eventually, this unhappiness led to an increase in the number of matrimonial troubles, which ultimately prompted spouses to end their marriages through the process of talaq, which is a demanding procedure.

There was a fourth group that addressed wives who were upset because their husbands did not complete the key functions and obligations that they were supposed to fulfil in the marriage. As a result of this circumstance, the wife was frequently driven to terminate the marriage by means of the difficult process of Khula.

The fifth and last category was called "Walk Aways," and it encompassed all the situations in which spouses did not go through a legal process to divorce their marriage.

The objectives, justifications, and components that were specified in the scope of this study served as a foundation for the development of a friendly design.

3.2.3 Research Questions

As articulated in chapter one, the research questions that directed this study are five, as reiterated below:

RQ1What are the underlying causes of Walk Away? RQ 2 How effective is the reconciliation exercise in curbing Walk Away? RQ3 What are the matrimonial problems post Walk Away? RQ 4 What are suitable policies to curb Walk Away? And RQ 5: How can the Maqāsid Shariah Approach to curb Walk Away?

3.3 MAQĀSID SHARIʿAH AND RESEARCH PARADIGM

The appropriate philosophical framework, the pertinent research technique, and the interdisciplinary approaches that are important to this study are all outlined in this section.

3.3.1 Definition

A research philosophy is a set of basic beliefs that guide the design and execution of a research study, and different research philosophies offer different ways of understanding scientific research. (Katherine A. Tamminen, Zoë A. Poucher, 2020)

3.3.1.1 Pragmatic Research

Pragmatism is the selected study philosophy to investigate the enquiries related to matrimonial problems that lead to the breakup of marriage.

Pragmatism is a research philosophy focused on the practical consequences of ideas, acts, and beliefs (Robertson Prime, 2024).

Pragmatic research is characterised by three essential attributes that differentiate it from other research philosophies. Robertson Prime delineates five fundamental elements of pragmatic research:

To begin, pragmatism is a philosophical approach that endorses the utilisation of qualitative and quantitative research methodologies. This is because it acknowledges that different research challenges may call for different approaches. Because of this versatility, researchers can answer their research issues by utilising the tools and methods that are most appropriate for the situation.

In the second place, pragmatic research places an emphasis on the significance of the research issue itself, as opposed to being restricted by philosophical assumptions.

This concentration on the research problem makes it possible to take a more pragmatic and outcome-oriented approach to the research process.

An additional essential component of pragmatic research is the recognition of the complexity of the social world. A framework that recognises that reality is multidimensional and may be interpreted in a variety of ways is provided by pragmatism. This framework allows for the analysis of social processes via several distinct lenses.

In addition, pragmatic research frequently involves collaboration between academics and stakeholders, the promotion of participatory action research, and engagement with the communities or organisations that are the subject of the study. By ensuring that the study is relevant and applicable, this collaborative method reinforces both the process of conducting research and the results of that research.

Finally, pragmatic research is distinguished by the fact that it places a strong emphasis on the practicality of research findings. The research philosophy known as pragmatism places an emphasis on knowledge that can be utilised in real-world scenarios, so contributing to the process of social transformation and problem-solving.

3.2.1.2 Exploratory Research

Exploratory research is a methodology approach that explores research questions that have not previously been studied. It is often used when the issue researcher is studying is new, or the data collection process is challenging in some way. (Tegan George., 2021).

3.2.1.3 Interdisciplinary Research

Interdisciplinary research involves the exploration of two or more academic disciplines within a study. The term 'interdisciplinary' denotes the engagement of multiple disciplines, each characterised as a field of study or branch of knowledge.

This type of research integrates various disciplines, whether academic, artistic, or scientific to enhance the project's perspective. According to Natalie Perdue and David White (2023), the study of the science of the Qur'an, the science of Hadith, Islamic jurisprudence concerning family, sociology, common law, political science, psychology, and political economy has contributed to a deeper understanding of the matrimonial issues that ultimately lead couples to part ways.

3.4 MAQĀSID SHARI'AH AND RESEARCH APPROACH

Research Approach is a systematic technique utilised to examine the research enquiries, integrating both inductive and deductive reasoning.

3.4.1 Induction

The logical model that derives general principles from specific instances (Babbies Earl, 2008) is based on observation. This process involves making inductive observations, identifying patterns, formulating tentative hypotheses, and developing a theory.

3.4.2 Deductive

The logical model in which specific expectation of hypotheses is developed based on general principles. Deductive: Theory, (Babbies Earl, 2008) Hypothesis, observation, confirmation.

3.4.3 Research Time Horizon

This section delineates the definition of a cross-sectional study and underscores its aims.

3.4.4.1 Cross Sectional Design

Design that is Cross-Sectional In order to investigate Uganda, this study utilised a cross-sectional methodology. In the field of observational research, cross-sectional studies are studies that evaluate data pertaining to a population at a specific point in time. (Xiaofeng Wang and Zhenshun Cheng 2020).

3.4.4.1.1 Aims of Cross-Sectional Study

Cross-sectional studies seek to collect dependable data that facilitates the formulation of sound findings and the development of fresh hypotheses for additional inquiry. (Juliana Zangirolami Raimundo, Jorge de Oliveira Echeimberg, Claudio Leone, 2018)

Cross-sectional studies are especially valuable for examining the prevalence of marital issues that contribute to the walk-away phenomenon, along with its causes, consequences, and dimensions in Uganda.

Cross-sectional studies are advantageous due to their relative speed and cost-effectiveness, as well as the absence of ethical complications. Data on all variables were collected at a single time point.

A variety of outcomes and exposures were examined, facilitating Research Questions generation, and numerous findings contributed to a comprehensive research study of Walk Away in Uganda, in contrast to the longitudinal approach.

3.5 MAQĀSID SHARI`AH AND RESEARCH DESIGN

This section discusses the Mixed Method, Convergent Parallel Design, the rationale for the design, induction, and deduction.

3.5.1 Maqāsid Shari`ah and Mixed Method

This study employed a mixed-method research methodology, concentrating on the collection, analysis, and integration of both quantitative and qualitative data within a singular investigation.

The central premise posited that the integration of quantitative and qualitative methodologies yields a superior comprehension of matrimonial issues prompting couples to terminate their marriage (Talaq, Khula, widow/widower, or Walk Away) compared to the application of either method in isolation (Creswell, John W. and Vickil L. Plano, 2011).

This research methodology involves the collection of both quantitative and qualitative data, which are analysed independently before comparing the results to determine whether the findings corroborate or contradict one another. Creswell, John W. (2014)

3.5.1.1 Convergent Parallel Design

This research methodology employs the collection of both quantitative (closed-ended) and qualitative (open-ended) data, synthesising the two to derive interpretations that leverage the strengths of both data types to comprehend the study issue. Creswell, John W. (2015).

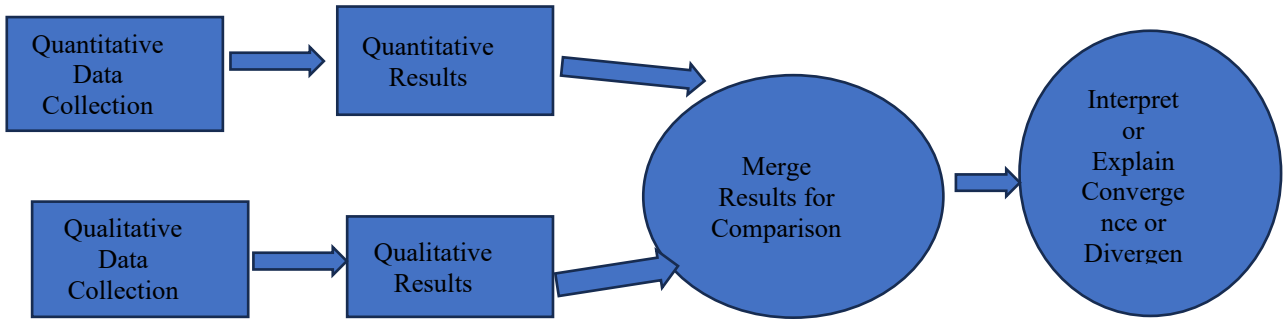


Figure 3.1 Maqāsid Shari`ah and Convergent Parallel Design

3.6 MAQASID AND RESEARCH METHODS

There are two research methods adopted Survey and Interview for this study elaborated below.

3.6.1 Survey

In-person and online survey methods were employed to collect primary data on matrimonial issues prompting couples to terminate their marriage relationships through Talaq, Khula, widowhood, or walk away in the four regions of Uganda.

These two survey methodologies facilitated a systematic data collection from former spouses as respondents, utilising a questionnaire designed based on the research Questions already highlighted in 3.2.3 of this chapter.

The survey was employed to collect quantitative data regarding marriage challenges from former spouses, who shared their experiences and perspectives, facilitating the analysis of their responses and yielding insights using a semi-structured questionnaire.

3.6.2 Interview

Interviews were executed by telephone and in-person interactions with stakeholders, including the Qadhi, Judiciary, Legislature, and Executive, concentrating on RQ5 concerning their responsibilities in upholding the sanctity of marriage by ensuring couples maintain peace and tranquilly.

The interview sought to collect qualitative data from stakeholders regarding their interventions to avert matrimonial issues among couples, both prior to and following the dissolution of marriage. Participants conveyed their experiences and perspectives, enabling the interpretation of their comments and the extraction of insights.

3.7 MAQASID SHARI`AH AND SAMPLING METHOD

This is a method employed to identify persons and organisations from a broader community. Research employs two principal sampling methods: probability and non-probability. (McCombes, Shona, 2023.)

Likelihood Sampling entails random selection, enabling research to derive robust statistical judgements regarding the entire population.

Non-Probabilistic Sampling entails non-random selection predicated on conventions or specific criteria, facilitating the efficient collection of data for research purposes.

3.7.1 Population

The study population, or target population, denotes the complete group of individuals, objects, or events that exhibit qualities relevant to the researcher. It denotes the broader population from which a sample is extracted. Riya Thomas (also known as Rita Thomas, 2023)

This study targets persons who have left their marriages owing to marital issues.

3.7.2 Sampling Frame

The sample denotes the cohort of persons from whom the researcher gathered data. The participants comprised ex-spouses from the Muslim community across diverse districts and regions in Uganda, employing probability (random) sampling techniques.

The study utilised non-probability sampling methods to select respondents aged 17 and older.

This method enabled the efficient non-random selection of participants with the aid of local authorities who were acquainted with them, as the authorities lacked any lists of potential responders.

Additionally, an online, voluntary non-random sampling method was employed for two purposes: to address research questions (RQ1, RQ2, RQ3, and RQ4) and to enable generalisation in the absence of a complete responder list.

These elements influenced the choice to choose a generic hybrid sample frame. Generalisability denotes the degree to which the findings of the study can be extrapolated to a wider environment.

Kassiani Nikolopoulou (2022) research findings generalisable considered when the study is applicable to most contexts, populations, and situations.

3.7.2.1 Sampling Design

The approach employed for identifying regions was stratified sampling. Instead of choosing a sample from the entire population, the researcher guarantees that suitable quantities of elements are extracted from the overall population (Babbies Earl, 2008). The population was segmented into distinct, non-overlapping groups, or strata; a

random sample of members is thereafter obtained from each stratum. Xiaofeng Wang and Zhenshun Cheng, 2020.

3.7.3 Research Setting Procedure

The research setting had four elements: place, period, population, and environment, utilised to comprehend various dimensions of the issues. The research location denotes the precise geographical site where the study was undertaken. Filâtre, 1992. The data gathering provides a detailed account of the place, time, population, and environment.

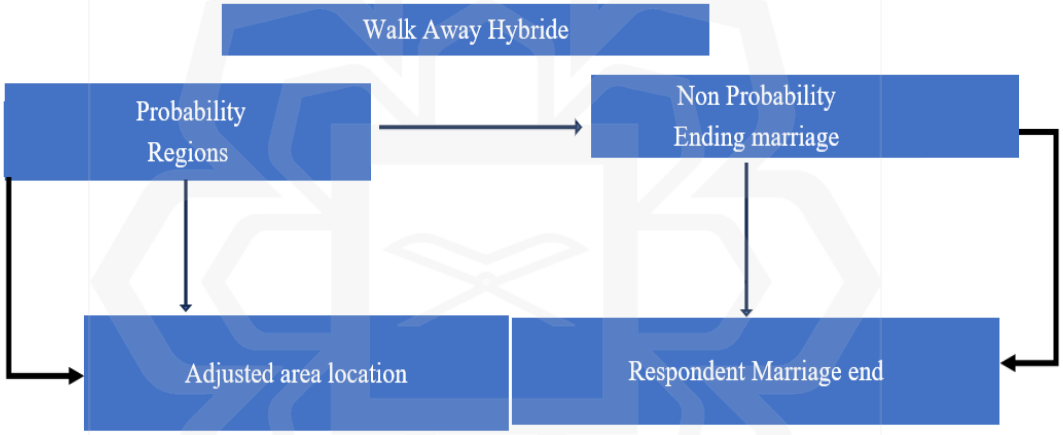


Figure 3.2 Walk Away Sample Frame

3.7.3.1 Fieldwork Site

The term "site" refers to the physical characteristics and conditions of a location, including its topography, climate, and natural resources, among other environmental factors. (Fiveable, Library Journal, 2024)

For this investigation, the features of location, time, people, and environment are outlined and shown in the table that can be found below.

Table 3.1 Site of the Respondents

Location/Time	**Total Districts**	**Distance from Capital**	**Tribe**	**Estimated Total Number**
Eastern Kapchorwa Town 5th – 6th June 2026	Eastern Kween Bukwa	305 km	Kalenjin	300,000
North Eastern Moroto 7th – 8th June 2024 Camp Swahili Ward	North Eastern Kotido Kaabong, Karenga, Nabilaktuk, Abim, Napak, Amudat Nakapiripirit	475 km	Karamojong	1.5 million
Northern Lira City 9th – 10th June 2024 Obote Avenue Lira Central Mosque Idi Amin Mosque Faizan Madina Mosques (Juba Road).	Alebtong Amolatar Apac Dokolo Kole Lira Oyam Otuke	342 km	Lango	2.6 million
Northern Gulu City 11th – 13th June 2024 Main Mosque, Coronation Road Camp Layibi Airport	Agago Amuru Gulu Kitgum Lamwo Nwoya Pader Omoro	335km	Acholi	2.0 million
Northern/ West Nile Adjumani Main Mosque Riyadh Mosque	Moyo Adjumani	448km	Madi	43,022

Location/Time	Total Districts	Distance from Capital	Tribe	Estimated Total Number
Northern/ West Nile Yumbe Town Main Mosque Yumbe Secondary School	Aringa subregion Yumbe District	553km	Aringa	35, 606
Northern/ West Nile Arua City Main Mosque Camp Swahili Awindiri Kenya Village Mvara	Nebbi Zombo Pakwach	450km	Lugbara	850,500
Eastern Uganda Soroti City Soroti University Main Mosque	Amuria Bukedea Kaberamaido Kapelebyong Katakwi Kumi Ngora Serere Soroti District	307km	Teso	2,462,840
Kampala Central Region	Central Division Makindye Kawempe Nakawa Rubaga		Capital City	2.500,000
Wakiso Central Region	Busukuma, Gombe, Kakiri Town, Katabi, Kasanje, Kira Town,	Areas within 20 km radius of the Capital	Buganda	3,307,700

Location/Time	Total Districts	Distance from Capital	Tribe	Estimated Total Number
	Ssabagabo, Masuliita, Nabweru, Namayumba.			
Mbale City Eastern Region	Bududa Bulambuli Manafwa Mbale District. Namisindwa Sironko	200 km	Bugisu	1,647,382.
Bugiri Municipality Eastern Region	Nankoma Namayemba Busowa Buwuni Nabukalu Muterere	166 km	Basoga	426,800
Iganga Municipality Eastern Region	Kiguli South Kigulu North Iganga Municipality	139 km	Basoga	426,958
Jinja City Eastern Region	Walukuba-Masese, Mpumudde-Kimaka, Jinja Central	96 km	Basoga	292,386
Kisoro Town and Nagana Western Uganda	Bufumita North Bufumita County East Bufumita South	488km	Bafumbira	281,000
Masaka City Central Region	Bukomansimbi Kalungu Kalangala Rakai Lwengo	135 km	Baganda	

Location/Time	Total Districts	Distance from Capital	Tribe	Estimated Total Number
	Kyotera Sembabule Lyantonde			
Luwero Bombo Town Council Central Region	Katikamu North Katikamu South Bamunanika		Baganda and Nubians	614,230
Kabale	Kabale Rubanda Kisoro Ntungamo Rukiga	410 km	Bakiga	
Mbarara City Western Region	Divisions Kakoba Kamukuzi, Nyamitanga Biharwe Kakiika Nyakayojo	272 km	Bayankole	325,075
Kasese Municipality Western Region	Bukonzo East Bukonzo West Busongora North Busongara South	372 km	Bakonzo	847,027
Fort Portal City Western Region	Bunyagabo Kabarole Kamwenge Kyegegwa Kitagwenda Kyenjojo	296 km	Toro	3,378,840
Masindi Town Western Region	Buliisa Hoima Kagadi Kakumiro	212 km	Bunyoro	2,100,000

Location/Time	Total Districts	Distance from Capital	Tribe	Estimated Total Number
	Kibaale Kikuube Kiryandongo Masindi			

Source generated from Local Government and UMSC structures.

3.7.4 Research Criteria

The description facilitated the formulation of the seven requirements for study settings delineated below:

Individuals who have had both artificial and natural walkaways within the past five to ten years are eligible for this study.

Areas that are difficult to get from the capital, assessed based on criteria like distance, geographic coordinates, topography, climate, natural resources, water availability, and vegetation.

Numerous districts in the Northern, Western, Central, and Eastern parts of Uganda, distinguished by a substantial Muslim population, have a high population density.

In Uganda, certain districts in the Northern, Western, Central, and Eastern regions exhibit a lower concentration of the Muslim community.

The custodians supervise marriages in several settings, encompassing those deemed difficult, elevated, or situated at lower elevations.

The offices of the Imam, Kadhi, and institutional leaders directed the researcher to the respondents' places, which encompassed universities, schools, hospitals,

mosques, courts, residences, markets, boda stages, offices, stores, washing bays, and gardens, among others.

Researcher designated two days for each research site to finalise the data gathering from June 1, 2024, until July 2024.

3.7.5 Actual desired Sample size for this study

The study's target population consisted of 500 respondents from 20 districts in four regions of Uganda.

3.8 MAQĀSID SHARIʿAH AND DATA COLLECTION

Data collection is the systematic process of acquiring and quantifying information to address enquiries, assess results, and discern patterns.

This section addresses the instrument, the problem definition, the scale, the questions, the questionnaire content, and the survey administration outlined below.

3.8.1 Maqāsid and Instrumentation

Conducting a literature study, conducting interviews and/or focus groups, and creating the survey are the seven processes that are included in the process of designing the survey.

The literature review and interviews/focus groups should be synthesised, items should be developed, feedback on the items should be collected through an expert validation, cognitive interviews should be used to check that respondents grasp the items as intended, and finally, Carry out preliminary testing. Hunter Gehlbach, Kent J. Dezee, Jeffrey Larochelle, and Anthony R. Artino published their findings in 2014. Process of designing a survey:

As sources for this research, Talaq, Khula, widow/widower, and Walk Away. study focused on the matrimonial issues that lead couples to terminate couples' marriage partnership.

Interviews were carried out with the members of the focus group, specifically the Imams of ten mosques located inside their respective districts.

After conducting interviews and reviewing the relevant literature, the findings were compiled. All of the survey questions were formulated. The suggestions were obtained from the specialists. The use of cognitive interviewing was done to achieve clarity. This is how preliminary tests of this study.

3.8.2 Maqāsid and Definition of the Problem

The questionnaire aimed to examine matrimonial issues prompting couples to dissolve their marriages and to analyse demographic correlations concerning area, gender, age, qualifications, employment situation, marital status, and the marriage experiences of individuals who are divorced.

The main goals of the questionnaire's design were to optimise the response rate from persons who have ended their marriages.

Furthermore, it sought to collect precise and pertinent data for the Walk Away survey regarding demographic variables including area, gender, age, credentials, employment status, and marital history.

The design aimed to develop a suitable questionnaire framework.

3.8.3 Maqāsid Shari`ah and Likert Scale

A Likert scale is a rating scale employed to measure survey participants' opinions, attitudes, motivations, and more.

It is important because it gauges the strength of people's feelings regarding a specific service, product, or experience.

Likert scales are also highly flexible interval scales, allowing for easy adjustment of the scale points to fit the design of your survey.

The 5-point Likert scale provides five answer options, including a midpoint or neutral option, to assess respondents' opinions. The response options include Strongly Disagree, Disagree, Neutral, Agree, and Strongly Agree (Monkey Survey, 2025).

The following points are particularly important: The items should be statements rather than questions. All items should relate to the same object, such as the Muslim end of marriages.

The items constituting the scale should be interconnected. And typically, the format for indicating levels of agreement is a 5-point scale, ranging from "strongly disagree" to "strongly agree" (Alan Bryman, 2008).

3.8.4 Maqāsid and the Questions

To minimise non-sampling errors, the questions were developed with attention to independent, moderating, and dependent variables identified from the problem statement and the research questions presented in the preceding literature review. Closed-ended questions enable respondents to indicate their preferences, whereas open-ended questions offer a range of response options.

3.8.4.1 Independent Variable closed Questions

The independent variable of closed questions has been formulated to examine the motivations for marriage, encompassing beauty, fortune, background, faith, procreation, population, labour, politics, Sunnah, and the aspiration to appease parents or guardians.

Subsequently, disputes ensue over the eligibility criteria for spouse selection and the prerequisites for the legality of the marriage contract. This includes the payment methods for the mandatory marital gift, the requirement for acceptance by the legitimate guardian, the venue for the marriage contract, and the fair execution of rights and responsibilities between spouses in the marital relationship.

3.8.4.2 Moderating Variable Closed Question

Moderating Variable was developed enquiries regarding the relationship and implications of mediation, along with the relationship and ramifications of waiting periods.

3.8.4.3 Dependent Variable closed questions

Guidelines for Talaq and Khul are the subject of the dependent variable questions.

3.8.4.4 Open ended Questions

The participants were presented with a total of eighteen (18) open-ended questions, constituting the second segment of the semi-structured interview.

The enquiries encompassed several subjects, including Islamic beliefs, the couple origins as either born Muslims or converts, and their official or informal training before to marriage.

The enquiries also encompassed the substantial difficulties encountered in their marriages, their prior marital experiences, and the justifications for their dissolution.

The respondents were enquired about the initiator of the marriage dissolution, their present marital status, and the impact of the divorce on their children and households.

Additionally, the participants were prompted to express their opinions on persons who abandon marriage and whether the difficulties they faced influenced their perspectives on the Islamic institution of marriage and family.

The researcher also questioned about their perspectives on divorce and death certificates, as well as the techniques they utilised to dissolve their marriages.

The spouses were enquired whether they sought aid during mediation from the Kadhi/Imam, the Family Division of the High Court, Members of Parliament, or the government.

The couples were ultimately requested to offer counsel to individuals facing marital difficulties and considering divorce.

3.8.5 Maqāsid and Administering of the Survey

The survey employed paper and online questionnaires to augment research outreach to respondents throughout Uganda.

A written questionnaire is a type of social survey wherein participants submit their responses in written form. The benefit in this context is that respondents can openly debate the effects of "Walk Away."

An online questionnaire via google form comprised a sequence of questions meticulously designed to collect survey data regarding a certain audience or demographic group. This survey is conducted online. (QuestionPro, 2024)

3.8.6 Content of the Questionnaire

To acquire precise and pertinent information, it is essential to consider the enquiries researchers formulate, the way they articulate these enquiries, the order in which they are presented, and the comprehensive structure of the questionnaire (Wai-Ching Leung, 2001).

The questionnaire's enquiries focused on themes such as Niyyah, Knowledge, Practice, and Execution, identified as factors contributing to marital issues that may result in divorce, referred to as the Independent Variable.

The moderating variables of fitnah and bala`a act as determinants that affect the trajectory and intensity of marriage, talaq, or khul, as well as the underlying causes of matrimonial issues that may lead to the dissolution of marital bonds.

Conversely, the questionnaire material pertaining to Talaq and Khul, identified as the Dependent Variable, clarifies the origins of marital issues.

3.8.7 Semi Structured Questionnaire

Table 3.2 Semi Structured Questionnaire

NO.	Characteristic	Details	Construct	Source s
1.	Demography	Regions of Uganda Gender Age Qualification Working Status Mariage Status Marriage Level Marriage Experience	NECW Male and Female Education Economic Family Family Family	Article 176 UG 95/ Article 2: UMSC22 Article 21 Article 30 Article 40 Article 31 Article 31 Article 31
2.	Nikkah	Mariage Proposal Reason for Marriage Forbidden Choice for Marriage Permanent Temporary	9 13	Qur`an Surat al-Baqarah (2): 22 - 24

NO.	Characteristic	Details	Construct	Source s
Condition for valid marriage		Iijaab and Qabul Consent of the prospectus Consent of the Guardians Availability of Mahr Presence of the Wakil	4	Qur`an and Hadith Abd ar-Rahman I. Doi (2008). Shariah: Islamic Law
Venue of Marriage Contract		Home of the Father Home of the in Law Mosque Court Other places	5	Primary and Secondary sources Of Islamic Jurisprudence
Duties and responsivities		Husband Wife	6 14	‘’
3.	Mediation	Admonishment Separating Bed Shariah Beating	3	
Marital issue was taken to the guardians for management		The Guardians approved to return to marriage The Guardian approved to return to the marriage. The Guardian disapproved of this relationship	3	“ ”
4.	Pronunciation of end of marriage	Purity Anxiety Frequency Silence	4	
5.	Iddah (Waiting Period	3 Menstrual folds 3 months		“

NO.	Characteristic	Details	Construct	Source s
		Pregnancy 4 month and 10 days		Qur`an 65:4 Qur`an 65:4 Qur`an 65:4 Qur`an 2:234
6.	Open ended Question (Roles of the Mediators)	Faith Qadhi Judiciary Legislature Executive	18	Article 37 Cap 252 Article 129 d (i) Article 77,79 (1), 91 Chapter 7 Constitution of Uganda (1995)
			106	

Source generated from Qur`an, Uganda Constitution and Islamic Scholars

3.8.7.1 Introduction

I introduced myself to the respondents and explained the topic under investigation. I also assured them of the protection of their personal information and explained the benefits of this exercise.

3.8.7.2 Body

The body comprised demographic content, including region (Northern, Western, Central, and Eastern), gender, and age (ranging from below 18 to above 84). It also covered qualifications (certificate, diploma, bachelor's, master's, PhD, and those without qualifications), working status, marriage status, marriage level, and marriage experience, all aligned with the legal structures of both local government and the Uganda Muslim Supreme Council, specifically Article 176 of the Constitution of the

Republic of Uganda and Article 2 of the amended Uganda Muslim Supreme Council Constitution.

Instructions were provided to tick the box corresponding to predetermined closed-ended questions based on a Likert scale: Strongly Disagree, Disagree, Undecided, Agree, and Strongly Agree, located at the beginning of Section B.

Section C included content on marriage processes, while Section D addressed duties and responsibilities.

Section E contained questions on mediation, Section F focused on the pronouncement of the end of marriage, and Section G discussed the waiting period.

The question construct culminated in open-ended questions, which formed a subsection of Section G.

Finally, a word of gratitude was directed towards the respondents for their assistance.

3.8.7.3 Content Validity and Reliability

Content validity assesses the extent to which an instrument, such as a test, encompasses all pertinent aspects of the construct it seeks to measure. Within this framework, a construct denotes a theoretical notion, theme, or idea that generally eludes direct quantification. (Kassiani Nikolopoulou, 2023)

This study guarantees that the items encompass all pertinent aspects of the construct and are suitable for the target population. The essential elements include relevance, ensuring that items are directly connected to the construct; comprehensiveness, which guarantees the inclusion of all dimensions of the construct; and expert judgement, typically evaluated by a subject matter expert. Generally, it is not assessed directly within SSPS.

The reliability of a questionnaire pertains to the consistency of its results, reflecting the likelihood of obtaining the same outcomes when administered again under identical conditions (Jo Morrison, 2025).

To ascertain the validity of the questionnaires, a thorough desk check and a pilot test were performed before the questionnaires were distributed to the respondents. The process of desk checking entails a meticulous examination of research tasks and findings to ascertain their accuracy and coherence. A pilot test represents a preliminary investigation carried out on a limited scale prior to the broader application of a more extensive study.

A qualitative investigation into the matrimonial challenges affecting talaq, khula, widow/widower, or walkaway was carried out in two metropolitan districts of Kampala and Wakiso, involving 10 key stakeholders, including imams and local council authorities.

The qualitative outcome substantiated the significance of continuity within this research. The qualitative analysis indicated that there were 54 instances in Kampala where individuals sought assistance regarding their matrimonial issues, alongside 20 cases in Wakiso. This culminates in a total of 74 Muslim couples pursuing the dissolution of their marriages.

However, there were no records accessible for the Walk Away, and qualitative results emerged from a minuscule sample size of the broader Muslim community, which is dispersed across the four regions of Uganda: Central, Eastern, Western, and Northern Uganda (Registrar of the Directorate of Shariah UMSC, Interview with Imam and Local Authorities Over Divorce and Walk Away rate among Muslims, 2024). The initial qualitative findings contributed significantly to the thematic development of the questionnaire.

In the context of the pilot study, the questionnaire underwent multiple revisions in its construction, informed by the insights of my supervisor, co-supervisors, and colleagues from both Malaysia and Uganda. In Malaysia, there are associates from IIUM, as well as in Uganda.

The pivot study was conducted with a cohort of 25 respondents in Eastern Uganda. The quantitative test results regarding the response rate were favourable, as the construct, the questions, and the fill-time rate exhibited a degree of normalcy.

The questionnaire's validity and reliability were rigorously assessed through both qualitative and quantitative methodologies prior to their deployment in the fieldwork conducted in Uganda, as previously elaborated.

3.8.8 Maqāsid and Historiography of the Fieldwork in Uganda

Fieldwork is the process in which a social science researcher engages with another individual (often termed a subject, respondent, or informant) to cultivate a social relationship that enables the exchange of information. Elias Shabani Mligo, 2013

The fieldwork was predominantly carried out beyond the confines of the Institute of Islamic Thought and Civilisation and the International Islamic University Malaysia in Uganda, including approximately 7,739 km, during which new insights into marriage issues among couples were obtained.

3.8.8.1 Primary Fieldwork Method

The primary fieldwork method employed for the Uganda study was a survey distributed across 20 different districts. The four regions of the country encompass an estimated total land area of 241,559 sq km. During internal travels to reach respondents in both urban and rural areas, the research covered a total distance of over 3,000 km.

3.8.8.2 Permission

Before the identification and actual collection of data could take place, permission was granted on May 30, 2024, by the Deputy Dean of Academic and Internationalisation at ISTAC IIUM in a document titled "Letter of Certification for Conducting Research Fieldwork."

This introductory letter was provided to the political authorities, including the RDC and LC Chairman, as well as the religious authorities, such as the Deputy Regional Mufti, Qadhi (Kadhi), and Imams, to seek their permissions. The reasons and purpose for accessing the respondents were clearly outlined, specifically aiming to gather their pre- and post-marriage experiences for academic purposes.

3.7.8.3 Fieldwork Guide

The District Qadhi assigned a staff member as steward during times when they were unable to physically accompany the researcher at each point of the fieldwork, just as the District Qadhi of Gulu did for the entire two days, leading to various locations where potential eligible respondents could be found, such as their residences, markets, shops, schools, mosques, and hospitals. Consent was obtained from the identified respondents; those who accepted to share their pre- and post-marriage experiences were questioned, and those who declined were thanked for their time.

3.8.8.4 Survey Exercise

The participants who agreed to partake in the survey were afforded the opportunity to independently complete the questionnaire, contingent upon their ability to read or write and their availability of time. For individuals who opted against self-administration, the questions were administered by the fieldwork agent. The data collection process spanned 15 to 20 minutes, during which respondents were initially provided with the introductory letter.

3.8.8.4.1 Phase One

An examination of the historical context of the subject areas indicates that Uganda has experienced a succession of conflicts, particularly the Arube revolt (1974), the Uganda Bush Wars (1980–1986), the LRA insurgency (1987–2008), and the ADF insurgency, all of which were predominantly internally motivated.

External hostilities comprised the First Sudanese Civil War (1965–1969), the Uganda–Tanzania War (1978–1979), and the First Congo War (1996–1997). These disputes have engendered multifaceted challenges to the familial institution.

The most impacted regions included the Northern region, sections of the Western region adjacent to Rwanda and the Democratic Republic of Congo, nearly the entirety of the Central region, and specific areas of the Eastern region, all of which continue to recuperate from the detrimental effects of conflict and instability.

3.8.8.4.1.1 Kapchorwa

Kapchorwa Town, from 5th to 6th June 2024, is in the Sebei subregion, encompassing Kween and Bukwo, characterised by a rugged terrain with valleys and streams, dominated by the imposing presence of Mt. Elgon. Situated 305 miles from the capital, it serves as the epicentre of fieldwork for the Kalenjin people.

This expedition was facilitated by the assistance and counsel of Muslim Elder Al Hajj Haruna Chemisto and County Sheikh Edd Mutwalib of Kapchorwa District in the Eastern Ugandan Region.

The Chief Magistrate's Court disclosed details concerning a Muslim couple facing marital issues in 2023. Three individuals were presented in court, and there were nine examples of inter-religious marriages between Muslims and Christians. Hajjat Fatumah, designated as Grade One, was interrogated.

3.8.8.4.1.2 Moroto

There are nine districts that make up the Karamoja Subregion. These districts are as follows: Kotido, Kaabong, Karenga, Nabilatuk, Abim, Moroto, Napak, Amudat, and Nakapiringit.

The research was carried out in Moroto Town, more especially in the Camp Swahili Ward, which is located within the Moroto District of the Northern Division subcounty.

The population of Moroto Town currently stands at 10,300 individuals. Mountain Moroto is the most prominent feature in the region, and the activity was carried out over the course of three days.

The researcher was able to make major contributions while the Sheikh Bailiff, who is a member of the Majlis of the Karamoja sub region at the Uganda Muslim Supreme Council and the Imam of the Moroto Main Mosque, oversaw the exercise.

The High Court, the Uganda Law Society Offices, and the Head of the Probation Office in Moroto were among the other offices that were visited. Refer to Table 1.1.

3.8.8.4.1.3 Soroti

The fieldwork was executed in Soroti City at Soroti University and the Main Mosque under the supervision of the Assistant Regional Kadhi, Obilan. This site exemplifies the Teso Subregion, which includes the districts of Amuria, Bukedea, Kaberamaido, Kapelebyong, Katakwi, Kumi, Ngora, Serere, and Soroti. The area comprises a rolling plateau characterised by substantial rock formations, shallow lakes, and wetlands. A notable feature of the city is Soroti Rock, which is discernible to the local populace and situated 307 miles from the capital, Kampala.

3.8.8.4.1.4 Lira

The Lango Subregion consists of eight districts: Alebtong, Amolatar, Apac, Dokolo, Kole, Lira, Oyam, and Otuke. Lira City possesses a subtropical climate, classified as climatic type C (wet subtropical mid-latitude climate), and is situated 342 km from the capital. The Acholi subregion has a population of 2.6 million, as per the 2024 Uganda population census. Respondents engaged in a two-day activity in Obote Avenue, Lira

Central Mosque, Idi Amin Mosque, and Faizan Madina Mosques (situated on Juba Road) in Lira City from June 8 to June 19, 2024.

3.8.8.4.1.5 Gulu

The fieldwork concentrated on Gulu City from June 9 to 11, 2024, emphasising the neighbourhoods next to Gulu Main Mosque, especially along Coronation Road, and in the Layibi and Airport regions. The charismatic Acting District Sheikh Badi Abdul Qadir led the initiative. The Acholi sub-region comprises Gulu City, Agago, Amuru, Kitgum, Lamwo, Nwoya, Pader, and Omoro. This sub-region has an estimated population of around 2 million and has a tropical savanna climate (Aw). It is located 335 km from Kampala, the capital.

3.8.8.4.1.6 Adjumani

The Adjumani district, situated 448 km from the capital city of Kampala, is the inaugural area in the West Nile region to do the Uganda Fieldwork. The River Nile traverses this region its route to the Mediterranean Sea.

The landscape features gentle undulations that transition into rocky outcrops, and it accommodates some 43,000 inhabitants, including the Madi population, who live along the Nile River and in the Moyo district, especially at Laropi Crossing.

The fieldwork garnered substantial assistance from Counsel Ahmad Qassim, with the endeavours endorsed by Sheikh Bahiga Brurhan, the District Kadhi of Adjumani District in the West Nile region of Northern Uganda.

Moreover, several persons participated, including the Imams of Masjid Riyadh in Adjumani Town and Sheikh Yusuf Baraka, the Imam of the Taqwa Mosque.

The survey at Adjumani was done from June 10 to 11, 2024, concentrating on the areas next to the Taqwa and Riyadh Mosques in Adjumani.

3.8.8.4.1.7 Yumbe

Every site examined during fieldwork exhibited unique traits, especially Yumbe, which presented particularly distinctive features.

The researcher conducted on survey in Yumbe on June 11th and 12th, 2024, marking it as the most distant site, situated 553 miles from the capital city.

Secondly, Yumbe is a plateau characterised by a subtropical climate (type C) and is inhabited by around 35,606 Aringa individuals.

The region possesses the largest density of Muslims in the nation, exceeding 95%.

Thirdly, it is a notable region devoid of asphalt roads in Uganda; the route from Laropi Town consists of a 112 km stony sandy road that proceeds to Yumbe and extends to Koboko. I received a cordial reception from the District Kadhi of Yumbe, Hajji Swaib Bamuza, whose perceptive interview was documented on video to facilitate the study. He also authorised the Imam of the Main Mosque, a young director of a local Qur'an memorial, Markazi, to send me to the respondents in Yumbe Town Council, Yumbe West Cell, and Ariguyi Ward.

3.8.8.4.1.8 Koboko

Koboko harboured significant suspicion of the fieldwork, likely attributable to the prevailing internal discord among Muslims. Regrettably, before to the initiation of the standard introductory procedure, one faction of the opposing leaders apprehended the researcher during a criminal-style interrogation led by a guy purporting to be a security operative, visibly armed with a revolver at his waist. Upon the authorities' unequivocal establishment of the facts, their expressions betrayed their culpability for their actions. After this incidence and with the approach of Eid Adha, the Koboko fieldwork was annulled, and the researcher advanced to Arua for the concluding phase of fieldwork.

3.8.8.4.1.9 Arua

Data was collected from respondents in Arua City, namely from locations like Masjid Riyadh, Masjid Muktar, Camp Swahili, Awindiri, Kenya Village, and Mvara. The city hosts a dynamic and thriving Muslim community. It is about 450 kilometres from the capital, Kampala. Despite the difficulties encountered during data collecting, the exercise attained a response rate of 90%. Arua City encompasses the districts of Nebbi, Zombo, Pakwach, and Arua.

The population is roughly 65,000. The terrain comprises level ground interspersed with hills and valleys. The climate is categorised as tropical wet and dry, or savanna. Natural resources encompass soils originating from pre-Cambrian rocks of the Basement Complex, in addition to water resources including groundwater, wells, rivers, springs, and gravity flow systems. Wetlands encompass roughly 2.8% (87 km^2) of the overall land area. The flora included broad terrains defined by equatorial savanna grasslands, interspersed with tiny areas of natural trees situated on hills. The indigenous population primarily consists of the Lugbara, alongside other ethnic groups like as Kakwa, Madi, Alur, and Lendu. Arua District Local Government, 2009.

3.8.8.4.2 Phase Two

Following the celebration of Eid al-Adha, the second phase of the fieldwork in Uganda began. This phase focused on locations surrounding Kampala and Wakiso, in addition to conducting an online poll.

3.8.8.4.2.1 Kampala

There are five distinct neighbourhoods that make up the population of Kampala: Central, Kawempe, Makindye, Nakawa, and Rubaga residents. The research was conducted in the areas of Nakawa and Makindye, more specifically in the districts of Kibuli and Naguru. Additionally, the Kampala campuses of the Islamic University of

Uganda (IUIU), Kibuli Secondary School, and the Naguru Mosque in Katale were included.

3.8.8.4.2.2 Wakiso

Wakiso District comprises the divisions of Entebbe, Wakiso, Kasangati, Kira, Kyengera, and Nansana. The emphasis is on Kyengera, particularly Kabojja and the Females' Campus at the Islamic University in Uganda (IUIU), under the leadership of Director Dr. Nabukeera Madina, together with Kira and Kasokoso Kireka.

3.8.8.4.2.3 Online Survey

Upon evaluating the duration allocated to one phase and the outstanding territories to be visited, in conjunction with the return flight schedule to Kuala Lumpur, Malaysia, the researcher recognised that there was insufficient time to explore the remaining areas. Consequently, a novel technique was implemented to engage the respondents and augment the fieldwork.

3.8.8.4.3 Phase Three

The subsequent region, Kisoro, was accessed following the challenging areas of Northern Uganda, necessitating a total travel distance exceeding 1500 km and situated at a considerable distance from the capital. The researcher visited Kigezi and Mbarara; however, time constraints precluded fieldwork in Kasese, Fort Portal, and Masindi.

The research conducted two visits to Soroti in the Eastern Region: one for the distribution of questionnaires and another for their collection. Data were also collected from Mbale City, Bugiri, and Iganga in the region. Despite Jinja City being the initial site for questionnaire distribution, the response rate remained zero following two collection attempts. The areas pending in the Western Region include Kisoro, Kigezi, Mbarara, Kasese, Fort Portal, and Masindi. Data collection in the Central Region is

incomplete for Masaka and Butambara, while it has been successfully conducted in Luwero.

3.8.8.4.4 Phase Four

On July 5, 2024, I returned to Malaysia following my physical involvement. Before returning to Malaysia, it was seen that the fieldwork collection agents in Soroti, Jinja, Masaka, Kigezi, Mbarara, and Kasese failed to submit the completed surveys. The agents that successfully submitted and finished their surveys originated from Masindi District in Western Uganda. The researcher would express his gratitude to the Chairman of Kirasa II Cell in Masindi Municipality, Abdul Manan Elias Moga; Mr. Abdul Aziz Moga; and Mr. Kisembo Shafik for their assistance.

3.9 MAQĀSID SHARĪ`AH AND DATA ANALYSIS

Statistical Software for Social Science and NVivo/ Atlas are elaborated below.

3.9.1 Statistical Software for Social Science

Statistical software for social science is a data analysis tool that facilitates statistical testing, massive dataset management and manipulation, graph and report generating, and predictive analytics execution. It is extensively utilised by researchers for its strong qualities in quantitative research.

3.9.2 NVivo / Atlas

In addition to ATLAS.ti, NVivo is a piece of software for qualitative analytics that was developed to organise, analyse, and display unstructured data. Examples of such data include conversations and questionnaires. It aided in recognising trends and gaining insights linked to marriage issues that are present within qualitative data.

3.9.3 Data Entry Process

The process of taking information obtained from surveys or other sources and converting it into a statistical database is referred to as data entry. This procedure requires entries to be made manually as well as online. There are six stages that the data entry went through: obtaining the data, verifying and validating the data, entering the data, converting the processed data, performing quality control, and delivering the project.

Table 3.3 Matrimonial Problems Data Entry Process in the SSPS Flow Chart.



3.9.3.1 Descriptive Statistics

Descriptive statistics denotes a collection of techniques employed to summarise and characterise the principal attributes of a dataset, encompassing its central tendency, variability, and distribution. '

Distribution' refers to the way the values of a variable are dispersed or organised across potential outcomes. Measures of central tendency are statistical metrics, including the arithmetic mean, median, and mode, that encapsulate a distribution of values.

The mean, or average, is determined by summing a collection of integers and dividing the total by the quantity of those numbers. The median represents the central

value in a distribution of data, whereas the mode denotes the value that appears most frequently within that distribution. Measures of variability denote the extent to which a measurement accurately represents the fundamental notion.

Variability denotes the degree of divergence across data points in a dataset, reflecting the extent of value fluctuations and emphasising diversity and irregularity within the data.

The range denotes the interval between the least and maximum values inside a dataset. Standard deviation is a statistical metric that quantifies the degree of variance or dispersion within a dataset. The interquartile range (IQR) serves as an additional metric for statistical dispersion.

3.9.2 Maqāsid Shari`ah and Thematic Analysis

The data was collected through a semi-structured questionnaire of 18 open-ended questions directed at former spouses, along with five interviews with 10 individuals, including Imams, Qadhis, and representatives from the Judiciary, Legislature, and Executive branches.

The enquiries encompassed whether respondents are presently assisting clients identifying as Muslim who are experiencing matrimonial difficulties; the particular matrimonial issues or concerns that motivate couples to seek their aid; the number of couples who have sought assistance for matrimonial issues in the past one or two years; the success stories and strategies that facilitated effective resolutions; and the guidance they would offer to the Muslim community and other stakeholders regarding the effective management of marriage and divorce matters in Uganda.

The six-step theme analysis method was utilised to evaluate the qualitative data. This entailed analysing two datasets: initially, 391 open-ended replies from 18 questions, followed by 10 qualitative interviews based on five questions.

The six-step thematic analysis approach, created by Virginia Braun and Victoria Clarke, established a framework for theme generation.

The procedures succinctly encompassed familiarisation, coding, topic generation, definition, review and nomenclature, followed by the documentation of findings.

3.10 MAQĀSID AND ETHICAL CONSIDERATION

Informed consent was acquired as participants were amenable and comprehended the research objectives and their ramifications. The security and privacy of participants' data were safeguarded to mitigate injury and prevent physical, psychological, or emotional suffering. Data collection and reporting were executed with integrity, honesty, transparency, and compliance with ethical standards. Consequently, equity, characterised by the impartial selection and treatment of participants, was emphasised to prevent exploitation and bias.

3.10.1 Uganda National Council of Science and Technology

The Uganda National Council of Science and Technology (UNCST) standards for research were submitted to the Makerere University School of Social Sciences under the REG members of Prof. Dr. Stella Neema.

3.10.2 Research Method Assumptions

Assumptions are six steps Mixed Methods Assumptions are six steps highlighted below.

3.10.2.1 Mixed Method Assumption

The six stages of data analysis in the mixed research methodology are as follows:

Step 1: Indicate the number of participants who finished the survey and the number who did not.

Step 2: Examine the methodology for assessing response bias. Response bias denotes the influence that nonresponses exert on survey estimations. It implies that the inclusion of responses from non-participants could substantially modify the overall results.

Step 3: Formulate a strategy for executing a descriptive analysis of the data pertaining to the dependent and independent variables in the research. This should encompass the means, standard deviations, and range of scores for these variables.

Step 4: If the analysis advances beyond descriptive approaches and include instruments with scales or a mix thereof, specify the statistical procedures to be employed, such as factor analysis, for this objective. Furthermore, provide the reliability assessments for the internal consistency of the scale, particularly the Cronbach's alpha coefficient.

Step 5: Identify the statistical methods and the statistical software that will be utilised to evaluate the primary inferential research questions or hypotheses in the investigation.

Step 6: The concluding phase of data analysis entails the presentation of results in tables or figures and the interpretation of outcomes obtained from the statistical tests. Creswell, John W. (2014).

3.10.2.2 Reliability

The issues prompting couples to dissolve their marriages via Talaq, Khula, widowhood, or walk away were assessed using a reliability test consisting of 62 items, yielding a Cronbach's Alpha of 0.814.

The Cronbach's Alpha values for the eleven individual items are as follows: Spouse selection: Cronbach's Alpha = 0.805 Selection of marital partner: Cronbach's Alpha = 0.883 Payment method: Cronbach's Alpha = 0.582 Guardian/Wali consent: Cronbach's Alpha = 0.797 Marriage contract location: Cronbach's Alpha = 0.820 The husband's duties and responsibilities to the wife: Cronbach's Alpha = 0.846 Wife's rights

and responsibilities: Cronbach's Alpha = 0.871 Mediation: Cronbach's Alpha = 0.732 Declaration: Cronbach's Alpha = 0.644 Iddah period: Cronbach's Alpha = 0.728

3.11 SUMMARY

Table 3.4 Summary of Data Analysis Method and Statistical Techniques

No.	Research Questions	Data Analysis & Statistical Techniques
RQ1	RQ_1 What are root causes of Walk Away? Select appropriate reasons for Spouse to marriage. The Choice of marriage partner was not among people prohibited for marriage Appropriate payment modes of mahr Consent of the Guardian/Wali, Marriage contract in the appropriate venue. Duties and role to the wife by the husband, Rights and responsibilities by the wife to the husband	Univariate Multivariate Techniques Model
RQ2	How effective the reconciliation exercise in curbing with Walk Away? Mediation: The husband reminded each other about the consequences of fulfilling marital responsibilities, Duties and rights, The husband and with taught each Qur`an and Sunnah stands on the marital abuse	Univariate Multivariate Techniques Model
RQ 3	What are suitable Policies to curb Walk away? (Open ended) Pronouncement; State Purity, State of Anxiety, Three Statement at Once, and pronounced end of marriage statement Iddah: waited, three menstruation fold, four months and 10 days, reconciled before completion of Iddah, separated after completion of 3 month, never waited, reconciled, no separated but just Walked	Univariate Multivariate Techniques Model

No.	Research Questions	Data Analysis & Statistical Techniques
RQ4	What are the matrimonial Problems post Walk Away? Eight Closed ended Questions 1 - 18	Structured Interview
RQ5	How can Maqāsid Shari`ah Approach curb Walk Away? Qualitative Interview (Structured interview)	Qualitative Interview

Source: Generated by the Author

CHAPTER FOUR

MAQĀSID SHARIʿAH AND WALK AWAY RESULTS

4.1 INTRODUCTION

This chapter is to describe the results of descriptive statistics obtained from responses to the semi-structured questionnaire, encompassing both closed-ended and open-ended findings. The study addresses four of the five research topics, aiming to comprehend the matrimonial challenges that prompt couples to dissolve their marriages via Talaq, Khula, widowhood, or Walk Away.

This chapter is divided into two parts; part one presents closed-ended research results extracted from RQ1: What are the root causes of Walk Away? Then followed by RQ2: How effective is the reconciliation process in curbing Walk Away? And RQ3: What are the matrimonial problems post-Walk Away? The second part presents the open-ended responses from the semi-structured questionnaire related to RQ 4. What are suitable policies to curb Walk Away?

This chapter commences by outlining the population size threshold pertinent to this study, followed by an overview of the descriptive statistics and the data obtained from both closed and open-ended questions. Subsequently, the results, findings, and summary are presented below.

4.2 POPULATION SIZE THRESHOLD

The threshold formula for reaching the target of 500 respondents was determined utilising a five-point Likert scale alongside the total number of constructs present in the questionnaire.

The five response options of the Likert scale; "Strongly Disagree", "Disagree", "Undecided", "Agree", and "Strongly Agree “were multiplied by a total of one hundred items across all constructs, yielding a cumulative total of five hundred items.

The following are the twelve constructs included: Initially, the selection of spouse is addressed with 10 items. Subsequently, the choice of partner is outlined with 12 items.

The mode of Mahr payment is detailed with 6 items. Following this, the role of the guardian/Wali is examined with 7 items.

The venue for the marriage contract is specified with 5 items. Next, the duties and responsibilities of the husband towards the wife are presented with 7 items.

The duties and responsibilities of the wife are elaborated with 13 items. Admonition is discussed with 5 items.

Mediation is covered with 4 items. Pronunciation is addressed with 4 items. The waiting period is defined with 9 items.

Lastly, there are twelve open-ended questions comprising 18 items.

4.2.1 Biases

Non-Response occurs when some respondents included in the sample do not respond (Ryan Stuart, 2025) Response bias is defined as the difference between the true values of variables in the study`s net sample group and the values of variables obtained in the results of same study. (Kassiani Nikolopoulou, 2023)

To avoid non-response and response biases the following approaches were taken; first and foremost, the duration for filling the survey was limited to 20 minutes be it the distribution being in person or social media to limit non response.

Followed by inclusion of the questions that had both socially desirable and undesirable response options.

Next, indirect questioning techniques such as asking about the behavior of one of the couples rather than the respondent`s own towards ending of the marriage

instances Furthermore, scales were balanced to include positive and negative worded items.

Moreover, questions were evaluated to avoid leading or loaded questions that suggest a particular answer in this direction the Likert scale options of " Strongly Disagree" Disagree, or "undecided" Agree, strongly Agree response gave option to allow respondents to express their true feelings.

Finally, Pre-test surveys were conducted with a small group to identify any potential order effects and adjust the question sequence accordingly.

4.2.2 Response and Non-Response Rate

Following elimination of the incomplete filled questionnaires and the respondents who failed to submit back their questionnaires out of 500 distributed questionnaires notably 391 responses were received. This brings the response to 78.2% and non-response Rate to 21.8%.

4.2.3 Demography information

This demographic section examines the region, gender, age, qualifications, work status, marriage level, current marital status, and marriage experience of the former couples who successfully completed and submitted their questionnaires across five regions of Uganda. The statistical results of the study are presented below.

4.2.3.1 The Regions

Table 4.1 Region of the Respondents

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Northern	154	39.4	39.4	39.4
	Western	37	9.5	9.5	48.8
	Central	104	26.6	26.6	75.4
	Eastern	96	24.6	24.6	100.0
	Total	391	100.0	100.0	

Source: *SSPS*; Source: *SSPS*; Muslim Marriage Survey in Uganda

The statistical findings reveal the following: the Northern region had 154 respondents, comprising 39.4% of the total population; the Western region had 37 respondents, representing 9.5%; the Central region had 104 respondents, constituting 26.6%; and the Eastern region had 96 respondents, accounting for 24.6% of the total population. Consequently, the region with the greatest number of respondents was Northern, whilst the region with the fewest was Western. Refer to Table 4.2 for the regions of the respondents.

4.2.3.2 Gender

The data from the gender statistics reveal that there were 173 male respondents, constituting 44.2% of the total population, whereas there were 218 female respondents, making up 55.5% of the population. Refer to Table 4.2 for comprehensive information regarding the gender of the respondents.

Table 4.2 Gender of the Respondents

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Male	173	44.2	44.2	44.2
	Female	218	55.8	55.8	100.0
	Total	391	100.0	100.0	

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.2.3.3 Age

The statistical results about age indicate the following:

The 15–18 age group comprised 4 responders, representing 1% of the total population. The 19–24 age cohort comprised 23 responses, accounting for 5.9% of the overall population.

The 25–30 age group comprised 77 responders, or 19.7% of the overall population.

The 31–36 age cohort comprised 70 responders, representing 17.9% of the overall population.

In the 37–42 age bracket, there were 65 respondents, constituting 16.6% of the overall population.

The 43–48 age demographic included 59 responders, representing 16.6% of the overall population.

The age range of 49–54 comprised 44 responders, or 11.3% of the overall population.

In the 55–60 age bracket, there were 21 responses, representing 5.4% of the overall population.

The age range of 61–66 comprised 18 respondents, accounting for 4.6% of the total population.

The 67–72 age group comprised four responses, representing 100% of the total population.

The 73–78 age cohort comprised 5 responders, or 1.3% of the overall population. The age category of 85 and above included 1 respondent, representing 0.3%. Consult Table 4.3 for the age distribution of participants.

Table 4.3 Age of the Respondents

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	15-18	4	1.0	1.0	1.0
	19 – 24	23	5.9	5.9	6.9
	25 – 30	77	19.7	19.7	26.6
	31 – 36	70	17.9	17.9	44.5
	37 – 42	65	16.6	16.6	61.1
	43 – 48	59	15.1	15.1	76.2
	49 – 54	44	11.3	11.3	87.5
	55 – 60	21	5.4	5.4	92.8
	61 – 66	18	4.6	4.6	97.4
	67 – 72	4	1.0	1.0	98.5
	73 – 78	5	1.3	1.3	99.7
	85 and above	1	.3	.3	100.0
	Total	391	100.0	100.0	

Source: *SSPS*; Source: *SSPS*; Muslim Marriage Survey in Uganda

4.2.3.4 Qualification

The findings from the qualification statistics indicate that 82 respondents possessed certificates, accounting for 21% of the total population. Additionally, 33 respondents had diplomas, representing 8.4% of the total. There were 55 respondents with bachelor's degrees, making up 14.1% of the total population.

Furthermore, 37 respondents held master's degrees, which is 9.5% of the total. In terms of higher education, 9 respondents had PhDs, representing 2.2% of the total population. Lastly, 175 respondents reported having none of the qualifications, constituting 44.8% of the total. Please refer to Table 4.4 for the qualifications of the respondents.

Table 4.4 Qualification of the Respondents

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Certificate	82	21.0	21.0	21.0
	Diploma	33	8.4	8.4	29.4
	Bachelors	55	14.1	14.1	43.5
	Masters	37	9.5	9.5	52.9
	PhD	9	2.3	2.3	55.2
	None of the above	175	44.8	44.8	100.0
	Total	391	100.0	100.0	

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.2.3.5 Work Status

The work status statistical result finding shows 309 respondents were working, accounting for 79% of the total population, and 82 respondents were not working, accounting for 21% of the total population. See Table 4.5 for the work status of the respondents.

Table 4.5 Marriage Status of the Respondent

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	309	79.0	79.0	79.0
	No	82	21.0	21.0	100.0
	Total	391	100.0	100.0	

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.2.3.6 Marriage Level

The statistical results regarding marriage status indicate that there were 228 single respondents, accounting for 58.3% of the total population, while the number of remarried respondents was 163, representing 41.7% of the overall population. Please refer to Table 4.6 for the marriage status of the respondents.

Table 4.6 For the Marriage Status of the Respondents

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Single	228	58.3	58.3	58.3
	Married	163	41.7	41.7	100.0
	Total	391	100.0	100.0	

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.2.3.7 Marriage Level

The statistical results regarding marriage levels are as follows: The first level included 199 respondents, representing 50.9% of the total population; the second level comprised 162 respondents, accounting for 41.6% of the total; the third level had 22 respondents, making up 5.6% of the total; the fourth level consisted of 4 respondents, which represented 1% of the total; the fifth level included 3 respondents, equating to 0.8% of the total; and finally, the sixth level had 1 respondent, representing 0.3% of the total population. Please refer to Table 4.7 for the marital status of the respondents.

Table 4.7 Marriage Level of the Respondents

		Frequency	**Percent**	**Valid Percent**	**Cumulative Percent**
Valid	First	199	50.9	50.9	50.9
	Second	162	41.4	41.4	92.3
	Third	22	5.6	5.6	98.0
	Fourth	4	1.0	1.0	99.0
	Fifth	3	.8	.8	99.7
	Sixth	1	.3	.3	100.0
	Total	391	100.0	100.0	

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.2.3.8 Marriage Experience

The statistical findings concerning marriage levels reveal the following: Fewer than 1 year: 30 participants, representing 7.7% of the overall population 1–4 years: 83 respondents, accounting for 21.2% of the overall population. 4 to 7 years: 75

respondents, representing 19.2% of the overall population Among the total population, 84 respondents fall within the age range of 8 to 13 years, accounting for 21.5% of the overall sample.

Among the total population, there were 46 respondents aged 14 to 17 years, accounting for 11.8%. Among the respondents aged 18 to 21, there were 37 individuals, representing 9.5% of the overall population. Individuals aged 22–25: 7 respondents, accounting for 1.8% of the overall population.

Among the respondents, those aged 26 to 29 years old numbered 8, representing 2% of the overall population. Among the total population, there are 6 respondents aged 30–33 years, accounting for 1.5%. Individuals aged 34–37: 4 respondents, representing 1% of the overall population. Individuals aged 38–41: 8 participants, representing 2% of the overall population. In the age group of 48–51 years, there were 3 respondents, representing 0.8% of the overall population. Refer to Table 8 for comprehensive information regarding the marriage experiences of the respondents. Furthermore, refer to Table 4.8 for additional insights into the documented marriage experiences.

Table 4.8Marriage Experience of the Respondents

		Frequency	**Percent**	**Valid Percent**	**Cumulative Percent**
Valid	Less than 1 year	30	7.7	7.7	7.7
	1 -3 years	83	21.2	21.2	28.9
	4 - 7 years	75	19.2	19.2	48.1
	8 - 13 years	84	21.5	21.5	69.6
	14 - 17 years	46	11.8	11.8	81.3
	18 – 21	37	9.5	9.5	90.8
	22 – 25	7	1.8	1.8	92.6
	26 - 29 years	8	2.0	2.0	94.6
	30 - 33 years	6	1.5	1.5	96.2
	34 - 37 years	4	1.0	1.0	97.2
	38 - 41 years	8	2.0	2.0	99.2
	48 - 51 years	3	.8	.8	100.0
	Total	391	100.0	100.0	

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3 MAQĀSID SHARI`AH AND DESCRIPTIVE DATA

This section offers a comprehensive descriptive study of the Independent, Moderating and Dependent variables. It encompasses essential statistics, including means, standard deviations, and the range of scores pertinent to these variables.

4.3.1 Definitions

Descriptive statistics encompasses a range of techniques aimed at summarising and illustrating the key characteristics of a dataset, such as its central tendency, variability, and distribution. The mean represents the average value derived from a collection of numbers or a dataset. The calculation involves taking the total of all the numbers in the dataset and dividing it by the number of data points present. Standard deviation serves as a statistical metric that reflects the dispersion of a dataset in relation to its average value. A low standard deviation indicates that the data points are closely grouped around the mean, while a high standard deviation shows that the data points are more spread out. The range is a statistical measure that indicates the dispersion of a dataset by determining the difference between the minimum and maximum values.

4.3.2 Maqāsid Shari`ah and Descriptive Data

This section provides descriptive information regarding the Research Questions RQ1, RQ2, RQ3, and RQ4, including their respective variables and measures of central tendency, as well as the mean and standard deviations.

Table 4.9 Research Questions and Variables

RQ1	**RQ1**	**RQ1**	**RQ1**	**RQ1**	**RQ1**	**RQ1**	**RQ2**	**RQ2**	**RQ3**	**RQ3**	**RQ4**
F1	F2	F3	F4	F5	F6	F7	F8	F9	F10	F11	F12
4	8	6	6	5	4	11	5	2	4	7	18
IV	IV	IV	IV	IV	IV	IV	IV	MV	MV	MV	DV

Source: Muslim Marriage Survey in Uganda

4.3.2.1 RO1 Selection of the Spouse

The first study question, one of four, seeks to give respondents' responses to the subject: "What are the root causes of Walk Away?" Beauty, wealth, faith, and politics four items in the criteria of selection of the spouse presented below.

4.3.2.1.1 Beauty as a Reason for Selection of Spouse

Out of 391 individuals who responded to a question regarding the significance of beauty in selecting a spouse, the following responses were recorded: 41 respondents, equating to 10.5%, indicated "Strongly Disagree"; 24 respondents, or 6.1%, identified as "Undecided"; 93 respondents, representing 23.3%, selected "Agree"; and 233 respondents, comprising 59.3%, chose "Strongly Agree." Notably, the factor analysis process omitted the "Disagree" option, which accounted for only 0.5% of the total responses. Refer to Table 4.10 for details on beauty as a reason for selection of spouse.

Table 4.10 Beauty as reason for Selection of Spouse

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	41	10.4	10.5	10.5
	Undecided	24	6.1	6.1	16.6
	Agree	93	23.7	23.8	40.4
	Strongly Agree	233	59.3	59.6	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.2 Wealth As a Reason for Selection of Spouse

Of the 391 participants in the poll regarding spouse selection based on financial status, the findings were as follows: Forty respondents (10.2%) said "Strongly Disagree." Nineteen respondents (4.8%) selected "Undecided." Conversely, 92 respondents

(23.4%) selected "Agree," and a substantial 239 respondents (60.8%) chose "Strongly Agree." Additionally, the component analysis resulted in the elimination of the “Disagree” choice, which garnered merely 0.3%. Consult Table 4.11 for information regarding wealth as a criterion for marriage selection.

Table 4.11 Wealth as reason for Selection of Spouse

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	40	10.2	10.2	10.2
	Undecided	19	4.8	4.9	15.1
	Agree	92	23.4	23.5	38.6
	Strongly Agree	239	60.8	61.1	99.7
	11	1	.3	.3	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: SSPS; Muslim Marriage Survey in Uganda

4.3.2.1.3 Faith As a Reason for Selection of Spouse

Researcher collected replies to the fourth question about partner selection based on faith from 391 individuals. Seventy-seven individuals indicated "strong disagreement," accounting for 19.6% of the total. Additionally, 13 individuals selected "disagree," representing 3.3%. Nineteen responses were classified as "undecided," representing 4.8% of the total. Concurrently, 50 respondents expressed "Agree," representing 12.7%, whilst a substantial 232 respondents chose "Strongly Agree," constituting 59%. Refer to Table 4.12 for details concerning faith as a criterion for marital selection.

Table 4.12 Faith As Reason for Selection of Spouse

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	77	19.6	19.7	19.7
	Disagree	13	3.3	3.3	23.0
	Undecided	19	4.8	4.9	27.9
	Agree	50	12.7	12.8	40.7
	Strongly Agree	232	59.0	59.3	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: SSPS; Muslim Marriage Survey in Uganda

4.3.2.1.4 Politics as a reason for Selection of Spouse

A total of 391 persons responded to the eighth question about the political selection of a spouse. Among them, 301 respondents selected “Strongly Disagree,” constituting 76.6% of the total, and 27 respondents opted for “Disagree,” representing 1.0%. Additionally, 27 respondents chose "Undecided," representing 2.5%, while 4 respondents indicated "Agree," constituting 1.0%. A total of 49 respondents indicated "Strongly Agree," representing 12.5%. Kindly consult Table 4.13 Politics as a Reason for Spouse Selection for additional information.

Table 4.13 Politics as a Reason for Selection of Spouse

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	301	76.6	12.5	12.5
	Disagree	27	6.9	1.0	13.6
	Undecided	10	2.5	2.6	16.1
	Agree	4	1.0	6.9	23.0
	Strongly Agree	49	12.5	77.0	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.4.1 Discussion on Selection of Spouse

A total of forty-one individuals responded "Strongly Disagree" when they were questioned whether the attractiveness of a potential spouse played a role in their decision to marry.

This was the inaugural debate regarding the selection of a spouse. In the meantime, forty respondents provided responses about riches, seventy-seven about faith, and three hundred and thirty about politics.

The category of "Strongly Disagree" on the Likert scale for the selection of a spouse obtained the highest score, with 301 respondents saying that they strongly disagreed with the statement. Second place went to faith, which earned 77 replies, followed by beauty, which received 41, and riches, which obtained the lowest score of 40. Therefore, politics appeared as the most significant element in the replies that were classified as "Strongly Disagree" regarding the selection of a spouse for marriage. Using a Likert scale, we evaluated the questions that were asked in the second discussion on the topic of spouse choosing.

More specifically, the result focused on the responses of those who chose the "Disagree" option. Three hundred and ninety-one individuals participated in this analysis. Because of factor analysis (FA), individuals who did not agree with the notion that "beauty" should be a reason for marriage were not included.

As a result of factor analysis, respondents who did not agree with the statement that "Wealth" is a reason for marriage were also eliminated from the survey samples. Twelve of the remaining respondents stated that they "Disagree" with the statement that "Faith" was the cause for their marriage, while twenty-seven of them responded "Disagree" to the statement that "Politics" was the reason for their marriage. This resulted in the largest number of "Disagree" replies being recorded for the topic of "Politics," with 27 respondents, followed by the topic of "Faith" with Twelve respondents. Consequently, "Politics" has the highest score in the "Disagree" category, whilst "Faith" has the lowest score in this area.

Regarding the third instance of the discussion regarding the selection of a spouse, the 391 individuals who responded "Undecided" on the Likert Scale reported the following numbers: beauty earned 24 responses, wealth received 19, faith also obtained 19, and politics garnered 10 responses. Within the "Undecided" category, the category that received the highest score for the selection of a spouse was Beauty, which received comments from 24 individuals. Together, Wealth and Faith tied for second place with a total of 19 points. The score for Politics was the lowest, with only ten people responding to the survey. As a result, the category of "Undecided" received the greatest score for beauty, while the group that received the lowest score was for politics.

During the fourth instance of the conversation concerning the choice of a spouse, a total of 391 individuals responded to the Likert Scale by selecting the "Agree" option. One hundred and ninety-three of the respondents chose to marry because of their attractiveness, while ninety-two chose their riches, and fifty chose their faith. Among the respondents, only four individuals cited politics as a factor in their decision to stay married. Beauty received the highest score in the "Agree" category for the selection of a spouse, followed by Wealth in second place and Faith in third place.

This indicates that Beauty was the most important factor in the selection process. The lowest possible score was given to politics. Consequently, the category of "Agreed" received the greatest score for Beauty, while the category of "Politics" received the lowest score.

Regarding the fifth instance of the selection of the Spouse Questions on the Likert Scale for "Strongly Agree," the total number of replies was 391 in total. The total number of respondents who gave the response "Strongly Agree" to the question of whether beauty is a factor behind marriage was 233. Two hundred and thirty-nine respondents chose "Strongly Agree" as the basis for their marriages when asked about wealth. The number of respondents who selected "strongly agree" for the question of whether they were married for political reasons was 49, whereas the number of respondents who replied "SA" regarding faith as a motive for marriage was 232. The highest score for the Selection of Spouse Question on the Likert Scale of "Strongly Agree" was awarded to Wealth based on the responses of 239 individuals. Following closely behind was Beauty with 233 individuals and Faith with 232 individuals. Politics

was given the lowest score possible, which was 49. Therefore, the area that received the greatest score in the "Strongly Agreed" category was Wealth, while the category that received the lowest score was Politics. This was in reference to the elements that influence the selection of a spouse.

In this subsection, a summary of the findings from the Likert scale assessment about the elements that influence the selection of a spouse is presented. On the Likert scale, the replies were divided into five categories: strongly disagree, disagree, undecided, agree, and strongly agree. Strongly disagree was the highest level of agreement.

The evaluation focused on characteristics such as attractiveness, affluence, religious beliefs, and political affiliation. It is important to note that Politics had the highest score in the "Strongly Disagree" category, and it also held the highest score in the "Disagree" category. Faith, on the other hand, received the lowest score in this category. When it came to the "Agreed" category, the highest score was awarded to beauty, while the lowest score was awarded to politics. The same thing happened in the "Strongly Agreed" category, where Beauty once again received the greatest score, while Politics received the lowest mark. The central tendencies, such as the mean, the standard deviation, and the range, are also highlighted in the information presented.

The input text is, for the most part, cohesive and clear; yet, it has room for improvement in terms of consistency and clarity. The following is the updated version: First and foremost, about the attractiveness component in the process of selecting a spouse, the descriptive statistics show that the mean is 4.22, the standard deviation is 1.248, and the range is 2.

The second thing to consider is that when looking at the Wealth Factor, the data reveal that it has a mean of 4.27, a standard deviation of 1.279, and a range of 2 as well. A mean of 3.89 is observed when faith is taken into consideration as a factor in the selection of a spouse, with a standard deviation of 1.594 and a range of 4.

Lastly, about the impact of politics on the choice of a spouse, the descriptive statistics show that the mean is 4.35, the standard deviation is 1.359, and the range

comes in at 4. The selection of spouse descriptive data can be found below; please refer to Table 4.14 for more information.

Table 4.14 Selection of Spouse Descriptive Statistics

	N	Minimum	Maximum	Mean	Std. Deviation
Selectionofspouse1	391	1	5	4.22	1.248
Selectionofspouse2	391	1	11	4.27	1.279
Selectionofspouse4	391	1	5	3.89	1.594
Selectionofspouse8	391	1	5	4.35	1.359
Valid N (listwise)	391				

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.5 Marriage Choice of the Partner Was Not Among the Prohibited Ones

The first study question, one of four, seeks to give respondents' responses to the subject: "What are the underlying causes of walk away?" Choice of marriage partner was not among people prohibited for marriage; Brother, Sister, Daughter, Son, Uncle, Auntie, Married Woman and Christian or Jew results are presented below;

4.3.2.1.6 Choice of Partner was not Related to Brother

Out of a total of 391 respondents, a significant majority indicated that their "Choice of a Partner" was not influenced by their brother. Specifically, 373 respondents, representing 94.9%, selected "Strongly Disagree.". Thirteen respondents, accounting for 3.3%, chose "Disagree", while one respondent (0.3%) indicated "Agree". Additionally, four respondents (1%) responded with "Strongly Agree". The factor analysis excluded the "Undecided" category, which comprised 0.5% of the responses. Refer to Table 4.15 for details on the relationship between the choice of partner and the influence of the brother.

Table 4.15 Choice of Partner was Not Related to the Brother

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	373	94.9	95.4	95.4
	Disagree	13	3.3	3.3	98.7
	Agree	1	.3	.3	99.0
	Strongly Agree	4	1.0	1.0	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.7 Choice of Partner was not Related to Sister

The respondents who addressed the inquiry about partner selection were not related to the sister. Among the 391 respondents, 373 selected “Strongly Disagree,” accounting for 94.9% of the total. Fifteen respondents indicated "Disagree," representing 3.8% of the total. Three respondents indicated "Strongly Agree," representing 0.8% of the total responses. The factor analysis excluded the responses "Undecided" and "Agree," which collectively represented 0.5%. Refer to Table 4.16 for additional information regarding the selection of a partner unrelated to the sister.

Table 4.16 Spouse of Partner Was Not Related to Sister

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	373	94.9	95.4	95.4
	Disagree	15	3.8	3.8	99.2
	Strongly Agree	3	.8	.8	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

4.3.2.1.8 Choice of Partner was not Related to Daughter

The respondents who addressed the question regarding their choice of partner were not individuals forbidden from marrying or related to the daughter. Among the total population of 391 respondents, 372 indicated "Strongly Disagree" (94.9%), 16 responded "Disagree" (4.1%), and 3 selected "Strongly Agree" (0.8%). The factor analysis excluded the options "Undecided" and "Agree", which accounted for 0.5%. Refer to Table 4.17 Choice of partner was not related to daughter.

Table 4.17 Choice of Partner was not Related to Daughter

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	372	94.7	95.1	95.1
	Disagree	16	4.1	4.1	99.2
	Strongly Agree	3	.8	.8	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.9 Choice of Partner was not Related to Son

The respondents addressing the question regarding Partner Choice were not among those prohibited from marrying or related to the son. Of the total 391 respondents, 372 indicated "Strongly Disagree," representing 94.9%. Sixteen respondents chose "Disagree," accounting for 4.1%, while three respondents selected "Strongly Agree," at 0.8%. The Factor Analysis excluded "Undecided" and "Agree," which comprised 0.5%. Refer to Table 4.18. The selection of a partner was not associated with the son.

Table 4.18 Choice of Partner was not Related to Son

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	372	94.7	95.1	95.1
	Disagree	16	4.1	4.1	99.2
	Strongly Agree	3	.8	.8	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

4.3.2.1.10 Choice of Partner was not Related to Uncle

The respondents who addressed the inquiry regarding Partner Selection were not among those prohibited from marrying or related to the uncle; of the total 391 respondents, 373 indicated "Strongly Disagree" at 94.7%, 15 indicated "Disagree" at 3.8%, and 3 indicated "Strongly Agree" at 0.8%. The Factor Analysis excluded "Undecided" and "Agree," which accounted for 0.5%. Refer to Table 4.19; the selection of a partner was not associated with the uncle.

Table 4.19 Choice of Partner was Not Related to Uncle

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	373	94.9	95.4	95.4
	Disagree	15	3.8	3.8	99.2
	Strongly Agree	3	.8	.8	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.11 Choice of Partner was not Related to Auntie

Among the 391 total respondents to the question regarding partner selection, none were from prohibited categories or related to the aunt. Of these, 372 respondents indicated "Strongly Disagree," representing 94.7%; 15 respondents chose "Disagree," accounting for 3.8%; 3 respondents selected "Strongly Agree," at 0.8%; and 1 respondent was "Undecided," constituting 0.3%. The Factor Analysis excluded "Agree" at 0.5%. Refer to Table 4.20. The selection of a partner was unrelated to the aunt.

Table 4.20 Choice of Spouse was Not Related to Auntie

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	372	94.7	95.1	95.1
	Disagree	15	3.8	3.8	99.0
	Undecided	1	.3	.3	99.2
	Strongly Agree	3	.8	.8	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.12 Choice of Partner was not Related to Married Woman

Out of a total of 391 respondents, those who participated in the Choice of a Partner survey did not fall into the category of individuals who were prohibited from getting married to or who were not connected to the spouse. 374 respondents gave the response "Strongly Disagree," which accounted for 95.2% of the total, 14 respondents gave the response "Disagree," which accounted for 3.8% of the total, and three respondents gave the response "Strongly Agree," which accounted for 0.8% of the total. As a result of the Factor Analysis, "Undecided" and "Agree" were eliminated 5% of the time. A married woman was not related to the choice of partner, as shown in Table 4.21.‴

Table 4.21 Choice of Partner was not Married Woman

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	374	95.2	95.7	95.7
	Disagree	14	3.6	3.6	99.2
	Strongly Agree	3	.8	.8	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.13 Choice of Partner was not related a Christian/Jew

The respondents regarding Partner Selection were not among the prohibited individuals for marriage or connected to those married, out of a total of 391 respondents. 341 respondents said “Strongly Disagree” at 86.8%, 11 respondents indicated “Disagree” at 2.8%, 7 respondents indicated “Agree” at 1.8%, and 32 respondents One responder indicated "Strongly Agree" at a rate of 8.1%. Table 35 indicates that the choice of partner was not associated with a Christian or Jew.

Table 4.22 Choice of Partner was not a Christian/Jew

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	341	86.8	87.2	87.2
	Disagree	11	2.8	2.8	90.0
	Agree	7	1.8	1.8	91.8
	Strongly Agree	32	8.1	8.2	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.13.1 Discussion Choice of a Partner Was Not among the Forbidden People to Be Married

In the first instance of the Choice of Partner Discussion, the marriage partner was not listed among those restricted from marriage according to the Likert scale. Of the respondents, 373 out of 391 expressed "Strongly Disagree" concerning the brother, while the same number indicated "Strongly Disagree" regarding the absence of sisters.

A comparable proportion of 372 respondents indicated that they "strongly disagree" with the assertion regarding their lack of relation to the sons, with the same number of respondents expressing this sentiment concerning daughters. Additionally, 372 respondents indicated "Strongly Disagree" concerning their classification as uncles, and 372 provided the same response regarding aunties. In total, 374 respondents indicated "Strongly Disagree" regarding the status of not being a married woman, while 372 respondents expressed "Strongly Disagree" in relation to not being a Christian.

The highest score for a marriage partner was not linked to individuals who were prohibited from marriage. A respondent who is not a married woman provided the highest score of 374 on the Likert Scale for "Strongly Disagree," surpassing all other participants. In second place, a three-way tie occurred among respondents unrelated to the brother, sister, or uncle, each achieving a score of 373. Individuals not related to the daughter, son, or aunt achieved a combined score of 372 points, resulting in a tie for third place. The lowest score correlated with individuals identifying as non-Christian or non-Jewish. The highest score in the “Strongly Disagree” category was associated with the question regarding whether a marriage partner was not a married woman, while the lowest score related to the identification as Christian or Jewish.

In the second instance of the Choice of Partner Discussion, the marriage partner was not included among those excluded from marriage according to the Likert Scale responses of "Disagree." Thirteen respondents out of a total of 391 were not brothers; fifteen were not sisters, sixteen were not daughters, thirteen were not sons, fifteen were not uncles, fifteen were not aunts, fourteen were not married ladies, and eleven were not Christians. The highest results for marital partners were not attributed to persons barred from marriage. The "disagree" response on the Likert scale was not associated

with the daughter, who received the highest score of 16 among respondents; in second place was a tie among the sister and others, each scoring 15; third was a married woman with a score of 14; fourth was a son with a score of 13; and the lowest score of 11 was attributed to a non-Christian/Jew. The greatest score in the "Disagree" category was attributed to Daughter, while the lowest was assigned to Christian/Jew.

In the third instance of the Choice of Partner Discussion, the marriage partner was not listed among the individuals restricted from marriage according to the Likert Scale responses of "Undecided". Factor analysis eliminated items pertaining to brother, sister, daughter, son, uncle, married woman, Christian, and Jew, except for one respondent who was "undecided" on their association with the Aunties category. The highest ratings for marital partners were not linked to persons barred from marriage. The "undecided" option on the Likert scale was left unanswered, with the aunt receiving the highest score from a single respondent, while factor analysis excluded brother, sister, daughter, son, uncle, married woman, Christian, and Jew. Consequently, the maximum score for respondents whose marital spouse was not among the restricted individuals was unrelated to the value for the “Undecided” choice.

In the final instance of the Choice of Partner Discussion, the marriage partner was not one of the individuals prohibited from marrying. The questions were based on a Likert scale that included "strongly agree." 4 respondents answered "strongly agree" out of the total 391 answers for the brother; sisters were 3, sons were 5, daughters were 3, uncles were 3, aunts were 3, and married women were 3. The respondents who answered “Strongly Agree” on not being a married woman were 3, and Christians were 32. The highest scores for marriage partners were not found among individuals who are prohibited from marrying. The question on the Likert scale of “strongly disagree” was Christian/Jew, who scored the highest among respondents with 32; in the second place was not a brother, who scored 4; and in the third place were sister, daughter, auntie, uncle, and married woman, with the lowest scores. Thus, the highest score in the category of "Strongly Agree" was the question of whether the marriage partner was Christian, and the lowest were sisters, daughters, aunts, uncles, and married women.

To recap on the results of Likert Scale on reasons for the Choice of Spouse for marriage questions on the Likert Scale; Strongly Disagree, Disagree, Undecided, Agree

and Strongly Agree were evaluated on brother, sister, daughter, son, uncle, auntie, married woman, and Christian or Jew; the highest score on the category of "Strongly Disagree" was the question of whether a marriage partner was not a married woman and the Lowest was Christian/Jews, the highest score in the category of "Disagree" were Daughter and the Lowest was Christian/Jew, the highest score for respondents whose Marriage partner were not among the individuals prohibited to be married "Undecided" was not related to the auntie, the highest scores for the respondents whose Marriage partner were not among the individuals prohibited to be married "Agree" had 7 respondents who were answered Christian and the Lowest was brother, the highest score in the category of "Strongly Agree" was the question of marriage partner was Christian and the Lowest sister, daughter, auntie, uncle, married woman and their Central Tendencies; Mean, the Standard Deviation and range are further provided below.

The third choice of marriage partner was not a brother, with descriptive statistics indicating a mean of 1.08, a standard deviation of 0.462, and a range of 4. The fourth choice of marriage partner was not a sister; descriptive statistics show a mean of 1.07, a standard deviation of 0.396, and a range of 4. The fifth choice of marriage partner was not a daughter; the descriptive statistics are a mean of 1.07, a standard deviation of 0.399, and a range of 4. The sixth choice of marriage partner was not a son; descriptive statistics reveal a mean of 1.07, a standard deviation of 0.399, and a range of 4. The seventh choice of marriage partner was not an uncle, with descriptive statistics including a mean of 1.07, a standard deviation of 0.396, and a range of 4. The choice of marriage partner was not an aunt; descriptive statistics indicate a mean of 1.07, a standard deviation of 0.408, and a range of 4. The choice of marriage partner was not a married woman; descriptive statistics show a mean of 1.07, a standard deviation of 0.3933, and a range of 4. The choice of marriage partner was either a Christian or a Jew; the descriptive statistics are as follows: mean 1.41, standard deviation 1.155, and a range of 4. See Table 4.23: Choice of a Partner's Descriptive Statistics below.

Table 4.23 Choice of a Partners Descriptive Statistics

	N	Minimum	Maximum	Mean	Std. Deviation
Choiceformarriagepartnerwasnot3	391	1	5	1.08	.462
Choiceformarriagepartnerwasnot4	391	1	5	1.07	.396
Choiceformarriagepartnerwasnot5	391	1	5	1.07	.399
Choiceformarriagepartnerwasnot6	391	1	5	1.07	.399
Choiceformarriagepartnerwasnot7	391	1	5	1.07	.396
Choiceformarriagepartnerwasnot8	391	1	5	1.07	.408
Choiceformarriagepartnerwasnot9	391	1	5	1.07	.393
Choiceformarriagepartnerwasnot12	391	1	5	1.41	1.155
Valid N (listwise)	391				

Source: *SSPS*; Muslim Marriage Survey in Uganda

Among the 391 respondents who addressed the question regarding recitation from the verses of the Qur'an, all 391 indicated “Strongly Disagree,” representing the entire population at 100%. The components of the Likert Scale “Disagree, Undecided, Agree, and Strongly Agree”—were eliminated through Factor Analysis at a threshold of .5%. Refer. The mode of payment for mahr was through the recitation of verses from the Qur'an.

4.3.2.1.14 Mahr Payment Mode

The first research question, one of four, seeks to give respondents' responses to the subject: "What are the underlying causes of Walk Away?" The Mode of Payment; Recitation of a Verse from Qur`an, cash, In Kind, Never Paid, and Half Paid results are presented results from the Likert Scale is presented below;

4.3.2.1.15 Mode of Payment Mahr was by Recitation from the Verses of Qur`an

Among the 391 respondents who addressed the question regarding recitation from the verses of the Qur'an, all 391 indicated “Strongly Disagree,” representing the entire population at 100%. The components of the Likert Scale “Disagree, Undecided, Agree, and Strongly Agree” were eliminated through Factor Analysis at a threshold of .5%.

Refer to Table 4.24. The mode of payment for mahr was through the recitation of verses from the Qur'an.

Table 4.24 Mode of Mahr Payment was by Recitation of a Verse from Qur`an

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	391	99.5	100.0	100.0
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.16 Mode of Mahr Payment was by Loan

A total of 391 respondents provided feedback regarding the payment mode of mahr, indicating that it was through a loan. A total of 309 respondents indicated Strongly Disagree, representing 78.6%. Additionally, 50 respondents chose Disagree, accounting for 12.7%. There were 4 respondents who were undecided but leaned towards Agree, making up 1.0%, while 8 respondents expressed Agree, which corresponds to 5.1%. Twenty respondents indicated a "Strongly Agree" response, accounting for 5.1% of the total. Table 4.25 indicates that the mode of Mahr payment was through a loan.

Table 4.25 Mode of Mahr Payment was by Loan

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	309	78.6	79.0	79.0
	Disagree	50	12.7	12.8	91.8
	Undecided	4	1.0	1.0	92.8
	Agree	8	2.0	2.0	94.9
	Strongly Agree	20	5.1	5.1	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.2.2.3.3 Mode of Mahr Payment was by Cash

Among the 391 total respondents regarding the payment mode of mahr, the results were as follows: 209 respondents, representing 53.5%, answered Strongly Disagree; 20 respondents, accounting for 5.1%, answered Disagree; 1 respondent, or 0.3%, was undecided and chose Agree; and 39 respondents, making up 9.9%, answered Agree. 122 respondents indicated "Strongly Agree" with a percentage of 31%. Table 4.26 indicates that the mode of Mahr payment was conducted in cash, as detailed on page 22.

Table 4.26 Mode of Mahr Payment was by Cash

		Frequency	**Percent**	**Valid Percent**	**Cumulative Percent**
Valid	Strongly Disagree	209	53.2	53.5	53.5
	Disagree	20	5.1	5.1	58.6
	Undecided	1	.3	.3	58.8
	Agree	39	9.9	10.0	68.8
	Strongly Agree	122	31.0	31.2	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.17 Mode of Mahr Payment was by In Kind

The responses regarding the payment mode of mahr from a total of 391 participants were as follows: 308 participants, representing 78.8%, strongly disagreed; 33 participants, accounting for 8.4%, disagreed; and 9 participants were undecided. Consensus at 2.3%, with 17 respondents indicating "Agree" at 4.3%. Twenty-four respondents indicated "Strongly Agree," representing 6.1% of the total. Refer to Table 4.27, which indicates that the mode of Mahr payment was conducted in cash.

Table 4.27 Mode of Mahr Payment was by In Kind

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	308	78.4	78.8	78.8
	Disagree	33	8.4	8.4	87.2
	Undecided	9	2.3	2.3	89.5
	Agree	17	4.3	4.3	93.9
	Strongly Agree	24	6.1	6.1	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.2.2.3.5 Mode of Mahr Payment was Never Paid

The responses regarding the payment mode of mahr from a total of 391 participants revealed that 310 individuals, representing 78.9%, strongly disagreed. Additionally, 33 respondents, or 8.4%, disagreed, while 10 respondents, accounting for 2.5%, remained undecided. Furthermore, 9 participants, making up 2.3%, agreed, and 29 respondents, or 7.4%, strongly agreed. Refer to Table 4.28 regarding the mode of Mahr payment, which was not executed.

Table 4.28 *Mode of Mahr Payment was Never Paid*

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	310	78.9	79.3	79.3
	Disagree	33	8.4	8.4	87.7
	Undecided	10	2.5	2.6	90.3
	Agree	9	2.3	2.3	92.6
	Strongly Agree	29	7.4	7.4	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.18 Mode of Mahr Payment was Half Paid

The responses regarding the payment mode of mahr were derived from a total of 391 participants. Among them, 307 individuals indicated Strongly Disagree, representing 78.1%. Additionally, 28 respondents chose Disagree, making up 7.1%. A total of 10 respondents were undecided, accounting for 2.5%. Meanwhile, 23 participants expressed Agreement, which corresponds to 5.9%, and 22 respondents indicated Strongly Agree, totalling 5.6%. Refer to Table 4.29, which indicates that the mode of Mahr payment was partially fulfilled, with half of the amount paid.

Table 4.29 Mode of Mahr Payment was Half Paid

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	307	78.1	78.7	78.7
	Disagree	28	7.1	7.2	85.9
	Undecided	10	2.5	2.6	88.5
	Agree	23	5.9	5.9	94.4
	Strongly agree	22	5.6	5.6	100.0
	Total	390	99.2	100.0	
Missing	System	3	.8		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.3.18.1 Discussion of the Mode of Mahr Payment

Responses were measured on a Likert Scale concerning the mode of mahr payment, with categories including "Strongly Disagree." A total of 391 respondents expressed "Strongly Agree" regarding the recitation of verses from the Qur'an as a form of mahr. Furthermore, 309 respondents indicated that mahr was financed through a loan, whereas 209 respondents reported that it was paid in cash. A total of 309 respondents indicated "Strongly Disagree" regarding mahr paid in kind. Additionally, 310 respondents expressed "Strongly Disagree" regarding the assertion that mahr was never paid, while 307 respondents also selected "Strongly Disagree" concerning the claim that mahr was half paid.

The highest scores regarding the mode of payment of mahr, as indicated by the Likert Scale category of “Strongly Disagree,” were as follows: First, mahr paid by recitation of verses from the Qur'an, with 391 respondents; second, mahr never paid, with 310 respondents; third, a tie between mahr paid by cash and mahr paid by loan, each with 309 respondents; fourth, mahr paid in kind, with 308 respondents; and lastly, mahr half paid, with 307 respondents. Consequently, the maximum score for the “Strongly Disagree” response on the Likert scale was linked to mahr paid through the recitation of verses from the Qur'an, whereas the minimum score was related to the belief that mahr was never paid.

Responses on the Likert scale for "disagree" were analysed in the second instance of the Mahr payment mode. Fifty respondents reported that the Mahr was financed through a loan, whereas twenty indicated that it was paid in cash. Thirty-three respondents opposed the idea of Mahr being paid in kind, while an equal number rejected the assertion that Mahr was never paid. Furthermore, twenty-eight respondents expressed disagreement with the assertion that Mahr was paid in half. The highest score on the Likert Scale for "Disagree" regarding the mode of payment of Mahr was recorded among respondents who indicated it was paid by loan, totalling fifty individuals. In second place, a tie occurred between respondents who indicated that Mahr was paid in kind and those who asserted it was never paid, with each group comprising thirty-three participants. The response indicating that Mahr was half paid ranked third, with twenty-eight respondents. Factor analysis omitted responses concerning Mahr through the recitation of Qur'anic verses. The highest score for the "Disagree" question on the Likert scale was recorded for Mahr, which was financed through a loan.

In the third instance concerning the mode of payment of mahr, the respondents indicated "Undecided" on the Likert Scale. Participants who indicated "Undecided" were excluded through factor analysis (FA). The respondents who selected "Undecided" regarding mahr that was never paid and that which was half paid both received a score of 10. The respondents indicating “Undecided” on mahr paid in kind totalled 9, whereas those expressing “Undecided” for mahr paid in cash amounted to 33. Furthermore, there were four respondents who selected “Undecided” regarding the mahr paid in cash. FA excluded respondents who selected "Undecided" regarding the payment of mahr based on the recitation of verses from the Qur'an. The highest scores for the mode of payment

of mahr on the Likert Scale of “Undecided” were as follows: first, mahr that was never paid and half paid, tied at a score of 10; second, mahr paid in kind at 9; third, mahr paid by cash at 4; and fourth, mahr paid by recitation from the Qur’an, which was excluded by factor analysis. The highest score for the "Undecided" question on the Likert scale corresponded to mahr that was never paid, whereas the lowest score was associated with half paid.

Responses were evaluated using a Likert scale, with the fourth option indicating "agree" concerning the mode of Mahr payment. Factor analysis led to the exclusion of respondents who identified the Mahr as a recitation from the Qur'an. Of the respondents, 8 reported that the Mahr was financed through a loan, whereas 39 indicated that it was paid in cash. Furthermore, 17 respondents confirmed that the Mahr was paid in kind, 9 indicated that the Mahr was never paid, and 23 reported that the Mahr was partially paid. The highest scores on the Likert Scale for the modes of Mahr payment were as follows: first, Mahr paid by cash received 39 responses; second, Mahr half paid received 23; third, Mahr paid in kind received 17; fourth, Mahr never paid received 9; and fifth, Mahr paid by loan. Factor analysis excluded respondents who identified the Mahr as a recitation from the verses of the Qur'an. The highest score on the "Agree" question in the Likert scale was associated with Mahr paid in cash, whereas the lowest score corresponded to Mahr that was never paid.

In the fifth instance regarding the Mode of Payment of Mahr Questions on the Likert Scale of “Strongly Agree”, respondents who indicated “Strongly Agree” for the recitation from the Qur'an were eliminated by Factor Analysis (FA). Among the respondents, 20 indicated that their Mahr was paid by loan, while 122 stated that it was paid in cash. Additionally, 24 respondents answered “Strongly Agree” that their Mahr was paid in kind. There were 29 respondents who indicated “Strongly Agree” that their Mahr was never paid, and 22 respondents indicated “Strongly Agree” that their Mahr was half paid.

The highest scores on the Mode of Payment of Mahr Questions on the Likert Scale of “Agree” were as follows: in first place, Mahr paid by cash at 122; in second place, Mahr never paid at 29; in third place, Mahr paid in kind at 24; in fourth place, Mahr never paid at 22; and in fifth place, Mahr paid by loan at 20. Factor analysis

removed those respondents whose Mahr was recited from the verses of the Qur'an. Consequently, the highest score for the “Strongly Agree” question on the Likert scale was associated with Mahr paid by cash, while the lowest was for Mahr paid by loan.

The results of the Likert Scale concerning the payment of mahr were analysed based on the categories of Strongly Disagree, Disagree, Undecided, Agree, and Strongly Agree. The evaluation encompassed factors including the recitation of verses from the Qur'an, payments categorised as loan, cash, in-kind, unpaid, and partially paid. The maximum score in the 'Strongly Disagree' category pertained to mahr paid via the recitation of verses from the Qur'an, whereas the minimum score was associated with instances where mahr was not paid at all. The highest score in the disagree category was attributed to 'mahr paid by loan'. The Undecided category recorded the highest score for 'mahr never paid' and the lowest score for 'half paid'. The highest score in the Agree category was attributed to mahr paid in cash, while the lowest score was associated with mahr never paid. In the Strongly Agree category, the highest score was attributed to mahr paid in cash, whereas the lowest score was associated with mahr paid by loan. Additional information on central tendencies, such as the mean, standard deviation, and range, is also included.

The descriptive statistics regarding the modes of payment for mahr encompass Recitation of the Qur'an, Loan, Cash, In Kind, Never Paid, and Half Paid. The initial payment mode, recitation of the Qur'an, exhibits a mean of 1.32, a standard deviation of 0.885, and a range of 4. The second mode, Loan, exhibits a mean of 1.41, a standard deviation of 1.001, and a range of 4. The third mode, Cash, exhibits a mean of 3.38, a standard deviation of 1.826, and a range of 4. The fourth mode, In Kind, has a mean of 1.44, a standard deviation of 1.287, and a range of 4. The fifth mode, Never Paid, has a mean of 1.64, a standard deviation of 1.301, and a range of 4. The final mode, Half Paid, exhibits a mean of 1.73, a standard deviation of 1.344, and a range of 4. Refer to Table 4.30 for the descriptive statistics regarding the modes of mahr payment presented below.

Table 4.30 Mode of Mahr Payment Descriptive Statistics

	N	Minimum	Maximum	Mean	Std. Deviation
ModeofPaymentofMahr1	391	1	1	1.00	.000
ModeofPaymentofMahr2	391	1	5	1.41	1.001
ModeofPaymentofMahr3	391	1	5	2.60	1.841
ModeofPaymentofMahr4	391	1	5	1.51	1.139
ModeofPaymentofMahr5	391	1	5	1.50	1.154
ModeofPaymentofMahr6	390	1	5	1.53	1.155
Valid N (listwise)	390				

4.3.2.1.19 Consent of the Guardian/Wali

The first study question, one of four, seeks to give respondents' responses to the subject: "What are the underlying causes of walkaway?" The Conditions are; Consent of the Guardian/Wali; Mother, Sister, Imam, Father and Father-in-Law Results are presented below;

4.3.2.1.20 Consent of Mother as a Guardian/Wali

Of the 391 participants, 274 answers indicated "Strongly Agree" to the question of a mother's capability to serve as a guardian/wali, constituting 69.7%. Furthermore, 28 people indicated "Agree," representing 7.1%. Five people selected "Undecided," constituting 1.3% of the overall population. Seven respondents indicated “Disagree,” representing 1.8%, and 77 respondents, or 19.6%, selected “Strongly Disagree.” Refer to Table 4.31 for the mother's approval as guardian/wali.

Table 4.31 Consent of Mother as a Guardian/Wali

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly agree	274	69.7	70.1	70.1
	Agree	28	7.1	7.2	77.2
	Undecided	5	1.3	1.3	78.5
	Disagree	7	1.8	1.8	80.3
	Strongly Disagree	77	19.6	19.7	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.21 Consent of Sister as a Guardian/Wali

Among the 391 individuals surveyed about the role of a mother as a guardian/wali, the results were as follows: 296 respondents, or 75.3%, selected "Strongly Disagree"; 23 respondents, representing 5.9%, chose "Disagree"; 4 respondents, accounting for 1.0%, were "Undecided"; 9 respondents, or 2.3%, indicated "Agree"; and 59 respondents, comprising 15.0%, answered "Strongly Disagree." Refer to Table 4.32 for the consent of Sister as a guardian/wali.

Table 4.32 *Consent of Sister as a Guardian/Wali*

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	296	75.3	75.7	75.7
	Disagree	23	5.9	5.9	81.6
	Undecided	4	1.0	1.0	82.6
	Agree	9	2.3	2.3	84.9
	Strongly Agree	59	15.0	15.1	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.22 Consent of Imam as a Guardian/Wali

A total of 391 individuals provided responses to the inquiry concerning the Imam as a Guardian/Wali, yielding the following answers: 275 respondents (70%) indicated "Strongly Disagree," 20 respondents (5.1%) selected "Disagree," 2 respondents (0.5%) were "Undecided," 14 respondents (3.6%) chose "Agree," and 79 respondents (20.1%) also indicated "Strongly Disagree." Refer to Table 4.33 for information regarding the Imam's consent as a guardian/wali.

Table 4.33 Consent of Imam as a Guardian/Wali

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	275	70.0	70.5	70.5
	Disagree	20	5.1	5.1	75.6
	Undecided	2	.5	.5	76.2
	Agree	14	3.6	3.6	79.7
	Strongly Agree	79	20.1	20.3	100.0
	Total	390	99.2	100.0	
Missing	System	3	.8		
Total		393	100.0		

4.3.2.1.23 Consent of Father as a Guardian/Wali

The respondents to the question regarding the Imam as a Guardian/Wali, from a total of 391 participants, provided the following answers: 209 respondents, representing 53.2%, answered "Strongly Disagree"; 18 respondents, accounting for 4.6%, replied "Disagree"; 6 respondents (1.5%) indicated they were "Undecided"; 102 respondents (26%) answered "Agree"; and 56 respondents (14.4%) selected "Strongly Agree." Please refer to Table 4.34, which details the consent of the father as a guardian/wali, below.

Table 4.34 Consent of Father as a Guardian/Wali

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	209	53.2	53.5	53.5
	Disagree	18	4.6	4.6	58.1
	Undecided	6	1.5	1.5	59.6
	Agree	102	26.0	26.1	85.7
	Strongly Agree	56	14.2	14.3	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

4.3.2.1.24 Consent of Brother as a Guardian/Wali

A total of 391 people responded to the inquiry concerning a brother as a guardian/wali. 239 respondents (60.8%) selected "Strongly Disagree," 17 respondents (4.6%) chose "Disagree," 11 respondents (2.8%) were "Undecided," 19 respondents (4.8%) indicated "Agree," and 56 respondents (14.3%) opted for "Strongly Agree." Refer to Table 4.35 for information regarding the consent of the Father as a Guardian/Wali and the consent of the brother as a Guardian/Wali.

Table 4.35 Consent of Brother as a Guardian/Wali

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	239	60.8	61.3	61.3
	Disagree	17	4.3	4.4	65.6
	Undecided	11	2.8	2.8	68.5
	Agree	19	4.8	4.9	73.3
	Strongly Agree	104	26.5	26.7	100.0
	Total	390	99.2	100.0	
Missing	System	3	.8		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.24.1 Discussion on the Consent of Guardian/Wali

The initial discussion on the guardian/Wali's consent centres on the replies categorised as "strongly disagree" on the Likert scale. Out of 391 responders, 274 designated their mother as a guardian/wali. A total of 296 people indicated "Strongly Disagree" about sisters as Guardian/Wali. Furthermore, 275 respondents expressed "Strongly Disagree" with an imam serving as a guardian/wali, while 209 respondents selected "Strongly Disagree" for a father in the role of guardian/wali. Among the respondents, 239 expressed a "strongly disapprove" stance regarding brothers as guardians/Walis. The highest score for the Guardian/Wali question on the Likert Scale of "Strongly Disagree" was attributed to sisters, with 296 responses. The second highest was for the Imam, with 275 responses, followed by the mother with 274 responses. The sibling obtained 239 responses, whilst the father recorded the lowest score at 209. Consequently, within the "Strongly Disagree" category pertaining to the Guardian/Wali, the sister earned the highest score, while the father garnered the lowest.

In the second instance with the discourse on guardian/wali permission, the replies to the Likert scale question indicating "disagree" were as follows: Twenty-eight respondents designated their mother as the guardian, twenty-three identified their sister as the guardian/Wali, twenty selected the imam as the guardian/Wali, eighteen indicated their father as the guardian/Wali, and seventeen chose their brother as the guardian/Wali. The maximum score for the Consent of the Guardian/Wali question on the Likert Scale of "Disagree" was assigned to the mother, with 28 replies recorded. The Sister secured second place with 23 responses, followed by the Imam with 20 and the Father with 18. The greatest score in the "Strongly Disagree" category concerning guardian/wali consent was attributed to the mother, whereas the lowest score was assigned to the brother.

In the third instance regarding the guardian/wali consent conversation on the Likert scale of "undecided," the distribution of responses was as follows: Out of 391 answers, 5 identified Mother as a guardian, while 4 selected "UD" for sisters as guardian/wali. Furthermore, 2 respondents designated "UD" for Imam as Guardian/Wali, 6 respondents opted for "UD" for Father as Guardian/Wali, and 11 respondents expressed "Undecided" concerning Brother as a Guardian/Wali. The

highest score for the Consent of the Guardian/Wali Question on the Likert Scale of "Undecided" was assigned to Brother, with 11 responses recorded. Father secured second position with 6 responses, followed by Mother with 5, Sister with 4, and Imam with 2. Consequently, Brother obtained the greatest score in the "Undecided" category concerning guardian/wali consent, whilst Imam received the lowest score.

In the fourth instance of examining guardian/wali consent, researchers gathered responses to the Likert scale question regarding "agree." Among a total population of 391 respondents, 7 designated Mother as a guardian, 9 designated Sister as a guardian/Wali, 14 designated Imam as a guardian/Wali, 102 designated Father as a guardian/Wali, and 19 designated Brother as a guardian/Wali. The scores for the Guardian/Wali inquiry on the Likert Scale of "Agree" were as follows: Father received the highest score of 102, succeeded by Brother with 19, Imam with 14, Sister with 9, and lastly Mother with 7. Consequently, Father earned the greatest score in the "Agree" category concerning the question on Guardian/Wali Consent, whilst Mother obtained the lowest score.

In the fifth instance concerning the guardian/wali consent questions on the Likert scale of "strongly agree," a total of 391 individuals participated. Of the participants, 77 designated their mother as a guardian, whilst 59 respondents nominated their sister as a guardian/wali. Furthermore, 14 respondents indicated “Strongly Agree” for Imam as Guardian/Wali, while 102 respondents opted for “Agree” about Father as Guardian/Wali. Nineteen respondents said "Strongly Agree" about Brother as Guardian/Wali. The maximum score on the Likert Scale of "Agree" was awarded to Brother, who got 104 points. Imam scored 79 points, followed by Mother with 77 points, Sister with 59 points, and Father with the lowest score of 56 points. As a result, Brother received the greatest score in the "Strongly Agree" category on the question on Guardian/Wali Consent, whereas Father obtained the lowest mark.

The findings from the Likert Scale concerning the payment of mahr were analysed across five distinct categories: Strongly Disagree, Disagree, Undecided, Agree, and Strongly Agree. Evaluations were carried out for family members and an Imam, focussing on the mother, sister, Imam, father, and brother. The sister received the highest score in the “Strongly Disagree” category concerning the question about

Guardian/Wali, whereas the father received the lowest score. The data indicates that within the category related to guardian/wali consent, the mother received the highest score, while the brother received the lowest. Within the "Undecided" category concerning guardian/wali consent, the brother achieved the highest score, while the Imam recorded the lowest. Within the "Agree" category, the father achieved the highest score concerning the consent of the guardian/wali, while the mother recorded the lowest score. In the "Strongly Agree" category for the same question, the brother achieved the highest score, whereas the father recorded the lowest. In the following sections, we will elaborate on their central tendencies, specifically focussing on the mean, standard deviation, and range.

The descriptive statistics about the consent of the guardian or Wali—Mother, Sister, Imam, Father, and Brother—are highlighted in the following. According to descriptive data, the mother gives the guardian/Wali their first consent; the mean is 1.94, the standard deviation is 1.600, and the range is 4. According to descriptive data, the sister provided the second consent of the guardian/Wali, with a mean of 1.75, a standard deviation of 1.470, and a range of 4. The descriptive data show that the Imam gave the third consent of the guardian, with a mean of 1.98, a standard deviation of 1.638, and a range of 4. The descriptive statistics show that the father provided the fourth consent of the guardian/Wali, with a mean of 2.43, a standard deviation of 1.644, and a range of 4. According to descriptive data, the brother provided the fifth consent of the guardian/Wali, with a mean of 2.31, a standard deviation of 1.74, and a range of 4. The Consent of Guardian/Wali Descriptive Statistics are shown in Table 4.36.

Table 4.36 Consent of Guardian/Wali Descriptive Statistics

	N	**Minimum**	**Maximum**	**Mean**	**Std. Deviation**
GuardianWaliconsent1	391	1	5	1.94	1.600
GuardianWaliconsent3	391	1	5	1.75	1.470
GuardianWaliconsent4	390	1	5	1.98	1.638
GuardianWaliconsent5	391	1	5	2.43	1.644
GuardianWaliconsent6	390	1	5	2.31	1.774
Valid N (listwise)	389				

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.25 Marriage Contract Venue

The first study question, one of four, seeks to give respondents' responses to the subject: "What are the underlying causes of walkaway?" The Conditions of Marriage Contract Venue; Mosque, father`s Home, Father-in-Law`s Home, and the Court Results are presented below;

4.3.2.1.26 Mosque as a Marriage Contract Venue

The individuals who answered the question about the mosque serving as a venue for marriage contracts were evaluated through a Likert scale survey. Among a total population of 391, 226 respondents, representing 67.7%, indicated "Strongly Disagree." Furthermore, 36 respondents (9.2%) indicated "Disagree". A total of 12 respondents, representing 3.1%, indicated that they were "Undecided." A total of 11 respondents (2.8%) indicated "Agree", while 66 respondents (19.6%) selected "Strongly Agree". Refer to Table 4.37 for comprehensive results concerning the mosque as a venue for marriage contracts.

Table 4.37 Mosque as a Marriage Contract Venue

		Frequency	**Percent**	**Valid Percent**	**Cumulative Percent**
Valid	Strongly Disagree	266	67.7	68.0	68.0
	Disagree	36	9.2	9.2	77.2
	Undecided	12	3.1	3.1	80.3
	Agree	11	2.8	2.8	83.1
	Strongly Agree	66	16.8	16.9	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.2.2.1.27 Father`s Home as a Marriage Contract Venue

A Likert scale was employed to gather responses regarding the mosque's appropriateness as a location for marriage contracts. Among a total population of 391, 226 respondents, representing 67.7%, indicated “Strongly Disagree.” Furthermore, 36 respondents (9.2%) indicated their disagreement. A total of 12 respondents, representing 3.1%, indicated that they were “Undecided.” A total of 11 respondents, representing 2.8%, indicated “Agree,” while 66 respondents, or 19.6%, chose “Strongly Agree.” Refer to Table 4.38 for comprehensive results concerning the mosque as a venue for marriage contracts.

Table 4.38 Father`s Home as a Mariage Contract Venue

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	199	50.6	50.9	50.9
	Disagree	37	9.4	9.5	60.4
	Undecided	9	2.3	2.3	62.7
	Agree	29	7.4	7.4	70.1
	Strongly Agree	117	29.8	29.9	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.2.2.1.28 Father-in-Law`s Home as a Marriage Contract Venue

On the Likert scale, the following responses were received from those who were asked about the presence of a father-in-law as a venue for a marriage contract: Out of a total population of 391, 272 respondents (69.2%) responded with "Strongly Disagree," 31 respondents (7.9%) responded with "Disagree," 15 respondents (3.8%) responded with "Undecided," 19 respondents (4.8%) responded with "Agree," and 54 respondents (13.7%) responded with "Strongly Agree." For more information regarding the use of the Father-in-Law's House as a location for the marriage contract, refer to table 4.39.

Table 4.39 Table 52 Father-in-Law`s Home

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	272	69.2	69.6	69.6
	Disagree	31	7.9	7.9	77.5
	Undecided	15	3.8	3.8	81.3
	Agree	19	4.8	4.9	86.2
	Strongly Agree	54	13.7	13.8	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.2.2.1.29 Court as a Marriage Contract Venue

The researcher evaluated the respondents' perceptions of the court as a venue for marriage contracts using a Likert scale. Of a total population of 391, 48 people indicated "Strongly Disagree," representing 12.3%. Furthermore, 21 respondents indicated "Disagree," accounting for 5.3%, while 6 respondents selected "Undecided," comprising 1.5% of the overall population. Additionally, 2 respondents selected "Agree," representing 0.5%, while 14 respondents chose "Strongly Agree," comprising 3.6%. Refer to table 4.40 for the results concerning the court as a site for marriage contracts.

Table 4.40 Court as a Marriage Contract Venue

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	348	88.5	89.0	89.0
	Disagree	21	5.3	5.4	94.4
	Undecided	6	1.5	1.5	95.9
	Agree	2	.5	.5	96.4
	Strongly Agree	14	3.6	3.6	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.2.2.1.29.1 Discussion on Marriage Contract Venue

A total of 391 respondents engaged in the preliminary conversation regarding the venue for the marriage contract, as shown by the Likert scale results. Of the responses, 266 expressed "Strongly Disagree" concerning the mosque as a location for the marriage contract. Regarding the inquiry about the father's residence, 199 respondents indicated "Strongly Disagree." Furthermore, 272 respondents indicated "Strongly Disagree" about the father-in-law's residence, while 348 respondents similarly disagreed with the court serving as the site for the marriage contract, categorising it as "Strongly Disagree". The Likert scale findings for "strongly disapprove" indicated that the court received the greatest score with 348 replies, followed by the father-in-law's home with 272, the mosque with 266, and the father's home with the lowest score. Consequently, the court was considered the least advantageous place for the marriage contract, and the father's residence was viewed as the least desirable alternative.

In the second instance concerning the Marriage Contract Venue query on the Likert Scale of “Disagree,” from a total population of 391, 36 respondents designated the Mosque as the Marriage Contract Venue, 37 respondents identified their father's residence, 31 respondents expressed “Disagree” regarding the father-in-law's residence, and 21 respondents indicated “Disagree” concerning the court. The father’s home received the highest score for the Marriage Contract Venue question on the Likert Scale of “Disagree,” with 37 responses. The mosque secured second place with 36, followed by the father-in-law's residence with 31, and finally, the court with 21. The greatest score in the "Disagree" category concerning the marriage contract venue was attributed to the father's home, whilst the lowest score was assigned to the court.

A total of 391 individuals participated in the third instance concerning the Marriage Contract Venue issue on the Likert Scale, which yielded "Undecided" answers. Of the respondents, 12 identified the mosque as a place for marriage contracts, whilst 9 selected "undecided" about the father's home. Furthermore, 15 respondents selected "Undecided" about the father-in-law's residence as the location for the marriage contract, while 2 respondents indicated "UD" for the court. The father-in-law's residence received the highest score for the Marriage Contract Venue question on the Likert Scale in the "Undecided" category, with 15 responses. The mosque ranked

second with 12 responses, the father's home third with 9 responses, and the court fourth with 2 responses. The highest score in the "Undecided" category for the Marriage Contract Venue question was attributed to the father-in-law's residence, and the lowest score was assigned to the court.

In the fourth instance of the Marriage Contract place inquiry on the Likert Scale of "Agree," 11 out of 391 respondents identified the mosque as their favourite place for marriage contracts. Additionally, 29 respondents deemed the Father's Home appropriate, whilst 19 respondents chose the Father-in-law's residence, and merely 2 respondents concurred with the Court as a site. The Father's Home earned the highest rating for the Marriage Contract Venue inquiry on the Likert Scale of "Agree," with 29 responses recorded. The second highest was the Father-in-law's Home with 19 responses, followed by the Mosque with 11, and finally, the Court with only 2 responses. The highest score in the "Agree" category for the Marriage Contract Venue question was attributed to the Father's Home, whereas the lowest was assigned to the Court.

In the sixth instance concerning the Marriage Contract Venue question on the Likert Scale of "Strongly Agree," the results indicated that 66 respondents selected "Strongly Agree" for the mosque as a marriage contract venue out of a total population of 391. Furthermore, 117 respondents indicated "Strongly Agree" for the father's residence, 54 for the father-in-law's residence, and 14 for the court. The Father's home received the highest score for the Marriage Contract Venue question on the Likert Scale of "Strongly Agree," with 117 respondents. The mosque ranked second with 66 replies, the father-in-law's residence followed with 54 respondents, and the court had 14 respondents. The highest score in the "Strongly Agree" category for the Marriage Contract Venue question was attributed to the Father's home, whereas the lowest was associated with the Court.

This summary evaluates the Likert Scale results for marriage contract venues, specifically analysing responses in the categories of Strongly Disagree, Disagree, Undecided, Agree, and Strongly Agree for mosques, the father's residence, and the father-in-law's residence. The maximum score in the "Strongly Disagree" category was attributed to Court, whereas the minimum was associated with Father's home. Within

the "Disagree" category, the highest score was attributed to Father's residence, while the lowest was assigned to Court. In the "Undecided" category, Father-in-law's home received the greatest score, while Court obtained the lowest score. The "Agree" category exhibited the highest score for Father's home, while the lowest score was once more attributed to Court. Ultimately, in the "Strongly Agree" category, Father's home received the highest mark, while Court received the lowest. Furthermore, metrics of central tendency, such as the mean, standard deviation, and range, are also shown.

The descriptive statistics reveal a mean of 1.91, a standard deviation of 1.530, and a range of 4. The second location is the father's residence, where the data indicates a mean of 2.56, a standard deviation of 1.792, and a range of 4. The third location is the father-in-law's residence, with descriptive statistics indicating a mean of 1.85, a standard deviation of 1.468, and a range of 4. The fourth location for the marriage contract is the court, which exhibits a mean of 1.24, a standard deviation of 0.823, and a range of 4. Refer to table 4.41 for the descriptive information pertaining to marriage contract venues below.

Table 4.41 Marriage Contract Venue Descriptive Statistics

	N	Minimum	Maximum	Mean	Std. Deviation
Marriagecontractvenue1	391	1	5	1.91	1.530
Marriagecontractvenue2	391	1	5	2.56	1.793
Marriagecontractvenue3	391	1	5	1.85	1.468
Marriagecontractvenue4	391	1	5	1.24	.823
Valid N (listwise)	391				

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.30 Duties and Responsibilities of Husband to the Wife

The first study question, one of four, seeks to give respondents' responses to the subject: "What are the underlying causes of walkaway?" The Duties and role to the wife by the husband conditions includes; Clothing, Feeding, Hospital Expenses and Non-Material Needs Results are presented below.

4.3.2.1.31 Clothing as a Duty and Responsibility of a Husband to the Wife

Among a total of 391 respondents who addressed the issue concerning clothing as a duty and responsibility of a husband to his wife on the Likert scale, 71 respondents (18.1%) indicated "strongly disagree." Five respondents (1.3%) selected "Disagree," whereas twelve respondents (3.1%) opted for "Undecided." Moreover, 76 respondents (19.3%) expressed "Agree," while 227 respondents (57.8%) chose "Strongly Agree." Refer to Table 4.42 for additional information regarding clothes as an obligation of a husband towards his wife.

Table 4.42 Clothing as a Duty and Responsibility of a Husband to a Wife

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	71	18.1	18.2	18.2
	Disagree	5	1.3	1.3	19.4
	Undecided	12	3.1	3.1	22.5
	Agree	76	19.3	19.4	41.9
	Strongly Agree	227	57.8	58.1	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.32 Feeding as a Duty and Responsibility of a Husband to the Wife

Out of a total population of 391 respondents who answered the question regarding whether feeding is a duty and responsibility of a husband to his wife on the Likert Scale, 62 respondents (15.8%) answered “Strongly Disagree”. Additionally, 9 respondents (2.3%) answered “Disagree”, while 28 respondents (7.1%) selected “Undecided”. Conversely, 92 respondents (23.4%) answered “Agree”, and 200 respondents (50.9%) responded with “Strongly Agree”. Refer to table 4.43 for further details on the perception of feeding as a duty and responsibility of a husband to his wife.

Table 4.43 Feeding as a Duty and Responsibility of a Husband to the Wife

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	62	15.8	15.9	15.9
	Disagree	9	2.3	2.3	18.2
	Undecided	28	7.1	7.2	25.3
	Agree	92	23.4	23.5	48.8
	Strongly Agree	200	50.9	51.2	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.32 Lighting as a Duty and Responsibility of a Husband to the Wife

Out of a total population of 391 respondents who answered the question regarding the role of lighting as a duty and responsibility of a husband to his wife on the Likert Scale, 47 respondents (12%) selected "Strongly Disagree", 8 respondents (2%) chose "Disagree", 26 respondents (6.6%) were "Undecided", 78 respondents (19.8%) indicated "Agree", and 232 respondents (59%) responded with "Strongly Agree". For additional information, please refer to Table 4.44, which explains the findings regarding the responsibility of lighting as a duty that a husband owes to his wife.

Table 4.44 Lighting as a duty and Responsibility of a Husband to the Wife

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	47	12.0	12.0	12.0
	Disagree	8	2.0	2.0	14.1
	Undecided	26	6.6	6.6	20.7
	Agree	78	19.8	19.9	40.7
	Strongly Agree	232	59.0	59.3	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.33 Hospital Expense as a Duty and Responsibility of a Husband to the Wife

58 respondents responded with "strongly disagree," which accounts for 14.8% of the total population of 391 respondents who answered the Likert scale regarding the hospital expense as a duty and responsibility of a spouse to his wife. Furthermore, eight respondents responded with "Disagree," which accounts for 2.0% of the total. Additionally, 25 respondents were "undecided," which accounts for 6.4% of the total population. In contrast, 74 respondents responded with "Agree," which accounts for 18.8% of the total. While 226 respondents, or 57.5%, responded with "Strongly Agree." The hospital expense is a duty and responsibility of a spouse to his wife, as detailed in table 4.45.

Table 4.45 Hospital Expense as a Duty and Responsibility of a Husband to the Wife

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	58	14.8	14.8	14.8
	Disagree	8	2.0	2.0	16.9
	Undecided	25	6.4	6.4	23.3
	Agree	74	18.8	18.9	42.2
	Strongly Agree	226	57.5	57.8	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.34 Non-Material Needs as a Duty and Responsibility of a Husband to the Wife

Non-Material Duties and Responsibilities of a Husband to His Wife: The following results were acquired in response to the question regarding non-material needs on the Likert scale: "Strongly Disagree" was selected by 54 respondents (13.7%). Ten respondents (2.5%) responded with "Disagree," while thirty respondents (7.7%) responded with "Undecided." In addition, 85 respondents (21.6%) responded with "Agree," while 212 respondents (53.9%) responded with "Strongly Agree." The details

regarding non-material requirements as a duty and responsibility of a husband to his wife are provided in Table 58.

Table 4.46 Non - Material Needs as a Duty and Responsibility of a Husband to the Wife

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	54	13.7	13.8	13.8
	Disagree	10	2.5	2.6	16.4
	Undecided	30	7.6	7.7	24.0
	Agree	85	21.6	21.7	45.8
	Strongly Agree	212	53.9	54.2	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

4.3.2.1.34.1 Discussion on Duties and Responsibilities of a Husband to the Wife

In the initial instance of the Discussion on Duties and Responsibilities Questions on the Likert Scale of the Strongly Disagree, 71 respondents out of the total 391 responded "Strongly Disagree" to Clothing, 62 respondents responded "Strongly Disagree" to Feeding, and 54 respondents responded "Strongly Disagree" to Non-Material Needs. Clothing received the highest score on the Likert Scale of "Strongly Disagree" for the duties and responsibilities of a husband to his wife, with 71. Feeding was in second place with 62, hospital expenses were in third place with 58, non-material needs were in fourth place with 54, and lighting was in fifth place with 47. Therefore, electricity received the lowest score in the "Strongly Disagree" category, while Clothing received the highest.

The analysis focused on the replies to the Likert scale question concerning disagreement in the second instance of the talk about the husband's obligations and responsibilities to the wife. From a total population of 391, 5 respondents indicated "Disagree" about clothing, 9 respondents indicated "Disagree" regarding food, and 8 respondents indicated "Disagree" pertaining to lighting. Furthermore, 8 respondents

expressed “Disagree” regarding hospital charges, while 10 respondents indicated “Disagree” for non-material necessities. The highest score for the Duties and Responsibilities of the Husband to the Wife on the Likert Scale of "Disagree" was attributed to Non-Material Needs, which garnered a score of 10. Feeding secured second place with a score of 9, while Lighting and Hospital Expenses both attained a score of 8. Clothing earned the lowest rating of 5. The greatest score in the "Disagree" category on the Duties and Responsibilities of the Husband to the Wife was assigned to Non-Material Needs, whereas the lowest value was assigned to Clothing.

In the third instance of the Discussion on the Duties and Responsibilities of the Husband to the Wife, the Likert Scale revealed the following responses: Among a total population of 391, 12 respondents indicated "Undecided" regarding Clothing; 28 respondents were "Undecided" about Feeding; 26 respondents expressed "Undecided" on Lighting; 25 respondents answered "Undecided" concerning Hospital Expenses; and 30 respondents were "Undecided" regarding non-material needs. The highest scores for the Duties and Responsibilities of a husband to his wife on the Likert Scale of “Undecided” were as follows: non-material needs scored 30, feeding scored 28, lighting scored 26, hospital expenses scored 25, and clothing scored 12. The greatest score in the "Undecided" category on the duties and responsibilities of a husband to his wife was attributed to Lightening, while the lowest value was associated with Clothing.

In the fourth instance regarding the Discussion of Duties and Responsibilities of the Husband to the Wife, utilising a Likert Scale of “Agree,” out of a total population of 391 respondents, 92 indicated “Agree” for Feeding, 78 for Lighting, 74 for Hospital Expenses, and 85 for Non-Material Needs. The essential scores for the Duties and Responsibilities of a Husband towards his Wife. The Likert Scale responses indicated that "Agree" received a score of 92, followed by non-material at 85, lighting at 78, clothing tied with 76, and hospital expenses at 74. The greatest score in the "Agree" category for the Duties and Responsibilities of a Husband to his Wife was attributed to Feeding, while the lowest was associated with Hospital Expenses.

In the fifth instance of the Discussion of Duties and Responsibilities of the Husband to the Wife, questions were posted on the Likert Scale of “Strongly Agree.” Out of the total population of 391, 227 respondents indicated Clothing, 200 respondents

indicated Feeding, 232 respondents indicated “Strongly Agree” for lighting, 226 respondents indicated “Strongly Agree” for Hospital Expenses, and 212 respondents indicated “Strongly Agree” for Non-Material Needs. The top scores for the Duties and Responsibilities of a husband towards his wife, as measured on the Likert Scale of “Strongly Agree,” were as follows: Clothing received a score of 227, followed by Lightening with 232, Hospital with 226, Non-Material Needs at 212, and Feeding at 200. Consequently, the top score in the “Strongly Agree” category regarding the Duties and Responsibilities of a husband to his wife was attributed to Clothing, while the lowest score was associated with Feeding.

To recap on the results of Likert Scale on the Duties and Responsibilities of the Husband to the Wife results on the Strongly Disagree, Disagree, Undecided, Agree and Strongly Agree were evaluated of Clothing, Feeding, Lightening, Hospital Expenses, and Non – Material Needs of the wife; the highest score in the category of “Strongly Disagree” was Clothing and the Lowest was lightning, the highest score in the category of “Disagree” following question on the Duties and Responsibility of Husband to the Wife was Clothing and the Lowest lightning, the highest score in the category of “Undecided” following question on the Duties and Responsibility of husband to the wife was Lightening and the Lowest was Clothing, the highest score in the category of “Agree” following question on the Duties and Responsibility of Husband to the Wife was Feeding and the Lowest Hospital Expenses, the highest score in the category of “Strongly Agree” following question on the Duties and Responsibility of husband to the wife was Clothing and the Lowest was Feeding, and their Central Tendencies; Mean, the Standard Deviation and range are further provided.

The primary obligations of a husband towards his wife include the provision of accommodation. The descriptive statistics indicate a mean of 3.98, a standard deviation of 1.517, and the range. 4. The second duties and responsibilities of the husband to the wife pertain to clothing. The descriptive statistics indicate a mean of 3.92, a standard deviation of 1.449, and a range of 4. The third duty and responsibility of the husband to the wife is feeding. The descriptive statistics indicate a mean of 4.13, a standard deviation of 1.346, and a range of 4. The fourth duty and responsibility of the husband to the wife is lightening. The descriptive statistics indicate a mean of 4.03, a standard deviation of 1.436, and a range of 4. The fifth duty and responsibility of the husband to

the wife pertains to hospital expenses. The descriptive statistics indicate a mean of 4.05, a standard deviation of 1.417, and a range. 4. The sixth and final duty and responsibility of the husband to the wife pertains to non-material needs. The descriptive statistics reveal a mean of 4.00, a standard deviation of 1.403, and a range of 4. Refer to Table 4.47 below.

Table 4.47 Duties and Responsibilities of Husband to Wife Descriptive Statistics

	N	Minimum	Maximum	Mean	Std. Deviation
Dutiesandresponsibilityofthehusband1	391	1	5	3.98	1.517
Dutiesandresponsibilityofthehusband2	391	1	5	3.92	1.449
Dutiesandresponsibilityofthehusband3	391	1	5	4.13	1.346
Dutiesandresponsibilityofthehusband4	391	1	5	4.03	1.436
Dutiesandresponsibilityofthehusband5	391	1	5	4.05	1.417
Dutiesandresponsibilityofthehusband6	391	1	5	4.00	1.403
Valid N (listwise)	391				

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.35 Duties and Responsibilities of the Wife to the Husband

The first study question, one of four, seeks to give respondents' responses to the subject: "What are the underlying causes of walkaway?" The Duties and Responsibilities of Wife to Husband Condition; Obedience, Physical Needs, Sought Permission, Kept Attractive and Presentable, Protected the Property of the Husband, Respected the in laws, Bore Children, Parented, Never Allowed strangers in the Home, Kept Secrets of the Husband of the Husband, and Non-Material Needs Results are presented below.

4.3.2.1.36 Obedience as Duty and Responsibility of the Wife to the Husband

Out of a total population of 391 respondents, the question regarding the duties and responsibilities of the wife to the husband was addressed using a Likert scale. A total of 57 respondents, representing 14.5%, selected “Strongly Disagree” regarding obedience. Additionally, 15 respondents, or 3.8%, chose “Disagree,” while 40 respondents, accounting for 10.2%, were “Undecided.” Furthermore, 68 respondents

indicated “Agree,” which corresponds to 17.3%, and 211 respondents, making up 53.7%, selected “Strongly Agree.” For further details, refer to table 4.48 on the duties and responsibilities of the wife to the husband.

Table 4.48 Duties and Responsibilities of the Wife to Husband

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	57	14.5	14.6	14.6
	Disagree	15	3.8	3.8	18.4
	Undecided	40	10.2	10.2	28.6
	Agree	68	17.3	17.4	46.0
	Strongly Agree	211	53.7	54.0	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.37 Physical Needs as a Duty and Responsibility of Wife to the Husband

Out of a total population of 391 respondents, the question regarding the duty and responsibility of the wife to the husband was assessed using a Likert scale. The results showed that 46 respondents (11.7%) answered “Strongly Disagree,” 13 respondents (3.3%) answered “Disagree,” 27 respondents (6.9%) were “Undecided,” 90 respondents (22.9%) answered “Agree,” and 215 respondents (54.7%) answered “Strongly Agree.” For further details, refer to Table 4.49 regarding the physical needs as a duty and responsibility of the wife to the husband.

Table 4.49 Physical Needs as Duty and Responsibility of the Wife to Husband

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	46	11.7	11.8	11.8
	Disagree	13	3.3	3.3	15.1
	Undecided	27	6.9	6.9	22.0
	Agree	90	22.9	23.0	45.0
	Strongly Agree	215	54.7	55.0	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.38 Sought Permission as a Duty and Responsibility of the Wife to the Husband

Out of a total population of 391 respondents, the question regarding the notion of seeking permission as a duty and responsibility of the wife to the husband was addressed using a Likert scale. The results indicate that 59 respondents, representing 15%, selected "Strongly Disagree." Additionally, 14 respondents, or 3.6%, chose "Disagree," while 36 respondents, accounting for 9.2%, were "Undecided." In contrast, 88 respondents, making up 22.4%, indicated "Agree," and a significant 194 respondents, or 49.4%, responded with "Strongly Agree." For further details, please refer to table 4.50, which presents the findings on the sought permission as a duty and responsibility of the wife to the husband.

Table 4.50 Sought Permission as a Duty and Responsibility of Wife to Husband

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	59	15.0	15.1	15.1
	Disagree	14	3.6	3.6	18.7
	Undecided	36	9.2	9.2	27.9
	Agree	88	22.4	22.5	50.4
	Strongly Agree	194	49.4	49.6	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.39 Kept Attractive and Presentable as a Duty and Responsibility of the Wife to the Husband

Out of a total population of 391 respondents, the question regarding the obligation of maintaining attractiveness and presentability as a duty and responsibility of the wife to the husband was addressed using a Likert scale. The results showed that 49 respondents, representing 12.5%, selected "Strongly Disagree," 11 respondents, or 2.8%, chose "Disagree," while 23 respondents, accounting for 5.9%, were undecided. Additionally, 86 respondents, making up 21.9%, indicated "Agree," and 222 respondents, which is 56.5%, responded with "Strongly Agree." Refer to Table 4.51 for details on the perception of attractiveness and presentability as a duty and responsibility of the husband to the wife.

Table 4.51 Kept Attractive and Presentable as a Duty and Responsibility of Husband to Wife

		Frequency	**Percent**	**Valid Percent**	**Cumulative Percent**
Valid	Strongly Disagree	49	12.5	12.5	12.5
	Disagree	11	2.8	2.8	15.3
	Undecided	23	5.9	5.9	21.2
	Agree	86	21.9	22.0	43.2
	Strongly Agree	222	56.5	56.8	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.40 Protected Property as a Duty and Responsibility of the Wife to the Husband

In the context of protected property as a duty and responsibility of the wife to the husband, a survey was conducted with a total population of 391 respondents. The results indicate that 43 respondents, representing 10.9%, answered "Strongly Disagree" on the Likert Scale. Additionally, 12 respondents, or 3.1%, answered "Disagree," while 19 respondents, accounting for 4.8%, were "Undecided." Conversely, 90 respondents,

making up 22.9%, answered “Agree,” and a significant 227 respondents, or 57.8%, answered “Strongly Agree.” For further details, refer to Table 4.52 regarding protected property as a duty and responsibility of the wife to the husband.

Table 4.52 Protected Property as a Duty and Responsibility of the Wife to Husband

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	43	10.9	11.0	11.0
	Disagree	12	3.1	3.1	14.1
	Undecided	19	4.8	4.9	18.9
	Agree	90	22.9	23.0	41.9
	Strongly Agree	227	57.8	58.1	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.41 Respected the in Laws as a Duty and Responsibility of the Wife to the Husband

The survey results regarding the perception of respect in laws as a duty and responsibility of the wife to the husband reveal a diverse range of opinions. Out of 391 respondents, 31 individuals indicated “Strongly Disagree,” representing 7.9%. Meanwhile, 10 respondents chose “Disagree,” accounting for 2.5%. A total of 19 respondents were “Undecided,” which corresponds to 4.8%. In contrast, 102 respondents expressed “Agree,” making up 26%, while the majority, 229 respondents, selected “Strongly Agree,” which constitutes 58.3% of the total population surveyed. Refer to Table 4.53 regarding the obligation and accountability of the wife towards the husband concerning protected property.

Table 4.53 Respected in Laws as a Duty and Responsibility of the Wife to Husband

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	31	7.9	7.9	7.9
	Disagree	10	2.5	2.6	10.5
	Undecided	19	4.8	4.9	15.3

		Frequency	Percent	Valid Percent	Cumulative Percent
	Agree	102	26.0	26.1	41.4
	Strongly Agree	229	58.3	58.6	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.42 Bore Children as a Duty and Responsibility of the Wife to the Husband

The perception of childbearing as a duty and responsibility of the wife to the husband was assessed using a Likert scale among a total of 391 respondents. Of these, 44 individuals (11.3%) responded with "Strongly Disagree," 7 respondents (1.8%) chose "Disagree," 16 respondents (4.1%) were "Undecided," 83 respondents (21.1%) indicated "Agree," and 241 respondents (61.3%) selected "Strongly Agree." Refer to Table 4.54 for details on the perception of childbearing as a duty and responsibility of the wife to the husband.

Table 4.54 Bore Children as a Duty and Responsibility of the Wife to the Husband

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	44	11.2	11.3	11.3
	Disagree	7	1.8	1.8	13.0
	Undecided	16	4.1	4.1	17.1
	Agree	83	21.1	21.2	38.4
	Strongly Agree	241	61.3	61.6	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.43 Parenting as a Duty and Responsibility of the Wife to the Husband

In a survey of 391 respondents regarding the perception of parenting as a duty and responsibility of the wife to the husband, the results were as follows: 61 respondents (15.5%) indicated "Strongly Disagree," 10 respondents (2.5%) chose "Disagree," 26 respondents (6.6%) were "Undecided," 81 respondents (20.6%) expressed "Agree," and 213 respondents (54.2%) selected "Strongly Agree." Refer to Table 4.55 for detailed results.

Table 4.55 Parenting as a Duty and Responsibility of the wife to the Husband

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	61	15.5	15.6	15.6
	Disagree	10	2.5	2.6	18.2
	Undecided	26	6.6	6.6	24.8
	Agree	81	20.6	20.7	45.5
	Strongly Agree	213	54.2	54.5	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.44 Never Allowed Strangers in the House as a Duty and Responsibility of the Wife to the Husband

The statement "Never Allowed Strangers in the House as a Duty and Responsibility of the Wife to the Husband" was evaluated using a Likert Scale among a total of 391 respondents. Of these, 81 respondents (20.6%) answered "Strongly Disagree," 13 respondents (3.3%) answered "Disagree," 32 respondents (8.1%) were "Undecided," 75 respondents (19.1%) answered "Agree," and 190 respondents (48.3%) answered "Strongly Agree." Refer to Table 4.56 for details on this statement.

Table 4.56 Never Allowed Strangers in the House as a Duty and Responsibility of the wife to the Husband

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	81	20.6	20.7	20.7
	Disagree	13	3.3	3.3	24.0
	Undecided	32	8.1	8.2	32.2
	Agree	75	19.1	19.2	51.4
	Strongly Agree	190	48.3	48.6	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.45 Kept Secrets of the Husband as a Duty and Responsibility of the Wife to the Husband

In the context of the Likert Scale regarding the obligation of a wife to maintain her husband's secrets, 62 respondents (15.8%) strongly disagreed, 14 respondents (3.6%) disagreed, 29 respondents (7.4%) were undecided, 74 respondents (18.8%) agreed, and 212 respondents (53.9%) strongly agreed, from a total population of 391. Refer to Table 4.57 regarding the obligation of the wife to maintain the husband's secrets as a duty and responsibility.

Table 4.57 Kept Secret of the Husband as a Duty and Responsibility of the Wife to the Husband

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	62	15.8	15.9	15.9
	Disagree	14	3.6	3.6	19.4
	Undecided	29	7.4	7.4	26.9
	Agree	74	18.8	18.9	45.8
	Strongly Agree	212	53.9	54.2	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.46 Non-Material Needs of the Husband as a Duty and Responsibility of the Wife to the Husband

The Non-Material Needs of the Husband as an Obligation and Responsibility of the Wife In a survey utilising the Likert Scale among a total population of 391 respondents, 44 individuals (11.2%) selected "Strongly Disagree," 13 individuals (3.3%) chose "Disagree," 40 individuals (10.2%) were "Undecided," 80 individuals (20.4%) indicated "Agree," and 214 individuals (54.5%) responded with "Strongly Agree." Refer to Table 4.58 about the non-material needs of the husband as a duty and responsibility of the wife towards him.

Table 4.58 Non-Material Needs of the Husband as a duty and Responsibility of the Wife to the Husband

		Frequency	**Percent**	**Valid Percent**	**Cumulative Percent**
Valid	Strongly Disagree	44	11.2	11.3	11.3
	Disagree	13	3.3	3.3	14.6
	Undecided	40	10.2	10.2	24.8
	Agree	80	20.4	20.5	45.3
	Strongly Agree	214	54.5	54.7	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.1.46.1 Discussion of the Duties and Responsibilities of the Wife to the Husband

In the first instance of the Discussion of Duties and Responsibilities of the Wife to the Husband Question on the Likert Scale of "Strongly Disagree" Obedience, 57 respondents answered "Strongly Disagree" to Obedience, 46 respondents answered "Strongly Disagree" to Physical Needs, 59 respondents answered "SD" to Sought Permission, 49 respondents answered SD to Kept Attractive and Presentable, 43 respondents answered SD to Protected Husband's Property, and 31 respondents answered "Str On the Likert Scale of "Strongly Disagree," the highest scores were "Strongly Disagree" on the Duties and Responsibilities of the Wife to the Husband Questions; Never Allowed Strangers in the House of the Husband" (81), "Kept the

Secrets of the Husband" (62), "Parenting" (61), "Sought Permission" (59), "Obedience" (57), and "Kept Attractive and Presentable" (56). In the "Strongly Disagree" category for "Duties and Responsibility of the Wife to the Husband," the highest score was "Never Allowed Strangers," while the lowest score was "Respect in Laws".

In the second instance of the Discussion of Duties and Responsibilities of the Wife to the Husband Question on the Likert Scale of "Disagree "Obedience, 15 respondents out of the total 391, 13 respondents who answered "Disagree" to Physical Needs, 14 respondents who answered "D" to Sought Permission, 11 respondents who answered "Disagree" on Kept Attractive and Presentable, 12 respondents answered "Disagree" on Protected Property of Husband, 13 respondents The highest scores on the Likert Scale of "Disagree" on the Duties and Responsibility of the Wife to the Husband Questions were Obedience (15), Sought Permission (14), Kept Secrets of the Husband (14), and Physical Needs (13). Protected Property scored 12 points, Kept Attractive and Presentable to the Husband scored 11, Respected in Laws and Parenting tied for sixth place with 10 points, and Bore Children scored 7 points. In the "Disagree" category for the "Duties and Responsibilities of the Wife to the Husband" question, Obedience received the greatest score, while Bore Children received the lowest.

In the third instance of the Discussion of Duties and Responsibilities of the Wife to the Husband Question on the Likert Scale of "Undecided "Obedience, there were 40 respondents out of 391. The respondents who answered "UD" to Physical Needs were 27, the respondents who answered "UD" to Sought Permission were 36, the respondents who sought permission were 36, the respondents who answered Undecided on Kept Attractive and Presentable were 23, and the respondents who a On the Likert Scale, 16 respondents answered "Undecided" for Bore Children, 26 for Parenting, 32 for Never Allowed Strangers in the House, 29 for Kept Secrets of the Husbands, and 40 for Non-Material Needs. The highest scores on the Likert Scale of "Undecided" on the Duties and Responsibilities of the Wife to the Husband Questions were "Obedience and Non-Material Needs" (40 respondents), "Sought Permission" (36), "Parenting" (32), "Kept the Secrets of the Husbands" (29), "Physical Needs" (27), and "Kept Attractive and Presentable" (23). In the "Undecided" category for the "Duties and Responsibilities of the Wife to the Husband" question, Obedience and Non-Material Needs received the greatest score, while Protected Properties received the lowest.

In the fourth instance of the Discussion of Duties and Responsibilities of the Wife to the Husband Question on the Likert Scale of "Agree," Obedience was reported by 68 respondents out of a total of 391. The survey found that 90% of respondents agreed with physical needs, 88 agreed with seeking permission, 86 agreed with keeping attractive and presentable, 90% agreed with protecting husband's property, 102 agreed with respecting laws, and 83 agreed with bore children. 81 respondents said they agree with parenting, 73 said they never let strangers into their home, 74 said they kept secrets from their husbands, and 80 said they agreed with the Likert Scale question about non-material needs. The highest scores on the Likert Scale of "Agree" on the Duties and Responsibility of the Wife to the Husband Questions were Respected in Laws (102), Physical Needs (90), Sought Permission (88), Kept Attractive and Presentable (86), Bore Children (83), and Parenting (76). In the "Agree" category for the "Duties and Responsibility of the Wife to the Husband" question, the greatest score was Respected in Laws, while the lowest score was Protect Property.

In the fifth instance of the Discussion of Duties and Responsibilities of the Wife to the Husband Question on the Likert Scale of "Strongly Agree," Obedience was reported by 211 respondents out of a total of 391. There were 213 respondents who strongly agreed with physical needs, 194 who agreed with seeking permission, 222 who protected their property, 227 who respected their in-laws, 229 who respected their in-laws, 241 who bore children, 213 who answered parenting, 190 who never allowed strangers in the house, 212 who kept their husband's secret, and 214 who did not. The highest scores on the Likert Scale of "Strongly Agree" on the Rights and Responsibilities of the Wife to the Husband Questions were: Bore Child Protected Property of the Husband (241), Respected in Laws (229), Protected the Property of the Husband (227), Kept Attractive and Presentable (222), Non-Material Needs (214), and The greatest "Strongly Agree" response to a question on a wife's duties and responsibilities to her husband was to bear children, while the lowest score was to seek permission.

The evaluation of the wife's duties and responsibilities to her husband included Strongly Disagree, Disagree, Undecided, Agree, and Strongly Agree options. In the "Duties and Responsibility of the Wife to the Husband" category, the highest score was "Never Allowed Strangers in the House," while the lowest score was "Respected in

Laws." In the "Agree" category, the highest score was Respected in Laws, while the lowest score was Protect Property. In the "Strongly Agree" category, the highest score was Bore Children, while the lowest score was Sought Permission. Central Tendencies, Mean, Standard Deviation, and Range are also provided.

According to descriptive data, the wife's primary duty to her husband is obedience, with a mean of 3.92, standard deviation of 1.452, and range of 4. The wife's second right and responsibility is to provide her physical requirements, as indicated by descriptive statistics with a mean of 4.06, standard deviation of 1.346, and range of 4.

The third right and responsibility of the wife is to ask permission. The descriptive statistics show a mean of 3.88, a standard deviation of 1.442, and a range of four. The wife's rights and obligations are kept appealing and presentable, as indicated by descriptive statistics (mean = 4.8, SD = 1.366, range = 4). Protected properties is the fifth of the wife's rights and obligations, with descriptive data indicating a mean of 4.14, standard deviation of 1.314, and range of 4.

The descriptive data indicate that the wife's rights and obligations are respected by her in-laws. The mean is 4.25, with a standard deviation of 1.180 and a range of 4. The seventh right and responsibility of the woman is having children. Descriptive statistics show a mean of 4.20, a standard deviation of 1.306, and a range of 4. The descriptive data for the eight rights and responsibilities of the wife reveal a mean of 3.96, with a standard deviation of 1.457. The descriptive statistics for the ninth and tenth rights and responsibilities of the wife show a mean of 3.92, a standard deviation of 1.479, and a range of four. The descriptive data indicate that the wife's rights and responsibilities are non-material, with a mean of 4.04, standard deviation of 1.341, and range of 4. Table 4.59: Duties and Responsibilities of the Wife to the Husband - Descriptive Statistics.

Table 4.59 Duties and Responsibilities of the Wife to the Husband Descriptive Statistics

	N	Minimum	Maximum	Mean	Std. Deviation
Duty and responsibility of the wife 1	391	1	5	3.92	1.452
Duty and responsibility of the wife 2	391	1	5	4.06	1.346
Duty and responsibility of the wife 3	391	1	5	3.88	1.442
Duty and responsibility of the wife 4	391	1	5	4.08	1.366
Duty and responsibility of the wife 5	391	1	5	4.14	1.314
Duty and responsibility of the wife 6	391	1	5	4.25	1.180
Duty and responsibility of the wife 7	391	1	5	4.20	1.306
Duty and responsibility of the wife 8	391	1	5	3.96	1.457
Duty and responsibility of the wife 9	391	1	5	3.72	1.578
Duty and responsibility of the wife 10	391	1	5	3.92	1.479
Duty and responsibility of the wife 11	391	1	5	4.04	1.341
Valid N (listwise)	391				

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.2 RO$_2$: How Effective the Reconciliation Exercise in Curbing with Walk Away?

The individuals reminded one another about the failure to fulfil marital responsibilities, educated each other on the Qur'an and Sunnah regarding marital matters, reviewed the significance of the marriage relationship, slept in separate beds, and I was lightly beaten. Subjects from the Likert Scale presentation, based on responses from 391 respondents, are presented in this section.

4.3.2.2.1 Admonishment 1

Out of the total population of 391respondents on the Question of Admonishment on the Likert Scare; on the Admonishment1 or Reminded Each other about Failure to Fulfil Marital Responsibilities (RFFMP) Question; 113 respondents answered “Strongly Disagree” accounting for 28.8 %, 12 respondents answered to “Disagree” at 3.1 %,18 respondents answered “Undecided” accounting for 4.6 %, 91 respondents answered “Agree” accounting for 23.3 %, 157 respondents answered “Strongly Agree” at 39.9 %, See Table 4.60 Admonishment 1.‴

Table 4.60 Admonishment 1(RFFMP)

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	113	28.8	28.9	28.9
	Disagree	12	3.1	3.1	32.0
	Undecided	18	4.6	4.6	36.6
	Agree	91	23.2	23.3	59.8
	Strongly Agree	157	39.9	40.2	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.2.2 Admonishment 2

Out of the total population of 391 respondents, the Likert Scale question regarding Admonishment 2 or Taught each other about the Qur`an and Sunnah on the Marital Issue reveals that 138 respondents answered "Strongly Disagree," which accounts for 35.1% of the total, 12 respondents answered "Disagree," which accounts for 3.1% of the total, 29 respondents answered "Undecided," which accounts for 7.4% of the total, 76 respondents answered "Agree," which accounts for 19.3% of the total, and 136 respondents answered "Strongly Agree," which accounts for 34.6 percent of the total. The admonishment 2 (TQSMI) is listed in Table 4.61.‴

Table 4.61 Admonishment 2 (TQSMI)

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	138	35.1	35.3	35.3
	Disagree	12	3.1	3.1	38.4
	Undecided	29	7.4	7.4	45.8
	Agree	76	19.3	19.4	65.2
	Strongly Agree	136	34.6	34.8	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.2.3 Admonishment 3

Out of the total population of 391respondents on the Question of Admonishment on the Likert Scare; Admonishment 3 or Reviewed Significance of this Marriage Relationship (RSMR) Likert Scale question reveals; 181 respondents answered "Strongly Disagree" accounting for 46 %, 46 respondents answered "Disagree" accounting for 11.7 %, 32 respondents answered "Undecided" accounting for 8.1 %, 39 respondents answered "Agree" accounting for 9.9 %, 93 respondents answered Strongly Agree accounting for 34.6 %, See Table 4.62 Admonishment 4 (RSMR)."

Table 4.62 Admonishment 3 (RSMR)

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	181	46.1	46.3	46.3
	Disagree	46	11.7	11.8	58.1
	Undecided	32	8.1	8.2	66.2
	Agree	39	9.9	10.0	76.2
	Strongly Agree	93	23.7	23.8	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.2.4 Admonishment

Out of the total population of 391respondents on the Question of Admonishment on the Likert Scare; Admonishment 4 or Slept in Separate Beds (SISB)Likert Scale question reveals; 146 respondents answered “Strongly Disagree” accounting for 37 %, 27 respondents answered “Disagree” accounting for 6.9 %, 36 respondents answered “Undecided” accounting for 9.2%, 79 respondents answered “Agree” accounting for 20.1 %, 136 respondents answered Strongly Agree accounting for 34.6 %, See Table 75 (SISB).‴

Table 4.63 Admonishment 4 (SISB) Source: SSPS; Muslim Marriage Survey in Uganda

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	146	37.2	37.3	37.3
	Disagree	27	6.9	6.9	44.2
	Undecided	36	9.2	9.2	53.5
	Agree	79	20.1	20.2	73.7
	Strongly Agree	103	26.2	26.3	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

4.3.2.2.5 Admonishment 5

Among the total population of 391 respondents regarding the Admonishment question on the Likert Scale, the results are as follows: 218 respondents, representing 55.5%, answered "Strongly Disagree"; 36 respondents, accounting for 9.2%, answered "Disagree"; 28 respondents, or 7.1%, answered "Undecided"; 42 respondents, constituting 10.7%, answered "Agree"; and 67 respondents, amounting to 17%, answered "Strongly Agree." Refer to Table 76 for Admonishment (ILB).

Table 4.64 Admonishment 5 (ILB)

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	218	55.5	55.8	55.8
	Disagree	36	9.2	9.2	65.0
	Undecided	28	7.1	7.2	72.1
	Agree	42	10.7	10.7	82.9
	Strongly Agree	67	17.0	17.1	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.2.5.1 Discussion of the Admonishment

In the preliminary analysis of admonishment, 391 respondents offered insights on different facets of marital responsibilities utilising a Likert scale, particularly the "Strongly Disagree" response. The responses were as indicated below: A total of 113 respondents selected "Strongly Disagree" regarding Admonishment 1, which related to the reminder of unmet marital responsibilities (REFFMP). In Admonishment 2, concerning the mutual education on the Qur'an and Sunnah related to marital issues, 138 respondents indicated "strong disagreement." Furthermore, 181 respondents indicated "Strongly Disagree" for Admonishment 3, which addressed the importance of the marriage relationship. In total, 146 respondents expressed "Strongly Disagree" regarding Admonishment 4, which pertained to sleeping in separate beds. Additionally, 218 respondents indicated "Strongly Disagree" for Admonishment 5, related to the statement "I was lightly beaten" (ILB). The maximum score on the Likert scale for "Strongly Disagree" was recorded for Admonishment 5 (ILB) with 218 responses, followed by Admonishment 3 (RSMR) with 181 points. Admonishment 4 (SISB) achieved a score of 146 points, whereas Admonishment 2 (TQSMI) obtained 138 points. Finally, Admonishment 1 (REFFMP) received the lowest score, as 113 respondents indicated "strong disagreement." Admonishment 5, referred to as "I was lightly beaten" (ILB), achieved the highest score, while Admonishment 1, concerning

reminders about failing to fulfil marital responsibilities (REFFMP), obtained the lowest score.

In the second instance of the discussion on admonishment, 391 respondents provided feedback concerning Admonishment 1, which relates to reminding one another about the failure to fulfil marital responsibilities (REFFMP). According to the Likert scale, 12 respondents selected “Disagree” for this question, and an equal number (12 respondents) also indicated “Disagree” for Admonishment 1 concerning the teaching of the Qur’an and Sunnah in relation to marital issues. In Admonishment 3, concerning the assessed importance of the marriage relationship, 46 respondents indicated disagreement. Admonishment 4, related to sleeping in separate beds, garnered 27 responses indicating disagreement, while 36 respondents expressed disagreement with Admonishment 5, which pertained to the statement “I was lightly beaten” (ILB). The highest scores on the Likert scale for "Strongly Disagree" were as follows: Admonishment 3 (Reviewed Significance of the Marriage Relationship) ranked first with 46 responses; Admonishment 5 (ILB) ranked second with 36 responses; Admonishment 4 (SISB) ranked third with 27 responses; and a tie for fourth place occurred between Admonishment 1 (Teaching each other about the Qur’an and Sunnah on marital issues) and REFFMP, each receiving 12 responses. Consequently, Admonishment 3 received the highest score for "Disagree," whereas the lowest scores were noted for both Admonishment 1 and REFFMP.

In the third instance of the Discussion on Admonishment, data from a total of 391 respondents on the Likert scale indicating "undecided" regarding Admonishment 1, which concerns reminding one another about the failure to fulfil marital responsibilities (REFFMP), shows that 18 respondents selected this option. Moreover, 29 participants chose Admonishment 2, which entails mutual instruction regarding the Qur'an and Sunnah pertaining to marital matters, whereas 32 participants indicated “Undecided” for Admonishment 3, which pertains to evaluating the importance of the married partnership. Additionally, 36 respondents reported Admonishment 4, pertaining to sleeping in separate beds, while 28 respondents indicated Admonishment 5, which relates to being gently beaten (ILB). The highest scores on the Likert Scale of "Undecided" concerning the Admonishment questions are as follows: first, Admonishment 4 (Slept in Separate Beds, SISB) with 36 responses; second,

Admonishment 3 (Reviewed Significance of this Marriage Relationship, RSMR) with 32 responses; third, Admonishment 2 (Taught each other about the Qur'an and Sunnah on the Marital Issue, TQSMI) with 29 responses; fourth, Admonishment 5 (I was lightly beaten, ILB) with 28 responses; and fifth, Admonishment 1 (Reminded each other about Failure to Fulfil Marital Responsibilities, REFFMP) with 18 responses. The maximum score for "Undecided" was attributed to Admonishment 4 (SISB), whilst the minimum value was associated with Reminded Each Other About Failure to Fulfil Marital Responsibilities (REFFMP).

In the fourth instance of the Discussion on Admonishment, among the total population of 391 respondents, the results on the Likert Scale for "Agree" regarding Admonishment 1, which pertains to reminding each other about the failure to fulfil marital responsibilities (RFFMP), indicated that 91 respondents agreed. For Admonishment 2, concerning teaching each other about the Qur'an and Sunnah related to marital issues, 76 respondents expressed agreement. On Admonishment 3, which involved reviewing the significance of the marital relationship, 39 respondents agreed. For Admonishment 4, related to sleeping in separate beds, 79 respondents agreed. Lastly, 42 respondents agreed on Admonishment 5, which involved being lightly beaten (ILB). The highest scores on the Likert Scale of "Agree" regarding Admonition were as follows: first, "Reminded each other about Failure to Fulfil Marital Responsibilities" (REFFMP) scored 91; second, "Admonishment 4 or Slept in Separate Beds" (SISB) scored 79; third, "Taught each other about the Qur'an and Sunnah on the Marital Issue" (TQSMI) scored 76; and fourth, "Admonishment 5 or I was lightly beaten" (ILB) scored 42. The maximum score on the Likert scale for "Agree" was attributed to Admonition 1, which pertains to reminding each other about the failure to complete marital responsibilities (REFFMP), while the minimum value was associated with Admonition 5, referring to being gently beaten (ILB).

In the fifth instance of the discussion on admonishment, a total of 391 respondents on the Likert Scale of “Strongly Agree” yielded the following results: for Admonishment 1, concerning reminders about the failure to fulfil marital responsibilities (REFFMP), there were 159 respondents; for Admonishment 2, regarding instruction on the Qur'an and Sunnah related to marital issues (TQSMI), there were 136; 93 respondents “strongly agreed” with Admonishment 3, which pertained to

reviewing the significance of the marriage relationship (RSMR); 103 respondents affirmed Admonishment 4, related to sleeping in separate beds (SISB); and 67 respondents “strongly agreed” with Admonishment 5, which indicated experiences of being lightly beaten (ILB). Admonishment 1 (REFFMP) attained the highest score of 159 responses on the Likert Scale for "Strongly Agree" about the questions on admonition. Admonishment 2 (TQSMI) secured second place with 136 responses, followed by Admonishment 4 (SISB) with 103, Admonishment 3 (RSMR) with 93, and Admonishment 5 (ILB) with 67. The maximum score on the Likert scale of "Strongly Agree" was attributed to Admonishment 1 (REFFMP), and the minimum score was assigned to Admonishment 5 (ILB).

The responses were examined across the categories of Strongly Disagree, Disagree, Undecided, Agree, and Strongly Agree in order to provide a summary of the outcomes of the Likert Scale on the Venue of the Marriage Contract. Reminding each other of the failure to fulfil marital responsibilities, teaching each other about the Qur'an and Sunnah on marital matters, examining the significance of the married relationship, sleeping in separate beds, and there were instances of small physical reprimands were some of the remarks that were evaluated. For Admonishment 5, which corresponds to "I was gently beaten" (ILB), the highest score for Strongly Disagree was recorded. On the other hand, Admonishment 1, which is related to "Reminded each other of failure to complete marital responsibilities" (REFFMP), had the lowest score. While Admonishment 3, which concerned "Reviewed significance of the marriage connection," received the greatest score in the Disagree category, Admonishment 1, which entailed "Taught each other about the Qur'an and Sunnah on marital matters," and REFFMP received the lowest points. "Reviewed significance of the marriage relationship" was the category that received the highest score. Admonishment 4, which relates to 'Slept in separate beds' (SISB), received the highest score in the Undecided category, whereas REFFMP continued to receive the lowest score.

This time around, the Admonishment 1 (REFFMP) received the greatest score, while the Admonishment 5 (ILB) received the lowest score for the Agree category. Finally, the category of Strongly Agree had the highest score for Admonishment 1 (REFFMP) and the lowest score for Admonishment 5 (ILB). We are going to present

further information regarding central trends, which will include the mean, the standard deviation, and the range.

The descriptive statistics show that the mean is 3.43, the standard deviation is 1.88, and the range is 4. The first admonishment is that both partners are reminded of their inability to fulfil their marital responsibilities. Regarding marital abuse, the second admonishment is given to each other according to the Qur'an and Sunnah. The descriptive statistics show that the mean is 3.15, the standard deviation is 1.736, and the range is 4. As the third admonishment is discussed, the relevance of the marriage relationship is examined. The descriptive statistics show that the mean is 2.91, the standard deviation is 1.679, and the range encompasses 4. A separate bed is used for the fourth admonishment, according to the descriptive statistics, which show that the mean is 2.53, the standard deviation is 1.676, and the range is 4. The fifth admonishment is a spouse who has been lightly beaten, and the descriptive statistics show that the mean is 2.24, the standard deviation is 1.596, and the range is 4. A cautionary note on descriptive statistics can be found in table 4.65. ‴

Table 4.65 Admonishment of Descriptive Statistics

	N	Minimum	Maximum	Mean	Std. Deviation
Admonition1	391	1	5	3.43	1.688
Admonition2	391	1	5	3.15	1.736
Admonition3	391	1	5	2.91	1.679
Admonition4	391	1	5	2.53	1.676
Admonition5	391	1	5	2.24	1.596
Valid N (listwise)	391				

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.2.6 Mediation

Research Question 2 How Effective the Reconciliation Exercise in Curbing with Walk Away?

Out of the total population of 391 respondents regarding Mediation 1, or marital issues taken to the Guardians for Management (MIGM), the Likert scale results reveal

the following: 129 respondents answered “Strongly Disagree”, accounting for 32.8%; 25 respondents answered “Disagree”, representing 6.4% of the total population; 25 respondents answered “Undecided”, also accounting for 6.4%; 73 respondents answered “Agree”, which corresponds to 18.7%; and 139 respondents answered “Strongly Agree”, accounting for 35.4%. Refer see Table 4.66, Mediation 1, below.

Table 4.66 Mediation 1 (MIGM)

		Frequency	**Percent**	**Valid Percent**	**Cumulative Percent**
Valid	Strongly Disagree	129	32.8	33.0	33.0
	Disagree	25	6.4	6.4	39.4
	Undecided	25	6.4	6.4	45.8
	Agree	73	18.6	18.7	64.5
	Strongly Agree	139	35.4	35.5	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.2.6.1 Mediation 2

The Mediation Factor Mediation 2, or The Guardians Approved the Spouse to Return to the Marriage (GASRM), as reflected in the responses on the Likert Scale, reveals the following: 174 respondents (44.3%) answered 'Strongly Agree', 21 respondents (5.3%) answered 'Agree', 56 respondents (14.2%) answered 'Undecided', 67 respondents (17%) answered 'Disagree', and 73 respondents (35.4%) answered 'Strongly Disagree'. For further details, refer to table 4.67, Mediation.

Table 4.67 Mediation (GASRM)

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly agree	174	44.3	44.5	44.5
	Agree	21	5.3	5.4	49.9
	Undecided	56	14.2	14.3	64.2
	Disagree	67	17.0	17.1	81.3
	Strongly Disagree	73	18.6	18.7	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.2.6.1.1 Discussion of the Mediation

In the first instance, the Discussion of the Mediation, out of the total population of 391 respondents on the Question of Likert Scale on the "Strongly Disagree: 129 respondents answered on the question of Mediation 1 or Marital issue was taken to the Guardians for Management (MIGM), 174 respondents answered "Strongly Disagree" on the Mediation 2 or The Guardians Approved the Spouse to Return to the Marriage (GASRM). All these responses were based on the "Strongly Disagree" response. The Mediation 1 or The Guardians Approved the Spouse to Return to the Marriage (GASRM) received the highest score for "Strongly Disagree" in the first position, with 174. The Mediation 1 or that the marital issue was taken to the Guardians for Management (MIGM) had the second highest score, with 129. However, the respondents who answered "Strongly Disagree" on Mediation 2 or The Guardians Approved the Spouse to Return to the Marriage (GASRM) received the highest score in the category of "Strongly Disagree" on the Likert Scale. The Mediation 1 or Marital issue was taken to the Guardians for Management (MIGM) received the lowest score during this survey. ‴

In the second instance of the discussion on mediation, out of a total population of 391 respondents, 25 picked "disagree" about mediation 1, which was the process by

which the marital issue was brought before the Guardians for Management (MIGM). Twenty-one of the respondents, on the other hand, indicated that they disagreed with Mediation 2, which entailed the Guardians giving their approval for the spouse to return to the marriage (GASRM). According to the results of the survey, Mediation 2 (GASRM) obtained the highest score for "Disagree" with 25 responses, while Mediation 1 (MIGM) received 21 responses respectively. Therefore, the Mediation 2 (GASRM) was assigned the highest score in the "Disagree" category of the Likert scale, while the Mediation 1 (MIGM) was assigned the lowest value.

In the third section of the Discussion on Mediation, out of the 391 persons who were polled, 25 of them stated that they were "Undecided" about Mediation 1, which is about a marital dispute that was sent to the Guardians for Management (MIGM). In addition, 56 individuals provided responses to questions regarding Mediation 2, which was the scenario in which the Guardians permitted the spouse to return to the marriage (GASRM). Mediation 2 received the greatest number of responses that were "Undecided," while Mediation 1 received the fewest responses. On top of that, 56 individuals supplied their responses regarding Mediation 2, which was the stage in which the Guardians gave their approval for the spouse to return to the marriage or GASRM. The "Undecided" category was related with the greatest score, which was associated with Mediation 2, while the category with the lowest score was associated with Mediation 1.

In the fourth instance of the Discussion on Mediation, 73 out of 391 respondents expressed agreement with Mediation 1, which pertains to marital difficulties submitted to the Guardians for Management (MIGM), as evidenced by the Likert Scale question on "Agree." Furthermore, 67 respondents concurred with Mediation 2, in which the Guardians sanctioned the spouse's reintegration into the marriage (GASRM). Mediation 1 earned the greatest score from 73 respondents, whereas Mediation 2 garnered a score of 21. The greatest score in the "Agree" category of the Likert scale was attributed to Mediation 1 (MIGM), whilst the lowest value was assigned to Mediation 2 (GASRM).

In the fifth instance of the Discussion on Mediation, 139 out of 391 respondents expressed "Strongly Agree" about Mediation 1, which relates to the marital issue being referred to the Guardians for Management (MIGM). Simultaneously, 73 respondents

indicated "Strongly Agree" concerning Mediation 2, in which the Guardians sanctioned the spouse's reintegration into the marriage (GASRM). The greatest score for "Strongly Agree" was recorded for Mediation 1 (MIGM) with 139 responses, whilst Mediation 2 (GASRM) garnered the second highest with 73 responses. Mediation 1 (MIGM) had the highest level of agreement, whilst Mediation 2 (GASRM) demonstrated the lowest.

The results of the Likert Scale regarding Mediation 1, which pertains to marital issues presented to the Guardians for Management (MIGM), and Mediation 2, wherein the Guardians sanctioned the spouse's reintegration into the marriage (GASRM), are summarised through the assessment of the response categories: Strongly Disagree, Disagree, Undecided, Agree, and Strongly Agree. The peak score in the “Strongly Disagree” category was noted for Mediation 2 (GASRM), when participants expressed “Strongly Disagree.” The lowest score in this area was attributed to Mediation 1 (MIGM). Correspondingly, the peak score in the “Disagree” category was recorded for Mediation 2 (GASRM), whereas the nadir was seen for Mediation 1 (MIGM). Within the "Agree" category, Mediation 1 (MIGM) obtained the highest score, while Mediation 2 (GASRM) secured the lowest. This tendency persisted, with Mediation 1 (MIGM) consistently exhibiting superior scores relative to Mediation 2 (GASRM) throughout the evaluated categories. Additional information concerning their central patterns, such as the mean, standard deviation, and range, is supplied.

The mediation that was conducted over marital concerns was received by the guardian for management, and the descriptive statistics reflect the following results concerning the mediation. A mean of 3.17, a standard deviation of 1.723, and a range of 4 are shown by the descriptive statistics for the first mediation, which was the one in which the marital issue was sent to the Guardian/Wali for management. A mean of 2.60, a standard deviation of 1.612, and a range of 4 are among the descriptive statistics that apply to the second mediation, which is about the guardian's approval for the couple to return to the marriage. To view the descriptive statistics on mediation that are provided below, refer to table 4.68.

Table 4.68 Mediation of the Descriptive Statistics

	N	Minimum	Maximum	Mean	Std. Deviation
Mediation1	391	1	5	3.17	1.723
Mediation2	391	1	5	2.60	1.612
Valid N (listwise)	391				

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.3 RQ3 What is the Suitable Policies to Curb Walk Away?

4.3.2.3.1 Pronouncement 1 or State of Purity by the Time End of Marriage Statement Pronouncement was Made

The End of marriage Pronouncements Questions; Pronouncement 1 or State of Purity by the Time End of Marriage Statement Pronouncement Made (SPTSEMPM) Questions on Likert Scale reveals results reveal; 168 respondents answered "Strongly Disagree" on the question of Pronouncement 1 or State of Purity by the Time End of Marriage Statement Pronouncement Made accounting to 42.7% of the total population, 24 respondents answered "Disagree" on the question of the Pronouncement 1 or State of Purity by the Time End of Marriage Statement Pronouncement representing 49.1% of the total population, 56 respondents answered "Undecided" on the question of Pronouncement 1 or State of Purity by the Time End of Marriage Statement Pronouncement representing 14.2%, 47 answered "Agree" on the question of Pronouncement 1 or State of Purity by the Time End of Marriage Statement Pronouncement representing 12%, 96 respondents answered "Strongly Agree" on question of State of Purity by the Time End of Marriage Statement Pronouncement representing 24.4%. See table 4.69 Pronouncement 1 below.

Table 4.69 Pronouncement 1 (STEMP)

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	168	42.7	43.0	43.0
	Disagree	24	6.1	6.1	49.1
	Undecided	56	14.2	14.3	63.4
	Agree	47	12.0	12.0	75.4
	Strongly Agree	96	24.4	24.6	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.3.2 Pronouncement 2 or State of Anxiety at the Time of the End Marriage Statement Pronouncement (SATEMSP)

Pronouncement 2 or State of Anxiety at the Time of the End Marriage Statement Pronouncement (SATEMSP) Question on the Likert Scale results reveal; 150 respondents answered "Strongly Agree" on the question of Pronouncement 2 or State of Anxiety at the Time of the End Marriage Statement Pronouncement scoring 38.2% of the total population, 37 respondents answered "Disagree" on scoring 9.4% of the total population, 54 respondents answered "Undecided" scoring 13.7 of the total population, 43 respondents answered "Agree" on the question on the (SATEMSP) scoring 10.9%, 107 respondents answered "Strongly Agree" on this question of State of Anxiety at the Time of the End Marriage Statement Pronouncement (SATEMSP) scoring 27.2%, See Table 4.70 Pronouncement 2 (SATEMSP).

Table 4.70 Pronouncement 2 SATEMSP

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	150	38.2	38.4	38.4
	Disagree	37	9.4	9.5	47.8
	Undecided	54	13.7	13.8	61.6
	Agree	43	10.9	11.0	72.6
	Strongly Agree	107	27.2	27.4	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.3.3 Pronouncement 3 or Made Three Statement to End the Marriage Statement Pronouncement (M3SEMP)

The results of the Likert Scale question regarding Pronouncement 3 or Made Three Statement to End the Marriage Statement Pronouncement (M3SEMP) indicate that 168 respondents, representing 42.7% of the total population, selected "Strongly Disagree." Additionally, 30 respondents (7.6%) chose "Disagree," while 51 respondents (13%) were "Undecided." Furthermore, 48 respondents (12.2%) indicated "Agree," and 94 respondents (23.3%) selected "Strongly Agree" regarding the M3SEMP question. Refer to table 4.71, Pronouncement 3 (M3SEMP).

Table 4.71 Pronouncement 3 (M3SEMP) Source: SSPS; Muslim Marriage Survey in Uganda

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	168	42.7	43.0	43.0
	Disagree	30	7.6	7.7	50.6
	Undecided	51	13.0	13.0	63.7
	Agree	48	12.2	12.3	76.0
	Strongly Agree	94	23.9	24.0	100.0
	Total	391	99.5	100.0	
Missing	System	2	.5		
Total		393	100.0		

4.3.2.3.4 Pronouncement 4 or Pronounced an End of Marriage Statement at Once (PEMSO)

The Pronounced an End of Marriage Statement at Once (PEMSO) on the Likert Scale indicates that 380 respondents, representing 96.7%, answered "Strongly Disagree" to the question, while 2 respondents answered "Disagree," corresponding to a total of 4 responses. 5% of the total population indicated that 1 respondent answered "Undecided" regarding the Pronounced an End of Marriage Statement at Once, representing 0.3%. Additionally, 2 respondents expressed "Agree" with the Pronouncement (PEMSO), accounting for 0.5%. Furthermore, 8 respondents indicated "Strongly Agree" to the Pronouncement 4 or Pronounced an End of Marriage Statement at Once (PEMSO), which constitutes 2.0%. Refer to table 4.72, Pronouncement 4 (PEMSO).

Table 4.72 Pronouncement 4(PEMSO)

		Frequency	**Percent**	**Valid Percent**	**Cumulative Percent**
Valid	Strongly Disagree	380	96.7	96.7	96.7
	Disagree	2	.5	.5	97.2
	Undecided	1	.3	.3	97.5
	Agree	2	.5	.5	98.0
	Strongly Agree	8	2.0	2.0	100.0
	Total	393	100.0	100.0	

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.3.4.1 Discussion on the Pronouncement

The initial analysis of the Discussion on the Pronouncement of End of Marriage reveals that 168 respondents indicated "Strongly Disagree" regarding Pronouncement 1, which pertains to the State of Purity at the time the End of Marriage Statement was made. Additionally, 150 respondents expressed "Strongly Disagree" for Pronouncement 2, related to the State of Anxiety at the time of the End Marriage Statement. Similarly, 168 respondents responded with "Strongly Disagree" to Pronouncement 3, which involved making three statements to conclude the marriage. Lastly, 380 respondents indicated

"Strongly Disagree" for Pronouncement 4, concerning the immediate pronouncement of the End of Marriage Statement.

The highest score on the End of Marriage Pronouncement was achieved by Pronouncement 4, which received a score of 380. In second place, there was a tie between Pronouncement 1, referred to as the State of Purity at the Time the End of Marriage Statement was Made, and Pronouncement 3. Three statements conclude the marriage, with the third being Statement 2, which addresses the state of anxiety at the time of the marriage's dissolution. Therefore, the ultimate conclusions regarding marriage pronouncements The Likert scale responses indicated that the highest rating, Strongly Disagree, corresponded to Pronouncement 4, which represented a definitive statement regarding the end of marriage. Conversely, the lowest rating, Pronouncement 2, was associated with a state of anxiety at the time of the marriage's conclusion.

In the second instance regarding the discussion on the pronouncement of the end of marriage. The results from the Likert Scale indicate that 24 respondents selected "Disagree" for Pronouncement 1, which pertains to the State of Purity at the Time of the End of Marriage Statement Pronouncement. Additionally, 37 respondents chose "Disagree" for Pronouncement 2, related to the State of Anxiety at the Time of the End of Marriage Statement Pronouncement. Furthermore, 30 respondents indicated "Strongly Disagree" for Pronouncement 3, concerning the Three Statements to End the Marriage Statement Pronouncement. Lastly, 2 respondents answered "Disagree" for Pronouncement 4, which involves Pronouncing an End of Marriage Statement at Once. The highest score on the Disagree on the End of Marriage Pronouncement was 37, attributed to Pronouncement 2 or State of Anxiety at the Time of the End Marriage Statement. The second highest score was 30 points for Made Three Statement to End the Marriage Statement Pronouncement, followed by Pronouncement 1 or State of Purity at the Time End of Marriage Statement Pronouncement. Achieved 24 points, securing third place, and fourth place in Pronouncement 4 or in the statement of marriage dissolution issued simultaneously. Therefore, the ultimate conclusions regarding the institution of marriage Questions regarding the Likert scale of disagreement indicated a result of Pronouncement 2, reflecting a state of anxiety at the conclusion of the marriage statement. Conversely, the lowest result, Pronouncement 4, indicated a definitive end to the marriage statement.

In the third instance regarding the discussion on the pronouncement of the end of marriage. The results for the "Undecided" responses on the Likert Scale indicate that 56 respondents selected Undecided for Pronouncement 1, which pertains to the State of Purity at the Time of the End of Marriage Statement Pronouncement. Additionally, 54 respondents chose Undecided for Pronouncement 2, related to the State of Anxiety at the Time of the End of Marriage Statement Pronouncement. For Pronouncement 3, concerning the Made Three Statements to End the Marriage Statement Pronouncement, 51 respondents indicated Undecided. Lastly, only 1 respondent answered Undecided for Pronouncement 4, which involves Pronouncing an End of Marriage Statement at Once. The highest score on the Undecided on the End of Marriage Pronouncement was 56 for Pronouncement 1, or State of Purity at the Time the End of Marriage Statement Pronouncement was Made. The second highest score was 54 for Pronouncement 2, or State of Anxiety at the Time of the End Marriage Statement Pronouncement. The third was 51 for Pronouncement 3, or Made Three Statements to End the Marriage Statement Pronouncement. Finally, the fourth was 1 for Pronouncement 4, or Pronounced an End of Marriage Statement at Once. Therefore, the ultimate conclusions regarding marriage pronouncements The results from the Likert scale regarding undecided responses indicated that the highest rating was associated with Pronouncement 1, or State of Purity, at the time the end of the marriage statement was made, while the lowest rating corresponded to Pronouncement 4, which indicated an immediate end to the marriage statement.

In the fourth instance regarding the discussion on the pronouncement of the end of marriage. The results of the Likert Scale indicate that 47 respondents agreed with Pronouncement 1, concerning the State of Purity at the End of Marriage Statement. Additionally, 43 respondents agreed with Pronouncement 2, which addresses the State of Anxiety at the End of Marriage Statement. Furthermore, 48 respondents agreed with Pronouncement 3, related to the Three Statements to End the Marriage Statement. Lastly, 2 respondents agreed with Pronouncement 4, which pertains to the Immediate Pronouncement of an End to the Marriage Statement. The highest score on the Agreed End of Marriage Pronouncement was Pronouncement 3, achieving a score of 48. In second place, Pronouncement 1 received a score of 47, while Pronouncement 2 followed in third with a score of 43. Lastly, Pronouncement 4 was noted for its immediate declaration of the end of marriage. Therefore, the ultimate conclusions

regarding the institution of marriage The Likert scale results indicated three statements regarding the pronouncement of marriage termination. The lowest score was associated with the statement indicating an immediate end to the marriage.

In the fifth instance of the discussion regarding the pronouncement of the end of marriage, the results from the "Strongly Agree" responses on the Likert Scale indicate that 96 respondents agreed with Pronouncement 1, which pertains to the state of purity at the time the end of marriage statement was made. Additionally, 107 respondents expressed strong agreement with Pronouncement 2, related to the state of anxiety at the time of the end marriage statement. Furthermore, 94 respondents agreed with Pronouncement 3, which involved making three statements to conclude the marriage. Lastly, 8 respondents indicated strong agreement with Pronouncement 4, which involved pronouncing the end of marriage statement immediately. The highest score for the Strongly Agreed category on the End of Marriage Pronouncement was 107, attributed to Pronouncement 2, or State of Anxiety at the Time of the End Marriage Statement. The second highest score was 96 for Pronouncement 1, or State of Purity by the Time End of Marriage Statement Pronouncement Made. The third score was 94 for Pronouncement 3, or Made Three Statement to End the Marriage Statement Pronouncement. Lastly, Pronouncement 4, or Pronounced an End of Marriage Statement at Once, received a score of 8. Therefore, the ultimate conclusions regarding marriage pronouncements. The results from the Likert scale indicate that the highest response was "Pronouncement 2," reflecting a state of anxiety at the time of the end of the marriage statement. Conversely, the lowest response was "Pronouncement 4," which indicated a definitive end to the marriage statement.

To summarise the findings of the Likert Scale regarding the End of Marriage Pronouncements. The results of the survey regarding responses categorised as Strongly Disagree, Disagree, Undecided, Agree, and Strongly Agree were analysed for the following pronouncements: Pronouncement 1, or State of Purity by the Time End of Marriage Statement Pronouncement Made (SPTSEMPM); Pronouncement 2, or State of Anxiety at the Time of the End Marriage Statement Pronouncement (SATEMSP); Pronouncement 3, or Made Three Statement to End the Marriage Statement Pronouncement (M3SEMP); and Pronouncement 4, or Pronounced an End of Marriage Statement at Once (PEMSO). The evaluation focused on identifying the highest End of

Marriage Pronouncements. Questions regarding the Likert Scale indicate that the highest rating, Pronouncement 4, corresponds to a definitive End of Marriage Statement, while the lowest rating, Pronouncement 2, reflects a State of Anxiety at the time of the End of Marriage Statement.

These findings highlight the varying degrees of emotional responses associated with the End of Marriage Pronouncements. The results from the Likert scale indicate that the response to the statement regarding the end of marriage was categorised as Pronouncement 2, reflecting a state of anxiety at the time of the marriage conclusion. Conversely, the lowest response was categorised as Pronouncement 4, which signifies a definitive end to the marriage statement, representing the highest level of finality in marriage pronouncements. The Likert scale results indicated that the highest rating was associated with Pronouncement 1, or State of Purity, at the time the end of marriage statement was made, while the lowest rating corresponded to Pronouncement 4, which indicated an immediate end of marriage statement. The Supreme Authority of Marriage Declarations The analysis of the Likert Scale of Agreement yielded three statements regarding the pronouncement of marriage termination. The lowest score was recorded for the statement concerning the immediate conclusion of the marriage. Pronouncement 4 or the Immediate Declaration of Marriage Termination represents the highest level of marriage pronouncements. The results of the Likert Scale indicate that the highest score was associated with Pronouncement 2, reflecting a State of Anxiety at the Time of the End Marriage Statement, while the lowest score was linked to Pronouncement 4, which signifies a Pronounced End of Marriage Statement. Additionally, the central tendencies, including the mean, standard deviation, and range, are presented for further analysis.

The descriptive statistics of the statement regarding the pronouncement of the end of marriage. At the conclusion of the marriage, a state of purity was established. Concurrently, a state of anxiety was present during the pronouncement. Three statements were made to terminate the marriage, culminating in the final declaration, as detailed in the results shared below. The initial pronouncement or spouse was in a state of purity at the time the marriage statement concluded. Descriptive statistics indicate a mean of 2.69, a standard deviation of 1.671, and a range of 4. The second state of anxiety at the time of pronouncement reveals descriptive statistics: a mean of 2.80, a standard deviation of 1.673, and a range of 4. The third party made three statements regarding

the dissolution of the marriage. The descriptive statistics indicate a mean of 2.67, a standard deviation of 1.666, and a range of 4. The fourth statement declared the conclusion of the marriage, following three preceding statements. The descriptive statistics indicate a mean of 1.11, a standard deviation of 0.613, and a range of 4. Refer to Table 4.73 for the presentation of descriptive statistics.

Table 4.73 Pronouncement of the Descriptive Statistics

	N	Minimum	Maximum	Mean	Std. Deviation
Pronouncement1	391	1	5	2.69	1.671
Pronouncement2	391	1	5	2.80	1.673
Pronouncement3	391	1	5	2.67	1.666
Pronouncemet4	393	1	5	1.11	.613
Valid N (listwise)	391				

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.3.2 Iddah 1 or Wife Waited in the Husband`s Home Before Ending Marriage

Out of a total population of 391 respondents, the Likert Scale responses regarding the Iddah, or Waiting Period, before the dissolution of marriage indicate the following: 256 respondents, representing 65.5%, Strongly Disagree that the wife should wait in the husband's home before ending the marriage; 29 respondents, accounting for 7.4%, Agree; 31 respondents, comprising 7.9%, are Undecided; 28 respondents, equating to 7.2%, Agree on the question of Iddah 1; and 47 respondents, representing 12%, Strongly Agree that the wife should wait in the husband's home before concluding the marriage. Refer to table 4.74 Iddah Perion 1.

Table 4.74 Iddah Period 1

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	256	65.5	65.5	65.5
	Disagree	29	7.4	7.4	72.9
	Undecided	31	7.9	7.9	80.8
	Agree	28	7.2	7.2	88.0
	Strongly Agree	47	12.0	12.0	100.0
	Total	391	100.0	100.0	

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.3.2.1 Iddah 3 or Wife Waited for Three Menstruation Folds in the Husband`s Home Before Ending Her Marriage

Iddah 3 The woman waited for three menstrual cycles at her husband's home before divorcing. 301 people answered Likert scale questions. Strongly disagree with Iddah 3 - wife waiting for three menstrual cycles at husband's home before divorce. 23 responders, 77% answered Of the total population of 5.9%, 35 respondents disagreed with Iddah 3 (woman waiting for three menstrual cycles in husband's home before ending marriage). Out of 20 respondents, 9% were undecided about the Iddah 3 question, which requires a wife to wait for three menstrual cycles at her husband's home before ending her marriage. Out of 12 respondents, 5.1% agreed that wives should wait for three menstrual cycles in their husband's home before quitting their marriage. About 3.1% of the population strongly agrees with the question of Iddah 3, when wives wait for three menstrual cycles in their husband's home before breaking their marriage. Check table 4.75 Iddah 2.

Table 4.75 *Iddah 3*

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	301	77.0	77.0	77.0
	Disagree	23	5.9	5.9	82.9
	Undecided	35	9.0	9.0	91.8
	Agree	20	5.1	5.1	96.9
	Strongly Agree	12	3.1	3.1	100.0
	Total	391	100.0	100.0	

4.3.2.3.2.2 Iddah Period 4 or Wife Waited for Four Months and 10 Days

Out of 391 Iddah responders, 4 or wives waited for 4 months and 10 days. On Likert Scales, 273 people strongly disagreed (69.8%) on Iddah 4 or wife waited for 4 months and 10 days, 28 disagreed (7.2%), and 29 disagreed. There were 7.4% of respondents who were undecided on Iddah 4, 2.8% who agreed, and 12.8% who strongly agreed. Refer to table 4.76, Iddah Period 4.

Table 4.76 *Iddah Period 4*

	`	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	273	69.8	69.8	69.8
	Disagree	28	7.2	7.2	77.0
	Undecided	29	7.4	7.4	84.4
	Agree	11	2.8	2.8	87.2
	Strongly Agree	50	12.8	12.8	100.0
	Total	391	100.0	100.0	

4.3.2.3.2.3 Iddah Period 7

Waiting Period spouse before divorce On Likert Scales, 301 respondents (77.0%) strongly disagreed on Iddah 7, while 32 respondents disagreed. A spouse reconciled with their husband before the Waiting Period (8.2%, 34 responses). There were 8.7%

undecided, 2.0% agree, and 4.1% strongly agree on the Iddah 7 or spouse reconciled with husband before completion of the waiting period. Refer to table 89 for Iddah period 7.

Table 4.77 Iddah Period 7

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	301	77.0	77.0	77.0
	Disagree	32	8.2	8.2	85.2
	Undecided	34	8.7	8.7	93.9
	Agree	8	2.0	2.0	95.9
	Strongly Agree	16	4.1	4.1	100.0
	Total	391	100.0	100.0	

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.3.2.4 Iddah Period 8 or Wife Separated from Husband After Completion of the Waiting Period

Iddah Period 8—wife separated from husband after Waiting Period On Likert Scales, 302 respondents strongly disagreed with Iddah 8 or wife separated from husband after waiting period (77.2%), 28 disagreed (7.2%), and 38 were undecided (7.2%). At 3.3%, 13 respondents strongly agreed with the question of Iddah 8 or woman separated from husband after waiting period. See Table 4.78 Iddah 90 for Iddah 8.

Table 4.78 *Iddah* Period 8

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	302	77.2	77.2	77.2
	Disagree	28	7.2	7.2	84.4
	Undecided	38	9.7	9.7	94.1
	Agree	10	2.6	2.6	96.7
	Strongly Agree	13	3.3	3.3	100.0
	Total	391	100.0	100.0	

Source: *SSPS*; Muslim Marriage Survey in Uganda
Survey in Uganda

4.3.2.3.2.5 Iddah 9 or Spouse Never Waited, Reconciled, Nor Separated Just Walked Away

On Likert Scales, 227 respondents strongly agreed with the question of Iddah 9 or Spouse Never Waited, Reconciled, or Separated Just Walked Away, accounting for 54.1% of the total population of 391. 23 respondents agreed on Iddah 9 or spouse who never waited, reconciled, or separated and walked away, scoring 10.0%. Regarding Iddah 9 or spouse never waited, reconciled, or separated, 5.9% of respondents were undecided, while 3.3% of respondents disagreed. Strongly disagree on Iddah 9 or spouse who never waited, reconciled, or separated, accounting for 22.8%. Refer to table 4.75 for Iddah 91.

Table 4.79 *Iddah* Period 9

		Frequency	**Percent**	**Valid Percent**	**Cumulative Percent**
Valid	Strongly Agree	227	58.1	58.1	58.1
	Agree	39	10.0	10.0	68.0
	Undecided	23	5.9	5.9	73.9
	Disagree	13	3.3	3.3	77.2
	Strongly Disagree	89	22.8	22.8	100.0
	Total	391	100.0	100.0	

Source: *SSPS*; Muslim Marriage Survey in Uganda

4.3.2.3.2.5.1 Discussion on Iddah or Waiting Period of Spouse before Ending of Marriage

On the Likert scale, Iddah 1 (Wife Waited in Husband's Home Before Ending Marriage) scored 256, Iddah 3 (Wife waited for three menstruation folds in husband's home before ending marriage) scored 301, Iddah 4 (Wife waited for four months and 10 days) scored 273, and Iddah 7 (Spouse Reconciled) scored 273. Iddah 8 (wife separated from husband after completion of Waiting Period) scored 302, followed by Iddah 3 (wife waited for three menstruation folds in husband's home) and Iddah 7 (spouse reconciled with husband before completion of Waiting Period) with 301 each. Thus, the highest Iddah or Waiting Period spouse before divorce. Iddah 8 indicates a wife parted from her

husband after the waiting period, while Iddah 9 indicates a spouse who never waited, reconciled, or separated and simply walked away.

On the Likert Scale, 29 respondents scored Iddah 1 (Wife Waited in Husband's Home Before Ending Marriage) as Disagree, Iddah 3 (Wife waited for three menstruation folds in husband's home before ending marriage) as 23 and Iddah 4 (Wife waited for four months and 10 days after husband's death in former husband's home) as 2. The highest score on the Disagree on Iddah or Waiting Period spouse before marriage ended was 32 for Iddah 7 (reconciled with husband before completion), 29 for Iddah 1 (wife waited in husband's home before ending marriage), and a tie between Iddah 3 (wife waited for three menstruation folds in husband's home before ending marriage) and Iddah 4 (wife waited for f Thus, the highest Iddah or Waiting Period spouse before divorce. On the Likert Scale of Disagreement, Iddah 7 indicates a spouse reunited with their husband before the waiting period, whereas Iddah 9 indicates a spouse who never waited, reconciled, or separated and had left.

On the Likert Scale of Undecided, 31 respondents were undecided on the Iddah Period for Spouse to End Marriage. Iddah 1 (Wife Waited in Husband's Home Before Ending Marriage) scored 25, Iddah 3 (Wife waited for three menstruation folds in husband's home before ending marriage) scored 25, and Iddah 4 (Wife waited for four months and 10 days after husband's death in former husband's home) scored 25. The highest score for Disagree on Iddah or Waiting Period spouse before ending marriage was 38 for Iddah 8, followed by Iddah 7 for reconciling with husband before waiting period, Iddah 1 for waiting in husband's home before ending marriage, and Iddah 4 for waiting for four months. Thus, the highest Iddah or Waiting Period spouse before divorce. Iddah 8 indicates wife parted from husband after waiting period, while Iddah 9 indicates spouse never waited, reconciled, or separated, just walked away.

In the fourth instance of the Discussion on Iddah Period for Spouse to End Marriage, 28 respondents agreed on the following: Iddah 1: Wife Waited in Husband's Home Before Ending Marriage, Iddah 3: Wife Waited for Three Menstruation Folds in Husband's Home (20), Iddah 4: Wife Waited for Four Months and 10 Days After Husband's Death in Former Husband's Home (11) The highest score on the Agree on Iddah or Waiting Period spouse was 39, followed by Iddah 1 (Wife Waited in Husband's

Home), Iddah 3 (Wife waited for three menstruation folds in husband's home before ending marriage), and Iddah 4 (Never waited, reconciled, or separated). Iddah 9 (never waited, reconciled, or separated) had the highest Likert score for spouses before ending marriage, while Iddah 7 (reconciled with husband before waiting period) had the lowest score.

In the fifth instance of the Discussion on Iddah Period for Spouse to End Marriage, 47 respondents strongly agreed on the following options: Iddah 1 (Wife Waited in Husband's Home Before Ending Marriage), Iddah 3 (Wife waited for three menstruation folds, scored 12), Iddah 4 (Wife waited for four months and 10 days, scored 50), and Iddah 7 (Spouse Reconciled with husband before ending marriage). Iddah 9 (never waited, reconciled, or separated) scored 227, Iddah 4 (wife waited for 4 months and 10 days) scored 50, and Iddah 1 (wife waited in husband's home) scored third. At 47, Iddah 7 (spouse reconciled with husband before Waiting Period) scored 16, Iddah 8 (wife separated from husband after Waiting Period) scored 13, and Iddah 3 (wife waited for three menstruation folds in husband's home before ending marriage) scored 12. Hence, the maximum Iddah or Waiting Period spouse before divorce. The Strongly Agree score on the Likert scale ranged from Iddah 9 (never waited, reconciled, or separated) to 7 (spouse reconciled with husband before waiting period).

Results of Likert Scale on Iddah Period Questions: Strongly Disagree, Disagree, Undecided, Agree, and Strongly Agree on Iddah 1 (Wife Waited in Husband's Home Before Ending Marriage), Iddah 3 (Wife waited for three menstruation folds in husband's home before ending marriage), Iddah 4 (Wife waited for four months and 10 days, Iddah 7). The Strongly Disagree score on the Likert scale ranged from Iddah 8 (wife separated after waiting period) to Iddah 9 (spouse never waited, reconciled, or separated, walked away), with the highest score being Iddah or Waiting Period spouse before marriage ending. On the Likert Scale of Disagreement, Iddah 7 indicates a spouse reconciled before the Waiting Period, whereas Iddah 9 indicates a partner who never waited, reconciled, or separated, ending the marriage. On the Likert scale, Iddah 8 indicates separation from husband after waiting period, whereas Iddah 9 indicates spouse never waited, reconciled, or split but moved away. Before concluding a marriage, the highest Iddah or Waiting Period spouse is considered. The Likert scale of Agree result scores ranged from Iddah 9 (never waited, reconciled, or separated) to

Iddah 7 (spouse reconciled before waiting period) to Iddah 9 (spouse ended marriage before waiting period). On the Likert scale, the Strongly Agree score ranged from Iddah 9 (never waited, reconciled, or separated) to 7 (spouse reconciled with husband before waiting period).

Analysis of the first waiting period in the husband's home reveals a mean of 1.83, a standard deviation of 1.394, and a range of 4. Descriptive statistics indicate a mean of 1.50, standard deviation of 1.032, and range of 4 for the second waiting period, which involves three menstrual folds. Three months are spent in the third waiting period, with a mean of 1.51, a standard deviation of 1.052, and a range of 4. In the fourth Iddah period, which lasted four months and ten days, descriptive data indicate a mean of 1.81, a standard deviation of 1.416, and a range of 4. The seventh waiting period occurs when the spouse reconciles with the husband before completion. Descriptive statistics indicate a mean of 1.25, a standard deviation of 0.908, and a range of 4. Descriptive statistics indicate that after the eighth waiting period, the spouse is separated from the husband (mean = 1.47, standard deviation =.994, range = 4). The ninth waiting time is when the spouse leaves without waiting, reconciling, or separating, with a mean of 2.36, a standard deviation of 1,727, and a range of 4. Table 4.80 displays descriptive statistics for the Iddah period.

Table 4.80 *Iddah* Period Descriptive Statistics

	N	**Minimum**	**Maximum**	**Mean**	**Std. Deviation**
Iddahperiod1	391	1	5	1.83	1.394
Iddahperiod2	391	1	5	1.50	1.032
Iddahperiod3	391	1	5	1.51	1.050
Iddahperiod4	391	1	5	1.81	1.416
Iddahperiod7	391	1	5	1.25	.908
Iddahperiod8	391	1	5	1.47	.994
Iddahperiod9	391	1	5	2.36	1.728
Valid N (listwise)	391				

Source: *SSPS*; Muslim Marriage

4.3.2.4 RO 3 What are the suitable policies to curb Walk Away?

The following section of the Thematic Analysis and Findings outlines the derived results from the Open-Ended Questionnaire, presenting the findings from both Research Question 4 and Research Objective 4, as illustrated below.

4.3.2.4.1 Research Question three

What are the suitable policies to curb Walk Away? The research objective of this study configured post matrimonial problems from Eighteen open-ended questions which were administered to 391 respondents as part of the semi-structured questionnaire, and the results of their opinions were thematically presented in both ascending and descending order, visualised using bar charts and Figure s. In Figure visualisation, a larger font size in the theme signifies a higher frequency of respondents' opinions regarding the question. The feedback from the Questions spans from 1 to 18, as demonstrated below.

4.3.2.4.2 Where you born a Muslim or just reverted?

This study surveyed respondents from the Northern, Eastern, Central, and Western regions of Uganda about their religious backgrounds and their marital relationships. We asked them if they were born Muslims or had converted to Islam before entering marriage. Some respondents indicated that their spouses had converted to Islam before their marital union, while others reported being born into the faith. There were also cases where both partners had either reverted to Islam or were born Muslim. A minority of respondents noted that their spouses did not adhere to Islam, with some indicating that they had converted from other religions to Islam. Question 1 generated eight themes, with "Born Muslim" having the highest frequency

The responses regarding wives who reverted to Islam came from various respondents, including: 002 from the Central Region; 13/157, 19/157, and 21/157 from the Eastern Region; 45/157, 47/157, 48/157, 369, 373, 377, and 381 from the Western Region; and 52/157, 62/157, 293/35, and 304/46 from the Central Region. Additionally, respondents from the Eastern Region included 112/157 and 318/60, while those from

the Northern Region were represented by 125/157, 126/157, 133/157, 142/157, 150/157, 152/157, 155/157, 156/157, 160/259/99 (twice), 161/259/98, 190/259/69, 193/259/66, 238/259/21, 256/259/3, and 284/26.

The responses from husbands who reverted to Islam included 42/157 from the Eastern Region; 61/157 from the Central Region; 95/157, 113/157, 146/157, 148/157, and 151/157 from the Eastern Region; 158/259/101 and 166/259/93 from the Northern Region; 249/259/10 from the Northern Region; 291/33 from the Central Region; and 363 from the Eastern Region.

There were also responses from couples where both the husband and wife reverted to Islam, including 44/157 from the Eastern Region; 149/157; 177/259/82; 186/259/73; 191/259/68; and 198/259/61 from the Northern Region. Some wives did not identify as Muslims, with respondents being 9/157 from the Eastern Region and 122/157, 145/157, 180/259/79, and 218/259/41 from the Northern Region. Non-Muslim respondents included 227/259/32 from the Northern Region, 249/259/10 from the Northern Region, and 363 from the Eastern Region. Additionally, two wives reverted to Islam, represented by the data point 256/259/3 from the Northern Region. Other respondents included 203/259/56 from the Northern Region, who identified as Murtad, and 136/157 from the Northern Region, who are both non-Muslims. For a summary of the themes derived from respondents to Question 1, Refer to Bar Chart 1.



Figure 4.1 Status of Islamic Faith
Source: *Atlas*; Muslim Marriage Survey in Uganda

In summary, the respondents had differing opinions on whether individuals are born Muslim or revert from another religion. Please refer to the Figure and Bar Chart for the results regarding respondents' views on the status of Islamic faith—whether it is based on being born Muslim or reverting. See Figure 4.2 below.



Figure 4.2 Status of Islamic Faith
Source: *Atlas*; Muslim Marriage Survey in Uganda

4.3.2.4.3 Why Did You Revert to Islam If Applicable?

The respondents articulated their motivations for reverting to Islam, emphasising the following factors: Bible; Northern Region; Participants; 151 out of 157. Blood Proximity; Central; 304 Choice; Central; 002 78/157 Eastern; 41/157, 42/157, 93/157 Hospitality; Eastern; 13/157 Inter-Religious Dialogue; Northern; 155/157 Peers; Eastern; 21/157 Learning resources are classified as follows: Central (52/157), Eastern (95/157, 113/157, 368). Northern: 122/157, 126/157, 142/157, 146/157, 149/157, 151/157, 155/157, 156/157; 193/259/66, 191/259/68, 190/259/69, 177/259/82; 284. Central: 291, 293, 304. Western; 369, 377 Marriage; Western; 45/157, 47/157 Northern; 125/157, 145/157, 148/157, 150/157. 257/259/3, 239/259/21, 185/259/74, 167/259/92, 165/259/94, 161/259/98, 158/259/101 Central: 275; Eastern: 9/157, 19/157, 39/157, 44/157, 112/157 Consult Bar Chart 2 for a graphic depiction of the motivations for returning to Islam, as demonstrated in Chart 2 and Cloud Code 2.

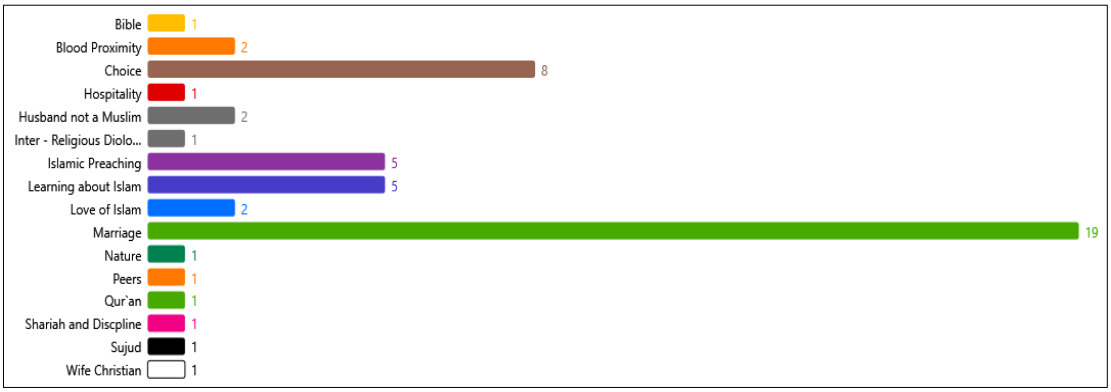


Figure 4.3 Reasons for Reverting to Islam
Source: *Atlas*; Muslim Marriage Survey in Uganda

In summary, the opinions of the respondents varied regarding their reasons for reverting to Islam. These reasons included marriage, blood relations, personal choice, hospitality, being surrounded by friends, learning through the teachings of Islam, listening to Islamic preaching, and feeling a connection to the religion. Some respondents cited their spouse as a motivating factor, while others were influenced by Islamic teachings, stories of the prophets, or the comparison between the Bible and the Qur'an. Additionally, some respondents' decisions to revert were influenced by their love for Islam, their discovery of truth within the religion, and their upbringing in a Muslim environment. For further details, please refer to Figure 4.4 for the frequency of the themes generated from Question Two.



Figure 4.4 Reasons for Reverting to Islam
Source: *Atlas*; Muslim Marriage Survey in Uganda

4.3.2.4.4 Did You Undergo Some Islamic Training Before Marriage And Divorce?

The study enquired whether the respondents had undergone any Islamic training prior to marriage and divorce. Certain respondents indicated having received training, classified by region: Eastern Region: Participants who underwent training for three days: 8 out of 157, 39 out of 157 Duration of two days: 343 For a duration of four days: 29 out of 157 Central Region: Respondents over one month: 69 out of 157, 84 out of 157 Over a duration of two months: 70 out of 157 For one week: 85 out of 157, 88 out of 157 Over a duration of two weeks: 89 out of 157 Northern Region: Respondents for one month: 225 out of 259, 34 For a year: 237/259, 23; 209/259, 5 For a duration of three months: 186 out of 259 Participants without training comprised: Central Region: 001, 002 Eastern Region: 3/157, 4/157, 7/157, 9/157, 11/157, 29/157, 30/157, 31/157, 32/157, 33/157, 34/157, 40/157, 42/157, 43/157, 44/157 Western Region: 45 out of 157, 48 out of 157, 50 out of 157 Central Region: 51/157, 52/157, 53/157, 54/157, 55/157, 56/157, 57/157, 58/157, 59/157, 60/157, 61/157, 62/157, 63/157, 64/157, 72/157, 73/157, 74/157, 75/157, 76/157, 77/157, 78/157, 79/157, 80/157, 81/157, 82/157. The specifics of the Islamic training acquired before to marriage and divorce are depicted in Bar Chart 3 and Cloud Code 3 below.

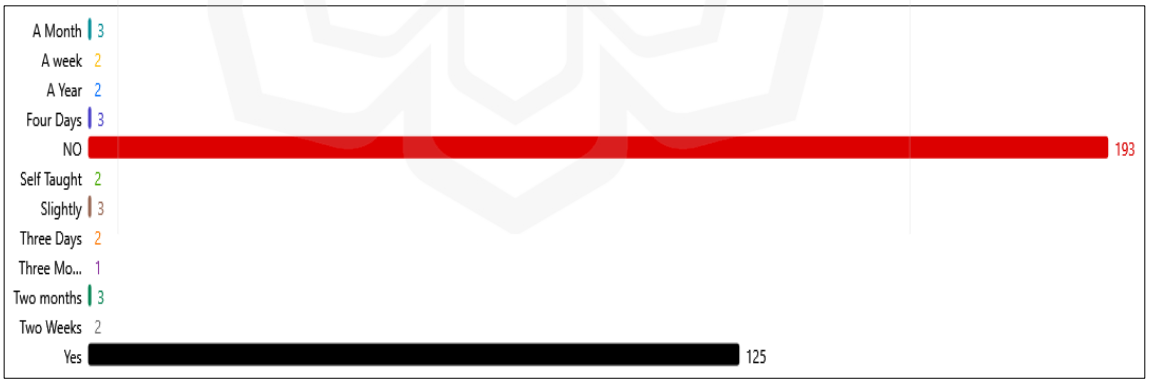


Figure 4.5 Islamic training before marriage and divorce
Source: *Atlas*; Muslim Marriage Survey in Uganda

In summary, responses varied from a few days to several months, while some individuals reported no formal training yet acquired basic Islamic teachings. Others confirmed their training but did not specify the model or duration. The length of training

varied by region, with some individuals indicating they received instruction from their parents or through self-learning. Several respondents noted that they only received guidance during the Nikkah ceremony. Refer to Figure 4.6 for themes related to Question 3.



Figure 4.6 Islamic training before marriage and divorce
Source: *Atlas*; Muslim Marriage Survey in Uganda

4.3.2.4.5 What was the Most Challenging Aspect of the Marriage?

Participants from different regions in Uganda indicated Non-compliance with Shariah is observed across various regions: Northern, Central, Western, and Eastern. The distribution of respondents is as follows: 3/157, 6/157, 7/157, 8/157, 9/157, 19/157, 26/157, 37/157, 38/157, 43/157, 44/157; 92/157, 93/157, 94/157, 95/157, 101/157, 104/157, 113/157, 117/157 in the Eastern Region. Additional respondents include 92/157, 93/157, 94/157, 95/157, 101/157, 104/157, 113/157, 133/157, 138/157, 141/157, 142/157, 148/157, 149/157, 152/157, 153/157, 156/157, along with data points 259/259/1, 258/259/2, 250/259/10, 238/259/22, 237/259/23, 235/259/25, 234/259/26, 224/259/35, and others including 263, 339, 349, 352, 353, 354, 361, 359, 363, 365, 369, 45/157, 48/157, 50/157, 52/157, 61/157, 75/157, 76/157, 77/157, 307, 310, 315, 320, 369, 370, 377, 381.

Psychological matrimonial problems are categorised by region. In the Eastern Region, the respondents include R002, 4/157, 10/157, 13/157, 17/157, 18/157, 22/157, 28/157, 33/157, 35/157, 36/157, 42/157, 97/157, 102/157, 103/157, 109/157, 110/157, 111/157, 112/157, 340, 341, 342, 343, 344, 348, 360, and 362. The Western Region respondents are 46/157, 49/157, 376, and 378. For the Central Region, the respondents

are 53/157, 55/157, 56/157, 60/157, 62/157, 64/157, 65/157, 66/157, 68/157, 69/157, 70/157, 87/157, 89/157, 269, 272, 276, 279, 278, 279, 286, 294, 295, 302, 311, and 317. In the Northern Region, the respondents include 121/157, 122/157, 123/157, 124/157, 125/157, 127/157, 128/157, 129/157, 130/157, 131/157, 132/157, 134/157, 146/157, 147/157, 150/157, 151/157, 154/157, 155/157, 253/259/7, 252/259/8, 247/259/13, 246/259/14, 245/259/15, 244/259/16, 239/259/21, 233/259/27, 228/259/32, 227/259/33, 223/259/36, 218/259/41, 217/259/42, 216/259/43, 210/259/49, 202/259/57, 191/259/68, 188/259/71, 186/259/73, 180/259/79, 178/259

Financial matrimonial issues were identified across various regions, with respondents from the Central Region providing data points such as 001, 72/157, 73/157, 79/157, 82/157, 83/157, 85/157, 313, and 31914/157. In the Eastern Region, relevant responses included 15/157, 20/157, 24/157, 32/157, 34/157, 40/157, and 41/157. The Western Region's data comprised 47/157, 372, 373, 374, 375, 385, and 388. Additional responses from the Eastern Region were noted as 96/157, 105/157, 106/157, 107/157, 108/157, 144/157, 145/157, along with various entries from 257/259/3 to 199/259/60.

Family intervention challenges were also recorded, with respondents from the Northern, Eastern, Central, and Western Regions providing data points such as 21/157, 30/157, 84/157, 90/157, 91/157, 136/157, and 256/259/4, among others, including 265, 283, 287, 293, 316, 351, 358, 371, 380, 382, 384, and 387. Others emphasised the absence of challenges in their marital relationship. Refer to the bar chart and cloud code 4 below for a visual representation of matrimonial challenges.



Figure 4.7 Matrimonial Challenges
Source: *Atlas*; Muslim Marriage Survey in Uganda

In summary, respondents reported a range of issues, including family intervention and financial challenges. Some respondents indicated that they faced no challenges related to non-compliance with Shariah, while others reported psychological challenges. Refer to Figure 4.8 for a visualisation of the respondents' responses.



Figure 4.8 Matrimonial Challenges
Source: *Atlas*; Muslim Marriage Survey in Uganda

4.3.2.4.6 Share Your Thoughts on Marriage in Islam Following Your Previous Marriage Experience?

Several respondents expressed their perspectives on their marital experiences and if these experiences altered their views on the institution of marriage in Islam, with some emphasising subjugation and others reflecting on contentment amidst challenges. Respondents from various regions are referenced as follows: 4/157, 8/157, 9/157, 15/157, 16/157. 17/157, 18/157, 19/157, 21/157, 29/157, 30/157, 31/157, 36/157, 37/157, 44/157, 49/157, 51/157, 60/157, 61/157, 62/157, 63/157, 64/157, 65/157, 76/157, 77/157, 84/157, 86/157, 87/157, 89/157, 92/157, 104/157, 105/157, 106/157, 107/157, 108/157, 109/157, 110/157, 111/157, 116/157, 121/157, 122/157, 123/157, 124/157, 126/157, 127/157, 128/157, 129/157, 130/157, 131/157, 132/157. Refer to Bar Chart 3 and cloud code 3 below for a visual representation of the varied perceptions about the Islamic worldview on marriage.



Figure 4.9 Individual Experiences on marriage Islamic Institution
Source: *Atlas*; Muslim Marriage Survey in Uganda

In summary, reactions differed regarding the Subjugation, Impeaching, and Contentment Experiences depicted at Figure 4.10.



Figure 4.10 Individual Experiences on marriage Islamic Institution
Source: *Atlas*; Muslim Marriage Survey in Uganda

4.3.2.4.7 What Were the Additional Reasons for Ending the Marriage?

Reasons cited for the dissolution of marriages throughout various locations encompassed factors such as the death of a spouse, divine providence, the wife's conversion to another faith, mortality, illness, inability to support, ignorance, lack of accountability, and the maintenance of a non-Muslim partner.

The marriage persisted without mediation, with old age, phone usage, violence, and witchcraft cited as contributing factors to the dissolution of their union. Other responses did not provide any reasons, stating "None," while one indicated they are still married. For further justification for incorporating marriage, go to Bar Chart 6 and Cloud Code 6 below.

The findings from the respondents' answers to Question six revealed 17 themes, represented in the Figure, from the Northern, Eastern, Central, and Western Regions of Uganda. Refer to Figure 4.11 and Bar Chart below:



Figure 4.11 *Additional Reasons for ending marriage*

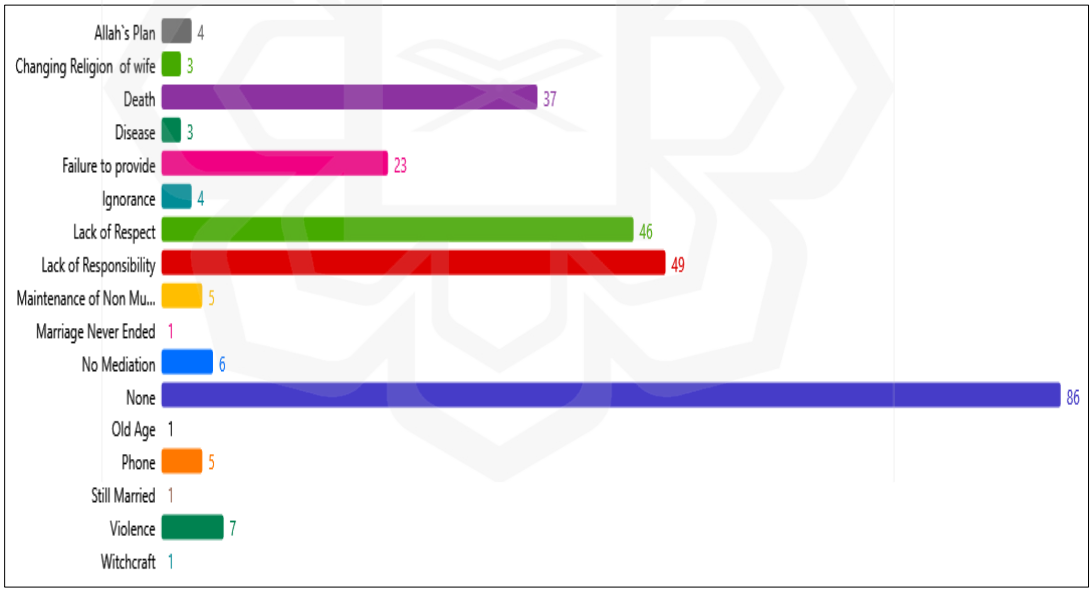


Figure 4.12 Additional Reasons for ending marriage
Source: *Atlas*; Muslim Marriage Survey in Uganda

4.3.2.4.8 Who Caused Your Marriage to End?

The survey enquired about the factors leading to the dissolution of marriage. Respondents provided varied answers, citing influences such as divine intervention, with some attributing the end of the marriage to the wife and others to the husband.

The response rate indicates that Allah is perceived as the cause of the marriage ending, with a total of n=46 participants, comprising n=8 widowers and n=39 widows. The distribution of spouse death by region is as follows: Widowers: Northern n=6, Eastern n=0, Central n=2, Western n=0. Widows: Northern n=16, Eastern n=9, Central n=10, Western n=4. The distribution of regions and mental incapacitation among husbands is as follows: Northern n=1, Eastern n=0, Central n=0, and Western n=0.

The response rate indicates that among the husbands surveyed, 135 were identified as the cause of the marriage's dissolution. Specifically, 47 husbands acknowledged their role in ending the marriage, while 90 wives attributed the marriage's end to their husbands' actions. The regions and the role of the husband in terminating his marriage are as follows: Northern n=18, Eastern n=18, Central n=10, and Western n=1. The role of the wife in ending the marriage of the husband was analysed across various regions: Northern n=39, Eastern n=14, Central n=22, and Western n=16.

The response rate indicates that, among the 187 cases where the wife was identified as the cause of the marriage's dissolution, the husband contributed to this outcome in 105 instances, while the wife herself contributed in 81 cases. The regions and the husband's role in terminating the distribution of marriages among wives are as follows: Northern n=38, Eastern n=29, Central n=35, Western n=3. The role of the wife in the dissolution of her marriage is examined across various regions: Northern n=32, Eastern n=27, Central n=14, and Western n=8. Refer to Bar Chart 7 and Cloud Code 7 for a visual representation of the factors contributing to the dissolution of marriage.



Figure 4.13 A portioning cause to the end of marriage
Source: *Atlas*; Muslim Marriage Survey in Uganda

The findings from the respondents' answers to Question Six revealed three themes, represented in the Figure, from the Northern, Eastern, Central, and Western Regions of Uganda. Refer to Figure below.



Figure 4.14 A portioning cause to the end of marriage
Source: *Atlas*; Muslim Marriage Survey in Uganda

4.3.2.4.9 Did You Remarry After the Divorce, If So, Did You Marry the Same Man or Another Man?

The respondents were enquired whether they remarried the same or a different spouse following a divorce, and the responses differed. From a total of n=391 responders Some individuals remarried the same spouse, while others chose new partners; also, some respondents opted not to remarry at all, with a significant number (n=42) remaining mute on the matter. Refer to Bar Chart 7 for the themes produced and the frequency of the responders presented below.

The response rate indicates that 134 individuals remarried, comprising 63 males and 71 females. The distribution of remarriage by region and gender is as follows: Males - Northern n=34, Eastern n=21, Central n=8, Western n=0; Females - Northern n=37, Eastern n=9, Central n=13, Western n=12.

The response rate indicated that no individuals remarried; No, n=185, Female n=120, Male n=65. The zones and the prohibition of male remarriage are as follows: Northern n=25, Eastern n=20, Central n=19, and Western n=14. For women who have not remarried: Northern n=45, Eastern n=43, Central n=19, and Western n=14. Refer to Bar Chart 8 and Cloud Code 8 below for couples who have remarried or not.



Figure 4.15 Remarry Status
Source: *Atlas*; Muslim Marriage Survey in Uganda

The analysis of the respondents' answers to Question 7 revealed three themes, shown in the Figure, from the Northern, Eastern, Central, and Western Regions of Uganda. Refer to Figure 4.16 below.



Figure 4.16 Remarry Status
Source: *Atlas*; Muslim Marriage Survey in Uganda

4.3.2.4.10 What were Impacts of your Divorce on the Children?

The responses varied, with some participants indicating no impact on the children, while others reported low, intermediate, and high impacts across the Northern, Eastern, Central, and Western regions of the sample size n=391.

The significant impact of divorce on children, sample size n=19; male participants n=6; age distribution: 25-30 years n=2, 31-36 years n=3, 43-48 years n=1; education levels: certificate n=1, diploma n=1, bachelor's n=3, master's n=1; regional representation: Northern n=1, Eastern n=2, Central n=3, Western n=0. The influence of females on the significant impact of divorce on children; Female participants: n=11, ages 31–36 (n=4), 19–24 (n=1), 49–54 (n=2), 25–30 (n=2), 43–48 (n=1), and 60–65 (n=1). Region: Northern, n=5; Eastern, n=1; Central, n=1; Western, n=5. Education Level: None, n=5; Bachelor's, n=1; Diploma, n=2; Certificate, n=4.

Intermediate effects of divorce on children, n=224 out of n=391 respondents. The male demographic consisted of n=88 individuals, categorised by age as follows: n=13 aged 23-30, n=9 aged 49-54, n=16 aged 31-36, n=20 aged 43-48, n=5 aged 55-60, n=3 aged 60-65, and n=1 aged above 84. Education: None, n=40; Diploma, n=9; Bachelor's, n=9; Certificate, n=14; PhD, n=2; Master's, n=12. Regions: Northern, n=39; Eastern, n=27; Central, n=21; Western, n=1. For the position of female in the Intermediate Impact contribution; n=136. Age distribution: 43 – 36, n=27; 43 – 48, n=19; 37 – 42, n=22; 55 – 60, n=6; 49 – 54, n=9; 25 – 30, n=17; 19 – 24, n=12; 60 – 65, n=2; 66 – 65, n=2; below 18, n=3. Education levels: None, n=75; Bachelor's, n=17; Master's, n=5; Certificate, n=26; Diploma, n=15; PhD, n=1. Regions: Northern, n=71; Eastern, n=22; Central, n=22; Western, n=18.

High impact of divorce on children, with a sample size of 105 out of 391. For males, n=45: Age 25–30, n=11; 55–60, n=3; 61–66, n=4; 49–54, n=7; 43–48, n=9; 67–71, n=2. Education Level: Certificate n=12, None n=29, Bachelor's n=1, Master's n=1. Regions: Northern n=16, Eastern n=9, Central n=12. For females, n=61, age distribution is as follows: 19–24, n=12; 25–30, n=10; 31–36, n=11; 37–42, n=6; 43–48, n=3; 49–54, n=4; 55–60, n=7; 60–65, n=4; below 18, n=2; and 66–71, n=2. Education Level: None, n=40; Certificate, n=7; Bachelor's, n=6; Master's, n=1. Regions: Northern, n=22; Eastern, n=20; Central, n=15; Western, n=3.

In summary, the respondents' feedback regarding the impact of divorce on children revealed patterns of Low, Intermediate, and High Impacts across the Northern, Eastern, Central, and Western Regions of Uganda.

4.3.2.4.11 What Were the Impact of Your Divorce on Both Families of the Husband and Wife?

The responses varied, with some participants indicating a normal impact on both the husband's and wife's families. Specifically, from a sample size of n=391, 105 reported normal impacts, while 233 reported abnormal impacts.

For a normal impact on both households among 105 respondents: Male participants totalled n=90, with age distribution as follows: 25–30 years, n=6; 55–60 years, n=3; 60–65 years, n=8; 43–48 years, n=11; 31–36 years, n=4; 66–71 years, n=4; 49–54 years, n=8; over 80 years, n=1; 19–34 years, n=1; 72–77 years, n=1. Education Level: None, n=33; Certificate, n=14; Diploma, n=2; Bachelor's, n=2. Regions: Northern, n=28; Eastern, n=17; Central, n=6. Females totalled n=54, with age distribution as follows: 25–30 years, n=11; 55–60 years, n=7; 60–65 years, n=4; 43–48 years, n=18; 31–36 years, n=10; 66–71 years, n=3; 49–54 years, n=14; 37–42 years, n=9; over 84 years, n=1; 72–77 years, n=1; and 19–25 years, n=8. Education Level: None, n=69; Certificate, n=4; Diploma, n=4; Bachelor's, n=26; Master's, n=0; PhD, n=0. Regions: Northern, n=60; Eastern, n=33; Central, n=12; and Western, n=0.

Out of 233 households, 90 males experienced abnormal impact, distributed by age as follows: 25–30 years, n=18; 31–36 years, n=14; 37–60 years, n=13; 43–48 years, n=14; 49–54 years, n=7; 55–60 years, n=7; 60–66 years, n=4; and 73–78 years, n=1. Education Levels: None, n=21; Certificate, n=18; Diploma, n=9; Bachelor's, n=6; Master's, n=16; PhD, n=6. Regions: Northern, n=28; Eastern, n=29; Central, n=22; and Western, n=1. Female participants totalled n=143, categorised by age as follows: 31–36 years, n=28; 25–30 years, n=51; 60–66 years, n=9; 49–54 years, n=21; 43–48 years, n=38; 37–42 years, n=31; 19–24 years, n=16; 50–55 years, n=2; 56–61 years, n=13; 66–71 years, n=1; below 18 years, n=3; and 73–78 years, n=1. Education Level: None, n=108; Certificate, n=40; Diploma, n=20; Bachelor's, n=28; Master's, n=23; PhD, n=7. Regions: Northern, n=80; Eastern, n=65; Central, n=64; Western, n=20.

In summary, the findings from the respondents about the impact of divorce on both the husband's and wife's families across the Northern, Eastern, Central, and

Western Regions of Uganda. Refer to Bar Chart and Figure for a visual representation of the impact levels on families. Refer to Bar Chart Below.



Figure 4.17 levels of the impact of divorce on the families
Source: *Atlas*; Muslim Marriage Survey in Uganda



Figure 4.18 Levels of the Impact of Divorce on the Families
Source: *Atlas*; Muslim Marriage Survey in Uganda

4.3.2.4.12 What Are Your Thoughts On Individuals Who Choose To Leave A Marriage Without Going Through Divorce Process But Just Walk Away?

The replies from the 391 participants differed; some considered walk away from a marital relationship to be detrimental, while others perceived it as a neutral choice, and some deemed it advantageous. A total of 298 people believed that walking away is a detrimental choice, whereas only 10 regarded it as advantageous, and the remaining respondents opted not to answer. We observed the subsequent demographics among individuals who regarded walking away as an unfavourable concept: Male participants (n=141): Age distribution: 25–30 years, n=19; 31–36 years, n=23; 43–48 years, n=22; 49–54 years, n=16; 55–60 years, n=9; 61–66 years, n=7; 67–71 years, n=1; 72–77 years, n=1; over 80 years, n=1. Education Level: None, n=61; Certificate, n=23; Diploma, n=11; Bachelor's, n=13; Master's, n=22; Doctorate, n=4. Regions: Northern, n=47;

Eastern, n=42; Central, n=40; Western, n=4. Females (n=156): Age distribution: 25–30, n=46; 31–36, n=13; 43–48, n=13; 49–54, n=15; 55–60, n=7; 61–66, n=7; 67–71, n=1; 72–77, n=1. Education Levels: None, n=31; Certificate, n=31; Diploma, n=7; Bachelor's, n=23; Master's, n=5; PhD, n=1. Regions: Northern, n=74; Eastern, n=36; Central, n=35; Western, n=20. This new version upholds clarity and consistency while preserving the original intent.

Consider the notion of walking away as a beneficial strategy with a sample size of n=10. For males: n=3, Age: 49–54, n=1; 31–36, n=1; 37–42, n=1. Education Level: None, n=2; Certificate, n=1. Regions: Northern, n=1; Western, n=1. For females, n=6, Age distribution: 43–48, n=2; 25–30, n=1; 31–36, n=1; and 37–42, n=2. Education levels: None, n=3; Certificate, n=1; and Bachelor's, n=1. Regional distribution: Northern, n=4; Eastern, n=1; and Central, n=1. Examine Bar Chart 11 produced three topics from the respondents.

Respondents' answers varied. Some individuals considered leaving a marital relationship to be a poor decision, while others viewed it as a moderate choice. For some, it was perceived as a favourable option, whereas 391 participants remained silent on the matter. The notion of walking away is fundamentally flawed. The sample size was 298, with 10 participants considering walking away as a viable option, while the remainder remained silent. Considering walking away is viewed as an unfavourable option. Male participants totalled 141. Age distribution is as follows: 25–30 years, n=19; 31–36 years, n=23; 43–48 years, n=22; 49–54 years, n=16; 55–60 years, n=9; 61–66 years, n=9 (including two participants aged 61–66); 67–71 years, n=1; 72–77 years, n=1; and above 80 years, n=1. Education Level: None (n=61), Certificate (n=23), Diploma (n=11), Bachelor's (n=13), Master's (n=22), and PhD (n=4). Regions: Northern (n=47), Eastern (n=42), Central (n=40), and Western (n=4). Female participants, n=156: Age distribution includes 25–30 years, n=46; 31–36 years, n=13; 43–48 years, n=13; 49–54 years, n=15; 55–60 years, n=7; 61–66 years, n=7; 67–71 years, n=1; and 72–77 years, n=1. Education Level: None (n=31), Certificate (n=31), Diploma (n=7), Bachelor's (n=23), Master's (n=5), and PhD (n=1). Regions: Northern (n=74), Eastern (n=36), Central (n=35), and Western (n=20).

Consider the notion of walking away as a beneficial strategy, with a sample size of n=10. For males, n=3: Age 49–54, n=1; Age 31–36, n=1; Age 37–42, n=1. Education level: None, n=2; Certificate, n=1. Regions: Northern, n=1; Western, n=1. For females, n=6, Age distribution: 43–48, n=2; 25–30, n=1; 31–36, n=1; and 37–42, n=2. Education levels: None, n=3; Certificate, n=1; and Bachelor's, n=1. Regional distribution: Northern, n=4; Eastern, n=1; and Central, n=1.

In summary, participants' perspectives on individuals who leave a marriage without finishing the divorce procedure and simply walk away have shown three themes from Uganda's Northern, Eastern, Central, and Western Regions, as depicted in Figure 4.19. Refer to Figure 4.19 and 4.20.

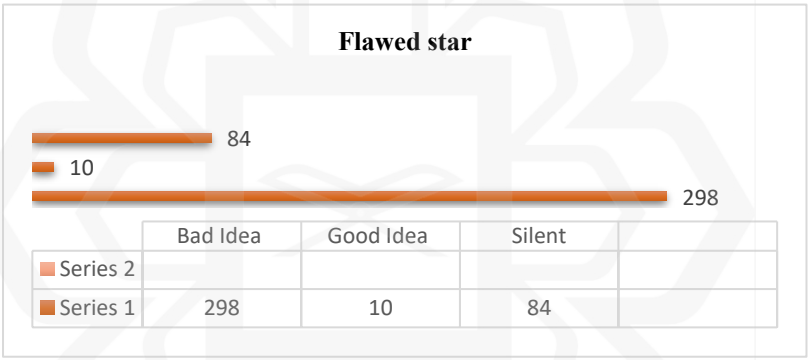


Figure 4.19 Thoughts on the Flawing Islamic Divorce Process



Figure 4.20 Thoughts on the Flawing Islamic Divorce Process
Source: *Atlas*; Muslim Marriage Survey in Uganda

4.3.2.4.13 Can You Share Your Thoughts on Marriage and Divorce Certificates?

Opinions on marriage and divorce certificates vary, with some viewing them as a positive aspect (n=363 out of 391), while others consider them to be negative (n=13).

For male respondents (n=156) who view the certificate as a positive thing, the age distribution is as follows: 25–30, n=21; 55–60, n=8; 61–66, n=9; 43–48, n=27; 31–36, n=24; 67–72, n=1; 49–54, n=19; 37–42, n=26; above 84, n=0; 72–77, n=2; and 19–24, n=1. In terms of education level, the breakdown is: none, n=60; certificate, n=31; diploma, n=11; bachelor's, n=13; master's, n=28; and PhD, n=7. The regional distribution is as follows: Northern, n=47; Eastern, n=52; Central, n=45; and Western, n=4.

For female respondents (n=207) who view the certificate as a positive thing, the age distribution is 25–30, n=39; 55–60, n=9; 61–66, n=6; 43–48, n=24; 31–36, n=40; 67–72, n=3; 49–54, n=15; 37–43, n=23; 72–77, n=1; 19–25, n=16; 60–65, n=5; and below 18, n=3. Regarding education level, the breakdown is: none, n=116; certificate, n=37; diploma, n=13; bachelor's, n=29; master's, n=8; and PhD, n=2. The regional distribution is Northern, n=87; Eastern, n=58; Central, n=46; and Western, n=27.For Male n=5 respondents' certificate being a Bad thing. Age; 25 – 30, n=2, 55 – 60, n=2, 43 – 48, n=2, and 31 – 36, n=1. Education Level; None; n=2, Certificate, n=2, and Bachelors, n=1. Regions; Eastern; n=4 and Central, n= 1. For female, n=8, Age; 25 – 30, n=2, 55 – 60, n=1, 37 – 42, n=1, 19 – 25, n=3 and below 18, n=1. Regions, Northern; n=5, Central n=2, and Western, n=1. In summary, the results from the respondent's response to thoughts on marriage and divorce certificate identified from Northern, Eastern, Central and Western Regions of Uganda. For visual illustration see Figure 4.21 and Figure 2.2 for views on the Marriage and Death certificates below;

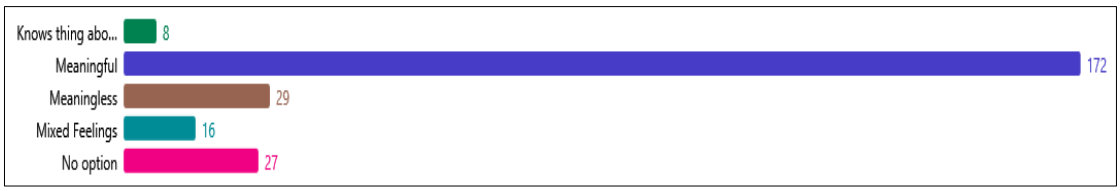


Figure 4.21 Views on Marriage and Death Certificates
Source: *Atlas*; Muslim Marriage Survey in Uganda



Figure 4.22 Views on Marriage and Death Certificates
Source: *Atlas*; Muslim Marriage Survey in Uganda

4.3.2.4.14 Summarise the Procedures You Followed To End Your Marriage?

Individuals adopted various techniques to terminate their marriages, including soliciting assistance from family members and religious officials, as well as engaging in conversations. Some engaged the police, reached out to the court, or made unilateral determinations. Numerous individuals indicated that they sought counsel from family members, imams, and sheikhs, or engaged in family discussions prior to making the decision to end their marriages. Divorce was initiated in certain instances owing to factors such as abuse, substance abuse, or marital dysfunction. The processes differed, encompassing the involvement of elders, family members, and legal authorities, as well as choose to disengage or make unilateral decisions. Interactions with spouses, parents, and guardians significantly influenced the divorce proceedings for many individuals.

Out of 391 respondents, those who fully followed the procedure numbered n=90, comprising 34 males and 56 females. The age distribution for males is as follows: 25–30, n=3; 55–60, n=1; 61–66, n=1; 43–48, n=5; 31–36, n=5; 49–54, n=6; 37–42, n=3; and 60–65, n=0. Education levels are as follows: There are 19 individuals with no education, 13 with a certificate, 2 with a diploma, and 3 with a bachelor's degree.

For females who fully followed the end of marriage procedure, age distribution is as follows: 25–30, n=13; 55–60, n=6; 43–48, n=5; 31–36, n=13; 67–72, n=1; 49–54, n=8; 37–42, n=7; 72–77, n=1; and 60–65, n=3. Education levels are as follows: The distribution of education levels is as follows: None, n=36; Certificate, n=11; Diploma,

n=6; and Bachelor's, n=3. Regions represented include Northern, n=22; Eastern, n=13; Central, n=16; and Western, n=5.

Out of 391 respondents, those who partially or fully followed the procedure were n=99. Among these, males numbered n=53, with age distributions as follows: 25–30, n=4; 55–60, n=2; 43–48, n=11; 49–54, n=1; 37–42, n=8; above 80, n=1; and 60–65, n=3. In terms of education level, the breakdown is as follows: None, n=20; Certificate, n=10; Diploma, n=2; Bachelors, n=3; Masters, n=7; and PhD, n=1. The regional distribution is Northern, n=22; Eastern, n=23; and Central, n=8.

For females who partially fulfilled the end of marriage procedure, the total was n=45, with age distribution as follows: 25–30, n=8; 43–48, n=4; 31–36, n=10; 49–54, n=1; 37–42, n=8; and 60–65, n=6. The education levels are as follows: The distribution of education levels is as follows: None, n=20; Certificate, n=11; Diploma, n=2; Bachelors, n=8; Masters, n=4; and PhD, n=1. The regional distribution for females is Northern, n=21; Eastern, n=21; Central, n=9; and Western, n=2.

Out of the 391 respondents, those who did not follow the procedure for ending marriage totalled n=78. Among the males, there were 33 respondents, with the following age distribution: 24–30 years, n=3; 55–60 years, n=2; 43–48 years, n=7; 31–36 years, n=3; 49–54 years, n=3; 37–42 years, n=6; and 60–65 years, n=3. The education level breakdown is: None, n=19; Certificate, n=7; Diploma, n=1; Bachelors, n=2; Masters, n=1; and PhD, n=2. The regions are distributed as follows: Northern, n=22; Eastern, n=7; and Central, n=7.

For females who did not follow the end of marriage procedure, the total was n=37, with age distribution as follows: 25–30, n=9; 43–48, n=9; 31–36, n=8; 49–54, n=4; and 60–65, n=1. Education levels are as follows: The distribution of education levels is as follows: None, n=20; Certificate, n=8; Diploma, n=2; Bachelors, n=3; Masters, n=3; and PhD, n=1. The regional distribution is Northern, n=30; Eastern, n=4; and Central, n=3.

In summary, the results from the respondents' answers regarding the procedures to end marriage identified six themes from the Northern, Eastern, Central, and Western

regions of Uganda. For a visualisation of the summary of the end of marriage procedures, see Figure 4.23 and Figure 4.24 for the illustrations below.

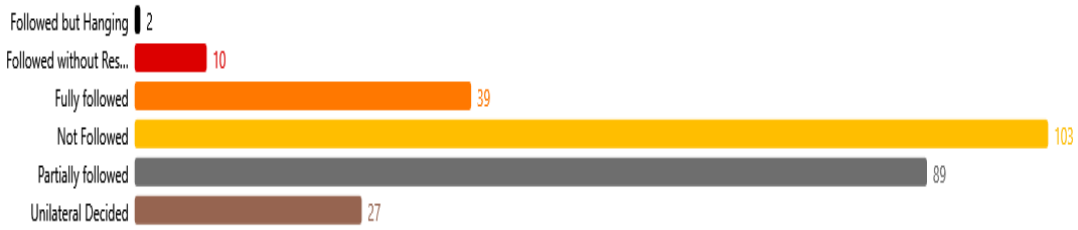


Figure 4.23 Summary of the end of Marriage Procedures Followed
Source: *Atlas*; Muslim Marriage Survey in Uganda



Figure 4.24 Summary of the end of marriage procedures followed
Source: *Atlas*; Muslim Marriage Survey in Uganda

4.3.2.4.15 Qadhi or Imam Were Consulted Regarding Your Marriage and Divorce Issue?

The responses indicate that some individuals affirmatively consulted a Qadhi or an Imam regarding their marriage and divorce issues, while others did not.

Out of 391 respondents, 121 individuals sought advice on their marriage and divorce issues after affirmatively consulting a Qadhi or Imam. Among the males (n=53),

the age distribution is as follows: 25–30, n=5; 55–60, n=4; 66–71, n=1; 43–48, n=4; 31–36, n=7; 49–54, n=7; 37–42, n=7; above 84, n=1; 60–65, n=6; and 72–77, n=1. In terms of education level, 28 had no formal education, 15 held certificates, 3 possessed diplomas, 1 had a bachelor's degree, and 1 had a master's degree. Geographically, 27 respondents were from the Northern region, 16 from the Eastern region, 4 from the Central region, and 1 from the Western region.

For females (n=68), the age distribution is as follows: 25–30, n=11; 55–60, n=4; 43–48, n=7; 31–36, n=13; 49–54, n=5; 37–42, n=10; 60–65, n=4; 19–25, n=6; and 72–77, n=1. In terms of education level, 30 had no formal education, 15 held certificates, 7 possessed diplomas, and 9 had bachelor's degrees. In terms of geography, the Northern region had 22 responders, the Eastern region had 21, the Central region had 10, and the Western region had 16.

For non-affirmative consultations with the Qadhi or Imam, out of 391 respondents, 180 did not seek advice regarding their marriage and divorce issues. Among the males (n=68), the age distribution is as follows: 25–30, n=15; 55–60, n=6; 66–71, n=1; 43–48, n=14; 31–36, n=8; 73–78, n=1; 49–54, n=7; 37–42, n=8; and 60–65, n=1. The education levels were 17 with no formal education, 7 with certificates, 4 with diplomas, 6 with bachelor's degrees, and 14 with master's degrees. In terms of geography, the Northern region accounted for 13 responders, the Eastern region for 18, the Central region for 28, and the Western region for 2.

For females (n=111), the age distribution is as follows: 25–30, n=22; 55–60, n=5; 66–71, n=2; 43–48, n=9; 31–36, n=23; 49–54, n=9; 37–42, n=10; 60–65, n=2; 19–25, n=16; and below 18, n=4. In terms of education level, 74 had no formal education, 16 held certificates, 3 possessed diplomas, 12 had bachelor's degrees, 1 had a master's diploma, and 1 held a PhD. Regionally, 60 respondents were from the Northern region, 16 from the Eastern region, 60 from the Central region, and 24 from the Western region.

In summary, the results indicate that some respondents consulted the Qadhi or Imam, and their responses were categorised into affirmative and non-affirmative themes from the Northern, Eastern, Central, and Western regions of Uganda. To visualise the

consultation of the Qadhi or Imam before ending a marriage, refer to Figure 4.25 and Cloud Code 4.13; however, note that one item is missing for illustration below.

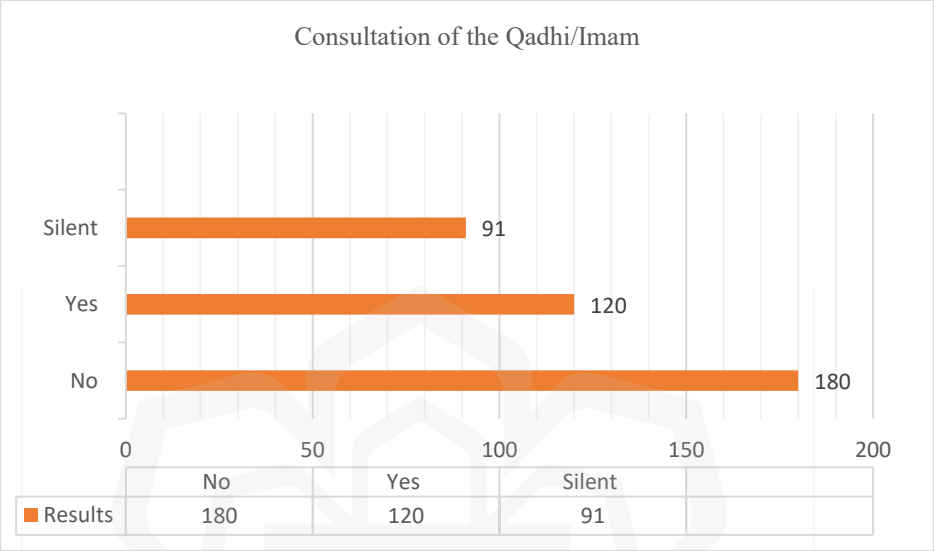


Figure 4.25 Consulted Qadhi/Imam by Ending Marriage
Source: *Microsoft*; Muslim Marriage Survey in Uganda

Non Affirmative

Affirmative

Figure 4.26 Consultation of the Qadhi or Imam before ending marriage
Source: *Atlas*; Muslim Marriage Survey in Uganda

4.3.2.4.16 Marriage Issue was Referred to the Family Court Division of the High Court?

The responses indicate that individuals affirmatively referred to the Family Court Division of the High Court, while other respondents did not. Out of a total of 391, there were n=18 affirmative responses and n=280 non-affirmative responses.

For Affirmative Males, n=14, the age distribution was as follows: 25–30, n=2; 31–36, n=3; 37–42, n=5; 43–48, n=2; 49–54, n=2. In terms of education level, the data showed: None, n=8; Certificate, n=2; Bachelors, n=2; and Masters, n=2. The regions were represented as follows: Northern, n=3; Eastern, n=7; and Central, n=4. For Affirmative Females, n=14, the age distribution was 25–30, n=1; 31–36, n=3; 37–42, n=2; 49–54, n=1; 55–60, n=1; and 61–66, n=4. The education levels were: None, n=8; Certificate, n=1; Diploma, n=2; Bachelors, n=2; and Masters, n=2. The regional distribution included Northern, n=3; Eastern, n=5; Central, n=1; and Western, n=5.

For Non-Affirmative Males, n=113, the age distribution was as follows: 19–25, n=1; 25–30, n=18; 31–36, n=16; 43–48, n=21; 49–54, n=15; 55–60, n=7; 61–66, n=1; 66–71, n=1; 72–77, n=1; and below 18, n=1. In terms of education level: None, n=51; Certificate, n=22; Diploma, n=11; Bachelors, n=8; Masters, n=13; and PhD, n=6. The regions were Northern, n=15; Eastern, n=35; Central, n=28; and Western, n=2. For Non-Affirmative Females, n=160, the age distribution included 19–25, n=21; 25–30, n=33; 31–36, n=31; 37–42, n=23; 43–48, n=15; 49–54, n=15; 55–60, n=6; 61–66, n=4; 66–71, n=2; and 72–77, n=2; and below 18, n=4. The education levels were: None, n=96; Certificate, n=33; Diploma, n=12; Bachelors, n=16; and Masters, n=4. The regional distribution included Northern, n=53; Eastern, n=33; Central, n=26; and Western, n=22.

The issue of marriage was not referred to the Family Court Division of the High Court. Various respondents shared their experiences and perspectives on managing marriage issues, involving the police, the Shari'ah Marriage Department, and religious leaders. Some mentioned custody battles, reasons for divorce, and cultural influences affecting marriage decisions. In some instances, family courts granted custody to the mother, while others cited challenges such as drug addiction and a lack of consultation. Overall, the responses varied in terms of approaches and outcomes when dealing with marriage problems.

In summary, the results from the respondents concerning the role of the Family Court clustered their responses into three themes from the Northern, Eastern, Central, and Western For referring matrimonial disagreement to Family Court Division visualisation for illustration see Figure 4.27.

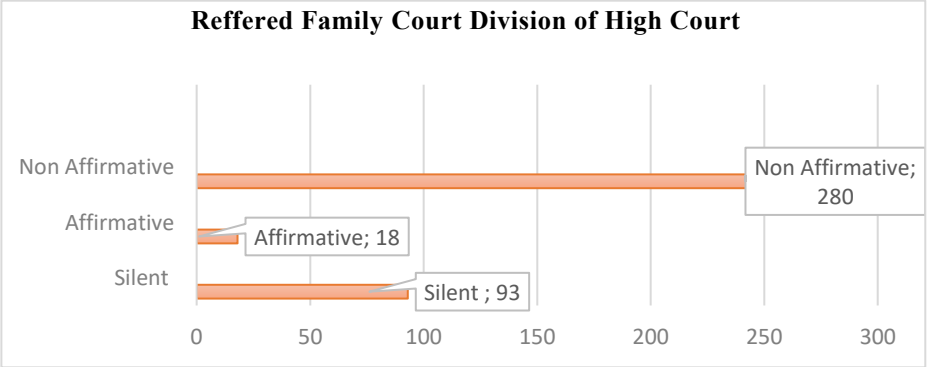


Figure 4.27 *Referred to Family Court Division of High Court*
Source: *Microsoft*; Muslim Marriage Survey in Uganda

4.3.2.4.17 Did Parliament Help with Your Marriage and Divorce Matters?

The respondents expressed a range of opinions regarding the role of Parliament in marriage and divorce. Some were in favour, while the majority, over 350 respondents, were against. Several individuals suggested that Parliament should conduct more research on marriage, create laws to protect families, provide guidance on maintaining family unity, and legislate on family-related matters. Conversely, others felt that Parliament should refrain from interfering in family law, particularly in relation to Islamic marriages, arguing that its interventions in this domain are largely ineffective. Some advocated for Parliament to ensure that Muslim marriage and divorce practices align with the Qur'an, while others perceived little to no support or impact from Parliament on issues surrounding marriage and divorce.

In summary, the responses from the participants regarding Parliament's role were categorised into two themes, reflecting perspectives from the Northern, Eastern, Central, and Western regions of Uganda.

4.3.2.4.18 Did the Government Lend A Hand in Sorting Out Your Marriage and Divorce Matters?

The respondents were asked whether the government got involved during their marriage and divorce. The answers varied: affirmative, n=25, and non-affirmative, n=281, out of a total of 391 responses.

Among the 15 affirmative male respondents, the age distribution was as follows: 25–30 years, n=2; 55–60 years, n=1; 31–36 years, n=3; 49–54 years, n=2; and 62–67 years, n=2. In terms of education level: None, n=6; Certificate, n=4; Diploma, n=1; and Bachelors, n=1. Region distribution included: Northern, n=3; Eastern, n=4; and Central, n=8. Among the female respondents who indicated that the government assisted in sorting out their marriage and divorce matters (n=10), the age distribution was as follows: 25–30, n=3; 55–60, n=1; 31–36, n=3; 49–54, n=1; and 61–66, n=2. Education level was: None, n=6; Certificate, n=2; Diploma, n=1; and Bachelors, n=1. Regional distribution included Northern, n=4; Eastern, n=2; Central, n=3; and Western, n=3.

For non-affirmative male respondents who did not receive government assistance in sorting out their marriage and divorce matters, n=107: Age distribution was as follows: 25–30, n=13; 55–60, n=8; 66–71, n=2; 43–48, n=17; 31–36, n=14; 49–54, n=14; 37–42, n=15; 61–66, n=5; 72–77, n=2; and Below 18, n=1. Education level was as follows: None, n=44; Certificate, n=21; Diploma, n=8; Bachelors, n=8; Masters, n=16; and PhD, n=5. Regional distribution included Northern, n=46; Eastern, n=27; Central, n=29; and Western, n=3. For female respondents, n=159: age distribution was 25–30, n=25; 55–60, n=5; 43–48, n=19; 31–36, n=31; 49–54, n=14; 37–42, n=19; 19–25, n=20; 72–77, n=1; and below 18, n=4. Education level was as follows: None, n=92; Certificate, n=28; Diploma, n=11; Bachelors, n=22; Masters, n=3; and PhD, n=1. Regional distribution included Northern, n=77; Eastern, n=35; Central, n=23; and Western, n=26.

In summary, the results from the respondents regarding the role of government clustered their responses into two themes across the Northern, Eastern, Central, and Western regions of Uganda.

4.3.2.4.19 What Is Your Advice to People Who Are Currenting Contemplating to End Their Marriage?

Out of 41 of 391 respondents answered affirmatively to advising couples contemplating ending their marriage. Male, =20; Age: 25 – 30, n=2; 55 – 60, n=3; 43 – 48, n=3; 31 – 36, n=4; 49 – 54, n=5; and 37 – 42, n=3. Education Level: None, n=10; Certificate, n=5; and Bachelor, n=2. Regions: Northern, n=8; Eastern, n=6; Central, n=5; and Western, n=1. For females, the number was 21; the age range was from 25 to 30; the age ranges from 55 to 60 was 1; the age ranges from 43 to 48 was 3; the age ranges from 31 to 35 was 6; the age ranges from 19 to 25 was 4; and the age range from 37 to 42 was 4. Education Level: None, n=8; Certificate, n=6; Diploma, n=2; Bachelors, n=3; and Masters, n=2. Regions: Northern, n=7; Eastern, n=7; Central, n=4; and Western, n=1.

Out of 391 respondents, 289 indicated that they did not provide affirmative advice for couples contemplating ending their marriage. Among the male respondents, n=119, the age distribution was as follows: 25–30, n=16; 55–60, n=5; 66–71, n=2; 43–48, n=12; 31–36, n=15; 49–54, n=16; 37–42, n=22; 19–25, n=1; and 72–77, n=2. In terms of education level, the breakdown was: None, n=53; Certificate, n=23; Diploma, n=9; Bachelors, n=9; Masters, n=17; and PhD, n=7. The regional distribution was Northern, n=47; Eastern, n=32; Central, n=40; and Western, n=2.

For female respondents, n=170, the age distribution was as follows: 25–30, n=32; 55–60, n=7; 66–71, n=2; 43–48, n=17; 31–36, n=27; 49–54, n=16; 37–42, n=22; 61–66, n=2; 19–25, n=29; 72–77, n=2; and below 18, n=4. Regarding education level, the distribution was: None, n=100; Certificate, n=22; Diploma, n=11; Bachelors, n=16; Masters, n=4; and PhD, n=1. The regions were distributed as follows: Northern, n=78; Eastern, n=36; Central, n=32; and Western, n=24.

The respondents from the four regions of Uganda they surveyed shared their advice for couples contemplating divorce due to matrimonial problems. Their advice is themed around conditional recommendations, which include staying patient, seeking help from elders, following Islamic guidelines, remaining in marriage, seeking reconciliation, prioritising children, being respectful, and seeking spiritual guidance

before considering divorce. There was an emphasis on patience, communication, and working towards improving the marriage before making any decisions.

In summary, the results from the respondents' advice to those currently contemplating ending their marriage provided both unconditional and conditional recommendations. Refer to Figure 4.28 and Figure 2.29 below for a graphic representation of the recommendations made to divorcing couples.

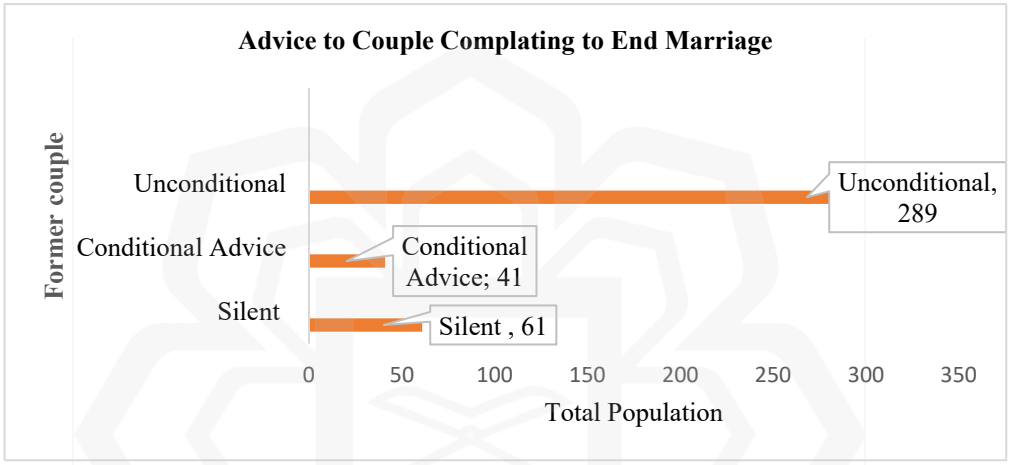


Figure 4.28 Advice to Couples contemplating to their end marriage
Source: *Microsoft*; Muslim Marriage Survey in Uganda



Figure 4.29 Advice to Couples contemplating to their end marriage
Source: *Atlas*; Muslim Marriage Survey in Uganda

4.3.3 Summary of Chapter Four

There are two sections that make up this chapter: the first section presented the input from closed questionnaires, and the second section presented open-ended replies from 391 respondents who took part in the study throughout four different regions in Uganda.

The purpose of this section provides answers concerning the motives and tactics that couples use at the beginning and the end of their marriage relationships.

The second phase of the investigation is focused on determining the degree to which the procedures for admonishment, mediation, pronouncements, and waiting periods are being followed.

The feedback provided in Part 1 is intended to address Research Question 1, while the feedback provided in Part 2 covers Research Questions 2, 3, and 4 On the other hand,

Research Question 4focusses on other non-couple players, such as the Kadhi, Judiciary, Legislative, and Executive branches, and the responsibilities that they play in the preservation of the Muslim family structure in Uganda. Their input will be presented in Part Five with qualitative interviews.

CHAPTER FIVE

MAQĀSID SHARI`AH AND THE STAKEHOLDERS

5.1 INTRODUCTION

This chapter examines the research question on the right, the Maqasid Shari`ah Approach to curb Walk Away in Uganda.

This chapter presents the findings from interviews with eight key stakeholders, integrating these insights with the survey from the subsequent Chapter Four and the interview results in this present Chapter Five for discussion, as outlined in the discussion section of this chapter.

5.2 RIGHT MAQĀSID SHARI`AH AND THE STAKEHOLDER FINDINGS

The interview included the following key stakeholders: the District Qadhi of Yumbe, the Secretary of the Uganda Muslim Youth Assembly, the CEO of the Uganda Association of Women Lawyers (FIDA-Uganda), the President of the Muslim Lawyers Association, the Chairperson of the Muslim Caucus in the 11th Parliament of Uganda, and the Chairman of Local Council 1, Kirasa II, Cell, Masindi Municipality. This study presents their responses below.

5.2.1 District Qadhi of Yumbe Northern Uganda

The First Respondent, the District Kadhi of Yumbe, responded to the initial inquiry concerning the District of Yumbe in Northern Uganda, where he is currently engaged with Muslim matrimonial matters.

He indicated that a primary objective of the UMSC Regional Headquarters in Yumbe is to tackle marriage concerns via the Department of Sharia, with particular emphasis on Nihla, which he deemed highly significant.

In response to the second inquiry regarding the matrimonial challenges that prompt Muslim couples to seek his assistance, the initial respondent delineated three primary issues:

First, the inflation of dowries;

Second, marriage expectations, notably the archaic cultural practice of abducting girls to negotiate dowries with their families; and third, a lack of knowledge about Islamic marriage, which frequently results in disengagement and is exacerbated by an inadequate understanding of how-to choice a partner

Thirdly, the respondent noted that certain Muslim couples solicit his organization's assistance about their marital disputes.

Fourthly, in addressing the inquiry on success stories and techniques that have alleviated issues, the initial respondent emphasised that the Qadhi/Imam's office offers education on marriage and family within Islam.

Finally, when solicited for counsel regarding marriage and divorce for the Muslim community and government, the respondent advocated for the publication of this research to assist his community. (Hajji Swaib Bamuza 2024).

5.2.2 Directorate of Shari`ah and Legal Affairs

The head of the Directorate of Shari`ah and Legal Affairs is the second respondent. (Hafiz, 2024) The second respondent noted that individuals who identify as Muslim and face matrimonial problems typically seek their services with the intention of divorce rather than for guidance or counselling. Their aim during counselling sessions is to explore the possibility of reconciliation and to encourage the aggrieved party to reconsider their intention to divorce, which may take place over two or three sessions, depending on the positive progress made. This process also incorporates collaborative counsel support.

To address the marriage problems that lead Muslim couples to ask for help, the second respondent pointed out two main issues: first, women not following custody rules, and second, people coming in wanting a divorce instead of trying to mediate.

In reply to the third question about the number of Muslim couples who sought organisational support for matrimonial issues, the third respondent indicated that, while no specific figures were provided, three instances were mentioned

The fourth respondent mentioned that successful solutions included cases backed by the Magistrate Court and the Regional District Commissioner, which agreed with the Shari`ah Court's decision on a custody case, relieving the former husband of responsibility.

In response to question five, the fifth respondent provided guidance for the Muslim community and government on effective approaches to managing marriage and divorce matters in Uganda. The respondent made three recommendations:

Recommendation one: Muslims are waiting for the government to operationalise the Qadhi Court. The suggestion is for Muslims to take the lead in establishing Qadhi courts, given the absence of any legal obstacles to their practice of reconciliation. Imams should utilise existing local structures to openly and publicly handle disputes. Furthermore, imams should possess the necessary expertise in resolving disputes, ensuring fair trials, and upholding principles of natural justice.

Recommendation two: The Judicial Service Commission should consider appointing Muslim mediators throughout Uganda to resolve disputes, like the recent initiative introduced by the Chief Justice in Northern Uganda, particularly in Arua City.

Recommendation three: Muslims should reinforce their existing structures. Rather than taking their disputes to secular courts, they should focus on strengthening their systems, which offer additional advantages.

5.2.3 General Secretary of Uganda Muslim Youth Assembly

The General Secretary of the Uganda Muslim Youth Assembly, Professor Abbasi Kiyemba, as the third respondent, first addressed the issue of working with clients who identify as Muslim and face matrimonial problems. The third respondent, UMYA, has been assisting Muslim couples for the past 41 years, as outlined in the charter, with the aim of strengthening and stabilising family institutions for the future.

Secondly, the third respondents highlighted various matrimonial challenges or concerns that led Muslim couples to seek assistance. They identified nine key challenges: The respondents identified nine key challenges faced by Muslim couples: first, a scarcity of educated Muslim women; second, the criteria that educated Muslim women establish for potential partners; third, a wife's reluctance to raise stepchildren from her husband's previous relationships; fourth, the ongoing challenge of poverty; fifth, interference from in-laws (the relatives of the couples); sixth, issues arising when a husband forms friendships with his wife's younger sister while she is in his custody; seventh, a mother-in-law who disapproves of her son's wife and attempts to dominate the marriage by insisting on her role in managing it; eighth, sisters of the husband trying to control the wife and gossiping within family homes and gatherings; and ninth, an imbalance in knowledge of Islam between the couple, where either the husband possesses more knowledge than the wife or vice versa. When a husband introduces new practices at home, the wife may perceive it as an attempt to impose his way of doing things on her, particularly regarding matters of prayer or dress.

Professor Abbasi Kiyemba recounted cases in which marriages faced threats due to the wife's unfamiliarity with the hijab before its widespread adoption. Consequently, husbands would marry younger wives who consistently wore the hijab and were well-educated, which left the first wives feeling very unhappy. Additionally, when a husband-and-wife purchase property together, with the husband working while the wife stays at home to care for the children, the husband often registers the property solely in his name. This arrangement causes the wife concern that if her husband passes away, his relatives might sell the properties or claim ownership of the house.

Abbasi Kiyimba states that problems arise from the wife's demand for the property to be registered in both names, as she has been contributing by supporting her husband at home and therefore believes she deserves a share. Some couples may break up due to a lack of clarity regarding property ownership. Additionally, there are challenges related to Short Message Service and social media communication. Professor Abbasi Kiyimba cited an example of a secondary school teacher who, simultaneously as a wife, received an SMS from a colleague wishing her goodnight. When her husband saw the message, he enquired about who sent it and why the colleague would send such a goodnight message. Professor Abbasi Kiyimba reiterated that the husband was not convinced, which led to problems from that point on.

Regarding arbitration, Professor Abbasi Kiyimba explained that sometimes UMYA is called in to arbitrate or mediate, but they encounter issues when the wife seeks assistance from FIDA, as this is a Muslim marriage. When the wife approaches FIDA, UMYA asserts that FIDA has no locus in the marriage because they do not understand the rules by which Muslims operate. UMYA does not accept their interference in marital matters and has had ongoing conflicts with FIDA.

FIDA attempted to introduce the Domestic Relations Bill (DRB); however, Professor Abbasi Kiyimba asserted that UMYA was instrumental in opposing it. This opposition was partly due to ongoing debates regarding the laws applicable to Muslim marriages. Some women married under Islamic law where uncertain about how issues would be addressed; they doubted whether Islamic laws would provide them with adequate support. Although they identified as Muslims, these women sought assistance from FIDA, attempting to resolve their marital problems. Numerous instances exist of men rejecting arbitration by FIDA in their marital disputes, arguing that since they were married under Islamic law, there was no reason for FIDA to intervene.

FIDA employs secular laws. When parties fail to agree on a mechanism for dispute resolution, the next option is to separate. There is a stalemate regarding the AMPIL Bill, with Professor Abassi Kiyimba discussing the roles of the Judiciary, Legislature, and Executive as stakeholders. The fate of the AMPIL Bill was sealed when attempts to introduce the DRB were met with refusal from UMYA, which would not grant it legitimacy. They organised seminars across various locations to denounce it,

asserting that only Muslims are stakeholders in Muslim marriages. The Uganda Law Reform Commission (ULC) asserted the existence of additional stakeholders in Muslim marriages, but the ULC rejected this claim. UMYA communicated to the ULC that if they wished to reform the law, they must separate Muslim law from Christian law, as Muslims would rather not be governed by the same legal framework as Christians.

The ULC formulated the MAD Bill and asked Muslims to submit a proposal detailing their preferred method of governing their marriages. UMYA took the lead on this issue as a stakeholder. They resolved that, considering the challenges, Muslim professionals, specifically lawyers, should be brought in to help draft a law acceptable to the Muslim community. Their work resulted in the introduction of the Administration of Muslim Personal Law (AMPL) to replace the Muhammadan Act of 1906. The AMPL was comprehensive in detail. Professor Abassi Kiyemba noted that one judge highlighted a concern that the AMPIL Bill contained excessive details about Islam. When the president reviewed the bill, he expressed confusion, questioning, "What is this?" He indicated that it seemed as though Muslims were attempting to introduce Sharia law into Uganda. Consequently, the government has placed the AMPIL Bill on hold. Kiyemba remarked that the government has yet to progress the bill due to fears over introducing Sharia to Uganda.

There is also a perspective regarding Muslim men who marry non-Muslim women, alongside a faction of women who are vehemently opposed to polygamy. One clear point from discussions with Muslims involved in the campaign against the DRB is that no Muslim group is prepared to relinquish their right to a second wife. All concur that Islam permits them to marry multiple wives. This situation places other Muslim women in a dilemma; they wish to identify as Muslims and marry Muslim men but are opposed to polygamy. Consequently, they face the prospect of either accepting a second wife or exiting the marriage altogether.

The third respondent provided figures for Muslim couples who sought organisational support, highlighting several incidents.

In terms of strategies that were successfully implemented, the third respondents identified the following: The third respondents identified three successful strategies:

first, education; second, guidance and counselling for couples; and third, the establishment of income-generating projects such as real estate investments, share dividends, and land purchases to help couples transition from renting. Additionally, they actively led the legal campaign for the AMPL Bill and against the DRB and MAD Bill through seminars. See points one to twelve on question two above.

On the question of advising the Muslim community and the government on managing marriage and divorce issues in Uganda. The third respondent stated there appears to be a stalemate, but the Muslim community is determined not to proceed unless the AMPIL is activated, while the government seeks to involve Muslims as a backdoor associate of the Marriage and Divorce Bill.

5.2.4 CEO Uganda Association of Women Lawyers FIDA- Uganda

The fourth respondent, CEO of FIDA Uganda, discussed the issue of collaborating with clients who identify as Muslim and face matrimonial challenges (Lenah, 2025).

The CEO observed that the clientele at FIDA consists mainly of Muslim women encountering challenges associated with divorce, marital property, and inheritance.

The fourth respondent identified several critical areas: First, divorce. Secondly, regarding the challenges faced by Muslim wives when their rights are disregarded by their husbands, the respondent identified several issues: first, instances of domestic violence; second, the divorce process; third, complications related to marital property and alimony; fourth, inheritance rights; and fifth, delays within the justice system in both civil and Shariah courts, particularly due to the insufficient representation of women in Shariah and the absence of Article 129(d)(i).

In response to the inquiry regarding the number of Muslim couples seeking support from FIDA for matrimonial issues, the fourth respondent noted two isolated instances of Muslim wives requesting post-alimony assistance. The respondent presented success stories from FIDA, highlighting a case concerning a Muslim woman in pre- and post-Khula alimony proceedings at Shariah Courts and the Civil Court.

The fourth respondent offered recommendations to both the Muslim community and the government regarding the management of marriage and divorce issues in Uganda, advocating for the activation of Article 129(d)(1) to uphold the rights of Muslim women equitably.

5.2.5 President of the Muslim Lawyers Association

The fifth respondent interviewed was the president of the Uganda Muslim Lawyers' Association (UMLAS) and an advocate of the High Court of Uganda, as well as all subordinate courts. With over twenty years of experience in legal practice, he is also the Managing Partner at the law firm Ssemambo and Ssemambo Advocates (Rashid, 2025)

First, in response to the initial question regarding working with Muslim clients facing matrimonial problems, the respondent indicated that UMLAS assists clients who identify as Muslims with such issues.

Secondly, the fifth respondent highlighted the matrimonial challenges leading Muslim couples to seek UMLAS's services. First, property acquired during subsistence marriages is frequently the source of arguments. This includes: one, financial contributions made by couples to immovable property, such as land; two, the absence of written evidence to support these claims; and three, difficulties in claiming ownership of such property. Secondly, parentage and child custody issues arise, including Muslim men seeking DNA tests to determine whether their children were born in or out of wedlock.

Thirdly, divorce issues emerge, such as the filing of divorce petitions in Ugandan courts, with preferences for civil courts stemming from a lack of faith in Shariah courts. Additionally, Shariah courts lack binding authority, and there is conflicting jurisprudence regarding the applicability of Qadhi courts in Uganda.

Fourthly, there are challenges in administering the estates of deceased individuals.

Thirdly, when discussing the statistics of Muslim couples seeking UMLAS support for their matrimonial issues, the respondent noted that he handles five cases from Muslim clients each year.

Fourthly, the fifth respondent shared success stories in mitigating matrimonial problems. For example, one couple wished to file a divorce petition in the High Court of Uganda, Family Division, but he advised them to seek help from a prominent member of the Uganda Muslim Supreme Council (UMSC), who was able to mediate and reconcile the couple. Regarding strategies for successful mitigation, UMLAS encourages Muslim couples to explore reconciliation and mediation with Islamic scholars and leaders at their mosques as well as through Muslim civil society organisations and the UMSC. Additionally, many Ugandan judges lack an understanding of the principles governing Muslim marriages, partly because they are not Muslim and also due to the absence of the necessary technical personnel within the judiciary to advise them. Another strategy involves draughting thorough wills. UMLAS encourages clients to draft comprehensive wills, considering the succession laws of Uganda (Succession Act) and Shariah teachings, with assistance from sheikhs. This aims to prevent future disputes, as many issues arise from poorly droughted wills, particularly concerning property like land. Thirdly, estate planning is essential, as many Muslim couples experience financial distress and seek loans from banks, which can lead to familial issues. UMLAS negotiates repayment strategies on their behalf.

Fifthly, the fifth respondent provided advice from UMLAS regarding effective methods for the Muslim community and the government to manage marriage and divorce issues in Uganda. The respondent recommended that the Muslim community should first advocate for the establishment of Qadhi courts. UMLAS urges all Muslims, including Members of Parliament, civil society organisations, and Muslim thought leaders, to raise their voices and strongly support the establishment and empowerment of Qadhi courts to address Muslim matrimonial problems.

Furthermore, the Constitution of the Republic of Uganda, 1995 (as amended), provides for Qadhi courts under Article 126 (Exercising Judicial Power); however, there has been limited advocacy to promote their establishment. UMLAS also recommends that the Muslim community advocate for reconciliation and mediation as alternatives to

seeking remedies in civil courts. This can be facilitated through mosques and Islamic institutions, such as the Uganda Muslim Supreme Council, which must develop structures capable of addressing Muslim matrimonial issues. UMLAS reiterated that individuals with expertise in both Sharia law and Ugandan secular law should be appointed to these roles.

Additionally, the fifth respondent highlighted the necessity of formalising business relations. They asserted that many couples engage in financial transactions without executing written agreements, which inevitably leads to misunderstandings in the future.

UMLAS recommends the government empower Qadhi courts in Uganda. Since Qadhi courts are subordinate courts under the Constitution of the Republic of Uganda, 1995 (as amended), the government must implement these courts as the first instance in handling Muslim matrimonial problems and empower them accordingly. The framers of the 1995 Constitution (the Constituent Assembly) recognised that the Qadhi courts are best suited to handle Muslim matrimonial issues. Furthermore, the government should use the Qadhi courts in Kenya as a benchmark. Secondly, UMLAS recommends the appointment of Muslim judges based on their competence in both Ugandan secular law and Sharia to adequately address Muslim matrimonial problems. The fifth respondent who was interviewed is the President of the Uganda Muslim Lawyers' Association (UMLAS) and an Advocate of the High Court of Uganda, with over twenty years of experience in practicing law, in addition to being the Managing Partner at the law firm Ssemambo and Ssemambo Advocates. (Rashid, 2025)

First, the fifth respondent on the first question on working with clients who identify as Muslim with matrimonial problems, the respondent responded UMLAS works with clients who identify as Muslims with matrimonial problems.

Secondly, the fifth respondent on the matrimonial challenges or concerns leading Muslim couples to seek UMLAS service highlighted, first, couples usually have disputes over property accumulated during subsistence marriages. One, sometimes couples make financial contributions to immovable property like land; two, no written evidence to support their claims; and three, difficulties in claiming ownership of such

property. Second, one, parentage and child custody issues; two, Muslim men seeking DNA tests to ascertain whether their children were born in or out of wedlock by their mothers. Third, divorce: one, filing divorce petitions in Ugandan courts of law; two, the preference of civil courts over a lack of faith in Shariah courts. Three, shariah courts do not have a binding effect; four, conflicting jurisprudence on the applicability of Qadhi courts in Uganda. Four, administering the estates of the deceased.

Thirdly, the fifth respondent on the statistics of the Muslim couples sought UMLAS support over their matrimonial issues. The third respondent handles five cases involving Muslims each year.

Fourthly, the fifth respondent on the success stories in mitigating matrimonial problems; one couple wanted to file a divorce petition in the High Court of Uganda, Family Division, but I advised them to seek the assistance of an eminent member of the Uganda Muslim Supreme Council (UMSC), who entertained their dispute and was able to reconcile the couple. Two strategies for mitigation to succeed: one, reconciliation and mediation: UMLAS encourage many Muslim couples to explore reconciliation and mitigation with Islamic thought scholars/leaders at their Masjid, Muslim civil society organisations and the Uganda Muslim Supreme Council; two, many Ugandan judges do not understand the principles governing Muslim marriages. Three, partly because they are not Muslim but also because they are not provided with the requisite technical personnel in the judiciary to advise them. The second strategy involves the preparation of comprehensive wills. UMLAS clients are encouraged to draft thorough wills, considering the succession laws of Uganda (Succession Act) and Shariah teachings, with assistance from sheikhs. This procedure is intended to avoid disputes in the future. Second, many disputes arise from poor draughting of wills that do not cure the issues that may arise after the death of an individual, especially relating to properties like land. Third: Estate planning, UMLAS Many Muslim couples get into financial distress and seek loans from banks, which eventually becomes an issue within the family. UMLAS negotiates repayment strategies on behalf of the couples.

Fifthly, the fifth respondent provided UMLAS advice to the Muslim community and the government regarding the best methods for managing marriage and divorce issues in Uganda. The fifth respondent recommended that the Muslim community

should first advocate for the establishment of Qadhi courts. UMLAS urges all Muslims, including Members of Parliament, civil society organisations, and Muslim thought leaders, to raise their voices and strongly advocate the establishment and empowerment of Qadhi courts to address Muslim matrimonial problems. Secondly, the Constitution of the Republic of Uganda, 1995 (as amended), provides for Qadhi courts under Article 126 (Exercising Judicial Power); however, there has been limited advocacy for their establishment. UMLAS also recommends that the Muslim community advocate for reconciliation and mediation rather than seeking remedies in civil courts by utilising mosques and Islamic institutions, such as the Uganda Muslim Supreme Council, which should develop structures capable of addressing Muslim matrimonial issues. UMLAS emphasised the need to appoint individuals who possess expertise in both Sharia law and Ugandan secular law Thirdly, the formalisation of business relationships is vital. The fifth respondent noted that many couples engage in financial transactions without executing any written agreements, which inevitably leads to misunderstandings in the future.

UMLAS recommends that the government take the following actions: First, empower Qadhi courts in Uganda. Since Qadhi courts are subordinate courts under the Constitution of the Republic of Uganda, 1995 (as amended), the government must ensure that these courts are implemented as the first instance for handling Muslim matrimonial problems and adequately empower them. Secondly, the framers of the 1995 Constitution (the Constituent Assembly) recognised that the Qadhi courts are best suited to handle Muslim matrimonial issues. Thirdly, the government should benchmark against the Qadhi courts in Kenya. Additionally, UMLAS recommends the appointment of Muslim judges based on their competence in both Ugandan secular law and Sharia to effectively address Muslim matrimonial problems.

5.2.6 Chairperson of the Parliamentary Muslim Caucus 11th Parliament

The sixth respondent identified six key elements in response to the fifth question concerning the initiatives of the Parliamentary Muslim Caucus related to Article 129(d)(i). There have been persistent constitutional challenges and appeals from

stakeholders, including Parliament members, urging the government to enforce Article 129(d)(i).

Secondly, ongoing efforts illustrate the persistent challenge regarding Article 129(d)(i), as members of Parliament have introduced a draft bill pursuant to the regulations governing private bills. The Honourable Basalirwa received a directive from the Speaker of Parliament to prepare this draft bill, which has been completed by the members and is currently pending placement on the Order Paper.

Thirdly, a notable challenge regarding Article 129(d) is the government's insufficient political will to resolve the Qadhi Court issue, which has persisted since 1995.

Fourthly, an advocacy campaign is underway to utilise all available legal channels, actively engaging mosques, media outlets, and social media to promote enthusiasm, determination, and unity among Muslims. This campaign aims to elucidate that Article 129(d) does not pertain to the Islamisation of the country; instead, it focusses on allowing Muslims to adhere to Islamic principles in personal matters.

Fifthly, there exists the potential to influence non-Muslim parliamentarians to endorse the legislative adoption of Article 129(d). It is important to inform members of Parliament that it is not uncommon for Parliament to enact legislation impacting Muslims; for example, the Financial Institutions (Islamic Banking Laws) Regulation was passed in 2018. The Honourable Kajwengye Wilson has seconded the draft bill regarding Qadhi Courts. Basalirwa (2025

5.2.7 Head of the Directorate of the Sharia – Uganda Muslim Supreme Council

The seventh respondent addressed the fifth question about the Directorate of Sharia's counsel to the Muslim community and government on optimal strategies for managing marriage and divorce matters in Uganda, including perspectives on Article 129: d (i).

The fifth issue of the seventh respondent; There are currently no judges serving as Qadhi in the Qadhi Courts. Secondly, the Shariah experts in Uganda possess just

theoretical knowledge of judicial roles, without essential practical abilities in adjudication as mandated by Shariah.

Thirdly, the seventh respondents said that UMSC seeks assistance from specialists in the Muslim World to provide practical skills training to the Qadhi working in the Qadhi Court. The responder indicated that the UMSC requested assistance from Saudi Arabia and is still awaiting a response. UMSC also requests funding for Malaysia in the training of judges serving in the Qadhi Courts.

Fourthly, there is a necessity to establish a centre for the formation of Islamic judges, like to the Uganda Law Reform Commission.

Fifthly, the government's reservations over the pre-Qadhi Court statute are to the availability of justices in the Qadhi Court. (Lubanga, 2025).

5.2.8 Chairman Local Council 1, Kirasa II, Cell Masindi Municipality

Within the context of the fifth question, the eighth respondent offered guidance to the Muslim community and the government regarding the most effective approach to the management of marriage and divorce issues in Uganda.

First, the eighth responder brought up two issues: first, the couples suggested that they should be patient in their marriage, and second, the Muslim community and the government should acknowledge the job that the Qadhi institution has done in reducing the number of conflicts that occur between husbands and wives in the community. Also, patience is required of the Couples. 2025, Moga (Moga)‴.

5.3 MAQĀSID SHARIʿAH: WHAT ARE THE ROOT CAUSES OF WALK AWAY?

This section presents discussions on close-ended responses on Research Objective One validated by the Walk Away practices from the survey of 391 respondents and synthesised with results from Maqāsid Shariʿah and the Family Institution as illustrated below.

5.3.1 Selection of Spouse

In the preliminary discourse concerning spouse selection, 41 respondents said "strongly disagree" when queried about the influence of attractiveness on their marital partner choice. In a similar vein, 40 respondents chose wealth, whilst faith attracted 77 responses, and politics amassed 301. Politics got the highest rating on the Likert Scale for the "Strongly Disagree" category on spouse selection, with 301 respondents. Faith ranked second with 77 responses, followed by beauty with 41, and riches, which garnered the lowest score at 40. Consequently, politics got the highest rating in the "Strongly Disagree" category on spouse selection. For detailed information concerning the “Strongly Disagree” replies, please consult the closed-ended section on Spouse Selection in Chapter Four.

Literature on spouse selection emphasises choosing one person (Qur'an Surat an-Nur 24:32). Wealth, family position, beauty, and piety are important (Bukhari 5070), and activities are rewarded based on their intentions (Bukhari and Muslim). Chapter Two, section 8.1.1.2.1.2.1, discusses the Prophet (SAW) and his selection of the mothers of the Believers and the Ummah's reasoning for utilising a Likert Scale of Strongly Disagree to choose a marriage.

The second discussion on spouse choosing used a Likert scale to evaluate respondents who answered "Disagree." This analysis collected data from 391 respondents. Opponents of "Beauty" as a marriage reason were removed owing to factor analysis (FA). Survey respondents who disagreed with "Wealth" as a cause for marriage were also eliminated by Factor Analysis. Among the remaining respondents, 12 responded "Disagree" to "Faith" and 27 to "Politics" as reasons for marriage. The most "Disagree" replies were for "Politics," with 27, followed by "Faith" with 12. In the "Disagree" category, "Politics" scored highest, while "Faith" scored lowest. For more details about spouse selection on the Likert Scale of Disagreement, see element one of the Literature results.

The third instance of the marriage choosing discussion included 391 “Undecided” Likert scale respondents. Beauty got 24, Wealth 19, Faith 19, and Politics 10. Beauty scored highest among “Undecided” respondents for spouse choosing, with

24 preferring it. Wealth and Faith tied for second at 19, while Politics scored 10. Thus, attractiveness scored highest in “Undecided” and politics lowest. For literature results on spouse choosing based on the Likert Scale of “Undecided”, see element one.

In the fourth discussion on partner choosing, 391 people replied “Agree” on the Likert scale. 93 respondents said beauty was a cause for their marriage, while 92 said income was. Only 4 respondents said politics influenced their marriages, while 50 said faith did. The Likert Scale of “Agree” gave beauty the highest score for marriage selection, followed by wealth and faith with 50 each. Politics scored the lowest with 4 responses. Thus, Beauty scored highest in “Agreed” and Politics lowest. Element one of the literature results discusses Likert Scale of Agree-based spouse choosing.

In the fifth Selection of the Spouse Questions on the Likert Scale, 391 respondents answered “Strongly Agree.” 233 people “Strongly Disagree” (SD) that attractiveness is a marriage factor. In contrast, 239 respondents “Strongly Agree” that wealth motivates marriage. Additionally, 232 respondents chose “Strongly Disagree” on faith as a cause for marriage, while 49 chose “Strongly Agree” on politics. Wealth had the highest Likert Scale score for “Strongly Agree” on the Selection of Spouse Question with 239 responders. Beauty and Faith followed with 233 and 232 replies, respectively. At 49, politics scored lowest. Thus, wealth scored highest in the “Strongly Agree” category, while politics affecting spouse choosing scored lowest. For further information on selecting a partner using the Likert Scale of “Strongly Agree”, see element one of the literature results.

5.3.2 Choice of a Partner was Not Among the Forbidden People To Be Married

According to the Likert scale, the marriage partner was not prohibited from marriage in the first Choice of Partner Discussion. 373 of 391 respondents "Strongly Disagree" with the brother and 373 about the sisters' absence. 372 people "Strongly Disagree" about daughters and 372 about not being linked to sons. 372 respondents "Strongly Disagree" about not being uncles and 372 about aunties. Interestingly, 374 respondents "Strongly Disagree" about not being married and 372 about not being a Christian. Individuals who could marry received the highest marriage partner score. The Likert Scale question of

“Strongly Disagree” about not being married garnered the most votes, 374. Those unrelated to the brother, sister, and uncle tied for second with 373. The non-daughter, son, and aunt tied for third with 372 points. Non-Christians and Jews scored lowest. Thus, the greatest number in “Strongly Disagree” was for whether a marriage partner was not a married woman, while the lowest was for Christian/Jewish.

Islamic marriage partner choice literature shows two types of prohibition: permanent (Doi, Abd ar-Rahman I., 2008) and temporary (Khan M. M., 2011). Marriage during Iddah, having two suitors for the same woman, marrying two sisters consecutively, and marrying a woman with four wives are temporary prohibitions. Fawzan, Salih Al-(2005) addresses Asbab–ut-Tahrim, which states that some marriage disabilities are absolute. Remarrying an ex-wife, sworn adultery accusations, and public imprecation are examples.

Secondly, Fathers' former wives are partners (Qur'an Surat an-Nisa 4:22). Thirdly, mothers, daughters, sisters, paternal and maternal aunts, brothers' daughters, sisters' daughters, foster mothers, foster sisters, mothers-in-law, stepdaughters, guardians, sons' wives, and two sisters simultaneously are permanently forbidden from marriage.

Thirdly, those permanently forbidden from marriage include mothers, daughters, sisters, paternal and maternal aunts, the daughters of your brothers and sisters, your foster mothers and sisters, mothers-in-law, stepdaughters, those under your guardianship, wives of your sons, and two sisters marrying at the same time (Qur'an, Surat an-Nisa 4:23).

Fourthly, it is prohibited to propose to a woman who is already engaged (Sahih Muslim Hadith 3386). Fifthly, Shighar marriage is also forbidden (Sahih Muslim Hadith 3395).

Fifthly, there is a distinction regarding Altwaibaat and khabiithaat inequality, as noted in the Qur'an, Surat an-Nur 24:26. Seventhly, the equivalency of spouses is essential, and two spouses must be equivalent in four aspects: religiousness, freedom, profession, and solvency (Fawzan, Salih Al-, 2005).

Sixthly, interfaith marriage is explicitly forbidden in the Qur'an (Surat al-Baqarah 2:221). A male fornicator is permitted to marry only a female fornicator or an idolatress (Surat an-Nur 24:3).

Finally, the Qur'an (Sūratul Hashir 59:7) emphasises the importance of obeying the Prophet in all matters, including the choice of partner. For further details and results from the literature, please refer to Section 8.1.1.2 in Chapter Two.

In the second instance of the Choice of Partner Discussion, the marriage partner was not among those prohibited from marrying, according to responses on the Likert scale for "disagree." Out of a total of 391 respondents, 13 were not related to the brother, 15 were not sisters, 16 were daughters, 13 were sons, 15 were uncles, 15 were aunties, 14 were not married women, and 11 were Christians. The highest scores for marriage partners did not come from individuals who were prohibited from marrying. The Likert scale question regarding "Disagree" was not related to daughters, who received the highest score of 16; in second place was a tie between sisters, uncles, and aunties, each scoring 15; in third place was a married woman with a score of 14; in fourth was a son with 13; and the lowest score was attributed to non-Christians/Jews, with a score of 11. Therefore, the highest score in the "Disagree" category was for daughters, while the lowest was for Christians/Jews. For further literature results, please refer to the section on disagreeing with the choice of partner, which did not include those prohibited from marrying; see element one for more details.

In the third instance of the Choice of Partner Discussion, marriage partners were not included among the individuals prohibited from marrying, according to the Likert scale responses labelled as "undecided." The categories of brother, sister, daughter, son, uncle, married woman, Christian, or Jew were removed through factor analysis, except for one respondent who remained “undecided” regarding the Aunties category. Notably, the highest scores for marriage partners did not include any of the individuals classified as prohibited. The question on the Likert scale labelled “Undecided” went unanswered; however, the auntie category received the highest score from one respondent, while factor analysis eliminated the categories of brother, sister, daughter, son, uncle, married woman, Christian, or Jew. Therefore, the highest score for respondents whose marriage partner was not among those prohibited from marrying under the "undecided" category

was not related to the auntie. For literature results, refer to Element One regarding the undecided choice of partner; it was not included among those prohibited from marrying. Refer to Element One.

In the fourth instance of the Choice of Partner Discussion, a marriage partner was excluded from the list of individuals prohibited from marrying. Questions were posed on a Likert scale with an “Agree” option. One respondent indicated “Agree” regarding the non-relationship to a brother, while seven respondents agreed on not being Christians. The remaining responses were discarded through factor analysis, which included sister, daughter, son, uncle, and married woman. The highest scores for respondents whose marriage partner was not among the prohibited individuals were from the seven respondents who identified as Christians, while the lowest score was associated with the brother. For literature results, refer to the element concerning agreement on the choice of partner, which was not included in the prohibited list; see element one for further details.

In the last Choice of Partner Discussion, a marriage partner was not included in the list of individuals prohibited from marrying. Respondents answered questions on a Likert Scale, with 4 individuals selecting "Strongly Agree" out of a total of 391 who responded regarding brothers; sisters received 3 responses, sons 5, daughters 3, uncles 3, aunties 3, and married women 3. Among those who responded “Strongly Agree” regarding not being a married woman, there were 3, while the number of Christians was 32. The highest scores were recorded for marriage partners who are typically prohibited from marrying individuals. The highest score on the Likert scale for “Strongly Disagree” was for the Christian/Jew category, which received 32 responses; in second place was the category for not being a brother, with 4 responses; and in third place were sisters, daughters, aunties, uncles, and married women, each with the lowest score of 3. Consequently, the highest score in the category of “Strongly Agree” pertained to whether the marriage partner was Christian, while the lowest scores were attributed to sisters, daughters, aunties, uncles, and married women. For literature results, please refer to the element on “Strongly Agree” regarding the choice of partner, which was not among those prohibited from marrying; refer to element one.

5.3.3 Mode of Mahr Payment

Initially, regarding the payment method of mahr, questions were presented on a Likert scale, including the option “Strongly Disagree”. A total of 391 respondents indicated “Strongly Agree” regarding the recitation from the verse of the Qur'an as mahr, representing the entire group surveyed. A total of 309 respondents indicated that the mahr was paid by loan, while 209 respondents reported that it was paid in cash. Additionally, 309 respondents who answered “Strongly Disagree” indicated that the payment was made in kind. A total of 310 respondents indicated “Strongly Disagree” regarding the payment of mahr. A total of 307 respondents selected “Strongly Disagree” regarding the half-paid mahr. The highest scores regarding the mode of payment of mahr on the Likert Scale of “Strongly Disagree” were as follows: in first place, mahr paid by recitation from the verse of the Qur'an, with 391 respondents; in second place, mahr never paid, with 310 respondents; in third place, a tie between mahr paid by cash and mahr paid by loan, each with 309 respondents; in fourth place, mahr paid in kind, with 308 respondents; and in fifth position, mahr never paid, with 307 respondents. Consequently, the highest score on the Strongly Disagree question in the Likert scale was attributed to the mahr paid through the recitation of verses from the Qur'an, while the lowest score was associated with Never Paid.

The Literature Findings Before choosing the mode of payment for mahr, the prospective husband must be well-informed about the necessary procedures for executing the various payment methods. Knowledge of Marriage (ilm Zawaaj) (Amin W. M., 2011) Al-‘Alim (The Omniscient) and al-ma‘rifah are discussed in Al Kitab of Ilm, predating the knowledge of Chief Aarifah, Prophet Muhammad, as referenced in Qur’an Surat an-Najm 53:3-5. The Prophet's Ma‘rifah Model provides pure guidance (Hidayah), as referenced in Qur'an Surah Al-Baqarah: 2:2, and facilitates the healing of hearts. Qur'an Surah Fussilat 41:44, Surah Isra 17:82, he is a commendable advisor, Surah Yunus 10:57, his guidance is reliably assured; Qur'an Surah Hijr 15:9. Secondly, the results indicate that those who seek the Knowledge of Before the Deed of Marriage (ilm Zawaaj) are incomparable to non-seekers. Surat al-Zumar: 39:9, Surat al-Muhammad 47:19, those who pursue a path to acquire knowledge will find that Allah facilitates their journey to Paradise. Tirmidhi 2646. Secondly, the literature suggests that a Marriage Proposal and Engagement should be completed prior to the Marriage

contract. Proposal of Marriage Khitbah (Sa'ad, Islamic Principles on Khitbah and Courtship Versus the Effects of Social Media on Muslim Marriages in Northern Nigeria, 2021) Sahih al-Bukhari (5136) and Sahih Muslim (1419) are established by Al-Niyyah Al-Hajiz. Al–Niyyah Al-Hajiz represents the Qalb (Heart), the locus where intention is deeply rooted (Ghazzali, 1993). This concept is further reinforced by references in Surat al-Yusuf 12:53 and Surat al-Fajr 87:27.

The literature suggests that a physical component plays a crucial role in the transmission of intentions. This hypothesis is supported by references from Sahih al-Bukhari (Book 2, Hadith 45; Vol. 1, Book 2, Hadith 50), as well as the concepts of Aql and Ruh found in the Qur'an (Surah al-Isra 17:85).

The literature indicates that a prospective wife has the choice to accept or reject a marriage proposal with Sakina (serenity); Qur'an Surat al-Fath: 48:4. Furthermore, the right of a prospective wife to participate in human development is an objective following a marriage contract, as stated in Qur'an Surat al-Hajj: 22:5. It is important to understand that a prospective wife's ability to take part in human development depends on the belief that it is Allah who decides whether they will have daughters, sons, or no children at all; having sons, daughters, or being unable to have children is a gift from Allah.

The prospective wife or husband should be aware of the categories under which their marriage falls: wājib (obligatory), makrūh (reprehensible), mandūb (commendable), and haram (forbidden), according to Qur'an Surat al-Israh: 32:32. Furthermore, Qur'an Surat al-Maida: 5:1 encourages eagerness in acquiring knowledge (ilm) about marriage, as well as enthusiasm for the Mahr and physical aspects of the union (Farel Rifandanu, 2023).

Interactions during engagement or post-khitbah pledges are outlined in Qur'an Surat al-Maida: 5:1, alongside the necessity of fulfilling the conditions stipulated in the marriage (Muslim 3302). Moreover, the post-khitbah period emphasises the importance of husbands and wives documenting agreements, as indicated in Qur'an Surat al-Baqarah (2:282). Khitbah discussions should prioritise honesty under all circumstances, including the khitbah itself. Speaking the truth is emphasised as a virtue in Qur'an Surat

al-Baqarah Taubah (9:119), and it is noted in Qur'an Surat al-Ahzab (33:70–71) that failing to speak truthfully to Allah is a grave sin, as referenced in Qur'an Surat al-Safar (61:2–3).

The role of a khitbah matchmaker is deemed crucial for success (Sahih Muslim 2708), with additional guidance found in Sunan al-Tirmidhi (3437) and Ibn Majah (3547). Furthermore, Allah is identified as the sole Wali (Guardian) of Believers, as per Qur'an Surat al-Maida: 5:55.

In terms of khitbah khalwat (close proximity), prospective candidates must adhere to certain restrictions since they are not yet married (Jami` at-Tirmidhi 2165, Vol. 4, Book 7, Hadith 2165). The act of sighting the prospective wife before the consummation of the marriage contract is also significant (Sunan an-Nasa, Vol. 4, Book 26, Hadith 3237 and Muslim 3295).

In addition, the acceptance of gifts by the prospective wife during engagement (khitbah hibah) is acknowledged (al-Bukhār, 2023). The cancellation of the khitbah or returning gifts upon the prospective wife's decision to cancel the engagement is discussed in Sahih Bukhari: Vol. 7, Book 62, Hadith 75. For further details regarding the literature on marriage proposals and khitbah, please refer to Chapter Two, Section 8.2.1.3 on The Deed.

The literature results indicate the mode of payment for mahr to the prospective husband; mahr, or marriage gift, is a compulsory gift given to the prospective wife prior to the establishment of a marriage contract by the prospective husband, as stated in the Qur'an, Surah Al-Baqarah 4:4. Mahr is described as a mutually gracious gift in Qur'an Surah An-Nisa 4:24. The names of mahr include Nihlah (Abu Salma Muhammad Aydeed & Abul Abbaas Naveed Ayaaz, 2019), Ṣidāq, Ujr, Alāiq, Ḥibā'a, Tawl (Qur'an Surah An-Nisa 4:25), Farīdhah (Surah An-Nisa 4:24), and Ujr.

The essence of mahr encompasses different types: pre-paid mahr, deferred mahr, and unstipulated mahr. The literature findings suggest that mahr is valued and can be measured by several criteria: firstly, a commitment of service for a duration of 8 to 10 years (Surah Al-Qasas 28:27–28); secondly, the mahr of the mothers of the believers

(Sahih Muslim 1426); thirdly, the provision of a ring (Sahih al-Bukhari 5150); fourthly, the recommendation to avoid extremes regarding the mahr (Sunan Ibn Majah 1887); fifthly, a mahr of gold equivalent to a date-stone (Sahih al-Bukhari 6386); and sixthly, a fixed mahr (dowry) of more than 400 dirhams for one's wife (Qur'an Surah An-Nisa 4:20). In contemporary times, the equivalence of mahr is noted as £529 (Abu Muaaz Mohammed Manna, 2020). For detailed results regarding marriage proposals and engagement, refer to Chapter Two, Section 8.2.1.3.

In the second instance, concerning the mode of payment for Mahr, respondents indicated their level of disagreement on a Likert scale. Among those who answered 'Mahr Paid by Loan', there were 50 respondents. In contrast, 20 respondents indicated "pay by cash." Additionally, 33 respondents expressed disagreement regarding Mahr paid in kind, while another 33 disagreed that Mahr was never paid. Furthermore, 28 respondents disagreed with the notion of Mahr being half paid. The highest score on the Likert Scale of “Disagree” for the mode of payment of Mahr was attributed to 'Mahr Paid by Loan', with 50 respondents. In second place, there was a tie with 33 respondents for both 'Mahr Paid in Kind' and 'Mahr Never Paid'. In third place was 'Mahr Half Paid', with 28 respondents. Factor analysis excluded 'Mahr by Recitation of the Verses from the Qur'an' from consideration. Thus, the highest score of disagreement on the Likert scale was for 'Mahr Paid by Loan'. For literature on Mahr paid by loan, please refer to Element One of the Yardstick of Mahr, which discusses staying in service above.

In the third instance, we assessed the mode of mahr payment using a Likert scale, with the option "Undecided" (UD). Respondents who answered “UD” were eliminated by factor analysis (FA). Those who indicated “UD” for mahr paid were tied, with “never paid” and “half paid” each receiving 10 points; “paid in kind” received 9 points; and “paid by cash” was indicated by 33 respondents. Additionally, 4 respondents answered “UD” for mahr paid by cash. Respondents who said their mahr was recited from the Qur'an were also excluded. Thus, the highest scores for the mode of payment of mahr, based on the Likert Scale response of “Undecided”, were as follows: firstly, “never paid” and “half paid” received 10 points each; secondly, “paid in kind” received 9 points; and thirdly, “paid by cash” received 4 points. Those who indicated that their mahr was recited from the Qur'an were not included in the analysis. Therefore, the highest score for the “Undecided” question on the Likert scale was “never paid”, while

the lowest score was “half paid”. For literature results concerning the “undecided” option, please refer to element one.

In the fourth instance of the Mode of Payment of Mahr Questions on the Likert Scale of "Agree," responses showing "Agree" for the recitation of the Qur'an were eliminated via factor analysis. Eight respondents said they paid the mahr via a loan, while 39 said they paid it in cash. Seventeen respondents indicated that the mahr was paid in kind. Furthermore, nine respondents stated that the mahr was never paid, while 23 reported that it was only partially paid.

The highest scores for the mode of payment of mahr questions on the Likert Scale of "Agree" were as follows: first, mahr paid in cash received 39 responses; second, mahr half paid received 23 responses; third, mahr paid in kind received 17 responses; fourth, mahr never paid was reported by 9 respondents; and fifth, mahr paid via loan, with factor analysis excluding those who indicated that their mahr was the recitation of verses from the Qur'an. As a result, the greatest score on the Likert scale's "Agree" question was for mahr paid in cash, while the lowest was for mahr never paid.

In the fifth instance regarding the Mode of Payment of Mahr, responses were recorded on the Likert Scale with a rating of “Strongly Agree.” The respondents who selected “Strongly Agree” regarding the recitation from the Qur'an were excluded by FA. A total of 20 respondents indicated that their Mahr was paid by loan, while 122 respondents stated that it was paid in cash. Additionally, 24 respondents reported that their Mahr was paid in kind. Furthermore, 29 respondents expressed that their Mahr was never paid, and 22 respondents indicated that their Mahr was half paid. The highest scores on the Mode of Payment of Mahr Questions on the Likert Scale of “Agree” indicate that the first place for Mahr paid by cash is at 122, followed by Mahr never paid at 29, Mahr paid in Kind at 24, Mahr never paid at 22, and Mahr paid by loan at 20. Additionally, Factor Analysis excluded respondents whose Mahr was recitation from the verses of the Qur'an. Consequently, the highest score on the Strongly Agree question in the Likert scale was the mahr paid in cash, while the lowest was the mahr paid through a loan. For literature results regarding Strong Agreement on the Mode of Payment, refer to element one.

5.3.4 Consent of Guardian/Wali

Initially, the discussion focuses on the consent of the Guardian/Wali, addressing questions related to the Likert Scale response of “Strongly Disagree”. A total of 274 respondents identified Mother as a response from the overall population of 391. A total of 391 respondents participated in the survey. Among them, 296 individuals indicated “Strongly Disagree” regarding the role of Sisters as Guardian/Wali. For the Imam as a Guardian/Wali, 275 respondents selected “Strongly Disagree”. Additionally, 209 respondents expressed “Strongly Disagree” concerning the Father as Guardian/Wali, while 239 respondents chose “Strongly Disagree” for the Brother as Guardian/Wali. The highest scores for the Guardian/Wali Question on the Likert Scale of “Strongly Disagree” were as follows: the sister achieved the top score of 296, followed by the Imam with 275, the mother with 274, the brother with 239, and the father with the lowest score of 209. Consequently, the highest score in the “Strongly Disagree” category related to the Guardian/Wali question was attributed to the sister, while the lowest score was recorded for the father.

The literature results indicate that the consent of the guardian or wali is necessary, as no legal marriage can occur without the guardian (wali mujbir) (Majaah, n.d.). A woman cannot serve as a Wali Mujbir, nor can she offer herself for marriage. (Majah I., Sunan Ibn Majah, Vol. 3, Book 9, Hadith 1882, n.d.). For further information regarding the Guardian in Marriage, please consult Chapter Two, which addresses the Wali. The literature results indicate that, in addition to the father as a guardian, there are eighteen other legislated ranks of Wilayah listed. (Mūsá Richardson, 2012). For further information, please consult chapter two.

In the second instance regarding the discussion on the consent of the guardian/wali, questions were presented on the Likert scale indicating a response of “Disagree”. A total of 391 respondents participated in the survey, with 28 identifying Mother as a Guardian. A total of 23 respondents indicated “Disagree” regarding sisters as Guardian/Wali, while 20 respondents selected “SD” for Imam as Guardian/Wali. Additionally, 18 respondents expressed “Disagree” concerning Father as Guardian/Wali. The respondents who indicated “Disagree” regarding the brother as a Guardian / Wali numbered 17. The highest scores for the Consent of the Guardian/Wali

Question on the Likert Scale of “Disagree” were recorded as follows: the mother achieved 28 points, followed by the sister with 23 points, the Imam with 20 points, and the Father with 14 points. The highest score in the "Disagree" category regarding the question on Consent of the Guardian/Wali was attributed to the mother, while the lowest score was recorded for the brother. The literature results indicate that the Guardians who Disagree reference element one and item five regarding the permissibility for the authority (imam) to act as wali, as noted in Ibn Majah Sunan Ibn Majah 1879.

In the third instance regarding the Discussion of the Consent of the Guardian/Wali, questions were presented on the Likert Scale indicating a “Undecided” response. Out of a total of 391 respondents, 5 identified Mother as a Guardian, 4 selected “UD” sisters as Guardian/Wali, 2 chose “UD” Imam as Guardian/Wali, 6 indicated “UD” Father as Guardian/Wali, and 11 were undecided regarding brother as a Guardian/Wali. The highest scores for the Consent of the Guardian/Wali Question on the Likert Scale of “Undecided” were as follows: Brother received 11 scores, placing first; Father followed with 6 scores, securing second place; Mother came in third with 5 scores; Sister was fourth with 4 scores; and Imam rounded out the list with 2 scores. Consequently, the highest score in the "Undecided" category regarding the Consent of Guardian/Wali was attributed to Brother, while the lowest score was recorded for Imam. The literature indicates that the Guardians as Imam is applicable only when the prospective wife lacks Muslim paternity. For further details, please refer to element one.

In the fourth instance regarding the Discussion of the Consent of the Guardian/Wal Questions on the Likert Scale of “Agree.” Among the total population of 391 respondents, 7 identified Mother as a Guardian, 9 indicated agreement with Sister as a Guardian/Wali, 14 agreed with Imam as Guardian/Wali, 102 respondents supported Father as Guardian/Wali, and 19 respondents agreed with Brother as a Guardian/Wali. The scores for the Guardian/Wali Question on the Likert Scale of “Agree” were as follows: the Guardian/Wali received the highest score of 102, followed by brothers with 19, Imam with 14, sisters with 9, and mothers with 7. The highest score in the "Agree" category regarding the question on Consent of the Guardian/Wali was attributed to the Father, while the Mother received the lowest score. The literature indicates that, in Element One, the father is identified as the Right Mujbir Wali, whereas the mother is not.

In the fifth instance regarding the Discussion of Consent of the Guardian/Wali Questions on the Likert Scale of “Strongly Agree,” out of a total population of 391 respondents, 77 identified their Mother as a Guardian, while 59 respondents indicated their sister as Guardian/Wali. Fourteen respondents indicated “Strongly Agree” regarding the Imam as Guardian/Wali, while one hundred two respondents selected “Agree.” The respondents who identified as Father or Guardian/Wali indicated a "Strongly Agree" response, while those identifying as Brother or Guardian/Wali numbered 19. The highest scores for the Consent of the Guardian/Wali Question on the Likert Scale of “Strongly Agree” were recorded as follows: Brother achieved 104 points, followed by Imam with 79 points, Mother with 77 points, Sister with 59 points, and Father with the lowest score of 56 points. The highest score in the "Strongly Agree" category for the question regarding the Consent of the Guardian/Wali was attributed to Brother, followed by the score for Father. The literature results presented in Element One indicate that both Brother and Father are legitimate Mujbir Wali, as referenced in Element One.

5.3.5 Marriage Contract Venue

In the initial analysis regarding the discussion on Marriage Contract Venue based on the Likert Scale Results, out of a total population of 391, 266 respondents indicated “Strongly Disagree” concerning the Mosque as a venue for the Marriage Contract. Additionally, 199 respondents expressed “Strongly Disagree” regarding the Father’s home, while 272 respondents also answered “Strongly Disagree” for the Father-in-law’s home. Furthermore, 348 respondents indicated “Strongly Disagree” with the Court as a venue for the Marriage Contract. The highest scores on the Marriage Contract Venue Question on the Likert Scale of “Strongly Disagree” were recorded as follows: Court with 348, followed by father-in-law with 272, mosque with 266, and finally, the father's home. The highest score in the category of “Strongly Disagree” for the question regarding the Marriage Contract Venue was attributed to the Court, while the lowest score was associated with the father's home.

The literature results regarding the Court as a venue indicate that the Court, or Al-Mahkamah, is an official tribunal presided over by one or more judges, where legal

issues and claims are heard and resolved. Cornell Law School, 2022. It is essential for the court to uphold justice. Qur'an Nahl 16:90 along with Sources of Law, Rule of Law, Production of Witness, and the Court System. Two, Sources of Law The sources of law are categorised into primary and secondary sources. (Kamali, Mohammad Hashim, 2008) The four universal principles of the Rule of Law are accountability, just law, open government, and accessibility and impartial justice (William H. Neukom, 2025). Established on the foundations of divine authority, equitable legislation, and accountability in the afterlife. Mohd Hisham Mohd Kamal, 2022 Production of Witness Three components: first, Qarinah (circumstantial) (Mohd Munzil bin Muhamad, Ahmad Azam Mohd Shariff, Ramalinggam Rajamanickam). Mazupi Abdul Rahman, Anowar Zahid, Noorfajri Ismail, 2015, and Iqar (Confession) are processes conducted by the court. Iqrar is a formal admission or acknowledgement utilised to establish a right or interest of another party against oneself, or to concede an offence or liability. Secondly, the Judicial System in Islamic Law (Fathullah Al Haq and Muhamad Asni, 2017) The System of the Court cannot be revoked as referenced. Qur'an Surah An-Nahl 16:90. Four Qualifications of the Judge: “Unjust Acts” Qadi Madhalim, Qadi Amm, Wilayatul Mazalim, and Nidaam al-Ukubat (Islamic Panel Courts). For additional information regarding the court, please consult chapter two, section. 8.2.1.5.4.2.6.

The findings in the literature regarding the Father's home as a venue suggest that it serves as a place for rest and settlement. This is supported by Qur'an Surat an-Nahl 16:80, which describes homes as places of rest. Qur'an Surat al-Ahzab 33:33 highlights the home as a sanctuary and underscores the importance of children treating their parents with kindness, along with other attributes referenced in Qur'an and Hadith sources. For additional information regarding the father's home as a venue for marriage, please consult chapter two, section 8.2.1.5.4.2.3.

In the second instance regarding the Marriage Contract Venue question on the Likert Scale of “Disagree” results, out of a total population of 391, 36 respondents indicated Mosque as the Marriage Contract Venue, 37 respondents selected father’s home, 31 respondents chose “Degree” for Father-in-law's home, and 21 respondents responded “Disagree” for Court. The highest scores for the Marriage Contract Venue Question on the Likert Scale of “Disagree” were as follows: Father’s home received a score of 37, followed by Mosque with 36, Father-in-law’s home with 31, and court with

21. The highest score in the "Disagree" category regarding the question on the Marriage Contract Venue Court was attributed to the Father's home, while the lowest score was recorded for the Court. For the literature results, please refer to Element One regarding the father's home and court.

In the third instance regarding the Marriage Contract Venue question on the Likert Scale of "Undecided" results, a total of 391 respondents participated. Among them, 12 indicated Mosque as a Marriage Contract Venue, 9 responded "Undecided" for the father's home, 15 chose "Undecided" for the father-in-law's home as the venue, and 2 respondents answered "UD" for Court. The highest scores for the Marriage Contract Venue Question on the Likert Scale of "UD" were as follows: Father-in-Law received a score of 15, followed by the mosque with 12, the father's home with 9, and the Court with 6. The highest score in the "Undecided" category regarding the Marriage Contract Venue was attributed to the Father-in-Law, while the lowest score was recorded for the Court. The literature indicates that the father-in-law serves as a venue for the marriage contract. The results indicate that they possess similar attributes, akin to one of the "fathers." Please refer to element one for further details.

In the fourth instance of the Marriage Contract Venue question on the Likert Scale of "Agree" Result, out of a total population of 391, there were 11 respondents who selected Mosque as the Marriage Contract Venue. Additionally, 29 respondents indicated "Agree" for Father's Home, 19 respondents for Father-in-law's Home, and 2 respondents for Court. The highest scores for the Marriage Contract Venue Question on the Likert Scale of "Agree" were as follows: Father's Home received a score of 29, placing it in first position. The second position was held by father-in-law with a score of 19, followed by mosque in third place with 11, and the Court in fourth place with a score of 2. The highest score in the "Agree" category regarding the question on Marriage Contract Venue was attributed to Father's Home, while the lowest score was recorded for Court. Please refer to the father's home for literature results on agreement, and consult element one in the court documentation.

In the fifth instance regarding the Marriage Contract Venue question on the Likert Scale of "Strongly Agree," 66 respondents indicated "Strongly Agree" for the Mosque as the Marriage Contract Venue out of a total population of 391. Additionally,

117 respondents expressed “Strongly Agree” for the Father’s home, 54 respondents for the Father-in-law’s home, and 14 respondents for the Court. The highest scores for the Marriage Contract Venue Question on the Likert Scale of “Strongly Agree” were recorded at Father’s home with 117 responses. Following this, the Mosque received 66 responses, while the Father-in-law garnered 54 responses. Lastly, the Court had 14 respondents. Consequently, the highest score in the “Strongly Agree” category regarding the question on Marriage Contract Venue was attributed to the Father’s home, while the lowest score was recorded for the Court. For literature results on Strongly Agree, please refer to the father's home and the court as outlined in element one.

5.3.6 Duties and Responsibilities of Husband to the Wife

In the initial phase of the Discussion on Duties and Responsibilities, responses to the Likert Scale revealed that 71 out of 391 respondents indicated “Strongly Disagree” regarding Clothing. Additionally, 62 respondents expressed “Strongly Disagree” concerning Feeding, while 54 respondents selected “Strongly Disagree” in relation to Non-Material Needs. The highest scores for the duties and responsibilities of a husband to his wife on the Likert Scale of “Strongly Disagree” were as follows: Clothing received a score of 71, followed by Feeding with 62, Hospital Expenses with 58, Non-Material Needs with 54, and finally, Lightening with 47. Consequently, the highest score in the “Strongly Disagree” category was attributed to Clothing, while the lowest was associated with Lightning.

The literature results regarding the duties and responsibilities of the husband to the wife indicate that these roles begin with organisation. The Walimah, even when involving a goat, as referenced in Sahih Bukhari (6386), should include invitations extended to those who are less privileged (Bukhari: Vol. 7, Book 62, Hadith 106). It is important to honour the invitation to a bequest as noted in Bukhari Vol. 7, Book 62, Hadith 10.

Secondly, it is important to recognise the responsibilities of the wife in relation to the roles of maintenance as outlined in the Qur'an, specifically Surat an-Nisa’I 4:34. Additionally, it is essential that the in-laws refrain from interference, as indicated in

Surat an-Nur 24:27. The in-laws should not unnecessarily interfere in their relationship. Sahih al-Bukhari 5232 emphasises the importance of both husband and wife treating their neighbours with kindness and respect (Sahih Bukhari, n.d.).

Three, the rights of a husband over his wife; one Nafaqat is obligatory for the husband. Qur'an Baqarah 2:233, as well as Nisa 4:34 and al-Talaq 65:6, including Qur'an Surat al-Baqarah 2:233. The additional citations are: Qur'an Surat an-Nisa: 4:34 and Qur'an Surat al-at-Talaq: 65. Two aspects include providing food yardsticks that a husband has for himself (Sunan Abu Dawud, 2144) and the importance of a good neighbourhood, a comfortable mount, and a spacious abode (Ahmad 15409). The fundamental maintenance of Nafaqat involves the provision of food, clothing, accommodation, and additional support as necessary. (Azizah Mohd, 2010), two, Conjugal Relationships: the husband serves as a provider of cloth and farmland for the wife. Qur'an Surah Al-Baqarah 2:187, Qur'an Surah Al-Baqarah 2:223, and Qur'an Surah Al-Baqarah 2:222 Three, the husband must ensure the protection of the wife's rights as indicated in Bukhari: Vol. 7, Book 62, Hadith 129, and also in Sahih Muslim 1218a, Book 15, Hadith 159 (Muslim, Sahih, n.d.).

Four, Concealing Secrets of the Marriage (Sahih Muslim 1437a, n.d.) Sahih Muslim 1437a. The emphasis is on the performing roles regarded as acts of worship, which are perpetually practiced until death, as referenced in Qur'an Surat al-Hijr 15: 97 and Sahih Bukhari hadith 6607. In Islam, there is no concept of an obedient husband or wife when it comes to sinful acts. Bukhari: Vol. 7, Book 62, Hadith 133. Spouses should neither neglect nor be extreme in fulfilling their duties, responsibilities, and rights (Sahih Bukhari: 5189).

In the second instance of the Discussion on Duties and Responsibilities of the Husband to the Wife, the responses on the Likert Scale indicating disagreement were as follows: Out of a total population of 391, 5 respondents indicated “Disagree” regarding Clothing, 9 respondents expressed “Disagree” concerning Feeding, 8 respondents disagreed on Lighting, 8 respondents also disagreed on hospital expenses, and 10 respondents indicated “Disagree” regarding non-material needs. The paramount responsibilities of a husband towards his wife. The Likert Scale results indicate that the highest score for Non-Material Needs was 10, followed by Feeding with a score of 9.

Lightening and Hospital services both received a score of 8, placing them in third. Clothing ranked fourth with a score of 5. Consequently, the highest score in the “Disagree” category related to the question on the Duties and Responsibilities of a husband to his wife was attributed to clothing, while the lowest score was associated with lighting. The literature findings regarding "disagree," concerning clothing or lighting as a duty and responsibility of the husband pertain to element one subsection three on the rights of a husband over his wife.

In the third instance of the Discussion on Duties and Responsibilities of the Husband to the Wife, the responses on the Likert Scale indicated a category of “Undecided.” Out of a total population of 391, there were 12 respondents for Clothing, 28 respondents for Feeding, 26 respondents for Lighting, 25 respondents for Hospital Expenses, and 30 respondents for non-material needs who selected “Undecided.” The highest scores for the Duties and Responsibilities of a husband to his wife, as measured on the Likert Scale of “Undecided,” were as follows: non-material needs received a score of 30, followed by feeding with 28, lighting at 26, hospital expenses at 25, and clothing with a score of 12. The highest score in the category of “Undecided” regarding the Duties and Responsibilities of a husband to his wife was attributed to Lightening, while the lowest score was associated with Clothing. For literature results regarding "undecided" on lighting and clothing as duties and responsibilities of the husband, please refer to Element one, instance three.

In the fourth instance regarding the Discussion of Duties and Responsibilities of the Husband to the Wife, questions were assessed using a Likert Scale of “Agree.” Out of a total population of 391 respondents, 92 indicated “Agree” for Feeding, 78 for Lighting, 74 for Hospital Expenses, and 85 for Non-Material Needs. The top evaluations regarding the responsibilities and obligations of a husband towards his wife. The Likert Scale results indicate that the highest score for "Agree" was 92 for feeding, followed by non-material at 85. Lightening ranked third with a score of 78, while Clothing tied for fourth place with a score of 76. Hospital Expenses secured the fifth position with a score of 74. Consequently, the highest score in the "Agree" category regarding the Duties and Responsibilities of a Husband to his Wife was attributed to Feeding, while the lowest was associated with Hospital Expenses. For literature results on “Agree,” regarding

feeding or hospital expenses as duties and responsibilities of the husband, please refer to Element one, instance three for further details.

In the fifth instance of the Discussion of Duties and Responsibilities of the Husband to the Wife, questions were posed on the Likert Scale of “Strongly Agree.” Out of a total population of 391, 227 respondents indicated agreement regarding Clothing, 200 respondents regarding Feeding, 232 respondents expressed “Strongly Agree” for Lighting, 226 respondents for Hospital Expenses, and 212 respondents for Non-Material Needs. The highest scores for the Duties and Responsibilities of a husband to his wife, as measured on the Likert Scale of “Strongly Agree,” were as follows: Clothing received a score of 227, followed by Lightening with 232, Hospital with 226, Non-Material Needs at 212, and feeding at 200. The highest score in the category of "Strongly Agree" regarding the duties and responsibilities of a husband to his wife was attributed to Clothing, while the lowest score was associated with Feeding. For literature results on "Strong Agree" regarding clothing and feeding as responsibilities of the husband, please refer to Element one, instance three for further details.

5.3.7 Duties and Responsibilities of the Wife to the Husband

In the initial analysis of the Duties and Responsibilities of the Wife to the Husband, the responses on the Likert Scale indicated that 57 participants expressed "Strongly Disagree" regarding Obedience. For Physical Needs, 46 respondents selected "Strongly Disagree," while 59 indicated the same for Sought Permission. Additionally, 49 participants responded "Strongly Disagree" to the question of Keeping Attractive and Presentable, and 43 did so for Protected Property of the Husband. Furthermore, 31 respondents expressed "Strongly Disagree" concerning Respect in Laws, while 44 answered similarly for Bearing Children. In terms of Parenting, 61 respondents selected "Strongly Disagree," and 81 participants indicated the same for Never Allowing Strangers in the House. Lastly, 62 respondents chose "Strongly Disagree" for Keeping Secrets of the Husbands, and 44 respondents indicated "Strongly" on the Likert Scale question regarding Non-Material Needs. The highest scores on the Likert Scale of “Strongly Disagree” regarding the Duties and Responsibilities of the Wife to the

Husband Questions are as follows: Never Allowed Strangers in the House of the Husband scored 81, followed by Kept the Secrets of the Husband with 62. Parenting ranked third with a score of 61, while Sought Permission placed fourth with 59. Obedience was fifth with a score of 57, and Kept Attractive and Presentable came sixth with 49. There was a tie for seventh place between Bore Children and Non-Material Needs, both scoring 44. Protected Properties of the Husband ranked eighth with 43, and Respected in Laws was ninth with a score of 31. The highest score in the category of "Strongly Disagree" regarding the question on the duties and responsibilities of the wife to the husband was attributed to the statement about never allowing strangers, while the lowest score was associated with the concept of respecting in-laws.

The literature results on a Likert scale, Strongly disagree, according to the Qur'an (Kais Dukes, 2017), wives should never allow strangers to enter their home and should respect their in-laws (refer to Literature results two at section 5.2.1.6). Other duties and responsibilities of wives to their husbands include the active participle Qānitāt for feminine obedience and Qānit for masculine obedience. Qānitāt demonstrates devout obedience in fulfilling marriage rights and responsibilities. According to Surat an-Nisa 4:34, pious women are submissive and protect what Allah has entrusted to them. Other characteristics of excellence are other characteristics of Muslims include belief, truthfulness, patience, humility, charity, fasting, chastity, and remembrance of the Qur'an (Surat al-Azhab: 33:33). 2. Fulfilling the Productive Right (Sahih Bukhair, Book 54, Hadith 10). Three, Treatment of the Husband Advises wife to avoid asking for unnecessary maintenance, responding to husband, ceasing communication, and imitating neighbours. Four One should not ban what Allah has decreed permissible in the Qur'an. Surat al-Tahrim: 66:1. Fulfilling oath (Qur'an Surat al-Tahrim: 66:2). Fifth, not showing weakness (Qur'an Surat al-Tahrim: 66:3). Sixth, asking for forgiveness when mistakes are made (Qur'an Surat al-Tahrim: 66:4) Seventh, wives should not resist their husbands who follow the Straight Path of Islam. Bukhair (Vol. 7, Book 62, Hadith 119). According to Buhari (Vol. 7, Book 62, Hadith 121), it is important to never decline an invitation from one's husband. According to Bukhari (Vol. 7, Book 62, Hadith 123), it is not permissible for anyone to enter the house without the husband's permission. Tenth, express gratitude to the spouse for his contributions in completing his tasks (Bukhari: Vol. 7, Book 62, Hadith 125). Eleven, saving quality time. (Bukhair, Volume 7, Book 62, Hadith 127). According to al-Bukhār (2023),

Muḥammad ibn Ismā ʿīl is the Guardian of the House (Bukhari: Vol. 7, Book 62, Hadith 128) and the Compassionate (13). For further information on results one, two, three, and four, please see chapter two sections 8.2.1.5.5.

In the second instance of the Discussion of Duties and Responsibilities of the Wife to the Husband Question on the Likert Scale of "Disagree "Obedience, 15 respondents out of the total 391, 13 respondents who answered "Disagree" to Physical Needs, 14 respondents who answered "Disagree" to Sought Permission, 11 respondents who answered "Disagree" on Kept Attractive and Presentable," and 12 respondents answered "Disagree" on Protected Property of Husband. The highest scores on the Likert Scale of "Disagree" on the Duties and Responsibility of the Wife to the Husband Questions were Obedience (15), Sought Permission (14), Kept Secrets of the Husband (14), and Physical Needs (13). Protected Property scored 12, Kept Attractive and Presentable to the Husband scored 11, Respected in Laws and Parenting tied for sixth position with a score of 10, and Bore Children scored 7. The highest score in the "Disagree" category for the topic on Duties and Responsibilities of the Wife to the Husband was Obedience (Result one of discussion one), while the lowest score was Bore Children. The literature on Likert scale Disagree results on Obedience refers to discussion one of result one, whereas Bore Children is the same but result two.

In the third instance of the Discussion of Duties and Responsibilities of the Wife to the Husband Question on the Likert Scale of "Undecided "Obedience were 40 respondents out of the total 391. The respondents who answered "UD" to Physical Needs were 27, the respondents who answered "UD" to Sought Permission were 36, the respondents who Sought permission were 36, the respondents who answered Undecided on Kept Attractive and Presentable were 23, and the respondents who On the Likert Scale, 16 respondents answered "Undecided" for Bore Children, 26 for Parenting, 32 for Never Allowed Strangers in the House, 29 for Kept Secrets of the Husbands, and 40 for Non-Material Needs. The highest scores on the Likert Scale of "Undecided" on the Duties and Responsibilities of the Wife to the Husband Questions were "Obedience and Non-Material Needs" (40 respondents), "Sought Permission" (36), "Parenting" (32), "Kept the Secrets of the Husbands" (29), "Physical Needs" (27), and "Kept Attractive and Presentable" (six). In the "Undecided" category for the "Duties and Responsibilities of the Wife to the Husband" question, the greatest score was Obedience Result 0ne and

Non-Material Needs, while the lowest score was Protected Properties. Refer to topic one for literature results on obedience. Refer to discussion result 13 for unsure on the Likert scale for non-material needs, and result 12 for husband's protected properties.

In the fourth instance of the Discussion of Duties and Responsibilities of the Wife to the Husband Question on the Likert Scale of "Agree," Obedience was reported by 68 respondents out of a total of 391. The survey found that 90% of respondents agreed with physical needs, 88 agreed with seeking permission, 86 agreed with keeping attractive and presentable, 90% agreed with protecting husband's property, 102 agreed with respecting laws, and 83 agreed with bore children. 81 respondents said they agree with parenting, 73 said they never let strangers into their home, 74 said they kept secrets from their husbands, and 80 said they agreed with the Likert Scale question about non-material needs. The highest scores on the Likert Scale of "Agree" on the Duties and Responsibility of the Wife to the Husband Questions were Respected in Laws (102), Physical Needs (90), Sought Permission (88), Kept Attractive and Presentable (86), Bore Children (83), and Parenting (76). In the "Agree" category for the "Duties and Responsibility of the Wife to the Husband" question, the greatest score was Respected in Laws, while the lowest score was Protect Property.

In the fifth instance of the Discussion of Duties and Responsibilities of the Wife to the Husband Question, the Likert Scale was "Strongly Agree." Of the total 391 responses, 211 were obedient. There were 213 respondents who strongly agreed with physical needs, 194 who agreed with seeking permission, 222 who protected their property, 227 who respected their in-laws, 229 who respected their in-laws, 241 who bore children, 213 who answered parenting, 190 who never allowed strangers in the house, 212 who kept their husband's secret, and 214 who did not. The highest scores on the Likert Scale of "Strongly Agree" on the Rights and Responsibility of the Wife to the Husband Questions were: Bore Child Protected Property of the Husband (241), Respected in Laws (229), Protected the Property of the Husband (227), Kept Attractive and Presentable (222), Non-Material Needs (214), and Paren The greatest score in the category of "Strongly Agree" after the question on obligations and responsibilities of the wife to the husband was bore children, while the lowest score was sought permission. The literature on the Likert Scale of "Strongly Agree" for Sought Permission can be found in result 9 of discussion one, with additional highlights.

5.3.7.1 Summary of the Pillars and Conditions of Marriage Conditions

To summarise, Section 5.2.1 aimed to validate the root causes of the Walk Away by first determining if the 391 former couples met the basic pillars and conditions for a valid marriage. The literature and Semi Structure questionnaire results were discussed above, and a summary is provided below.

Regarding selecting a partner, responses were categorised into five categories on a Likert scale: strongly disagree, disagree, undecided, agree, and strongly agree. The evaluation focused on attributes such as beauty, wealth, faith, and politics. Politics received the highest score in the "Strongly Disagree" category, while Faith received the lowest score in the "Disagree" category. Beauty received the highest score in the "Agree" category, while Politics received the lowest score in the "Strongly Agree" category. The literature review on selecting a spouse found that singles may be virgins, widowed, or divorced, with factors such as wealth, family position, beauty, and religious beliefs. The selection process emphasises the rationale for piety.

Secondly, on question of Choice of Spouse for marriage on the Likert Scale; Strongly Disagree, Disagree, Undecided, Agree and Strongly Agree were evaluated on brother, sister, daughter, son, uncle, auntie, married woman, and Christian or Jew; the highest score on the category of “Strongly Disagree” was the question of whether a marriage partner was not a married woman and the Lowest was Christian/Jews, the highest score in the category of “Disagree” were Daughter and the Lowest was Christian/Jew, the highest score for respondents whose Marriage partner were not among the individuals prohibited to be married “Undecided” was not related to the auntie, the highest scores for the respondents whose Marriage partner were not among the individuals prohibited to be married “Agree” had 7 respondents who were answered Christian and the Lowest was brother, the highest score in the category of “Strongly Agree” was the question of marriage partner was Christian and the Lowest sister, daughter, auntie, uncle, and married woman. The summary of the literature results on choosing a spouse: partners forbidden to marry were either permanently or temporarily prohibited, and the Prophet (SAW) was disobeyed.

In summary, the Mode of Payment of Marriage on the Likert scale was evaluated as Strongly Disagree, Disagree, Undecided, Agree, and Strongly Agree based on recitation of Qur'an verses, loan, cash, in kind, never paid, and half paid. Mahr paid by recitation of verses from the Qur'an received the highest score, while Never Paid received the lowest. Mahr had the highest score on the Likert scale for the Disagree Question when paid by loan. The greatest score for the "Undecided" question on the Likert scale was never paid, while the lowest score was half-paid. Mahr paid in cash received the highest score on the "Agree" question, while Mahr never paid received the lowest. Mahr paid by cash received the greatest score in the Strongly Agree Question on the Likert scale, while Mahr paid via loan received the lowest score. According to the literature, the husband must have made Khitbah with serenity prior to the marriage contract, and can choose between pre-paid, deferred, or unspecified Mahr payment modes.

In summary, the Likert Scale was used to evaluate the consent of a Guardian/Wali for payment of mahr. Mother, sister, Imam, father, and brother received the highest score in the "Strongly Disagree" category and the lowest score in the "Disagree" category. According to the Literature Summary on Guardian Wali Consent, marriage is not permissible without the Guardian's (wali mujbir) consent. A woman cannot be a Wali Mujbir or offer herself for marriage without the agreement of the father or Iman for a prospective bride with non-Muslim parents. In summary, the Likert Scale of Strongly Disagree, Disagree, Undecided, Agree, and Strongly Agree was used to evaluate the venue of the marriage contract. Mosques, Father's home, and Father-in-law's home received the highest score in the "Strongly Disagree" category, while father's home received the lowest score. The venue was the father's home, while the lowest was the court. The highest score was in the "Strongly Agree" category for the Marriage Contract question.

The venue was Father's home, while the lowest was the court. In the Likert scale, the highest Mahr paid was by cash, while the lowest was by loan. The summary of the literature results on the question of Venue of the marriage contract, the court once fulfilled all the conditions of a valid marriage contract and a choice of all stakeholders. The same applies to other venues if there is a violation of the Islamic etiquette of gathering, including father's home, father-in-law, or mosque.

Sixthly, on summary on the result on the question of Duties and responsibilities of the husband to the wife on the Likert Scale of Strongly Disagree, Disagree, Undecided, Agree and Strongly Agree were evaluated on Clothing, Feeding, Lightening, Hospital Expenses, and Non – Material Needs of the wife; the highest score in the category of "Strongly Disagree" was Clothing and the Lowest was lightning, the highest score in the category of "Disagree" following question on the Duties and Responsibility of Husband to the Wife was Clothing and the Lowest lightning, the highest score in the category of "Undecided" following question on the Duties and Responsibility of husband to the wife was Lightening and the Lowest was Clothing, the highest score in the category of "Agree" following question on the Duties and Responsibility of Husband to the Wife was Feeding and the Lowest Hospital Expenses, the highest score in the category of "Strongly Agree" following question on the Duties and Responsibility of husband to the wife was Clothing and the Lowest was Feeding,

According to literature, a husband's responsibilities to his wife include providing food, a good neighbourhood, a comfortable and spacious home, and other necessities such as hospital expenses, depending on location and time. Protecting the wife's rights, performing marital functions as acts of worship until death, and failing to fulfil duties and responsibilities to the wife. Finally, the summary discusses the findings of the Likert Scale and relevant literature on the wife's duties and responsibilities to her husband. The initial results for Strongly Disagree, Disagree, Undecided, Agree, and Strongly Agree were reviewed. In the "Duties and Responsibility of the Wife to the Husband" category, the highest score was "Never Allowed Strangers in the House," while the lowest score was "Respected in Laws." In the "Agree" category, the highest score was "Respect in Laws," while the lowest score was "Protect Property." In the "Strongly Agree" category, the highest score was "Born Children," and the lowest score was "Sought Permission."

The literature summary reveals that Qānitāt is devoutly obedient in completing their marriage rights and responsibilities. Two, fulfilling the productive. Three, Treatment of Husband Advice Four One goal is to fulfil Allah's pledge by not prohibiting what is legal. Fifth, not exposing the weakness. Sixth, begging for forgiveness while at fault. Seven wives are not inclined to oppose their husbands. Eight, never decline Husband's Nine. Do not let anyone into the house without husband's

consent. Ten, to be grateful to the husband. At Eleven, we prioritise quality time. Twelve, the House Guardian, and thirteen are demonstrating mercy.

5.4 MAQĀSID SHARI`AH AND HOW EFFECTIVE IS THE RECONCILIATION IN CURBING WALK AWAY?

This section presents effective reconciliation from the opened ended survey results and and synthesised with results from Maqāsid Shari`ah and the Family Institution.

5.4.1 Admonishment

In the initial phase of the Discussion on Admonishment, a total of 391 respondents provided feedback regarding their experiences with admonishment. Specifically, 113 respondents indicated "Strongly Disagree" for Admonishment 1, which pertains to reminding each other about the failure to fulfil marital responsibilities (REFFMP). Similarly, 138 respondents responded to Admonishment 2, which involved teaching each other about the Qur'an and Sunnah concerning marital issues. For Admonishment 3, which focused on reviewing the significance of the marriage relationship, 181 respondents selected "Strongly Disagree." In the case of Admonishment 4, related to sleeping in separate beds, 146 respondents chose "Strongly Disagree." Lastly, 218 respondents indicated "Strongly Disagree" for Admonishment 5, which involved the experience of being lightly beaten (ILB). The highest scores on the Likert Scale of “Strongly Disagree” regarding the Questions of Admonition are as follows: In first place, Admonishment 5, or I was lightly beaten (ILB), received a score of 218. In second place, Admonishment 3, or Reviewed Significance of this Marriage Relationship (RSMR), garnered 181 points. Third place was held by Admonishment 4, or Slept in Separate Beds (SISB), with a score of 146. In fourth place, Admonishment 2, or Taught each other about the Qur'an and Sunnah on the marital issue (TQSMI), achieved 138 points. Finally, in fifth place, Admonishment 1, or Reminded Each other about Failure to Fulfil Marital Responsibilities (REFFMP), received a score of 113. Consequently, the maximum score for Strongly Disagree was recorded for Admonishment 5, or I was

lightly Beaten (ILB), while the minimum score was noted for Admonishment 1, or Reminded each other about Failure to Fulfil Marital Responsibilities (REFFMP).

The literature results on admonition processes indicate that there are seven steps to be followed. First, advise her. Secondly, refrain from sharing a bed if misconduct continues. The third step involves addressing the behaviour gently, provided the misconduct persists; however, physical punishment is not acceptable (Sahih al-Bukhari 5204). The fourth step is to ensure fairness, allowing for the possibility of change in her behaviour. The fifth step involves appointing a mediator from each family if severe marital discord is anticipated (Shiqāq). Sixth, if there is a genuine desire for reconciliation, Allah will facilitate the restoration of harmony between husband and wife. Qur'an Surah An-Nisa 4:34-35. For further information regarding the Admonishment. Consequently, the outcomes for Strongly Disagree on the Likert Scale regarding Admonition 5 pertain to the third step of the Admonition, while the failure to fulfil marital responsibilities is addressed, specifically at sixth and seventh points.

In the second instance of the discussion on admonishment, out of a total population of 391 respondents regarding the question of admonishment or reminders about the failure to fulfil marital responsibilities (REFFMP), 12 respondents indicated "Disagree" on the Likert scale. Additionally, 12 respondents addressed admonishment related to teaching each other about the Qur'an and Sunnah concerning marital issues. Furthermore, 46 respondents disagreed with the question regarding the significance of the marriage relationship, while 27 respondents responded to the question about sleeping in separate beds. Lastly, 36 respondents indicated "Disagree" regarding the question of being lightly beaten (ILB). The highest scores on the Likert Scale of “Strongly Disagree” regarding the Questions of Admonition were as follows: In first place, Admonishment 3, which pertains to the Reviewed Significance of the Marriage Relationship, received a score of 46. In second place, Admonishment 5, related to Lightly Beaten (ILB), garnered a score of 36. Third place was occupied by Admonishment 4, concerning Sleeping in Separate Beds (SISB), with a score of 27. Finally, in fourth place, there was a tie between Admonishment 1, which involved Teaching each other about the Qur`an and Sunnah on the Marital Issue question, and Reminding each other about failure to Fulfil Marital Responsibilities (REFFMP), each scoring 12. Consequently, the highest score in the "Disagree" category was recorded for

Admonishment 3, which pertains to the Reviewed Significance of the Marriage Relationship. In contrast, the lowest scores were associated with Admonishment 1, related to Teaching each other about the Qur'an and Sunnah on the Marital Issue question, as well as Reminding each other about the failure to Fulfil Marital Responsibilities (RFFMP).

The literature findings regarding the Likert Scale of Disagreement on Admonishment 3 or Reviewed Significance of the Marriage Relationship reference the Admonition process literature result 6. This pertains to Admonishment 1 or the mutual teaching about the Qur'an and Sunnah concerning marital issues, as well as the reminders about the failure to fulfil marital responsibilities (RFFMP).

In the third instance of the discussion on admonishment, a total of 391 respondents participated in the Likert Scale assessment regarding their stance on various aspects of marital responsibilities. The results indicate that 18 respondents expressed a "Undecided" position on the first question concerning reminders about fulfilling marital duties. In relation to the second question, which focused on teaching each other about the Qur'an and Sunnah regarding marital issues, 29 respondents were recorded. For the third question, which reviewed the significance of the marriage relationship, 32 respondents selected "Undecided." Additionally, 36 respondents answered the fourth question regarding sleeping in separate beds, while 28 respondents responded to the fifth question concerning light physical discipline. The highest scores on the Likert Scale of “Undecided” regarding the Questions of Admonishment are as follows: In first place, Admonishment 4 or Slept in Separate Beds (SISB) received a score of 36. In second place, Reviewed Significance of this Marriage Relationship (RSMR) scored 32. In third place, Taught each other about the Qur`an and Sunnah on the Marital Issue (TQSMI) achieved a score of 29. In fourth place, Admonishment 5 or I was lightly beaten (ILB) garnered 28 points. Finally, in fifth place, Admonishment 1 or Reminded each other about Failure to Fulfil Marital Responsibilities (RFFMP) received a score of 18. Consequently, the maximum point score for the “Undecided” category was Admonishment 4 or Slept in Separate Beds (SISB), while the minimum was Reminded each other about Failure to Fulfil Marital Responsibilities (REFFMP).

The literature results concerning the Likert Scale of Undecide on Admonishment 4 or Slept in Separate Beds (SISB) pertain to the Admonition process literature result 2 of Discussion one.

In the fourth instance of the Discussion on Admonishment, out of a total population of 391 respondents, the results on the Likert Scale indicate the following: For Admonishment 1, which pertains to reminding each other about the failure to fulfil marital responsibilities (RFFMP), 91 respondents answered "Agree." For Admonishment 2, concerning teaching each other about the Qur'an and Sunnah on marital issues, 76 respondents indicated "Agree." On Admonishment 3, which involved reviewing the significance of the marriage relationship, 39 respondents responded "Agree." Regarding Admonishment 4, related to sleeping in separate beds, 79 respondents answered "Agree." Lastly, for Admonishment 5, concerning lightly beating (ILB), 42 respondents indicated "Agree." The highest scores on the Likert Scale of “Agree” regarding the Questions of Admonition were as follows: First, reminded each other about Failure to Fulfil Marital Responsibilities (REFFMP) received a score of 91. Second, Admonishment 4 or Slept in Separate Beds (SISB) scored 79. Third, taught each other about the Qur'an and Sunnah on the Marital Issue (TQSMI) achieved a score of 76. Lastly, Admonishment 5 or I was lightly beaten (ILB) received a score of 42. Consequently, the peak score on the Likert scale of “Agree” was associated with Admonition 1, which pertains to reminding each other about the failure to fulfil marital responsibilities (REFFMP), while the lowest score was linked to Admonishment 5, referring to being lightly beaten (ILB).

The literature results regarding the Likert Scale of Agreement on Admonition1 or reminders about the failure to fulfil marital responsibilities (REFFMP) pertain to the sixth and seventh sections, specifically 5.2.1.8. Regarding Admonishment 5 or the instance of being lightly beaten (ILB), please refer to Discussion one, Result two.

In the fifth instance of the discussion on admonishment, out of a total population of 391 respondents, the results on the Likert Scale indicate that 159 respondents selected “Strongly Agree” for Admonishment 1, which pertains to reminding each other about the failure to fulfil marital responsibilities (REFFMP). For Admonishment 2, which involves teaching each other about the Qur'an and Sunnah regarding marital issues, 136

respondents agreed strongly. Additionally, 93 respondents indicated “Strongly Agree” for Admonishment 3, which reviewed the significance of the marriage relationship. For Admonishment 4, concerning sleeping in separate beds, 103 respondents responded, while 67 respondents selected “Strongly Agree” for Admonishment 5, which refers to being lightly beaten (ILB). The highest scores on the Likert Scale of “Strongly Agree” regarding the questions of admonition were as follows: In first place, "Reminded each other about Failure to Fulfil Marital Responsibilities" (REFFMP) received a score of 159. In second place, "Taught each other about the Qur'an and Sunnah on the Marital Issue" (TQSMI) scored 136. Third place was held by "Admonition 4 or Slept in Separate Beds" (SISB) with a score of 103. Fourth place went to "Reviewed Significance of this Marriage Relationship" (RSMR) with a score of 93. Lastly, in fifth place, "Admonishment 5 or I was lightly beaten" (ILB) received a score of 67. Consequently, the peak score on the Likert scale was recorded as “Strongly Agree” for Admonishment 1, which pertains to reminders about the failure to fulfil marital responsibilities (REFFMP). In contrast, the lowest score was associated with Admonition 5, indicating instances of being lightly beaten (ILB).

The literature results on the Likert Scale of Strongly Agree regarding Admonition1 or reminders about the failure to fulfil marital responsibilities (REFFMP) pertain to sections 5.2.1.6 and 5.2.1.7. Regarding Admonishment 5 or the instance of being lightly beaten (ILB), please refer to Discussion one, Result point number two.

5.4.2 Mediation

In the initial phase of the Discussion regarding the Mediation, from a total of 391 respondents, 129 indicated "Strongly Disagree" concerning Mediation 1, which pertains to the Marital Issue being referred to the Guardians for Management (MIGM). Additionally, 174 respondents expressed "Strongly Disagree" regarding Mediation 2, related to the Guardians approving the spouse's return to the marriage (GASRM). The top score for "Strongly Disagree" was recorded in Mediation 1, specifically for The Guardians Approved the Spouse to Return to the Marriage (GASRM), which achieved a score of 174. Following closely in second place was Mediation 1 for the Marital issue taken to the Guardians for Management (MIGM), with a score of 129. The highest score

in the “Strongly Disagree” category of the Likert Scale was recorded for respondents who answered “Strongly Disagree” regarding Mediation 2, or The Guardians Approved the Spouse to Return to the Marriage (GASRM). Conversely, the lowest score was associated with Mediation 1, or Marital Issue was Taken to the Guardians for Management (MIGM).

The literature on mediation indicates, as referenced in the previous section of the Qur'an, specifically Surah An-Nisa 4:35, that the initial step is to appoint an arbitrator from both the husband and wife with the intention of reconciliation. The Hakīm serves as the Wakil according to the established ranks of Wilayah: 1. Grandson, 2. Great Grandson, 3. Oldest Full Brother, 4. Oldest Full Brother, 5. Oldest Half-Brother (from the Father’s side), 6. Oldest Half-Brother (from the Father’s side), 7. Oldest Son of a Full Brother (Nephew), 8. Oldest Son of Full Brother, 9. Oldest Son of a Half-Brother from the Father’s side (Nephew), 10. Oldest Son of a Half Brother from the Father’s side, 11. Grandson of Full Brother (oldest first), 12. Grandson of Half-Brother from the Father’s side (oldest first), 13. Oldest Paternal Uncle, 14. Oldest Paternal Uncle, 15. Oldest Son of Paternal Uncle (Cousin), 16. Oldest Son of Paternal Uncle, 17. Oldest Great (Paternal) Uncle, and 18. Oldest Great (Paternal) Uncle. (Mūsá Richardson, 2012) Fifth, in the event of any dispute, the ruler serves as the guardian for those who lack a guardian, as narrated by Aisha, the wife of the Prophet (SAW), and recorded in Ibn Majah Sunan Ibn Majah 1879. The literature results indicate a Strongly Disagree response on the Likert Scale for Mediation 2, which pertains to The Guardians Approved the Spouse to Return to the Marriage (GASRM), and Mediation 1, concerning the Marital issue taken to the Guardians for Management (MIGM). This is referenced in Qur'an Surat an-Nisa 4:35 as noted in the literature result section above.

In the second instance regarding the Discussion of the Mediation, from a total of 391 respondents on the Likert Scale question concerning "Disagree," 25 respondents addressed the issue of Mediation 1, where marital issues were referred to the Guardians for Management (MIGM). Additionally, 21 respondents indicated "Disagree" regarding Mediation 2, which involved the Guardians approving the spouse's return to the marriage (GASRM). The highest score for the “Disagree” category in the first position was achieved by Mediation 2, also known as the Guardians approved the spouse to return to the Marriage (GASRM), with a score of 25. In second place, Mediation 1, or

Marital issue taken to the Guardians for Management (MIGM), received a score of 21. Consequently, the highest score in the "Disagree" category of the Likert Scale was recorded for Mediation 2, where the Guardians approved the spouse's return to the marriage (GASRM). In contrast, the lowest score was attributed to Mediation 1, which involved the marital issue being referred to the Guardians for Management (MIGM). The Literature Result on Mediation 2 indicates that the Guardians approved the spouse's return to the Marriage (GASRM), while Mediation 1 concerning marital issues was submitted to the Guardians for Management (MIGM), resulting in a disagreement on the Likert Scale as discussed in section one.

In the third instance regarding the Discussion of the Mediation, from a total of 391 respondents on the Likert Scale question concerning the “Undecided” category, 25 respondents provided answers related to Mediation 1, where the marital issue was referred to the Guardians for Management (MIGM). Additionally, 56 respondents addressed Mediation 2, which involved the Guardians approving the Spouse's return to the Marriage (GASRM). The highest score for the “Undecided” category was Mediation 2, also known as The Guardians approved the Spouse to Return to the Marriage (GASRM), while the lowest score was Mediation 1, referred to as Marital issue was taken to the Guardians for Management (MIGM). The literature findings on undecided pertain to discussion result one.

In the fourth instance regarding the Discussion of the Mediation, from a total of 391 respondents on the Likert Scale question concerning "Agree," 73 respondents addressed the question of Mediation 1, indicating that the marital issue was taken to the Guardians for Management (MIGM). Additionally, 67 respondents expressed "Agree" regarding Mediation 2, where the Guardians approved the spouse's return to the marriage (GASRM). The top position was held by Mediation 1 or Marital issue, which was referred to the Guardians for Management (MIGM) with a score of 73. In second place was Mediation 2 or the Guardians approved the spouse to return to the Marriage (GASRM), which achieved a score of 21. Therefore, the highest score in the “Agree” category of the Likert Scale was associated with Mediation 1, which pertains to the Management of Marital Issues by Guardians (MIGM), while the lowest score was linked to Mediation 2, where Guardians approved the spouse's return to the Marriage

(GASRM). For the literature, please refer to the discussion of result one regarding Agree.

In the fifth instance of the Discussion on Mediation, from a total population of 391 respondents regarding the Likert Scale question of “Strongly Agree,” 139 respondents indicated agreement with Mediation 1, which pertains to the Management of Marital Issues by Guardians (MIGM). Additionally, 73 respondents expressed “Strongly Agree” in relation to Mediation 2, concerning the Guardians' approval for the spouse to return to the Marriage (GASRM). The top score for the "Strongly Agree" category was recorded for Mediation 1, addressing marital issues, which received a score of 139. Following closely in second place was Mediation 2, where the Guardians approved the spouse's return to the marriage, achieving a score of 73. Consequently, the highest rating was assigned to Mediation 1, or Marital issue, which was referred to the Guardians for Management (MIGM), while the lowest rating, Mediation 2, indicated that the Guardians approved the spouse's return to the Marriage (GASRM). For the results pertaining to Strongly Agree, please refer to the discussion in result one.

5.5 MAQĀSID SHARIʿAH: WHAT IS THE SUITABLE POLICY TO CURB WALK AWAY?

This section synthesised the Maqāsid Shari’ah and Family Institution with survey results of pronouncement and iddah.

5.5.1 Pronouncement

In the initial analysis of the Discussion regarding the Pronouncement of End of Marriage, the results from the Likert Scale indicate that 168 respondents selected "Strongly Disagree" for Pronouncement 1, which pertains to the State of Purity at the time the End of Marriage Statement was made. Additionally, 150 respondents indicated "Strongly Disagree" for Pronouncement 2, related to the State of Anxiety at the time of the End Marriage Statement. Furthermore, 168 respondents also chose "Strongly Disagree" for Pronouncement 3, concerning the issuance of three statements to conclude

the marriage. Lastly, 380 respondents selected "Strongly Disagree" for Pronouncement 4, which addresses the immediate declaration of the End of Marriage Statement. The highest score on the End of Marriage Pronouncement was achieved by Pronouncement 4, which received a score of 380. In second place, there was a tie between Pronouncement 1, known as the State of Purity at the Time the End of Marriage Statement was Made, and Pronouncement 3. Three statements regarding the conclusion of the marriage were articulated, with the third being the second pronouncement or the state of anxiety at the time of the marriage's conclusion. Therefore, the ultimate conclusions regarding marriage declarations Enquiries regarding the Likert Scale indicate that the highest rating, Pronouncement 4, corresponds to a definitive statement regarding the conclusion of marriage, while the lowest rating, Pronouncement 2, reflects a state of anxiety associated with the timing of the marital dissolution statement.

The initial literature findings regarding the Likert scale indicate a Strongly Disagree response to Pronouncement 4, which pertains to the End of Marriage Statement as noted in result 2. Additionally, Pronouncement 2, related to the State of Anxiety at the Time of the End Marriage Statement, is reflected in result 7, as highlighted in the general literature result sections below. The literature on pronouncement indicates that it is a formal or authoritative announcement or declaration regarding the end of a marriage by either the husband or wife. The failure of mediation has led to a consensus between the Wakil and Wali regarding the ill conduct (Nushūz) or Shiqaaq (Rebellion) as the reason for the dissolution of the marriage due to such conduct. (Nushūz) Qur'an Surah An-Nisa 4:35 and Shiqāq (Rebellion) Qur'an Surah An-Nisa 4:34. Secondly, the following points should be noted: one, the declaration of the intention to pronounce the end of marriage; two, it must be done without duress (Ghalaq) as referenced in Sunan Abi Dawud 2193; three, it should not be jesting, as indicated in Sunan Abi Dawud 2194; four, a verbal pronouncement is required (Sahih al-Bukhari 5255); five, a gesture may also be considered (Dictionary C., Gesture, 2022) alongside Sahih al-Bukhari 5255. Six figures involve positioning the top finger on the palm of the opposite hand, situated between the middle finger and the little finger. (Sahih al-Bukhari 5294), The movement of the head serves to convey an idea or emotion (Sahih al-Bukhari 5295), Pointing acts as a gesture for expressing an idea: (Sahih al-Bukhari 5296), the gesture using the thumb and index finger to express feelings (Sahih al-Bukhari 5293), followed by the oath (Sunan Abi Dawud 2192) as well as (Sahih al-

Bukhari 5289), and lastly, menstruation (Sahih al-Bukhari 5251), (Sunan Abi Dawud 2179) and (Sahih al-Bukhari 5258). Fifth, Witnesses (Sunan Abi Dawud 2186); Sixth Pronouncement Count (Sahih al-Bukhari 5253), (Sahih al-Bukhari 5261), and (Sahih al-Bukhari 5264). Seventh; What is your perspective on an individual who becomes helpless and lacks wisdom? (Sahih Bukhari 5252, n.d.)

In the second instance regarding the Discussion on the Pronouncement of the End of Marriage Pronouncements The results from the Likert Scale indicate that 24 respondents selected "Disagree" regarding Pronouncement 1, which pertains to the State of Purity at the Time the End of Marriage Statement was made. Additionally, 37 respondents chose "Disagree" for Pronouncement 2, related to the State of Anxiety at the Time of the End Marriage Statement. Furthermore, 30 respondents indicated "Strongly Disagree" for Pronouncement 3, concerning the three statements made to conclude the marriage. Lastly, 2 respondents selected "Disagree" for Pronouncement 4, which involved the immediate pronouncement of the end of the marriage statement. The highest score on the Disagree on the End of Marriage Pronouncement was recorded first, with Pronouncement 2 or State of Anxiety at the Time of the End Marriage Statement achieving a score of 37. In second place, Made Three Statement to End the Marriage Statement Pronouncement received 30 points, followed by Pronouncement 1 or State of Purity by the Time End of Marriage Statement Pronouncement. Achieved a score of 24 points, securing third place, and placed fourth in Pronouncement 4 or issued an End of Marriage Statement simultaneously. Therefore, the ultimate conclusions regarding marriage declarations Enquiries regarding the Likert Scale of Disagreement yielded a result of Pronouncement 2, indicating a State of Anxiety at the conclusion of the Marriage Statement Pronouncement, while the lowest result recorded was Pronouncement 4, which signified a declaration of the end of the marriage statement.

The second literature results on the Likert scale of Disagree regarding result Pronouncement 2 or State of Anxiety at the Time of the End of Marriage pertain to the general literature result 7 for the Statement Pronouncement result, both firstly and secondly. Additionally, Pronouncement 4, which addresses the End of Marriage Statement at Once, is emphasised in the result 2 section of the first discussion.

In the third instance regarding the discussion on the pronouncement of the end of marriage. The results from the "Undecided" responses on the Likert Scale indicate that 56 respondents selected Undecided for Pronouncement 1, which pertains to the State of Purity at the Time of the End of Marriage Statement Pronouncement. Additionally, 54 respondents chose Undecided for Pronouncement 2, related to the State of Anxiety at the Time of the End Marriage Statement Pronouncement. Furthermore, 51 respondents indicated Undecided for Pronouncement 3, concerning the Made Three Statements to End the Marriage Statement Pronouncement. Lastly, 1 respondent answered Undecided for Pronouncement 4, which involves Pronouncing an End of Marriage Statement at Once. The highest score recorded for the Undecided on the End of Marriage Pronouncement was 56, attributed to Pronouncement 1 or State of Purity at the Time the End of Marriage Statement was Made. Following closely, Pronouncement 2, known as State of Anxiety at the Time of the End Marriage Statement, achieved a score of 54. In third place, Pronouncement 3, or Made Three Statements to End the Marriage Statement, received a score of 51. Lastly, Pronouncement 4, which involved Pronouncing an End of Marriage Statement at Once, scored 1. Therefore, the ultimate conclusions regarding marriage declarations Questions regarding the Likert Scale of Undecided results indicated that the highest rating was Pronouncement 1, or State of Purity, at the time the End of Marriage Statement was made, while the lowest rating was Pronouncement 4, which indicated an immediate End of Marriage Statement.

The literature findings regarding the Likert scale of Undecided for Pronouncement 1 or State of Purity by the Time End of Marriage Statement Pronouncement Referenced the outcome of four and issued a formal statement regarding the conclusion of the marriage, pertaining to the results of two in general discussion one.

In the fourth instance regarding the Discussion on the Pronouncement of End of Marriage Pronouncements The results from the Likert Scale indicate that 47 respondents selected "Agree" regarding Pronouncement 1, which pertains to the State of Purity at the Time of the End of Marriage Statement Pronouncement. Additionally, 43 respondents agreed with Pronouncement 2, related to the State of Anxiety at the Time of the End of Marriage Statement Pronouncement. Furthermore, 48 respondents expressed agreement with Pronouncement 3, which involves the Three Statements to

End the Marriage Statement Pronouncement. Lastly, 2 respondents agreed with Pronouncement 4, concerning the Immediate Pronouncement of an End to the Marriage Statement. The highest score on the Agreed End of Marriage Pronouncement was achieved by Pronouncement 3, also known as the Made Three Statement to End the Marriage, with a score of 48. Following closely in second place was Pronouncement 1, referred to as the State of Purity at the Time of the End of Marriage Statement, which received a score of 47. In third place, Pronouncement 2, or the State of Anxiety at the Time of the End Marriage Statement, garnered a score of 43. Lastly, in fourth place was Pronouncement 4, which declared an End of Marriage Statement at once. Therefore, the ultimate declarations regarding marriage The analysis of the Likert Scale results included three statements regarding the pronouncement of marriage termination. The lowest score recorded was for the statement indicating an immediate end to the marriage pronouncement.

The literature findings regarding the Likert scale of agreement on the formulation of three statements to conclude the marriage statement. Pronouncements refer to result 6, which pertains to results two of one, and Pronouncement 4 or the Pronounced End of Marriage Statement at Once refers to result 2 of one in the general literature result section one.

In the fifth instance of the discussion regarding the pronouncement of the end of marriage, the results from the Likert scale indicate that 96 respondents selected "Strongly Agree" for Pronouncement 1, which pertains to the state of purity at the time the end of marriage statement was made. Additionally, 107 respondents expressed "Strongly Agree" for Pronouncement 2, relating to the state of anxiety at the time of the end of marriage statement. Furthermore, 94 respondents indicated "Strongly Agree" for Pronouncement 3, which involves making three statements to conclude the marriage. Lastly, 8 respondents answered "Strongly Agree" for Pronouncement 4, which concerns the immediate pronouncement of the end of marriage statement. The highest score recorded for the Strongly Agreed category on the End of Marriage Pronouncement was in the first position, with Pronouncement 2 or State of Anxiety at the Time of the End Marriage Statement achieving a score of 107. In the second position, Pronouncement 1 or State of Purity by the Time End of Marriage Statement Made received a score of 96. The third position was held by Pronouncement 3 or Made Three Statement to End the

Marriage Statement, which scored 94. Finally, in the fourth position, Pronouncement 4 or Pronounced an End of Marriage Statement at Once garnered a score of 8. Therefore, the ultimate conclusions regarding marriage declarations Questions regarding the Likert Scale indicated that the result for Strongly Agree was Pronouncement 2, reflecting a State of Anxiety at the Time of the End Marriage Statement. Conversely, the lowest result was Pronouncement 4, which indicated a definitive End of Marriage Statement at Once.

The literature findings regarding the Likert scale of Strongly Agree on Pronouncement 2, or State of Anxiety at the Time of the End Marriage Statement, correspond to literature result seven. For Pronouncement 4, or the Pronouncement of an End of Marriage Statement at Once, refer to result 2 in Discussion one.

5.5.2 Iddah or Waiting Period of Spouse before Ending of Marriage

In the initial analysis regarding the Iddah Period for spouses concluding a marriage, the following scores were recorded on the Likert Scale of Strongly Disagree: Iddah 1, where the wife waited in the husband's home before ending the marriage, received a score of 256; Iddah 3, where the wife waited for three menstrual cycles in the husband's home before concluding her marriage, scored 301; Iddah 4, where the wife waited for four months and 10 days, achieved a score of 273; Iddah 7, where the spouse reconciled with the husband before the completion of the Waiting Period, also scored 301; and Iddah 8, where the wife separated from the husband after the completion of the Waiting Period, garnered a score of 302. Lastly, Iddah 9, where the spouse neither waited, reconciled, nor separated but simply left, received a score of 89.

The highest score for Strongly Disagree regarding the Iddah or Waiting Period before the conclusion of marriage was recorded at 302 for Iddah 8, which pertains to a wife separated from her husband after the Waiting Period. Following closely, Iddah 3, where the wife waited for three menstruation cycles in the husband's home before ending the marriage, and Iddah 7, where the spouse reconciled with the husband before the completion of the Waiting Period, both achieved a score of 301. In third place, Iddah 4, which involves a wife waiting for four months and 10 days, scored 273. Fourth place

was occupied by Iddah 1, where respondents expressed Strongly Disagree regarding the question of whether the wife waited in the husband's home before ending the marriage, scoring 256. Lastly, Iddah 9, where the spouse neither waited, reconciled, nor separated but simply walked away, scored 89. Therefore, the maximum Iddah or Waiting Period for a spouse prior to the conclusion of marriage The results from the Likert Scale indicate that the highest score was associated with Iddah 8, which pertains to a wife who has separated from her husband after completing the Waiting Period. Conversely, the lowest score corresponds to Iddah 9, where the spouse neither waited, reconciled, nor separated, but simply departed.

The literature results regarding the Iddah Period for a spouse to conclude a marriage indicate; Firstly, Iddah, or the waiting period, refers to the duration during which a wife remains in her home following the declaration of the intention to terminate the marriage by either her or her husband. Qur'an Surah Talāq: 65:1 – 2. Secondly, the prerequisites of Talāq include the provision of Khalwah (privacy) during the iddah period, as outlined in the Qur'an (Surah Al-Baqarah). Secondly, the waiting period for divorced women, as stated in Qur'an Surat al-Baqarah 2:228, is three months for those who are not in menopause. Four, menopause three menstrual cycles, five, pregnancy until birth (Qur'an Surat al-Talaq) 65:5. Thirdly, the literature results indicate that the preconditions for Khula initiated by the wife to terminate the marriage are as follows: first, the wife must present strong reasons for requesting Khula (Sunan Abi Dawud 2226; Sahih al-Bukhari 5275); second, permission for Khula is required (Sunan Abi Dawud 2227); third, the waiting period (Iddah) is defined as one menstrual cycle (Sunan Abi Dawud 2230; Sunan Abi Dawud 2232); fourth, intercession on behalf of the husband is necessary (Sunan Abi Dawud 2231); and fifth, the return of Mahr to the husband is mandated (Sunan Abi Dawud 2228). The literature results indicate that the Iddah period for an armalat widow is four months and ten days following the death of her husband (Qur'an Surat al-Baqarah 2:234). For the specifics regarding the literature results of the Iddah Period, please consult chapter two, section 6.2.3.4.1.

However, the results indicating Strongly Disagree on Iddah 8, which pertains to a wife separated from her husband after the completion of the Waiting Period, were not reflected in the literature. The same applies to Iddah 9, where the spouse neither waited, reconciled, nor separated, but simply walked away.

In the second instance regarding the discussion on the Iddah period for spouses to conclude marriage, the responses on the Likert Scale of Disagree were as follows: 29 respondents indicated Disagree on the question concerning Iddah 1, where the wife waited in the husband's home before ending the marriage. Iddah 3, where the wife waited for three menstrual cycles in the husband's home before concluding the marriage, received a score of 23. Iddah 4, which involved the wife waiting for four months and 10 days after the husband's passing in his former home, scored 28. Iddah 7, where the spouse reconciled with the husband before the completion of the waiting period, garnered a score of 32. Iddah 8, indicating the wife separated from the husband after the completion of the waiting period, scored 28. Lastly, Iddah 9, where the spouse neither waited, reconciled, nor separated but simply walked away, received a score of 13. The highest score regarding the Disagree on Iddah or Waiting Period for a spouse before the conclusion of marriage is as follows: First, Iddah 7, where the spouse reconciled with the husband before the completion of the Waiting Period, scored 32. Second, Iddah 1, where the wife waited in the husband's home before ending the marriage, received a score of 29. Third place saw a tie between Iddah 3, where the wife waited for three menstruation cycles in the husband's home before concluding her marriage, and Iddah 4, where the wife waited for four months and 10 days after the husband's passing in his former home, each scoring 28. In fifth place, Iddah 9, where the spouse neither waited, reconciled, nor separated but simply walked away, scored 13. Therefore, the maximum Iddah or Waiting Period for a spouse prior to the conclusion of marriage Enquiries regarding the Likert Scale of Disagree result score for Iddah 7, which pertains to a spouse reconciling with their husband prior to the conclusion of the Waiting Period, and Iddah 9, which indicates that the spouse neither waited, reconciled, nor separated, but simply departed.

The literature findings regarding the Likert Scale of Undecided on Iddah 7, where the spouse reconciled with the husband before the completion of the Waiting Period, correspond to the second literature result discussed in section one. For Iddah 9, where the spouse neither waited, reconciled, nor separated but simply walked away, the results pertain to the Likert scale responses of Disagree and Strongly Agree.

In the third instance regarding the discussion on the Iddah period for spouses to end marriage, 31 respondents indicated they were undecided on the question concerning

Iddah 1, where the wife waited in the husband's home before ending the marriage. Iddah 3, which pertains to the wife waiting for three menstruation cycles in the husband's home before concluding her marriage, received a score of 25. Iddah 4, where the wife waited for four months and 10 days following the husband's passing in his former home, scored 29. Iddah 7, which involves the spouse reconciling with the husband before the completion of the waiting period, achieved a score of 34. Iddah 8, where the wife separated from the husband after the waiting period was completed, garnered a score of 38. Lastly, Iddah 9, where the spouse neither waited, reconciled, nor separated but simply walked away, scored 23. The highest score regarding the Disagree on Iddah or Waiting Period for a spouse before the conclusion of marriage is as follows: Iddah 8, where the wife separated from the husband after completing the Waiting Period, received a score of 38. In second place, Iddah 7, where the spouse reconciled with the husband before the completion of the Waiting Period, scored 34. Third place was awarded to Iddah 1, where the wife waited in the husband's home before ending the marriage. Fourth place, Iddah 4, where the wife waited for four months and ten days after the husband's passing in his former home, scored 29. Fifth place went to Iddah 3, where the wife waited for three menstrual cycles in the husband's home before concluding her marriage, scoring 25. Lastly, Iddah 9, where the spouse neither waited, reconciled, nor separated but simply walked away, scored 23. Therefore, the maximum Iddah or waiting period for a spouse prior to the conclusion of marriage. Enquiries regarding the Likert Scale of the Undecided result score indicated Iddah 8, which refers to a wife who has separated from her husband after the completion of the Waiting Period, and Iddah 9, which pertains to a spouse who neither waited, reconciled, nor separated, but simply departed.

The literature findings regarding the Likert Scale of Undecided on Iddah 7, where the spouse reconciled with the husband before the completion of the Waiting Period, correspond to the second literature result discussed in the first discussion. In the case of Iddah 9, where the spouse neither waited, reconciled, nor separated but simply walked away, the results align with the Likert scale responses of Disagree and Strongly Agree.

In the fourth instance regarding the Discussion on the Iddah Period for Spouses to end marriage, the responses on the Likert Scale of Agree revealed that 28 respondents

agreed with the statement concerning Iddah 1, where the wife waited in the husband's home before ending the marriage. Iddah 3, which pertains to the wife waiting for three menstruation cycles in the husband's home before concluding the marriage, received 20 agreements. Iddah 4, indicating that the wife waited for four months and 10 days following the husband's passing in his former home, garnered 11 agreements. Iddah 7, where the spouse reconciled with the husband before the completion of the waiting period, scored 8, while Iddah 8, which refers to the wife separating from the husband after the waiting period, received 10 agreements. Lastly, Iddah 9, where the spouse neither waited, reconciled, nor separated but simply walked away, scored 39 agreements. The highest score on the Agree on Iddah or Waiting Period for a spouse before the conclusion of marriage is as follows: Firstly, Iddah 9, where the spouse neither waited, reconciled, nor separated but simply walked away, scored 39. Secondly, Iddah 1, where the wife waited in the husband's home before the marriage ended, followed. Thirdly, Iddah 3, where the wife waited for three menstrual cycles in the husband's home before concluding her marriage, scored 20. Fourthly, Iddah 4, where the wife waited for four months and 10 days after the husband's passing in his former home, scored 11. Fifthly, Iddah 8, where the wife separated from the husband after completing the Waiting Period, scored 10. Lastly, Iddah 7, where the spouse reconciled with the husband before the completion of the Waiting Period, scored 8. Consequently, the highest score on the Likert Scale regarding the Waiting Period for a spouse before the dissolution of marriage was recorded at Iddah 9, indicating that the spouse neither waited, reconciled, nor separated but simply departed. In contrast, the lowest score was at Iddah 7, where the spouse reconciled with the husband prior to the conclusion of the Waiting Period.

The literature results regarding the Likert Scale of Agreement on Iddah indicate that in Iddah 9, the spouse neither waited, reconciled, nor separated but simply walked away. In contrast, Iddah 7 pertains to instances where the spouse reconciled with the husband prior to the completion of the Waiting Period. For further details, please refer to the literature results in subsection two of discussion one.

In the fifth instance regarding the Discussion on the Iddah Period for Spouses to end marriage, the responses on the Likert Scale of Strongly Agree were as follows: 47 respondents indicated Agree on the question regarding Iddah 1, where the wife waited

in the husband's home before ending the marriage. Iddah 3, where the wife waited for three menstruation cycles in the husband's home before concluding her marriage, received a score of 12. Iddah 4, where the wife waited for four months and 10 days, scored 50. Iddah 7, which pertains to the spouse reconciling with the husband before the completion of the Waiting Period, scored 16. Iddah 8, where the wife separated from the husband after the completion of the Waiting Period, received a score of 13. Lastly, Iddah 9, where the spouse neither waited, reconciled, nor separated but simply walked away, scored 227. The highest score for Strongly Agree regarding the Iddah or Waiting Period for a spouse before the conclusion of marriage was recorded as follows: Iddah 9, where the spouse did not wait, reconcile, or separate but simply walked away, scored 227. Iddah 4, where the wife waited for four months and 10 days, received a score of 50. In third place, Iddah 1, where the wife waited in the husband's home before the marriage ended, was noted. In fourth place, Iddah 7, which pertains to a spouse reconciling with their husband before the completion of the Waiting Period, received a score of 16. In fifth place, Iddah 8, referring to a wife who separated from her husband after the completion of the Waiting Period, scored 13. In sixth place, Iddah 3, where a wife waited for three menstruation cycles in her husband's home before concluding her marriage, achieved a score of 12. Therefore, the maximum Iddah or Waiting Period for a spouse prior to the conclusion of marriage. The results from the Likert Scale indicate that the highest score was 9, reflecting instances where the spouse neither waited, reconciled, nor separated, but simply walked away. Conversely, the lowest score was 7, which corresponds to situations where the spouse reconciled with the husband prior to the conclusion of the Waiting Period.

The literature findings regarding the Likert Scale of Strongly Agree on Iddah indicate that in Iddah 9, the spouse neither waited, reconciled, nor separated, but simply walked away. Additionally, Iddah 7 reflects instances where the spouse reconciled with the husband prior to the completion of the Waiting Period. For further details, please refer to the literature results in subsection two of discussion one.

5.6 MAQĀSID SHARIʿAH: WHAT ARE THE MATRIMONIAL PROBLEMS POST WALK AWAY?

This section addresses research objective four. It presents discussions of results concerning the matrimonial problems following the Walk Away configuration. The eighteen open-ended responses from the 391 respondents were synthesised with Maqāsid Shari'ah and Family Institution of chapter two

5.6.1 Where You Born a Muslim or Reverted?

The initial element of the study indicates that respondent 136/157 identified as a Wife Murtad. The literature, particularly the work of Taha Jabir Alalwani (2012), elucidates the terms al-riddah and al-irtidad in the Qur'anic context, signifying a return to a state one had previously departed from after having attained it. Nevertheless, none of the diverse Qur'anic contexts addressing apostasy describes it solely as a departure from Islam or as a matter pertaining exclusively to the spiritual realm. The Qur'an employs a term that encompasses both the spiritual and the material, in conjunction with the verb Radda, which means to avert or turn away. Riddah in the Qur'an clearly denotes a withdrawal from and rejection of non-Muslim men marrying Muslim women. Abdessamad Belhaj (2020) explains that it is not permissible for a Muslim woman to marry a non-Muslim man, regardless of whether the non-Muslim man belongs to a monotheistic religion such as Judaism or Christianity.

The second element of the study's results indicates that among the respondents, 203 out of 259 identified their spouses as both non-Muslims. The literature regarding the topic of non-Muslim marriage. The Qur'an characterises the consensual marriage during the Jahiliya period of Abu Lahab's spouse as "a wife," who is symbolically referred to as the "carrier of thorny kindling." The Qur'an, Surah Al-Lahab 111:4 states: "And so will his wife, the carrier of thorny kindling,"

The third element indicates that two wives have been reverted in the hands of the respondent 256/259/3. The fourth wife who reverted included the respondent; 190/259/69, 152/157, 142/157, 133/157, 125/157, 126/157, 112/157, 106/157, 62/157,

47/157, 48/157, 45/157, 21/157, 19/157, 13/157, 002, 377, 373, 369, 354, 318/60, 304/46, 293/35, 284/26, 275/17, 238/259/21, 193/259/66, 161/259/98, 160/259/99, 155/157, and 156/157.

The fourth element of the study's results indicates that respondents 191/259/68, 186/259/73, and 177/259/82, both husband and wife, reverted.

The fifth element of the results indicates that respondents' husbands reverted. Husband reverted; 291/33, 249/259/10, 166/259/93, 159/259/100, 151/157, 148/157, 146/157, 95/157, 61/157, 42/157.

According to the literature, third, fourth, and fifth. Ibn Ahmad ibn Muhammad ibn Juzayy al-Kalbi: Marriage is generally regarded as obligatory for individuals who possess the means to enter it and who seek to avoid illicit sexual relations. It is advisable to consider this for individuals who may lack the financial means but do not have reservations about engaging in illicit sexual relations. Prohibited, particularly in the context of an individual who possesses the means and lacks apprehension regarding unlawful sexual conduct. Disapproved, particularly in the context of an individual who does not fear engaging in illicit sexual relations but harbours concern about their ability to fulfil the obligations of marriage. Authorised, and this applies to all others.

Finished in sixth and seventh place. The sixth element of the results indicates that respondents 363 and 227/259/32 were not husbands and were not Muslim. The seventh element of the results indicates the following responses: 218/259/41, 180/259/79, 145/157, 122/157, 9/157, and 7/157, where the wife was not a Muslim.

Literature indicates that for elements six and seven, it is advisable for husband and wife to share the same religion. Abu Huraira reported: The Prophet (SAW) stated, "A woman is married for four reasons: her wealth, her family status, her beauty, and her religion." It is advisable to consider marrying a religious woman, as failing to do so may lead to unfavourable outcomes (Sahih al-Bukhari, n.d.). Ayse Elmali Karakaya (2022) highlights that in Islamic tradition, both Muslim men and women are prohibited from marrying mushriks and are required to marry only other believers. The intermarriage between Muslims and non-Muslims is not permitted. Qur'an Surat al-Baqarah: 2:221

states, “Do not marry polytheistic women until they believe; for a believing slave-woman is better than a free polytheist, even though she may appear attractive to you.” Do not arrange marriages for your women with polytheistic men until they embrace belief, for a believing servant is preferable to a free polytheist, even if the latter appears appealing to you. They extend an invitation to the Fire, whereas Allah invites you to Paradise and forgiveness through His grace. He communicates His revelations clearly to the people, encouraging them to be mindful.

The eighth and final element from the study indicates that more than 309 respondents were born Muslims. The eighth component in the discourse surrounding the experience of being born into Islam. Abu Huraira reported that Allah's Messenger (SAW) stated: The mother of every individual gives birth to him in accordance with his true nature. Ultimately, it is his parents who determine whether he identifies as a Jew, a Christian, or a Magian. If his parents had been Muslim, he would have also remained a Muslim. Every individual born of a mother possesses two aspects of life; upon birth, Satan strikes, except in the case of Mary and her son, Jesus Christ. (Sahih Muslim, n.d.)

5.6.2 Why Did You Revert to Islam?

The initial element from the findings of the study regarding the reasons for reverting to Islam among respondents 002, 41/157, 42/157, 78/157, and 93/157 indicated a preference for choice. The literature references the Fitrah, or natural disposition, where choice is discussed extensively, as noted in the previous section (Sahih Muslim, n.d.).

The second element from the results of the study regarding the reasons for reverting to Islam, as indicated by respondent 13/157, highlighted hospitality as a significant factor. The literature indicates that fitrah is the foundation of hospitality, which encompasses the art of making guests feel welcome and comfortable. The literature references Abu Musa, who reported that the Messenger of Allah (SAW) stated: "Gladden people and do not scare them; make things easy and do not make them difficult." (Abu Dawud, n.d.)

The third element from the results of the study regarding why the respondents reverted to Islam; 9/157, 19/157, 39/157, 44/157, 45/157, 47/157, 112/157, 125/157, 145/157, 148/157, 150/157, 152/157, 257/259/3, 239/259/21, 185/259/74, 167/259/92, 165/259/94, 161/259/98, 158/259/101, 275 reverted to Islam due to marriage. The literature indicates that action will fulfil its intended purpose. It is reported from Amir al Mu'minin, Abu Hafs 'Umar bin al-Khattab (may Allah be pleased with him), who stated: I heard the Messenger of Allah (peace be upon him) say, "Actions are according to intentions, and everyone will receive what they intended." Those who migrate with the intention of serving Allah and His Messenger will find that their migration is indeed for the purpose of Allah and His Messenger. Whoever undertakes migration for material benefits or to enter marriage, their migration will be aligned with the purpose for which they migrated. Reported by Bukhari and Muslim. (Muslim & Bukhair, n.d.)

The fourth element from the study results regarding why respondents reverted to Islam indicates that 21 out of 157 reverted due to the influence of Muslim friends. The Hadith literature narrated by Abu Hurayrah and recorded by Abu Dawud states that Prophet Muhammad (SAW) mentioned that a man follows the religion of his friend; therefore, it is essential for everyone to reflect on the friendships they cultivate. The comparison between a good friend and a bad friend. Abu Musa narrated that Allah's Messenger (SAW) stated, "The comparison between a good companion and a bad one is akin to that of a musk seller and a blacksmith's bellows. From the musk seller, you may either purchase musk or appreciate its pleasant aroma, whereas the bellows may either damage your clothing or your home, or leave you with an unpleasant odour." Sahih al-Bukhari 2101 (Sahih al-Bukhari, n.d.)

The fifth element from the study results regarding why respondents reverted to Islam indicates that 21 out of 157 reverted due to the influence of Muslim friends. The Hadith literature narrated by Abu Hurayrah and recorded by Abu Dawud states that Prophet Muhammad (SAW) mentioned that a man follows the religion of his friend; therefore, it is essential for everyone to reflect on the friendships they cultivate. The comparison between a good friend and a bad friend. Abu Musa narrated that Allah's Messenger (SAW) stated, "The comparison between a good companion and a bad one is akin to that of a musk seller and a blacksmith's bellows. From the musk seller, you

may either purchase musk or appreciate its pleasant aroma, whereas the bellows may either damage your clothing or your home, or leave you with an unpleasant odour." Sahih al-Bukhari 2101 (Sahih al-Bukhari, n.d.).

5.6.3 Did You Undergo Some Islamic Training Before Marriage and Divorce?

The initial element derived from the study regarding individuals who underwent Islamic training prior to marriage and divorce involved over 206 respondents. For instance, respondents 001, 002 from the Eastern Region, as well as 3/157, 4/157, 7/157, 9/157, 11/157, 29/157, 30/157, 31/157, 32/157, 33/157, and 34/157, indicated that they had not received any training before or after marriage and divorce. The literature, however, suggests that possessing knowledge prior to action is commendable, much like having skills before undertaking a task. The referenced Islamic sources of the Qur'an and Hadith indicate that Surat al-Zumar 39:9 draws a comparison between the knowledgeable and the illiterate, highlighting that those with knowledge possess a greater advantage in the execution of deeds than those without it. The Qur'an emphasises the following points. Surat al-Zumar 39: 9 highlights the distinction between the knowledgeable and the illiterate, indicating that those with knowledge possess a greater advantage in the execution of deeds compared to the illiterate. Surat al-Muhammad 47:19 emphasises the significance of knowledge prior to acting. The Prophet Muhammad (SAW) stated that whoever embarks on a path to seek knowledge, Allah will facilitate their journey to Paradise. This hadith is recorded in Jami` at-Tirmidhi 2646 and was narrated by Abu Huraira.

The second element from the results of the study on undergoing Islamic training before marriage and divorce indicates that the training varied in duration, with some participants receiving training lasting three days. Eastern Region: 8/157, 39/157, Two days; 343, Four Days; Eastern; 29/157 Central: 69/157, 84/157, One month; 178/259, 357, Two months: Eastern Region: 5/157, 14/157 Central; 70/157, Northern: 225/259/34, One Week Central: 85/157, 88/157, Northern; 342, Two Weeks Central 89/157, A year Northern; 237/259/23, 209/259/5, three months Northern: 186/259. The literature indicates the need to address individuals with expertise who do not meet the expectations associated with their skills and knowledge regarding marriage and divorce.

This is emphasised in Surat al-Saffa 61: 2 - 3, which asserts: O believers! Why do you say what you do not do? How despicable it is in the sight of Allah that you say what you do not do!

5.6.4 What the Most Challenging Aspect of the Marriage?

The initial finding from the study regarding the most challenging aspect of marriage indicates that, among over 23 respondents out of 391, as referenced in the previous chapter, family intervention challenges emerged as the predominant difficulty faced in their marriages. The study produced the subsequent family intervention scenarios outlined below:

Mother of the wife, Polygamy, the impact of immediate family members, and support obligations, Proximity with spouse's family. The husband's family perspective involves the instance when the wife assisted my father-in-law in repaying a bank loan of 1,700,000/=. Subsequently, I faced mistreatment when I sought the return of my funds to invest in the plot I purchased. Sisters of the Husband, when not all needs are met. There was a misunderstanding involving the man's relatives, particularly the wife's brother, which posed a challenge. He sought a more affluent individual. Challenges in decision-making arose as I was overshadowed by the sisters-in-law. Disruption caused by family obligations Conflict between father and son, non-Muslim guardians, Allegations regarding the marital relationship between the sister-in-law and husband, as presented by the wife. The individual residing with his in-laws finds himself unable to make his own decisions, as both significant and minor choices are consistently made by his mother. Interference from family members, Adverse impact on the wife stemming from her mother. In legal matters, in legal interference, the parents did not show affection towards the wife in her first marriage, and her second husband departed from the relationship. Polygamous, regardless of the husband. My in-laws had a strong dislike for me. My in-laws did not approve of me as their brother's wife. My mother-in-law has consistently expressed disapproval towards me. Interference from my husband's family regarding our family matters. Overseeing our relationship amidst the ongoing interference from our families and group dynamics.

The literature from the Qur'an and Hadith regarding the maintenance role from al-Hamu has halted the marriage contract of their daughter to the husband. The Qur'an outlines the husband's responsibilities regarding al-Hamu in Surah An-Nisa, verse 34. The Qur'an instructs al-Hamu and the believers to obtain permission prior to entering either al-Hamu or any other place. Surat an-Nur 24:27 emphasises this role. Furthermore, the al-Hamu Prophet Muhammad referred to them as death in the hadith narrated by `Uqba bin `Amr: Allah's Messenger stated explicitly. Husband and wife may possess three forms of proximity: proximity by Islam, proximity by blood, and proximity as Jaari (neighbour). A'isha reported that the Prophet, may Allah bless him and grant him peace, stated, "Jibril, may Allah bless him and grant him peace, continually advised me to treat my neighbours with kindness until I believed he would instruct me to regard them as my heirs." (Sahih Bukhari, n.d.). Refer to chapter two, for the details regarding the literature results on Hamu.

The second element derived from the study regarding the most challenging aspect of marriage. Of the 371 respondents, 71 indicated that financial challenges were the most difficult aspect of their marriage. Only three respondents were cited as examples. Initially, respondent 001 indicated that the wife's absence at home was due to her work commitments, where she worked six days a week from 6 AM to 10 PM. In contrast, the second respondent 14/157 brought attention to the Kadama issue, noting that the husband refused to grant permission for his wife to work in a Gulf country, although she ultimately left. The third respondent 15/157 emphasised that the primary challenge in marriage was the maintenance responsibilities being entirely borne by the wife. Lastly, respondent 24/157 described her situation as a wife who assumed financial responsibilities intended for her husband while also facing abuse. For the remaining 67 citations regarding the respondents' options for additional information on their 'Financial challenges. The specific details regarding the financial issues that concerned them are summarised as follows.

Respondents in indicated additional changes, which are detailed as follows: Failure of the husband to provide daily food. Wife's self-sufficiency, Maintenance shortcomings of the spouse, financial difficulties stemming from the husband, Spouse Laziness has never desired to engage in work. Concerns regarding separation, the decision to balance marriage and career. Husband did not provide the necessary space

for upbringing. Professional Challenges The husband is unemployed and undermines the wife. No assistance from my spouse. The husband is currently unemployed and engaged in a polygamous relationship, resulting in insufficient resources from him. Lack of comprehension regarding the wife's requirements. No fundamental requirements from spouse. Wife Hassel is left alone following her husband's abandonment, facing issues related to inadequate home maintenance from him. Insufficient attention in all matters, Husband. Funds, Misappropriated spouse's property and 7 million Ugx. Issues related to work and maintenance. Pride pricing, Mahr and Nikkah related matters. The absence of employment and the departure of the husband, resulting in the responsibility of children falling upon the wife. Engaging in a new relationship while disregarding the previous one. The husband faced disrespect because of financial difficulties. Financial disputes, time allocated for spouse and children, Limited financial resources to fulfil my wife's requests. There is no assistance from the husband. The husband is regarded as being from a lower social class by the wife's relatives due to his occupation as a boda-boda rider. Insufficient food options, inadequate support. Wife independently managing home maintenance expenses, including covering fees with limited resources. Assuming greater responsibilities as a husband to his family and beyond, my parents require the school fees. Inadequate feeding, insufficient support, lack of feeding, limited support, employment of the wife. Ensuring the satisfaction of all family members, Insufficient assistance, Assistance with nutrition, Inadequate feeding practices, Limited support, Insufficient financial support from spouse, The family was impacted by poverty. The burden of bride price. The husband was apprehensive about the prospect of his wife giving birth to multiple children, fearing that he might abandon her and their family. There is no provision for the support of the wife; rather, the husband is not employed and remains at home, utilising the wife's financial resources. Expenses were elevated. Financial matters can be unexciting. My wife is resigning from her position to join me at home. Poverty and finances Domestic employment in the Gulf region, specifically Dubai, presents various educational challenges. Employment opportunities in Saudi Arabia (Gulf region). A man who continues to rent. The parents of my wife express sympathy for my situation. Financial matters, Facing the challenge of providing for my children after my husband left us to marry another woman. Continuing to progress following the passing of my husband, financial challenges, financial concerns, and the management of relationships

among all parties involved. Additionally, it is noted that 68 out of 391 respondents expressed concerns.

The findings from the Qur'an and Hadith indicate that the maintenance of a wife is a responsibility outlined in the marriage contract for the husband. The findings presented in the literature (Azizah Mohd, 2010) Nafaqah is an Arabic term derived from Ifaaq, signifying the act of spending for a beneficial purpose. It refers to the expenditures a person allocates for their family members. Maintenance generally pertains to the resources allocated to support a family, including provisions for food, clothing, housing, and other necessary expenses. Muslim jurists have provided various definitions of the term nafaqat. Nafaqat is a requirement for the husband. Qur'an Baqarah 2:233, Nisa 4:34, al-Talaq 65:6. Qur'an Surah Al-Baqarah: 2:233. Additionally, Imam Ahmad According to the narration of Naafi` ibn Abd al-Haarith, the Prophet SAW stated. The foundation of happiness in marriage lies in having a supportive neighbour, a comfortable environment, and a spacious home provided by the husband. The Messenger (SAW) stated that a portion of a man's happiness encompasses a good neighbour, a comfortable mount, and a spacious abode. Ahmad 15409 In conclusion, the basic nafaqat that a husband is required to provide according to the Hanafi School of Thought includes food, clothing, and accommodation. In contrast, the Hanbali perspective defines nafaqat as what is necessary for the maintenance of a family, encompassing food, clothing, and additional necessities. The Shafi'i school further broadens the definition of maintenance. The complete citation and further details regarding the 'Financial Challenge' are discussed in chapter two, specifically in the section addressing the Rights and Obligations of husband-and-wife marriage in Islam.

The third element from the study results regarding the most challenging aspects of marriage indicates that slightly more than a dozen of the 371 respondents reported having "no challenges." The specific figures are 51/157, 135/157, 237/259/23, 231/259/29, 229/259/31, 192/259/67, 172/259/87, 303, 318, 323, 357, and 368. For additional details regarding the responses from participants who indicated 'No Challenge.

The literature indicates that a successful spouse emphasises fulfilling their roles in marriage throughout their lifetime as an act of devotion in accordance with the

Qur'an. Surah Al-Hijr 15: 97. Literature also discusses the concept of a successful spouse. The Quran Surat al-An-Nahl: 16:97, Surat al-An-Nahl: 16:114, Surat al-Kahf: 18:30, Surat al-Kahf: 18:110, Surat al-Furqan: 25:63, Surat al-Furqan: 25:67, Surat al-Furqan: 25:68, Surat al-Furqan: 25:70/71, Surat al-Furqan: 25:72, Surat al-Furqan: 25:73, Surat al-Furqan: 25:77 is fully cited in chapter two. To attain excellence, couples should ensure their actions are completed with righteousness. Sahl ibn Sa'd narrates that the Messenger of Allah (peace be upon him) indicated that the true measure of deeds is determined by their concluding state at the end of life. Hadith 6607 from Al Bukhari. The complete citation regarding the literature results on couples who succeeded without challenges is presented in the Tanfidh Zawaj section of Chapter Two.

The fourth element from the results of the study on the most challenging aspects of marriage indicates that 88 out of 391 cases were categorised as non-compliance to Sharia (NCS). The results, categorised into eight themes, highlight the most challenging aspects of NCS experienced by the couples. The initial instances of disobedience and disrespect encompassed the wife's failure to show respect and obedience, alongside the husband's disloyalty and promiscuity. Second abuse and cruelty involved daily physical abuse by the husband, along with emotional neglect and a failure to fulfil marital responsibilities. Third faith and spiritual differences encompass diverging religious beliefs and the wife's neglect of Salah and Islamic practices. Fourth infidelity encompasses pregnancy from another partner and ongoing infidelity by both individuals involved. Fourth Maintaining Responsibilities encompassed the inability to establish a home and a lack of accountability regarding children's education and upbringing. The fifth instalment of Addictions and Lifestyle encompassed the husband's struggles with alcoholism and drug addiction, alongside the wife's engagement in clubbing and nightlife activities. Sixth Communication and Mutual Respect involved ongoing disputes and a deficiency in mutual connection, along with allegations and misunderstandings concerning financial matters. Lastly, cultural conflicts encompassed various family operating styles and the challenges arising from interfaith marriage dynamics.

The literature indicates that failing to perform one's roles in marriage as an act of worship is considered fitnah. The Qur'an supports this assertion in Surat al-Al-`Ankabut: 29:2, Surat al-Al-`Ankabut: 29:3, Surat al-Hajj: 22:53, Surat al-Al-A`raf:

7:27, Surat al-Imran: 3:7, Surat al-At-Taghabun: 64:15, and Surat al-Anfal: 8:28, 8:73. A comprehensive citation of those who have not succeeded in their roles and have failed the test is elaborated in greater detail in Chapter Two, specifically in the Fitnah of Marriage section.

The fifth element from the study's results indicates that out of 391, 101 were psychological challenges. For further details regarding the responses from the participants, the results, categorised into six themes, indicate that the most challenging aspect of the PC experienced by the couples was the absence of peace. Disrespect, disputes, and a lack of consideration from my husband. Second PC marital issues involved the newly wedded wife's refusal of intimacy and the departure of the first wife following the second marriage. Third PC incorporated the challenges faced by my wife. Addressing misunderstandings, health challenges, and insufficient support from my spouse. The fourth PC encompasses challenges associated with polygamy: Rivalry, accusations of witchcraft, and external influences complicate family dynamics. The fifth point addresses Communication Breakdown: A lack of transparency, honesty, and maturity results in ongoing disputes and emotional exhaustion. Six PCs included loss and isolation. The effects of war, the loss of children, and abandonment result in profound emotional wounds.

The literature indicates that the psychological challenges are interconnected with the fitnah discussed previously and for Bala`a. The Qur'an emphasises in the subsequent verses and ahadith referenced in the literature section on Bala'a and Fitnah, as well as in the Summary of Bala'a; Qur'an Surah Al-Baqarah: 2:155-156, Surah Al-Imran: 3:186, Surah Al-A'raf: 7:168, Surah Al-Anfal: 8:17, Surah Al-Imran: 3:152, Surah Al-Imran: 3:154, Surah Al-Baqarah: 2:249, Surah Al-An'am: 6:165, Surah An-Naml: 27:40, and Surah Al-Qalam: 67:17. The comprehensive literature results indicate that psychological challenges in marriage are a combination of both Bala`a and Fitnah, as outlined in chapter two and the respective sections.

5.6.5 Share Your Thoughts on Marriage in Islam Following Your Experience?

The initial finding from the study regarding respondents' perspectives on marriage in Islam, based on their experiences, indicates that more than 23 out of 391 reported experiencing subjugation. For additional information regarding the respondents who indicated 'subjugated experience,' please refer to bar chart 5 in chapter four and report 5 in the Appendix section. The results, categorised into six themes, reveal that the subjugated experience encompasses four distinct aspects. Initial Personal Experience included Negative experiences can foster feelings of resentment towards the institution of marriage within the context of Islam. Second Changed Opinion included a revised perspective on marriage following a challenging history. The third parental influence stated that she will not permit her daughter to marry a Muslim man. Fourth Impact on Perspectives on Marriage The negative experiences reported have led to a decrease in interest in marriage among respondents, specifically 83 out of 157, 125 out of 157, 155 out of 157, 215 out of 259, 44, 167 out of 259, 92, and 368.

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The second element from the results of the study on respondents' perspectives regarding marriage in Islam, based on their experiences, indicates that 109 out of 391 individuals reported having encountered challenging experiences The results, categorised into nine themes, reveal the experiences related to impeachment. Initially,

the impeachment experience involved respondents who viewed marriage in Islam as a respected institution that necessitates an understanding of rights and responsibilities, as well as a commitment to patience, dedication, and pre-marital preparation. Secondly, pre-marriage preparation encompassed the significance of lectures and training. Third Responsibilities included It is essential for both partners to comprehend their respective roles; men are expected to provide care while women are to offer support. The fourth challenge involved comprehending obligations and financial factors that could complicate marriage. Mutual respect and empathy are essential components. The sixth faith encompasses trust in Allah, which, along with prayers and the reading of the Quran, fortifies the bond. Effective communication and collaboration minimise conflicts. Eight Leadership Involvement components included Increased guidance from Muslim leaders is essential in marital engagements. The ninth Islamic marriage is truly beautiful when founded on sincere practices and mutual understanding.

The literature currently addresses the experience of individuals serving Allah, who are neither among those who have wronged themselves nor those who are foremost in goodness, but rather find themselves in between the two, as referenced in Qur'an Surat al-Fatir 35:32, highlighting those who adhere to the middle course. The individuals facing impeachment are likely to reflect on their shortcomings in marriage, as indicated in Qur'an Surat an-Nisa 4: 17 – 18. The complete citation and explanation of 'impeaching experience' are detailed in chapter two, which covers the categories of the Servants of Allah and the repentance of the servant of Allah sections.

The literature discusses the experience of individuals serving Allah, who are neither among those who have wronged themselves nor those who are foremost in goodness, but rather find themselves in a balanced position, as referenced in Qur'an Surat al-Fatir 35:32, highlighting those who follow the middle course. The individuals facing impeachment are likely to reflect on their shortcomings in marriage, as referenced in Qur'an Surat an-Nisa 4: 17 – 18. The complete citation and detailed explanation of 'impeaching experience' are provided in chapter two, which covers the categories of the Servants of Allah and the repentance of the servant of Allah sections.

The third element from the results of the study on respondents' thoughts on marriage in Islam, based on their experiences, indicates that more than 187 out of 391

reported experiencing contentment. The results, categorised into seven themes, reveal the experience of contentment. Firstly, trust and respect are recognised as essential qualities in marriage. Secondly, Islamic principles emphasise kindness, guidance, and adherence to Shariah. Thirdly, polygamy is recognised as beneficial; it necessitates education on marriage. Fourthly, companionship encompasses the importance of respect and peace within marital relationships. The fifth Act of Worship is regarded as a spiritual commitment. Understanding Shariah is essential for successful marriages. The seventh perception encompasses the necessity of mutual understanding and respect between partners.

The literature results indicate that knowledgeable servants of Allah prioritise the concept of marriage as outlined in the Qur'an, specifically in Surat al-Fatir 35: 32. They are likely to seek repentance swiftly, as indicated in Qur'an Surat an-Nisa 4: 17 – 18, which is further elaborated in Chapter Two regarding the issue of resentment of Amal in Islam, the categories of the Servants of Allah, and the repentance of the servant of Allah. Full citations are provided in these two sections in Chapter Two.

5.6.6 What were Additional Reasons for Ending the Marriage?

The initial finding from the study regarding respondents' additional reasons for ending their marriages indicates that more than 2 out of 391 participants cited witchcraft as a reason for the dissolution, specifically from the husband respondent group, which comprises 48 out of 157 individuals.

The literature results indicate that there were additional reasons related to the husband's involvement in witchcraft. The literature from the Qur'an and Hadith indicates that sihr (witchcraft and magic) serves as a test of iman (faith), can inflict psychological harm or create rifts between couples, and its consequences can lead to personal misery. According to Surat al-Baqarah 2:102 of the Qur'an, Sihr is recognised as one of the seven most destructive sins in Islam. Abu Hurairah reported that the Prophet (saws) stated: “Steer clear of the seven most perilous matters.” (Muslim and Bukhair, 2013), Sihr or sorcery is considered an act of disbelief in Islam (al-Sunan and by al-Hakim). Additionally, the practice of divination is prohibited, as is consulting a

diviner ('Arraf) (Sahih Muslim 2230). For the literature results on Witcraft, please refer to the full citation in the Sihr section of Chapter Two as an additional reason.

The second element from the results of the study on respondents' additional reasons for ending the marriage indicates that respondent 313 was the sole individual among 391 respondents to cite old age as a reason for terminating the marital relationship.

The findings from the Qur'an, Hadith, and reputable sources such as the World Health Organisation and NHS indicate. The Cycle of Life commences from dust, a sperm-drop, and a clinging clot, leading to the womb, birth, with some experiencing early demise while others age and fade from memory. Surat al-22:5 discusses the reversal of age as one progress through life. Surat al-Yasin 36:68, The prime age is 40 years. Surat al-Ahqaf: 15, the lifespan of the ummah is between 60 and 70 years. Jami` at-Tirmidhi 2331 (Tirmidhi, n.d.) The population of postmenopausal women worldwide is increasing. In 2021, women aged 50 and above represented 26% of the total population of women and girls worldwide. (World Health Organisation, 2024) Certain individuals may experience depression, diminished libido, erectile dysfunction, and various other physical and emotional symptoms as they transition into their late 40s to early 50s. (NHS, no date) For a comprehensive analysis regarding 'Age' as an additional factor.

The third element from the results of the study on respondents' additional reasons for ending the marriage indicates that respondent 47 out of 157 cited HIV tests revealing the man's status. Positive feedback was provided by respondent 35 out of 157, who mentioned that her husband experienced depression. Similarly, respondent 166 out of 250, with a score of 92, reported that her husband faced a complete mental health situation; nevertheless, she continues to care for him around the clock. Among the 391 respondents, there were three cases where illness was cited as a reason for the dissolution of their marital relationships.

The literature addresses the impact of diseases such as HIV and depression, highlighting the importance of full mental health as derived from the Qur'an and Hadith. The Sunnah of the Prophet emphasises compassion and support for the ill, suggesting

that trials serve as a means for expiation of sins and elevation of status, as noted in a Hadith narrated by 'Aisha, Volume 7, Book 70, Number 544. (Bukhair, n.d.) Regarding visits to the ill Visiting and supporting the sick is a commendable act, as highlighted in the hadith narrated by 'Abdullah (Volume 7, Book 70, Number 551, Bukhari, n.d.). The Prophet actively prayed for the sick and encouraged them to seek treatment, as noted in the narration by 'Aisha (Volume 7, Book 70, Number 579), which is fully cited in chapter two. These sources indicate that Islam promotes sympathy, care, and non-judgmental support towards the ill. For additional literature about disease, please consult chapter two for complete citations.

The fourth element from the study results regarding respondents' additional reasons for ending their marriages indicates that respondent 223/259/36 reported the wife's refusal to change her religion, respondent 193/259/66 noted that the husband suffered from depression, and respondent 166/250/92 mentioned that the wife was no longer a Muslim. Additionally, respondent 188/259 stated that they would continue the marriage only if the wife remained Christian. These three cases represent a portion of the 391 respondents who identified changing religion as a reason for the dissolution of their marital relationships.

The literature from the Qur'an disapproves of interfaith marriage; refer to Surat al-Baqarah 2:221 for a detailed discussion in chapter two regarding prohibited suitors.

The fifth element from the results of the study on respondents' additional reasons for ending the marriage indicates that 4 out of 391 respondents identified ignorance as a reason for terminating their marital relationship. For further details, respondents referred to 'Ignorance' as illustrated in bar chart 6 in chapter four and report 6 in the appendix section.

The sixth element from the results of the study on respondents' additional reasons for ending the marriage indicates that 4 out of 391 respondents identified ignorance as a reason for terminating their marital relationship.

The seventh element from the study results regarding respondents' additional reasons for ending 'Allah's Plan' in marriage indicates that 150 out of 157 respondents cited Allah as a reason for terminating their marital relationship.

The literature result suggests ‘Allah Plan’ in marriage may mean; Procreation Balā` Qur`an Surat al-Ghafir: 40:67- 68, Miscarriage Balā` Qur`an Surat al-Ambiya :22: 5, Post parthum and pregnancy Balā` (Majah I. , Sunan Ibn Majah Vol. 4, Book 24, Hadith 2803, n.d.) Abtar Balā`, Surat al-Thauthar:108: 1- 3, Inaathah(daughters) Balā `Qur`an Surat al-As- Shura 42: 49, Birth of Girl Balā 16:58 -59. gender; male or female, Surat al-Hujurat: 49: 13: Balā` of infertility (Aqiimah) Qur`an Surat al-As- Shura:50 Balā of Khuntha (Hermaphrodite, inter sex individual) (Sahih Muslim 2180 Book 39, Hadith 44) Balayā (Calamities) (Sunan Ibn Majah, Vol. 5, Book 36, Hadith 4031), and Balā of losing a wife (Tirmidh, n.d.), Balā of being Mad theme of madness is associated Usurers, Jannah and Islamophobic tendencies against the Prophet (SAW). Surah Al-Qalam 68:6 Questions who among them is mad (Maftum). Usurers Surah Al-Baqarah 2:275, Surah Al-A'raf 7:185 Questions if there is madness in the Prophet, declaring him a plain warner. Surah Al-Mu’minun 23:25 Prophet is just a man with madness, Fifth Surah Al-Mu’minun 70 Denies claims of madness, Six Surah Saba 34:8 Questions if he is a liar or mad, Surah Saba 34:46 Urges reflection, reiterating the Prophet is not mad, but a warner. Eighth, Surah Qamar 54:24 Refers to following a mortal as leading to error and madness. Nineth Qamar 54:47 Describes the guilty as being in error and madness. Tenth Surah Waqi’ah 56:19 Describes a place where there is no headache or madness. However, there are also other Hadith which is spot about incapacity dua or supplication Madness (Maftum) Al-Bukhari 7/158. (Muslim, n.d.) The pens are lift on three individuals (Sunan al-Tirmidhī 1423) (Tirmidhi , n.d.) Also Sunan an-Nasa'i 3432, On the theme one punishing an insane, It was narrated from Al-Hasan that `Umar bin Al-Khattab (RA) wanted to stone an insane woman, but ‘Ali said to him. (Musnad Abi Talib, n.d.). The literature results suggest 150/157 citation of ‘Allah`s Plan’ as an additional reason for ending matrimonial was because Bala`a of Madness. The full citations of the Qur`an and Hadith expounded in Chapter two Bala`a section.

The eighth element from the study on respondents' additional reasons for ending the marriage indicates that no more than 6 out of 391 respondents identified the

maintenance of a non-Muslim as a reason for terminating their marital relationship. For further information, respondents indicated the 'Maintenance Challenge.

The literature indicates that the seventh element in the additional reasoning for the dissolution of marriage was identified as 'Financial Challenges.' The literature results align with element one of 4.3.1.2.3 discussed previously. The seventh element of additional financial challenges, along with a comprehensive citation and further explanation on 'Financial Challenge,' is detailed in chapter two, specifically in the section addressing the Rights and Obligations of husband-and-wife marriage in Islam.

The nineth element from the study results regarding respondents' additional reasons for ending their marriages indicates that 57 out of 157 and 278 respondents identified phone-related issues as a factor in the dissolution of their marital relationships.

The literature result indicates that 'Phone' serves as a means of communication. Devices integrate with vision Surat al-Balad 90: 8, address, Surat al-Balad Listening 90: 9, experiencing, Deaf (aSwamu), Dumb (ahmaqu), and Blind (a'maa) Surat al-Baqarah 2:171, Skin Surat an-Nisa: 4:56 - 57, expedited courier delivery Surat an-Naml 27: 39, Speed of light courier delivery Surat an-Naml 27:40 discusses the remarkable speed of travel during Isra wal Miraj, surpassing even the rapidity of rising and blinking, as referenced in Surat al-Isra 17:1 and 53:13–18. Mustafa Khattab, n.d., Scenery of the worlds. Surat al-Isra 53:13–18. The supplementary findings in the literature indicate that truth ought to be utilised in the phone. Surat al-Isra: 17: 81, Reverence for Allah Surat al-Taubah: 9: 119, Do not yield to temptation. Surat al-Hashir: 59: 16, Speak the truth. Surat al-Ahzab 33:70; it is indeed despicable, as stated in Surat al-Safa 61:2 – 3.

The literature's third finding highlights the risks of lying on the phone (Kathib); even when you are winning, don't lie. The Qur'an on deceit Surat an-Nahl 16:92: Don't encourage deception Surat an-Nisa: 4:107, Don't let deception lead you to hell According to Surat al-Baqarah 2:9, lying is a sickness. Baqarah Suratul:10, To afflict their souls with hypocrisy, According to Surat al-Taubah, lying is a sign of injustice (9:77). Surat al-An A'am 6: 93, Recognising a Liar Surat al-Ghafir: 40: 28 Don't be concerned about a liar's deceit. Surat al-Anfal: 8:62, Lying is never acceptable. Al-

Ankabut Suratul: 29:3 The rewards of truth are wonderful. 5:119 Surat al-Maida Being truthful results in righteousness, whereas being evil results in hell. According to Sahih al-Bukhari 6094, lying is an indication of hypocrisy. Keep quiet, Muslim 59, if you have nothing to say. mention. [Sahih al-Bukhari 61] 36]. Chapter two, namely the section on the Rights and Obligation of Husband-Wife Marriage in Is, elaborated on element eight of the additional phone problems, including a full citation and additional clarification on "Phone."

The third literature result highlights the risks of lying (Kathib) over the phone: even when you are winning, don't lie. Qur'an on deceit Surat an-Nahl 16:92, Don't bolster falsehoods "Don't let lying lead you to damnation," says Surat an-Nisa at 4:107. Surat al-Baqarah 2:9: deception is a sickness 10 Surat al-Baqarah Their hearts will be plagued by hypocrisy. Surat al-Taubah: 9:77, Lying is an indication of unfairness Recognising a liar Surat al-An A'am 6: 93 Surat al-Ghafir: 40: 28 Don't be concerned about a liar's deceit. Surat al-Anfal: 8:62, Lying will never be tolerated Ankabut, Surat al-Al: 29:3 The benefits of truth are amazing. Maida Surat al-5:119 Wickedness leads to hell, and truthfulness leads to righteousness. Lie is an indication of hypocrisy, according to Sahih al-Bukhari 6094. Muslim 59, if you have nothing to say, don't say anything. [Sahih al-Bukhari 61] 36]. The full citation and further explanation of element eight of extra phone challenges, namely the portion on the rights and obligations of husband-and-wife marriage in Is, were developed in chapter two.

Not 45/157, 117/157/ 259/72, and 388 out of 391 respondents indicated violence as a cause for ending their marriage, according to the tenth aspect of the study's results on respondents' additional reasons for doing so. The findings of the literature on violence as a contributing factor to divorce indicate that violence against women is not acceptable. For complete citations, Sahih al-Bukhari 5204 refers to the chapter two section about hitting a woman.

Out of 391 respondents, 23 did not claim failure to provide maintenance as a reason for ending the marriage, according to the eleventh aspect of the study's results on respondents' additional reasons for ending the marriage. As previously mentioned in the Financial Challenges section, the literature's findings about the failure to present an additional reason for the dissolution of a marriage are revealed.

According to the literature, death is another reason why marriages terminate. The Qur'an also states that all souls will experience death. According to Surah Al-Imran (3:185), the martyrdom occurs when a pregnant lady dies during childbirth, drowns, burns, or has pleurisy. (Ibn Majah, n.d.) Sunan Ibn Majah 2803 (Riyad as-Salihin 286/Tirmidhi, Righteous Husband and wife be in Jannah) A husband is happy with a wife who passes away. 13:23–24. See Chapter 2's Section on Death in Marriage for more details on the topic of death as a further cause of ending a marriage. According to the twelfth part of the study's results on respondents' additional reasons for ending their marriage, 46 out of 391 respondents said that they had dissolved their marriage because they did not feel respected. form for further information on the respondent-identified "lack of respect." As in psychological challenges described in question concerning the most difficult aspects of marriage, the literature results on lack of respect as an additional reason for ending a marriage.

The thirteenth element from the study results regarding respondents' additional reasons for ending their marriages indicates that 49 out of 391 respondents identified lack of responsibility as a factor in their decision to end the marital relationship. The literature findings regarding the lack of responsibility as a contributing factor to the dissolution of marriage indicate that non-compliance with Shari`ah presents significant challenges, particularly in relation to the most difficult aspects of marriage.

The fourteenth element from the study results regarding respondents' additional reasons for ending their marriages indicates that 86 out of 391 respondents reported having no additional reasons for terminating their marital relationships.

5.6.7 Who Caused Your Marriage to End?

The initial finding from the survey addressing the issue of 'who caused your marriage to dissolve' indicates that 46 out of 391 respondents attributed the blame to Allah. There was an increase of 10 respondents from the previously discussed portion in question 6 of the eleventh element. Allah, n=46, comprising 8 widowers and 39 widows. The distribution of areas and spouse mortality is as follows: Widowers: Northern n=6, Eastern n=0, Central n=2, Western n=0; Widows: Northern n=16, Eastern n=9, Central

n=10, Western n=4. The distribution of regions and mental incapacitation of the husband is as follows: Northern n=1, Eastern n=0, Central n=0, and Western n=0.

For additional facts regarding respondents who cited 'Allah' as a reason for the dissolution of marriage, please refer to bar chart 7 in chapter four and report 7 in the Q.7 Form located in the Appendix section. The literature results align with those of the eleventh part of the study, where respondents identified other reasons for terminating the marriage as death.

The second aspect from the study regarding the issue of 'who caused your marriage to end' indicates that over 135 out of 391 respondents attributed the cause to the husband. Husbands: n=135; husband's part in terminating the marriage: n=47; wife's role in terminating the husband's marriage: n=90. The regions and the husband's part in terminating his marriage: Northern n=18, Eastern n=18, Central n=10, and Western n=1. Regarding the wife's role in terminating her husband's marriage: Northern n=39, Eastern n=14, Central n=22, and Western n=16. The literature findings align with the most challenging aspects and supplementary reasons for marriage, excluding the components of No Challenge and Death, respectively.

Nevertheless, other instances in the results require supplementary citations; 45/157 referenced adultery, 123/157 indicated violence, and 152/157, 250/259/10 highlighted alcoholism and Salah default.

The literature results align with the most challenging aspects and additional reasons for marriage, apart from the variables of No Challenge and Death, respectively. The literature reveals supplementary findings on adultery and conflict.

The literature indicates a recommendation to abstain from Swallah. Defaulting constitutes a breach of covenant. (Ibn Majah, n.d.) Avoiding Zina and adultery, as they are abominations. Qur'an Surah Al-Isra 17:32. Accusation of adultery requires four witnesses. Surah An-Nur 24:6, Abstaining from taking a human life, Qur'an Surah Al-Isra 17:34. Avoiding Khamr (alcohol) and drugs, 3:90. All intoxicants are prohibited. Sunan Ibn Majah 3392 (Ibn Majah, n.d.) Avoiding confrontation Book 30, Number 4255: Refraining from speaking during times of turmoil: Abu Hurairah narrated that the

Prophet (SAW) stated: Book 30, Number 4251. Combat is duplicity. Sahih al-Bukhari 3030 (Bukhari, n.d.) Avoid abuse towards the principle of proximity. In Surah Al-Isra (17:24-26), Allah affirms. However, if parents and close relatives exert pressure to engage in Shirk and Haram, no obedience is anticipated. Qur'an, Surah Luqman, verse 15. On abstaining from maltreatment in accordance with proximity. Abu Huraira reported that an individual stated: Book 32, Number 6181; for citation, go to Chapter Two, Section on Resentment of Amal.

The third aspect from the study's findings regarding the topic of 'who caused your marriage to end' indicates that 187 out of 391 respondents attributed the blame to the wife. The response rate indicates that, among 187 cases where the wife was identified as the reason of the marriage dissolution, the husband contributed to the termination in 105 instances, while the wife was responsible for her own marital dissolution in 81 cases. The distribution of regions and the husband's part in terminating the marriage of the wife is as follows: Northern n=38, Eastern n=29, Central n=35, Western n=3. Regarding the wife's role in dissolving her own marriage, the distribution is as follows: Widows; Northern n=32, Eastern n=27, Central n=14, and Western n=8. Another exceptional case was 178/259/82 regarding the Missing Wife due to the Sudan conflict.

The literature results align with the most challenging aspects and additional reasons for marriage, excluding the components of No Challenge and Death, respectively. The literature results indicated an additional finding of a missing wife related to the Sudan war. The literature reveals multiple sources, including Hadith, the views of Uthman ibn Affan, the perspectives of the four schools of thought, and the Malaysian Shari'ah Federal laws. For additional details, consult chapter two in Mafqūd. All is based on the Duration principle established by the Prophet (SAW), who stated: “The wife of a missing person will be regarded as his wife until definitive evidence proves otherwise.” Sunan al-Baihaqi (15565).

5.6.8 Did You Remarry After Divorce, and If So, Did You Marry the Same Man or Another One?

The initial element from the study's findings about remarriage following divorce, based on a sample size of n=391. The response rate indicates that 134 individuals remarried, comprising 63 males and 71 females. The distribution of remarriage results by region and gender is as follows: Males - Northern n=34, Eastern n=21, Central n=8, Western n=0; Females - Northern n=37, Eastern n=9, Central n=13, Western n=12. For additional details regarding respondents who indicated remarriage, please refer to bar chart 8 in chapter four and report 8 in Form Q.8. The literature regarding remarriage after divorce shows that individuals must undergo the processes detailed in Chapter Two concerning Marriage Intention, ILM, Amal, and Tanfidh sections.

The second element yields result for response rate: No individuals remarried; No, n=185, Female n=120, Male n=65. The regions and the prohibition on male remarriage: Northern n=25, Eastern n=20, Central n=19, and Western n=14. No remarriage for females: Northern n=45, Eastern n=43, Central n=19, and Western n=14. The research findings about the decision not to remarry post-divorce suggest that individuals must undergo the similar procedures detailed in Chapter Two concerning Marriage Intention, ILM, Amal, and Tanfidh sections.

The third element result of respondents who remained mute regarding remarriage was n>72. The literature regarding the decision not to remarry after divorce suggests that individuals must undergo the same steps outlined in Chapter Two concerning Marriage Intention, ILM, Amal, and Tanfidh sections.

5.6.9 Impact of Your Divorce on the children?

The initial finding from the study regarding the impact of divorce on children suggested results from a sample size of n=391. Total High Impact at Gross results: n=19; male contribution: n=6. Age distribution: 25-30, n=2; 31-36, n=3; 43-48, n=1. Education levels: Certificate, n=1; Diploma, n=1; Bachelor's, n=3; Master's, n=1. Regional distribution: Northern, n=1; Eastern, n=2; Central, n=3; Western, n=0. The influence of

females on the significant effects of divorce on children; Female participants: n=11, ages 31–36; n=4, ages 19–24; n=1, ages 49–54; n=2, ages 25–30; n=2, ages 43–48; n=1, ages 60–65. Region: Northern, n=5; Eastern, n=1; Central, n=1; Western, n=5. Education Level: None, n=5; Bachelor's, n=1; Diploma, n=2; Certificate, n=4. The Literature The significant impact of divorce on children, as indicated by literature, highlights that Hadanah (child custody) is primarily the responsibility of the father and grandfather, followed by the mother and grandmother. Furthermore, it is obligatory to provide maintenance irrespective of religious or inheritance status. Refer to Chapter Two for matters concerning child custody of Hadanah, child maintenance, legal guardianship, and the cessation of maintenance by the husband.

The second aspect from the study's findings regarding the impact of divorce on children indicates an intermediate effect, with n=224 out of n=391 respondents. The male demographic consisted of n=88 individuals, categorised by age as follows: 23-30 years (n=13), 31-36 years (n=16), 43-48 years (n=20), 49-54 years (n=9), 55-60 years (n=5), 60-65 years (n=3), and over 84 years (n=1). Education: None, n=40; Diploma, n=9; Bachelor's, n=9; Certificate, n=14; PhD, n=2; Master's, n=12. Regions: Northern, n=39; Eastern, n=27; Central, n=21; and Western, n=1. For the female role in the Intermediate Impact contribution; n=136. Age distribution: 43 – 36, n=27; 43 – 48, n=19; 37 – 42, n=22; 55 – 60, n=6; 49 – 54, n=9; 25 – 30, n=17; 19 – 24, n=12; 60 – 65, n=2; 66 – 65, n=2; below 18, n=3. Education levels: None, n=75; Bachelor's, n=17; Master's, n=5; Certificate, n=26; Diploma, n=15; and PhD, n=1. Regions: Northern, n=71; Eastern, n=22; Central, n=22; and Western, n=18. The Literature The significant impact of divorce on children, as indicated by literature, highlights that Hadanah (child custody) is primarily the responsibility of the father and grandfather, followed by the mother and grandmother. Furthermore, it is obligatory to provide maintenance irrespective of religious or inheritance status. Examine child custody about Hadanah, child maintenance, legal guardianship, and the cessation of maintenance by the husband in Chapter Two.

The third aspect from the study's findings regarding the impact of divorce on children indicated a low impact, with 105 out of a sample size of 391. For males, n=45; Age distribution: 25–30, n=11; 55–60, n=3; 61–66, n=4; 49–54, n=7; 43–48, n=9; 67–71, n=2. Education Level: Certificate n=12, None n=29, Bachelor's n=1, Master's n=1.

Regions: Northern, n=16; Eastern, n=9; and Central, n=12. For females, n=61: ages 19–24, n=12; 31–36, n=11; 37–42, n=6; 25–30, n=10; 49–54, n=4; 60–65, n=4; 43–48, n=3; 55–60, n=7; below 18, n=2; and 66–71, n=2. Education Level: None, n=40; Certificate, n=7; Bachelor's, n=6; Master's, n=1. Regions: Northern, n=22; Eastern, n=20; Central, n=15; Western, n=3. The literature on the impact of divorce on children indicates that Hadanah (child custody) is separate from the responsibilities of education and nurturing, which are primarily the duties of the father and grandfather, followed by the mother and grandmother. Furthermore, it is obligatory to provide maintenance irrespective of religious or inheritance status. Examine child custody (Hadanah), child maintenance, legal guardianship, and the responsibilities of the husband or wife regarding maintenance as outlined in chapter two.

5.6.10 Impact of Your Divorce on the Both Families?

Maintenance in Chapter Two. The initial finding from the study regarding the impact of divorce on family outcomes suggested a sample size of n=391. Aggregate Standard Effect Aggregate findings from 105 respondents: Male participants totalled n=90, distributed by age as follows: 25–30 years, n=6; 55–60 years, n=3; 60–65 years, n=8; 43–48 years, n=11; 31–36 years, n=4; 66–71 years, n=4; 49–54 years, n=8; over 80 years, n=1; 19–34 years, n=1; 72–77 years, n=1. Education Level: None, n=33; Certificate, n=14; Diploma, n=2; Bachelor's, n=2. Regions: Northern, n=28; Eastern, n=17; Central, n=6. Females: n=54. Age distribution: 25–30, n=11; 55–60, n=7; 60–65, n=4; 43–48, n=18; 31–36, n=10; 66–71, n=3; 49–54, n=14; 37–42, n=9; above 84, n=1; 72–77, n=1; 19–25, n=8. Education Level: None, n=69; Certificate, n=4; Diploma, n=4; Bachelor's, n=26; Master's, n=0; PhD, n=0. Regions: Northern, n=60; Eastern, n=33; Central, n=12; Western, n=0.

The outcome of the Literature examination Typical repercussions of divorce on both families Literature suggests that both families are likely cognisant of the pre- and post-marital obligations towards their sons and daughters-in-law. For further details, consult the section on the summary of Fitnah in Chapter Two, which includes comprehensive citations of verses from the Qur'an: Al-`Ankabut 29:2, Hajj 22:53, Al-A`raf 7:27, Taha 20:85, Imran 3:7, At-Taghabun 64:15, Anfal 8:28, and Anfal 8:73.

Out of 233 individuals, 90 were male, exhibiting abnormal impact on both families. Age distribution is as follows: 25-30 years, n=18; 60-66 years, n=4; 49-54 years, n=7; 31-36 years, n=14; 43-48 years, n=14; 55-60 years, n=7; 37-60 years, n=13; and 73-78 years, n=1. Education Levels: None, n=21; Certificate, n=18; Diploma, n=9; Bachelor's, n=6; Master's, n=16; PhD, n=6. Regions: Northern, n=28; Eastern, n=29; Central, n=22; Western, n=1. Female participants totalled n=143, categorised by age as follows: 31–36 years, n=28; 25–30 years, n=51; 60–66 years, n=9; 49–54 years, n=21; 43–48 years, n=38; 37–42 years, n=31; 19–24 years, n=16; 50–55 years, n=2; 56–61 years, n=13; 66–71 years, n=1; below 18 years, n=3; and 73–78 years, n=1. Education Level: None, n=108; Certificate, n=40; Diploma, n=20; Bachelor's, n=28; Master's, n=23; PhD, n=7. Regions: Northern, n=80; Eastern, n=65; Central, n=64; Western, n=20.

The literature findings about the adverse effects of divorce on both families suggest that these families were likely either oblivious to or resolute in their disregard for the pre- and post-marital responsibilities of their sons and daughters-in-law.

5.6.11 What Are Your Thoughts On Individuals Who Choose To Leave A Marriage Without Going Through Divorce Process But Just Walk Away?

The initial element identified as a Bad Idea from the study regarding individuals who opt to exit marriage without undergoing the divorce procedure, simply walking away, was derived from a sample size of n=391. The notion of walking away is a detrimental concept. Sample size (n=298), Male (n=141). Age distribution: 25–30 (n=19), 31–36 (n=23), 43–48 (n=22), 49–54 (n=16), 55–60 (n=9), 61–66 (n=9), 67–71 (n=1), 72–77 (n=1), over 80 (n=1). Education Levels: None, n=61; Certificate, n=23; Diploma, n=11; Bachelor's, n=13; Master's, n=22; PhD, n=4. For the regions: Northern, n=47; Eastern, n=42; Central, n=40; and Western, n=4. For females, n=156: Age distribution; 25–30, n=46; 31–36, n=13; 43–48, n=13; 49–54, n=15; 55–60, n=7; 61–66, n=7; 67–71, n=1; and 72–77, n=1. Education Level: None, n=31; Certificate, n=31; Diploma, n=7; Bachelor's, n=23; Master's, n=5; and PhD, n=1. Regions: Northern, n=74; Eastern, n=36; Central, n=35; and Western, n=20. Further facts regarding respondents who indicated that "Walk Away" is a detrimental idea.

The literature regarding individuals who opt to exit a marriage without undergoing the divorce process, simply walking away, suggests that respondents recognise this "walk away" practice as a flagrant misconduct. It is neither disobedience (Nushūz) nor disagreement (Shiqāq). Qur'an Surah An-Nisa: 4:34, 4:35; Sunan Abi Dawud 2201; Qur'an 65:1-2; Sahih al-Bukhari 5251; Sunan Abi Dawud 2179; Sahih al-Bukhari 5258, 5253, 5261, 5264; Sunan Abi Dawud 2186, 2190; Sahih al-Bukhari 5255, 5294, 5295, 5293; Sunan Abi Dawud 219, 2192, 2193, 2194. For further information regarding the outcomes, consult Chapter Two, which covers the summarised Qur'an and Hadith sources emphasised.

The second aspect identified as a Good Idea from the study of individuals who opt to exit marriage without undergoing the divorce process, based on a sample size of n=391, indicates the findings. For the consideration of walking away as a viable option, n=10. For males, n=3: Age distribution includes 49-54, n=1; 31-36, n=1; and 37-42, n=1. Education levels include None, n=2; and Certificate, n=1. Regional distribution includes Northern, n=1; and Western, n=1. For females, n=6, Age: 43–48, n=2; 25–30, n=1; 31–36, n=1; and 37–42, n=2. Education Level: None, n=3; Certificate, n=1; and Bachelor's, n=1. Regions: Northern, n=4; Eastern, n=1; and Central, n=1. For additional facts regarding respondents who indicated that "Walk Away" is a good suggestion.

The literature indicates that the decision to exit a marriage without undergoing the divorce process may be perceived as a favourable option. The literature suggests that seeing the behaviour of walking away as acceptable is a blatant misconduct, and remaining silent about it demonstrates contempt for the Qur'an and Hadith as primary sources of Islam, based on the citations provided in the first section above.

5.6.12 Can You Share Your Thoughts on Marriage and Divorce Certificates?

The initial factor regarding perceptions of Marriage and Divorce certificates as beneficial yielded a response rate of n=363 out of 391. Among the 156 male respondents, the following age distribution was seen regarding the perception of certificates as beneficial: Ages 25-30, n=21; 55-60, n=8; 61-66, n=9; 43-48, n=27; 31-36, n=24; 67-72, n=1; 49-54, n=19; 37-42, n=26; Above 84, n=0; 72-77, n=2; and 19-

24, n=1. Their education levels were as follows: None, n=60; Certificate, n=31; Diploma, n=11; Bachelor's, n=13; Master's, n=28; and PhD, n=7. Regions: Northern, n=47; Eastern, n=52; Central, n=45; and Western, n=4. Among the 207 female respondents, the certificate is perceived positively. Age distribution is as follows: 25–30 years, n=39; 55–60 years, n=9; 61–66 years, n=6; 43–48 years, n=24; 31–36 years, n=40; 67–72 years, n=3; 49–54 years, n=15; 37–43 years, n=23; 72–77 years, n=1; 19–25 years, n=16; 60–65 years, n=5; and below 18 years, n=3. Education Level: None, n=116; Certificate, n=37; Diploma, n=13; Bachelor's, n=29; Master's, n=8; PhD, n=2. Regions: Northern, n=87; Eastern, n=58; Central, n=46; Western, n=27.

The literature indicates that marriage and divorce certificates are beneficial. The literature specifies the conditions for the validity of marriage: first, the guardian (wali mujbir), without whom legal marriage cannot occur. (Majaah, n.d.). The dismissal of a woman as a Wali Mujbir and a lady proposing herself for marriage. (Majah I., Sunan Ibn Majah, Vol. 3, Book 9, Hadith 1882, n.d.) Mahr (Marriage Gift) is obligatory to be provided prior to the marriage contract, as stated in Qur'an Surat al-Baqarah 4:4. The bridegroom and bride, who are neither in `iddah nor in the state of ihraam, must adhere to the siighah, which encompasses the marriage ceremonies of iijaab and Qabuul. Shafi'i: There are five prerequisites for marriage. One consists of the husband, the wife, the guardian, the two witnesses (wakil), and the Siighah (iijaab and Qabuul). The Hanafi school emphasises that explicit and unequivocal terms must be articulated in the ijaab and qabool, and approval must occur within the assembly where the ijaab is pronounced (fi majlis al-ijaab). Delivering a brief sermon (Khutbah) is considered a commendable practice (mustahabb). Shahadah, Certificate (Merriam-Webster Dictionary, n.d.) and Aqd (contract) (Mohammad Rasmi Al-Umari and Mutasim Ahmad Alqudah, 2023). Qur'an Surah Al-Baqarah: 2:282 mandates the documentation and adherence to contracts. For additional information regarding the outcomes, consult Chapter Two, specifically sections 6.2.1.5.6/1, which detail the summarised Qur'an, Hadith, and noted sources.

The second aspect regarding perceptions of Marriage and Divorce certificates as negative outcomes was indicated by n=13 out of 391. Five male respondents indicated that the certificate is detrimental. Age distribution: 25–30, n=2; 55–60, n=2; 43–48, n=2; and 31–36, n=1. Education Level: None, n=2; Certificate, n=2; Bachelor's,

n=1. Regions: Eastern, n=4; Central, n=1. For females, n=8: Age 25–30, n=2; 55–60, n=1; 37–42, n=1; 19–25, n=3; and below 18, n=1. Regions: Northern n=5, Central n=2, and Western n=1. The literature indicates that marriage and divorce certificates are viewed negatively. The literature suggests that individuals are either uninformed or engaged in egregious misconduct, as referenced in the element one.

5.6.13 Summarise the Procedures You Followed to End Your Marriage?

The initial component of the summarised procedures for termination the marriage outcome revealed that out of n=90, 391 were completely monitored. There were 34 males. Male; Age: 25–30, n=3; 55–60, n=1; 61–66, n=1; 43–48, n=5; 31–36, n=5; 49–54, n=6; 37–42, n=3; and 60–65. Education Level: None, n=19; Certificate, n=13; Diploma, n=2; Bachelor's, n=3. Among females who completed the divorce process, the total number was n=56. Their age distribution was as follows: 25-30 years, n=13; 31-36 years, n=13; 37-42 years, n=7; 43-48 years, n=5; 49-54 years, n=8; 55-60 years, n=6; 60-65 years, n=3; 67-72 years, n=1; and 72-77 years, n=1. Education Level: None, n=36; Certificate, n=11; Diploma, n=6; Bachelors, n=3. For their regions: Northern, n=22; Eastern, n=13; Central, n=16; and Western, n=5. However, the results indicated that 46 out of 90 respondents either lost a spouse or dissolved their marriage through Talaq or Khul. For additional details regarding respondents who indicated complete adherence to the processes.

The literature result on summarised processes for conclusion. The outcome of marriage delineates five processes to dissolution, which encompass: Grounds for divorce, Categories, Mediation, Pronouncement, Iddah Period, and Return of the Mahr or Retention.

The literature of the findings reveals initially Divorce is the termination of the bond of Munάkahάt (the act of entering a marriage contract or the state of being married). Initially, Talāq refers to the husband's renunciation of the marriage contract with his wife. Second: Khula dissolution, wherein the wife terminates the Munάkahάt relationship with her husband. Third, Li'an, specific terms employed as hujah (evidence) for individuals who accuse their spouse of zina (adultery) or refute their paternity of a

child (Studocu, n.d.). Fourth, the Illa oath prohibits sexual intercourse with a wife following Munákahát for a duration of four months. The Fifth Zihar is defined as the utterance of a husband who likens his wife, not divorced through talak bain, to his muabbad (eternal) mahram (female relative). Muhammad Fahmi Rusli, 2018.

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The literature on the results indicates, thirdly, the Mediation Phases. According to the Council of the International Islamic Fiqh Academy of the Organisation of the Islamic Conference, which convened its 9th session in Abu Dhabi, United Arab Emirates, from 1–6 Dhū al-Qi'dah 1415h (1–6 April 1995), six prominent characteristics of an arbiter (Hakam) were delineated (Council of the International Islamic Fiqh Academy of the Organisation of the Islamic Conference, 1995). The Qur'an concerning the mediation phase, Surah An-Nisa, 4:35. Subsequent findings demonstrate that Annulment (faskh) also terminates the marriage. The circumstances regulating talaq and faskh are delineated according to the four schools of thought: Shafi'i, Hanbali, Hanafi, and Maliki.

The literature indicates that the Iddah time for a wife during menstruation (Mahīdh) is three menstrual cycles. The Iddah for a menopausal wife is three months. The iddah period for a pregnant wife extends till she delivers her child. The Iddah period for a widow is 4 hours and 10 days. Fifth, the Iddah period for a Mafqūd (absent wife). Increased elaboration in the Dependent Variable part of the Literature Review. The waiting period or Iddah for Khulu initiated by the wife consists primarily of a menstrual cycle, as stated by Abdullah ibn Abbas and Ibn Umar; further details can be found in

the Dependent Variable portion of this Literature Review. The literature on the results indicates a fifth phase: Return/Return Mahr. The woman may commence Khulu, observing the Iddah of a menstrual cycle, but must repay the Mahr according to Aisha (RA). For further information on the findings, consult Chapter Two, which outlines the overview of procedures for terminating marriage in Islam, as outlined by the Qur'an, Hadith, the four Islamic Schools of Thought, the consensus of Islamic Scholars, and other sources referenced in the divorce and its phases section.

The second aspect regarding the summary procedures for terminating marriage indicated Partial Compliance. Among 391 respondents, 99 partially or fully adhered to the criteria. For males, n=53; Age distribution: 25–30, n=4; 55–60, n=2; 43–48, n=11; 49–54, n=1; 37–42, n=8; over 80, n=1; and 60–65, n=3. Education Level: None, n=20; Certificate, n=10; Diploma, n=2; Bachelor's, n=3; Master's, n=7; PhD, n=1. Regions: Northern, n=22; Eastern, n=23; Central, n=8. Among females who partially completed the divorce process, the sample size was n=45, with age distributions as follows: 25–30 years, n=8; 31–36 years, n=10; 37–42 years, n=8; 43–48 years, n=4; 49–54 years, n=1; and 60–65 years, n=6. Educational Attainment: None, n=20; Certificate, n=11; Diploma, n=2; Bachelor's, n=8; Master's, n=4; PhD, n=1. Geographic Distribution: Northern, n=21; Eastern, n=21; Central, n=9; Western, n=2. However, the scenario is special; one partner desired to adhere to the five phases of marital dissolution, while the other resisted. For additional facts regarding respondents who indicated limited adherence to the processes.

The literature results on the summarised techniques largely adhered to conclusion. The outcome of marriage entails five steps to dissolution: Grounds for divorce, Categories, Mediation, Pronouncement, Iddah Period, and the Return of the Mahr, or retention of neglected or rejected assets by either spouse, as referenced in element one.

The third factor in the summarised procedures for concluding marriages revealed non-compliance in 391 instances. For males, n=33; Age distribution: 24–30, n=3; 55–60, n=2; 43–48, n=7; 31–36, n=3; 49–54, n=3; 37–42, n=6; and 60–65, n=3. Education Level: None, n=19; Certificate, n=7; Diploma, n=1; Bachelor's, n=2; Master's, n=1; PhD, n=2. Regions: Northern, n=22; Eastern, n=7; Central, n=7. Among

females who completed the divorce process, the sample size was n=37, with age distribution as follows: 25–30 years, n=9; 31–36 years, n=8; 43–48 years, n=9; 49–54 years, n=4; and 60–65 years, n=1. Educational Attainment: None, n=20; Certificate, n=8; Diploma, n=2; Bachelor's, n=3; Master's, n=3; PhD, n=1. Regions: Northern, n=30; Eastern, n=4; Central, n=3. The literature review of summarised methods for terminating marriage suggests five steps: grounds for divorce, categories, mediation, pronouncement, iddah period, and return of the mahr or retention of abuse, as indicated in element one.

5.6.14 Qadhi or Imam Was Consulted Regarding Your Marriage and Divorce?

The initial component of the outcomes from respondents who positively sought counsel from the Qadhi or Imam concerning marriage and divorce. The results indicated that out of n=121, 391 individuals consulted a Qadhi or Imam. Among the participants, there were 53 males. Their ages were distributed as follows: 25–30 years (n=5), 55–60 years (n=4), 66–71 years (n=1), 43–48 years (n=4), 31–36 years (n=7), 49–54 years (n=7), 37–42 years (n=7), above 84 years (n=1), 60–65 years (n=6), and 72–77 years (n=1). Their educational attainment results revealed the following: None, n=28; Certificate, n=15; Diploma, n=3; Bachelor's, n=1; and Master's, n=1. The results for respective regions suggested the following: Northern, n=27; Eastern, n=16; Central, n=4; and Western, n=1. The female sample consisted of n=68, with age distributions as follows: 25–30 years (n=11), 55–60 years (n=4), 43–48 years (n=7), 31–36 years (n=13), 49–54 years (n=5), 37–42 years (n=10), 60–65 years (n=4), 19–25 years (n=6), and 72–77 years (n=1). Education Level: None, n=30; Certificates, n=15; Diploma, n=7; Bachelors, n=9. Regions: Northern, n=22; Eastern, n=21; Central, n=10; and Western, n=16.

The literature reviewed indicates that the Qadhi or Imam has a crucial role in addressing marital and divorce issues, as outlined in Surat al-Imran: 3: 159, which emphasises the importance of mutual consultation, leniency, forgiveness, and the management of familial affairs.

The second aspect of the respondents' results who did not affirmatively visit a Qadhi or Imam regarding marriage and divorce. The results indicated that out of n=180, 391 respondents provided non-affirmative answers. Among the male participants (n=68), the age distribution was as follows: 25–30 years (n=15), 31–36 years (n=8), 37–42 years (n=8), 43–48 years (n=14), 49–54 years (n=7), 55–60 years (n=6), 60–65 years (n=1), 66–71 years (n=1), and 73–78 years (n=1). The educational attainment results are as follows: None, n=17; Certificate, n=7; Diploma, n=4; Bachelor's, n=6; and Master's, n=14. The results from various regions were as follows: Northern, n=13; Eastern, n=18; Central, n=28; and Western, n=2. The results for females totalled n=111, with age distributions as follows: 25–30 years, n=22; 55–60 years, n=5; 66–71 years, n=2; 43–48 years, n=9; 31–36 years, n=23; 49–54 years, n=9; 37–42 years, n=10; 60–65 years, n=2; 19–25 years, n=16; and below 18 years, n=4. The Education Level results were as follows: None, n=74; Certificate, n=16; Diploma, n=3; Bachelor's, n=12; Master's, n=1; and PhD, n=1. Finally, the findings from their regions indicated: Northern, n=60; Eastern, n=16; Central, n=60; and Western, n=24. For additional details regarding respondents who did not visit either a Qadhi or an Imam concerning their marriage and divorce.

In summary, the responses from certain respondents who consulted the Qadhi or Imam were categorised into Affirmative and Non-Affirmative themes from the Northern, Eastern, Central, and Western areas of Uganda.

5.6.15 Marriage and Divorce Issues was Referred to the Family Court Division of the High Court?

The initial component of the respondents' results who positively indicated their Family Court Division of the High Court about Marriage and Divorce. For Affirmative Male, n=14, Age distribution: 25–30, n=2; 31–36, n=3; 37–42, n=5; 43–48, n=2; 49–54, n=2. Education Level: None, n=8; Certificate, n=2; Bachelor's, n=2; Master's, n=2. Regions: Northern, n=3; Eastern, n=7; Central, n=4. For the female affirmative group, n=14: Age 25-30, n=1; 55-60, n=1; 31-36, n=3; 49-54, n=1; 37-42, n=2; and 61-66, n=4. Education Level: None, n=8; Certificate, n=1; Diploma, n=2; Bachelor's, n=2; Master's, n=2. Regions: Northern, n=3; Eastern, n=5; Central, n=1; Western, n=5. For additional

details regarding respondents who affirmed the referral of marriage and divorce issues to the Family Court.

The literature results reveal that both judges and their clients exhibit uncertainty regarding the provision of Muslim justice in cases referred to the Family Division of the High Court, often grappling with issues of competence and incompetence in relation to Muslim justice at the Shariah Court, as referenced in Kainamura (2011), Remmy Kasule (2001), Tuhaise (2010), and Khaukha (2023) in Chapter Two.

The second element of the respondents who did not affirmatively refer to their Family Court Division of the High Court concerning Marriage and Divorce is as follows: total respondents n=113, with age distributions: 25–30 years, n=18; 55–60 years, n=7; 66–71 years, n=1; 43–48 years, n=21; 31–36 years, n=16; 49–54 years, n=15; 61–66 years, n=1; 19–25 years, n=1; 72–77 years, n=1; and below 18 years, n=1. Education Levels: None, n=51; Certificate, n=22; Diploma, n=11; Bachelor, n=8; Master, n=13; PhD, n=6. Regions: Northern, n=15; Eastern, n=35; Central, n=28; Western, n=2. For females, n=160. Age distribution: 25–30, n=33; 55–60, n=6; 66–71, n=2; 43–48, n=15; 31–36, n=31; 72–77, n=2; 49–54, n=15; 37–42, n=23; 61–66, n=4; 19–25, n=21; below 18, n=4. Education Level: None, n=96; Certificate, n=33; Diploma, n=12; Bachelor's, n=16; Master's, n=4. Regions: Northern, n=53; Eastern, n=33; Central, n=26; and Western, n=22.

5.6.16 Did the Parliament help with your Marriage and Divorce Matter?

The initial component of the respondents' results who positively referenced their Parliament concerning Marriage and Divorce. The findings revealed that two respondents mentioned the Members of Parliament.

The literature on Parliament's affirmative role concerning marriage and divorce indicates that Parliament possesses the authority to legislate Muslim Personal Law and the Qadhi Court (129: d). The Qur'an, in Maida 5:44, cautions against adjudicating without adherence to the Qur'an and Sunnah for Muslims. The Government and Members of Parliament may introduce bills pursuant to Article 79 (1) of the

Constitution of Uganda. A legislative proposal in Parliament undergoes the following stages: First Stage Plenary, Second Stage Committee, Third Stage Plenary, Fourth Committee of the Whole House, Fifth Stage Plenary, Sixth Stage at the Clerk's Office, and Seventh Stage at the President's Office (Parliament of Uganda, 2023). The Muslim Community opposed the MAD 2008 Bill. For additional information, consult chapter two.

The second aspect of the respondents' results who non-affirmatively addressed their concerns to Parliament on Marriage and Divorce. The results suggested that non-affirmative responses exceeded 350. For additional information regarding the results concerning respondents who did not affirmatively address their issues to Parliament, please consult bar chart 16 in chapter four, report 16, and Form Q.16 in the supplementary sections. The literature regarding Parliament's non-affirmative role in Marriage and Divorce reveals that the Government, via the Uganda Law Reform Commission's Administration of Muslim Personnel Law Bill since 2008, faced rejection from the Muslim community. They opposed the Bill upon its introduction in Parliament, perceiving it as a significant threat to their identity in Uganda (Abasi Kiyimba, 2011). Muslim Members of Parliament have advocated for Article 129 (d) 1 since the 10th Parliament (2016–2021). Parliament of Uganda, 2025. For additional information, consult chapter two.

5.6.17 Did The Government Lend A Hand In Sorting Out Your Marriage And Divorce Matters?

For the initial portion of the respondents' results who affirmed government lending. The results revealed that out of 25, 391 cases were positively categorised about marriage/divorce issues with the government. Male participants, n=15, Age distribution: 25–30 years, n=2; 55–60 years, n=1; 31–36 years, n=3; 49–54 years, n=2; and 62–67 years, n=2. Education Levels: None, n=6; Certificate, n=4; Diploma, n=1; Bachelor's, n=1. Regions: Northern, n=3; Eastern, n=4; Central, n=8. For females who received governmental assistance in resolving marriage and divorce issues: n=10, Age 25–30: n=3, Age 55–60: n=1, Age 31–36: n=3, Age 49–54: n=1, Age 61–66: n=2.

Education Levels: None, n=6; Certificate, n=2; Diploma, n=1; Bachelor's, n=1. Regions: Northern; 4, Eastern; 2, Central; 3, and Western; 3.

The findings from the literature indicate governmental support for marriage; Chapter One of the Constitution of Uganda, concerning the Protection of Family (General Objective XIX, Registration of births, marriages, and deaths, Article 18, and Chapter 252), also safeguards Freedom of Worship (Chapter 29:1 c) and grants the Right to a Muslim Family Court (129: d), as well as Article 79, which allows the Government or a Private Member to introduce a Bill. For further information regarding the affirmative outcomes. Refer to chapter Two.

Regarding the second element of the respondents' results, those who did not affirmatively indicate that the government aided. The results indicated that out of 266 of 391 non-affirmatively categorised marriage/divorce issues with the government. Male, n=107; Age distribution: 25–30, n=13; 55–60, n=8; 66–71, n=2; 43–48, n=17; 31–36, n=14; 49–54, n=14; 37–42, n=15; 61–66, n=5; 72–77, n=2; Below 18, n=1. Education Levels: None, n=44; Certificate, n=21; Diploma, n=8; Bachelor's, n=8; Master's, n=16; PhD, n=5. Regions: Northern, n=46; Eastern, n=27; Central, n=29; Western, n=3. For females, n=159: Age 25–30, n=25; 55–60, n=5; 43–48, n=19; 31–36, n=31; 49–54, n=14; 37–42, n=19; 19–25, n=20; 72–77, n=1; and below 18, n=4. Education Level: None, n=92; Certificate, n=28; Diploma, n=11; Bachelor's, n=22; Master's, n=3; PhD, n=1. Regions: Northern (n=77), Eastern (n=35), Central (n=23), and Western (n=26).

Further facts regarding respondents who did not affirm government sorting on the divorce problem may be found in bar chart 17 in chapter four. The findings from the literature indicate that government support for marriage and divorce is obstructed by the Constitution of Uganda. The supremacy of the Constitution of Uganda (1 – 2) and the registration of births, marriages, and deaths, as articulated in Article 18, retrospectively preclude divorce, while introspectively incorporating Chapter 252, pertaining to Government and Private Member’s Bills, Article 79 (1). A bill in Parliament progresses through the following stages: First Stage Plenary, Second Stage Committee, Third Stage Plenary, Fourth Committee of the Whole House, Fifth Stage

Plenary, Sixth Stage Clerk's Office, and Seventh Stage President's Office (Parliament of Uganda, 2023).

5.6.18 What Is Your Advice to People Who Are Currenting Contemplating to End Their Marriage?

The initial portion of the respondents' results pertains to those who positively recommended their advisee to an individual contemplating divorce while married. The results suggested that out of 391, 41 positively advised the couples. The findings revealed the following distribution: Male, =20; Age 25–30, n=2; 55–60, n=3; 43–48, n=3; 31–36, n=4; 49–54, n=5; and 37–42, n=3. Education Level: None, n=10; Certificate, n=5; Bachelor, n=2. Regions: Northern, n=8; Eastern, n=6; Central, n=5; Western, n=1. For females, n=21: Age 25–30, n=5; 55–60, n=1; 43–48, n=3; 31–35, n=6; 19–25, n=4; and above 18, n=4. Education Levels: None, n=8; Certificate, n=6; Diploma, n=2; Bachelor's, n=3; Master's, n=2. Regions: Northern, n=7; Eastern, n=7; Central, n=4; Western, n=1. For additional facts regarding respondents who positively indicated a willingness to advise someone contemplating divorce.

Regarding the second element of the respondents' results, those who did not affirmatively recommend their advisee to the couple considering divorce. The data indicated that out of 289 of 391 provided non-affirmative advice to couples considering divorce. Male, n=119; Age: 25–30, n=16; 55–60, n=5; 66–71, n=2; 43–48, n=12; 31–36, n=15; 49–54, n=16; 37–42, n=22; 19–25, n=1; 72–77, n=2. Education Levels: None, n=53; Certificate, n=23; Diploma, n=9; Bachelor's, n=9; Master's, n=17; PhD, n=7. Regions: Northern, n=47; Eastern, n=32; Central, n=40; Western, n=2. Female, n=170; Age distribution: 25-30, n=32; 55-60, n=7; 66-71, n=2; 43-48, n=17; 31-36, n=27; 49-54, n=16; 37-42, n=22; 61-66, n=2; 19-25, n=29; 72-77, n=2; below 18, n=4. Education Level: None, n=100; Certificate, n=22; Diploma, n=11; Bachelor's, n=16; Master's, n=4; PhD, n=1. Regions: Northern, n=78; Eastern, n=36; Central, n=32; Western, n=24.

5.7 MAQĀSID SHARIʿAH: RIGHT MAQĀSID SHARIʿAH APPROACH TO CURB WALK AWAY?

This fifth section syntheses findings from eight interviews with Maqāsid Shariʿah and Family Institution. As elaborated below starting with Question One;

5.7.1 Question One

Thematic question one to the respondents was; Are you currently working with clients who identify as Muslims and are facing matrimonial problems?"

The initial outcomes from the thematic discussion about the first question about whether the First Respondent is currently assisting clients who identify as Muslim with marriage issues suggested that Nihla, as its mission and vision, see chapter five on page 3The literature indicates that Nihla is a gift 'given without expectation of return,' as both spouses jointly gain from the marital relationship. (Aydeed, A. S. M., & Ayaaz, A. A., 2019). For further details, see Chapter Two, page 135.

Second Respondent, currently working with clients, identified themselves as Muslim with matrimonial issues, revealed two reasons: first, couples with matrimonial problems often approach with the intention of divorce rather than seeking guidance and counselling; second, the exploration of reconciliation was discussed, contingent upon the withdrawal of the intention to divorce. Refer to chapter two page 215 and this chapter on page 395.

The third instance result from the qualitative interview about the first question about whether the Third Respondent, who is now working with clients, identified as Muslim with marriage issues, specified one reason. The third respondent has been assisting Muslim couples for the past 41 years. For the literature results, refer to the responders (Kiyimba, 2025). For additional information, consult Chapter Two page 59 and chapter on page 395.

The fourth instance result from the qualitative interview about the first question about if the Fourth Respondent, now working with clients, identified as Muslim with

matrimonial issues, revealed three reasons: divorce, marital property, and inheritance. regarding the restitution of marital property (Sunan Abi Dawud 2228) See chapter two on page 219. Also, for additional information refers section 5.2.4 page 400. of this chapter.

The fifth instance result from the qualitative interview about the first question, which enquired whether the Fourth Respondent, now working with clients, identified as Muslim with marriage issues, indicated affirmation. Refer to Chapter two, section 2.6-chapter two page 61 and in this chapter section 5.2.5 on page 401.

5.7.2 Question Two

The respondents were asked, what matrimonial challenges or concerns are leading Muslim couples to seek your Assistance?

The initial interview findings from the interview regarding the second question on matrimonial challenges faced by Muslim couples revealed three primary issues identified by the first respondent: first, the inflation of dowries; second, marriage expectations, particularly the archaic cultural practice of abducting girls to negotiate dowries with their parents; and third, a lack of understanding of Islamic marriage principles, which often results in disengagement and difficulties in selecting a spouse.

The interview findings on the exaggeration of dowries have already been addressed; please refer to section 5.2.1 of Chapter Five. Regarding issue two of marriage expectations, specifically the ancient cultural practice of girl abduction for dowry negotiations with her parents, refer to bullet one for literature results on this practice. For issue three, the ignorance surrounding marriage in Islam often results in dropout rates, exacerbated by a lack of understanding in selecting an appropriate partner. The literature indicates that possessing knowledge of Islam is essential prior to undertaking a deed (Qur'an Surat al-Isra 17:36) as elaborated in chapter two.

The second instance result from the interview about the second question on matrimonial issues or worries that prompted Muslim couples to seek assistance from

the second respondent. The respondent identified two challenges: first, the woman's breach of the Custodian requirement, and second, individuals approaching with the aim of divorce rather than mediation.

The literature reveals two key points regarding the violation of custodial conditions by the woman: First, if the woman marries an individual with no relation to the child, and that individual is barred from marrying the child; second, if the child's custody adversely impacts the child's welfare, custody will revert to her upon dissolution of the marriage. Three, if the woman exhibits overtly immoral behaviour; four, if the woman relocates with the intent of obstructing the father's ability to monitor the child, unless she returns the child to her place of origin; five, if the woman renounces Islam; and six, if the woman neglects or mistreats the child. Zulkifli Mohamad al-Bakri (2020). The second issue mentioned by the Second Respondent is that individuals arrive with the aim of divorce rather than for mediation

The Second instance result on Qualitative interview of the second question on the Matrimonial challenges or concerns led Muslim couples seek assistance from the Second respondent highlighted 15 issues; one, scarcity of the Educated Muslim women, two, yardstick set by the educated Muslim ladies for partners, three, wife refusal to raise step her children got outside wedlock from the earlier relations, fourth, Unescapable Poverty Challenge, Five, Interference of the in-law (relatives of the couples, six, Man befriending (incest) the younger sister of the wife under his custody, seven , mother-in-law not liking the wife of the son over powering the son and the wife reiterates her role in the management of his marriage, eight, sisters of the husbands trying dominant the wife and gossip in family homes and gathering, nine, Imbalance in the knowledge of Islam Imbalance in the knowledge of Islam, Ten, Property registration of the husband and wife, eleven short Message Service and Social media communication challenges, Twelve, Husband Refusing Arbitration by FIDA, Thirteen; Stalemate of the AMPIL Bill, Fourteen, Muslims man marry non-Muslim women, and fifteen Section of Muslim women vehemently opposed to Polygamy.

The literature findings regarding the second question on matrimonial issues indicate that one concern for Muslim couples to seek assistance from the second respondent is the paucity of educated Muslim women available for marriage to Muslim

males. Interfaith marriage between Muslims and non-believers is prohibited for any reason; it is preferable to marry illiterate Muslim women due to the inherent incompatibility of faith, as stated in the Qur'an, Surah Al-Baqarah: 2:221.

The research on the two difficulties of the elevated standards established by educated Muslim women for partners indicates that four criteria must be satisfied for spousal equivalency prior to marriage: Religiousness, Freedom, Profession, and Solvency. Fawzan, A Summary of Islamic Jurisprudence, 2005. For additional information, consult chapter two, section 2.8.1.2.1.2.3.3 page117. The literature addresses the subject of a wife's refusal to raise her stepchildren conceived from previous relationships outside of matrimony. An illegitimate kid possesses specific rights and provisions concerning moral, religious, and legal status, among other factors (Som Sujimon, 1999), whereas families lacking resources face multiple disadvantages. Campbel, 2021.

The literature result on issue four of working against unescapable Poverty for family the literature results indicate; firstly, Istiṣḥāb is required at all time (Sahih al-Bukhari 6465, n.d.) Secondly; one, precondition for Good Life (Qur`an Surat an-Nahl: 16:97), two, engaging in Agriculture, three, Husbandry four, Trade (23: 18 – 22), five Agriculture Plantation (al-Bukhari 2320), six, Permissibility to Trade and not participate in Riba (Qur`an Surat al-Baqarah 2:275), seven, Salient Features of Istiṣḥāb on the provisions of the livelihood; One, Istiṣḥāb feature is that provision should be good and Lawful (Qur`an Surat al-An – Nahl: 16: 114) and two providing livelihood to one's family is ibadat certainly will be recompensed (Qur`an Surat al-Kahf: 18:30) eight, desist at all costs from Shirk (Surat al-Kahf 18:110), nine, humble and strive to be true servants (Surat al-Furqan: 25: 63), ten, spend time in Tahajjud (Surat al-Furqan: 25: 63 and 64), eleven, not to be wastefully nor stingily (Surat al-Furqan: 25:67), twelve, life is sacred (Surat al-Furqan:25: 68), Thirteen, after shortfall should repent, (Qur`an Surat al-Furqan 25:70/71), fourteen not bear false witness and pass falsehood with dignity (Qur`an Surat al-Furqan: 24:72), fifteen, not to turn blind eyes or a deaf ear following rights and roles. Sixteen, tranquilly in Istiṣḥāb (Qur'an Surat al-Furqan: 25:74) and seventeen, belief and faith in Allah (Qur'an Surat al-Furqan: 25:77).

The literature findings on issue five pertain to the interference of in-laws (relatives of the spouse). The literature findings on issue six address the man befriending the younger sister of his wife under his custody, which is deemed an abomination (Qur'an Surat an-Nisa 4:23). The literature findings on issue seven indicate that the mother-in-law disapproves of her son's wife, thereby exerting dominance over him, while the wife reaffirms her role in managing their marriage. The literature findings on issue eight reveal that the husband's sisters attempt to dominate the wife and engage in gossip within family homes and gatherings highlighted in the thematic section of this chapter.

For the literary reference about issue nine of Imbalance in the Knowledge of Islam, please consult issue two above. The literature about problem 10 on property registration indicates that they are obliged to fulfil their contractual obligations, as previously referenced in the Qur'an, Surah Al-Baqarah 2:282.

The literature findings regarding issue eleven on Short Message Service and social media communication challenges indicate communication devices such as smartphones integrate modalities including speech, visual input, tactile interaction, auditory reception, sensory perception, and auditory obstruction, which can be utilised by individuals who are deaf, mute, or blind. Regarding vision (Qur'an Surah Al-Balad 90:8), concerning speech or articulation (Surah Al-Balad 90:9), pertaining to tactile sensation through the finger (isba'), ear (udhin), and garment (thaub), as well as conditions of deafness (aswamu), muteness (ahmaqu), and blindness (a'maa) (Surah Al-Baqarah 2:171), and for tactile perception via the skin (juldun) (Surah An-Nisa 4:56-57). The teleportation of Queen Sheeba and her throne by a Jinn (Surat an-Naml 27:39) and the instantaneous relocation of Queen Sheeba and her throne (Surat an-Naml 27:40), as well as the Isra wal Miraj (Surat al-Isra 17:1, 53:13–18), exemplify the advanced technologies referenced in the Qur'an (Mustafa Khattab, n.d.). The objective is to facilitate the communication of Truth as a virtue, as emphasised in the Qur'an (Surat al-Isra: 17:81, Surat al-Taubah: 9:119, Surat al-Hashir: 59:16, Surat al-Ahzab: 33:70, Surat al-Safa: 61:2-3), while denouncing falsehood (Kathib) (Surat an-Nahl: 16:92, Surat an-Nisa': 4:107, Surat al-Baqarah: 2:9, 2:10, Surat al-Taubah: 9:77, Surat al-An A'am: 6:93, Surat al-Ghafir: 40:28, Surat al-Anfal: 8:62, Surat al-Al Ankabut: 29:3, Surat al-Maida: 5:119). Truthfulness engenders righteousness, whereas

wickedness leads to damnation (Sahih al-Bukhari 6094). A person's propensity to lie signifies hypocrisy (Sahih al-Bukhari 33, Sahih Muslim 59), and if one has nothing constructive to contribute, silence is preferable (Sahih al-Bukhari 6136). For additional information refer to chapter two.

The research regarding the topic of a husband refusing arbitration, as revealed by a stakeholder, indicates that stakeholder individuals or groups influence the decisions or activities of the organisation. According to ASQ (2023), individuals, groups, or organisations involved in or influenced by a project's development and completion possess a vested interest in its result, as it may yield benefits either financially, through professional promotion, or by influencing completion in various ways. (MasterClass, 2022) serves a major function in achieving the strategic objectives of interest groups by enhancing their experiences and perspectives inside a project. They can also assist in supplying essential goods and resources. The stakeholders are characterised by their quality of tolerance and sensitivity to the optimal reforms for the community. (Qur'an Surah Hud: 11:88) as elaborated in chapter two and five.

Regarding the literary outcome concerning the Thirteen issue on the impasse around the AMPIL Bill with the Government. The literature indicates that Uganda's secular statehood was declared on October 8, 1995; it encompasses People's Sovereignty (1-4), the Supremacy of the Constitution of Uganda (1-2), Protection of Family (General Objective, XIX, Registration of births, marriages, and deaths, Article 18 and Chapter 252), Freedom of Worship (Chapter 29:1 c), and the Right to a Muslim Family Court (129: d) as outlined in the Constitution of Uganda, 1995. The second is the Judging by the Qur'an (Qur'an Surah Al-Ma'idah 5:44), and thirdly, the Administration of the Muslim Personnel Law Bill (Abasi Kiyimba, 2011). Fourth, the Government and Private Member's Bills 79 (1) consist of a Private Members' Bill and a Government Bill. The process for a bill consists of seven stages: First Stage - Plenary, Second Stage - Committee, Third Stage - Plenary, Fourth Stage - Committee of the Whole House, Fifth Stage - Plenary, Sixth Stage - Clerk’s Office, and Seventh Stage - President’s Office (Parliament of Uganda, 2023). For additional information regarding the literature findings on the AMPIL Bill, consult chapter two.

The literature addresses the subject of fourteen Muslim males marrying non-Muslim women. Refer to the result one for the Literature outcome. The literature indicates that fifteen Muslim women strongly oppose polygamy. Conditions for Polygamy: Firstly, he must possess the financial resources to adequately support the demands of his additional wives. Secondly, he must administer impartial justice to all, ensuring that each wife is treated equitably in the fulfilment of their conjugal and other rights (Abdu Rahman Doi, 2008). Qur'an Surah An-Nisa 4:3, and Allah possesses knowledge of the many circumstances of humanity. Qur'an Surah Al-Baqarah 2:218. For further information regarding issues explained above refer to chapter two.

The results from the third instance of the qualitative interview regarding the second question on matrimonial challenges faced by Muslim couples seeking assistance from the third respondent emphasised that victims of intimate partner violence experience physical, sexual, emotional, economic, or psychological actions or threats that affect another individual. (United Nations, n.d.) references Chapter Two, Section 4.1.15, although Islam refutes any type of violence between partners (Sahih al-Bukhari 5204).

The third instance result from the qualitative interview regarding the second question on matrimonial challenges faced by Muslim couples, as highlighted by the third respondent, indicates that a wife may seek divorce for valid reasons. For further details, refer to Chapter Two for more elaboration.

The fourth instance result from the qualitative interview regarding the second question on matrimonial challenges faced by Muslim couples seeking assistance from the fourth respondent highlighted several issues: marital property and alimony, inheritance rights, and delays in justice within civil and Shariah courts. Additionally, the lack of female representation in Shariah was noted. The results indicate the qualifications required for judges: they must be mature, free, sane, just, and possess legal expertise in applying rules to specific situations. Furthermore, judges addressing "unjust acts" must be male and qualified as Mujtahid, capable of making Ijtihad. Lastly, the Qadi Madhalim holds the authority to dismiss any official. Allah appointed Abdallah Ibn Nawfil and Rashid Ibn Abdallah as heads of the Judiciary and Complaints Tribunal

in Madiana. The Judge, Qadi Amm, adjudicates disputes among individuals regarding transactions and penalties, while the mushtasib judge addresses violations of community rights. For further details, refer to (Fathullah Al Haq and Muhamad Asni, 2017) and the implications of the absence of Article 129: d (i) discussed in Chapter two.

The fifth instance result from the qualitative interview regarding the second question on matrimonial issues faced by Muslim couples, as articulated by the fifth respondent, indicated that couples typically have arguments over property acquired during subsequent marriages. Occasionally, couples contribute financially to immovable property such as land. The literature suggests that money, movable property, or any jointly obtained assets are to be shared equally (Qur'an Surat al-An-Nisa 4:32); for further information, refer to chapter two. Regarding the second issue of lacking written evidence to substantiate or challenges in asserting ownership of property claims, the literature suggests that contracts must be documented or witnessed in accordance with justice, without contravening the Qur'an, Surah Al-Baqarah 2:252. For further details, refer to chapter two. Regarding the second issue, matters of parentage and child custody pertain to the second instance as indicated in the literature.

Regarding the matter of two Muslim men requesting DNA tests to determine the legitimacy of their children's births in relation to their mothers. The literature indicates the following: first, "al-walad lil-firash" refers to a child belonging to the bed (Sunan Ibn Majah 2005, n.d.); second, the practice of claiming fatherhood to a non-father is prohibited (Mishkat al-Masabih 3314, n.d.); third, circumstantial evidence includes deoxyribonucleic acid (DNA) as hereditary material in humans and nearly all other organisms. (National Library of Medicine, 2021) DNA testing for paternity has developed as definitive scientific proof for establishing paternity, thereby addressing the issues of 'paternity fraud' and 'misattributed paternity.' Sayed Sikandar Shah Haneef, 2015.

Third, one may file divorce applications in Ugandan courts of law. The literature indicates seven procedures for filing a petition for Division in the Magistrate and High Court: 1. Submission of the petition; 2. Supporting papers for the petition; 3. Issuance of summons; 4. Response to the petition; 5. Mediation; 6. Hearing; 7. Decree Nisi. Uganda Law Library, 2016. The second issue pertains to the preference for civil courts

over a lack of confidence in Shariah courts; one; Hon. Justice B. Kainamura (2013) granted a divorce to Sumaya Nabawanuka and unequivocally dismissed the prior Islamic talaq ruling issued by Shariah Courts as incompetent. Additionally, Lady Justice Tuhaise (2010) ruled that Zam Nakiyingi Kalule, a Muslim woman and biological mother of Enock Sebunya (the minor), was appointed as the legal guardian of a non-Muslim minor following the death of Samuel Kalule's father on 19/08/2003 in Case No. 137/2010 of the High Court Family Division. On July 6, 2023, Lady Justice Alice Komuhangi Khaukha dismissed Civil Appeal No. 0005 of 2021, thereby upholding the ruling, decision, and orders issued by the Sharia Court on March 10, 2021, in Divorce (Khulu-U) Cause No. 1909/2316/04 between Hajjat Mariam Fatuma Bunkeddeko and Hajj Bunkeddeko Badru. Regarding three, shariah courts lack binding authority; about four, there is inconsistent law regarding the application of Qadhi courts; and five pertains to the administration of deceased estates, as referenced by Hon. Justice B. Kainamura (2013), Lady Justice Tuhaise (2010), and Hon. Justice Alice Komuhangi Khaukha (2021) Cases concerning the pitfalls of Article 129(d)(1). For details refer to Chapter two.

5.7.3 Question Three

The respondents were asked, how many Muslim couples sought your organisation support over their matrimonial issue?

The initial findings from the interview regarding the third question on matrimonial challenges faced by Muslim couples revealed three primary issues identified by the first respondent: first, the inflation of dowries; second, marriage expectations, particularly the traditional practice of abducting girls to negotiate dowries with their parents; and third, a lack of understanding of Islamic marriage principles, which often results in poor partner selection and subsequent relationship

The literature regarding the exaggeration of dowries has previously been addressed in Chapter two. Regarding the second issue of marriage expectations, specifically the ancient cultural practice of girl abduction for dowry negotiations with her parents, the literature addresses this practice in bullet one. Concerning the third issue

of ignorance about marriage in Islam, which frequently results in increased dropout rates due to a lack of understanding and the selection of an appropriate marital partner, the literature indicates that possessing knowledge of Islam is essential prior to undertake

The second instance result from the qualitative interview about the third question on matrimonial issues or worries that prompted Muslim couples to seek assistance from the second respondent. The reply identified two challenges. Firstly, the lady violated the Custodian requirement, and secondly, two individuals approached with the goal of divorce rather than mediation. The literature results regarding the violation of the Custodian condition by the woman indicate that if the woman marries an individual who has no link to the kid and is forbidden from marrying the child, If the child's custody impacts the child's welfare, custody will revert to her at the dissolution of the marriage. Three, if the woman exhibits overtly reprehensible behaviour; four, if the woman relocates with the intent of obstructing the father's ability to monitor the child, unless she returns the child to her place of origin; five, if the woman renounces Islam; and six, if the woman neglects or mistreats the child. Zulkifli Mohamad al-Bakri (2020). The subsequent issue The Second Respondent indicated that individuals arrive with the purpose of divorce rather than mediation already elaborated in chapter two.

The results from the second qualitative interview regarding the matrimonial challenges faced by Muslim couples, as articulated by the second respondent, identified 15 issues: first, the scarcity of educated Muslim women; second, the criteria established by educated Muslim women for potential partners; third, the refusal of wives to raise stepchildren from previous relationships; and fourth, the inescapable challenge of poverty. Five, interference from in-laws (relatives of the partners). six, a man forming an inappropriate relationship with the younger sister of his wife under his guardianship, The mother-in-law disapproves of her son's wife, who asserts her authority in managing their marriage. Eight sisters of the spouses attempting to dominate the wives and engage in gossip during family gatherings. Nine, Disparity in Islamic Knowledge Disparity in the understanding of Islam, Ten, property registration for spouses; eleven, issues in short message service and social media communication. Twelve, Spouse Declining Arbitration by FIDA, Thirteen: Impasse of the AMPIL Bill. Fourteen Muslim men marry non-Muslim women, whereas fifteen sections of Muslim women adamantly oppose polygamy.

The literature findings about the third inquiry into matrimonial issues indicate that a primary concern for Muslim couples to seek assistance from the second respondent is the paucity of educated Muslim women available for marriage to Muslim males. Interfaith marriages between Muslims and non-believers are prohibited for any reason; it is preferable to marry illiterate Muslim women due to the inherent incompatibility of faith, as stated in the Qur'an, Surah Al-Baqarah: 2:221.

The literature regarding the two issues of the elevated standards established by educated Muslim women for prospective partners indicates that four criteria for spousal equivalence must be fulfilled prior to marriage: Religiousness, Autonomy, Profession, and Financial Stability. (Fawzan, A Summary of Islamic Jurisprudence, 2005). For additional information, consult chapter two. literature addresses the subject of a wife's refusal to raise her stepchildren conceived from previous relationships outside of matrimony. An illegitimate kid possesses specific rights and provisions for moral, religious, and legal status, among other factors (Som Sujimon, 1999), but families lacking resources are disproportionately affected (Campbel, 2021). For additional information, consult chapter two.

The literature regarding the fourth issue of combating inescapable poverty for families indicates that Istiṣḥāb is always necessary (Sahih al-Bukhari 6465, n.d.). Secondly, one prerequisite for a Good Life (Qur'an Surah An-Nahl: 16:97) is engaged in agriculture and husbandry. Four, Trade (23:18–22); five, Agriculture Plantation (al-Bukhari 2320); six, Permissibility of Trade and prohibition of Riba (Qur'an Surat al-Baqarah 2:275); seven, Salient Features of Istiṣḥāb about livelihood provisions. Firstly, the principle of Istiṣḥāb necessitates that provisions be both beneficial and lawful (Qur'an Surah An-Nahl: 16:114). Secondly, the act of providing for one's family is indeed an act of worship that will be rewarded (Qur'an Surah Al-Kahf: 18:30). Eight, refrain from Shirk at all costs (Surat al-Kahf 18:110). Nine, exhibit humility and endeavour to be genuine servants (Surat al-Furqan: 25:63). Ten, dedicate time to Tahajjud (Surat al-Furqan: 25:63 and 64). Eleven, avoid both wastefulness and miserliness (Surat al-Furqan: 25:67). Twelve, recognise the sanctity of life (Surat al-Furqan: 25:68). Thirteen, repent after shortcomings (Qur'an Surat al-Furqan 25:70/71). Fourteen, do not bear false witness or propagate falsehood with dignity (Qur'an Surat al-Furqan: 24:72). Fifteen, do not turn a blind eye or a deaf ear to rights and

responsibilities. Qur'an, Surah Al-Furqan: 25 Sixteen pertains to tranquilly in Istiṣḥāb (Qur'an Surah Al-Furqan: 25:74), while seventeen relates to belief and faith in Allah (Qur'an Surah Al-Furqan: 25:77). The literature findings about issue five pertain to the interference of in-laws (relatives of the couple), as detailed in chapter five and two.

The literary outcome about the sixth issue of a man befriending the younger sister of his wife under his guardianship is deemed an abomination (Qur'an Surah An-Nisa 4:23). Regarding the literary analysis of issue seven, the mother-in-law's disapproval of her son's spouse exerts dominance over him, while the wife reaffirms her position in managing their marriage. In relation to issue eight, the husband's sisters attempt to assert control over the wife and engage in familial gossip. For the material pertaining to issue nine of Imbalance in the Knowledge of Islam, please refer to issue two above. The literature about problem ten on property registration indicates that they are obliged to fulfil their contractual obligations as referenced in the Qur'an, Surat al-Baqarah 2:282. Literature findings about issue eleven on issues in Short Message Service and social media communication. Literature findings indicate Communication devices, such as smartphones, integrate Speech and Sight. Applying pressure with the finger, listening, sensing, and covering the ears can be utilised by individuals who are deaf, mute, and blind. In reference to the Qur'an, Surah Al-Balad 90:8, concerning the speech or articulation of the tongue and lips. Surah Al-Balad 90:9 discusses the finger (isba'), ear (udhin), and cloth (thaub), while also referencing the deaf (aSwamu), dumb (ahmaqu), and blind (a'maa) in Surah Al-Baqarah 2:171, as well as the sensation through skin (Juldun) in Surah An-Nisa 4:56-57. Teleportation of Queen Sheeba and her throne by a Jinn (Surat an-Naml 27:39) and instantaneous teleportation of Queen Sheeba and her throne. Surah An-Naml 27:40, and Isra wal Miraj (Surah Al-Isra 17:1), 53:13–18, together with the sophistication in technology referenced in the Qur'an (Mustafa Khattab, n.d.). The objective is to facilitate the communication of Truth as a virtue, as emphasised in the Qur'an (Surat al-Isra: 17:81; Surat al-Taubah: 9:119; Surat al-Hashir: 59:16; Surat al-Ahzab: 33:70; Surat al-Safa: 61:2-3), while simultaneously denouncing falsehood (Kathib) as addressed in the Qur'an. Surah An-Nahl 16:92, Surah An-Nisa 4:107, Surah Al-Baqarah 2:9, Surah Al-Baqarah 2:10, Surah At-Tawbah 9:77, Surah Al-An'am 6:93, Surah Ghafir 40:28, Surah Al-Anfal 8:62, Surah Al-Ankabut 29:3, Surah Al-Ma'idah 5:119 Veracity results in virtue, but malevolence culminates in damnation (Sahih al-Bukhari 6094) A person's deceit is indicative of hypocrisy. Ṣaḥīḥ

al-Bukhārī 33, Ṣaḥīḥ Mus Limit 59: If a someone has nothing constructive to contribute, they should remain mute [Sahih al-Bukhari]. Refer to chapter two.

The literature regarding the subject of a husband refusing arbitration indicates that stakeholder individuals or groups influence the decisions or activities of the organisation. (American Society for Quality, 2023) Furthermore, any individual, collective, or entity engaged in or influenced by the progression and finalisation of a project have a vested interest in its results, since it may yield benefits either financially or through professional advancement, or affect completion in various manners. (Masterclass, 2022) serves a major function in achieving the strategic objectives of interest groups by enhancing their experiences and perspectives inside a project. They can also assist in supplying essential goods and resources. The stakeholders are characterised by their quality of tolerance and sensitivity to the most effective improvements for the community. (Qur'an Surah Hud: 11:88). For further information, consult Chapter two and five.

Regarding the literary outcome concerning the Thirteen issue on the impasse around the AMPIL Bill with the Government. The literature indicates that Uganda's secular statehood was declared on October 8, 1995; it encompasses People's Sovereignty (1-4), the Supremacy of the Constitution of Uganda (1-2), Protection of Family (General Objective, XIX), Registration of births, marriages, and deaths (Article 18 and Chapter 252), Freedom of Worship (Chapter 29:1 c), and the Right to a Muslim Family Court (129: d) as outlined in the Constitution of Uganda, 1995. The second is the Judging by the Qur'an (Qur'an Surah Al-Ma'idah 5:44), and thirdly, the Administration of Muslim Personnel Law Bill (Abasi Kiyimba, 2011). Fourth, the Government and Private Member's Bills 79 (1) consist of a Private Member's Bill and a Government Bill. Fifth, the procedural steps for a bill are as follows: First Stage Plenary, Second Stage Committee, Third Stage Plenary, Fourth Stage Committee of the Whole House, Fifth Stage Plenary, Sixth Stage Clerk’s Office, and Seventh Stage President’s Office (Parliament of Uganda, 2023). For further information regarding the literature findings on the AMPIL Bill, consult chapter two.

The literature addresses the subject of fourteen Muslim males marrying non-Muslim women. Refer to the result one for the Literature outcome. The literature

indicates that fifteen sections of Muslim women strongly oppose polygamy. Conditions of Polygamy Initially, he must possess sufficient financial resources to support the requirements of the new spouses he has acquired. Secondly, he must administer impartial justice to all, ensuring that each wife is treated equitably in the fulfilment of their conjugal and other rights (Abdu Rahman Doi, 2008). Qur'an Surah An-Nisa 4:3, and Allah hath knowledge of the many circumstances of human beings. Qur'an Surah Al-Baqarah 2:218. For additional information regarding issue fourteen, consult chapter two. The third instance result from the qualitative interview regarding the second question on matrimonial challenges or concerns indicated that Muslim couples seek assistance from the third respondent, who emphasised that victims of intimate partner violence experience physical, sexual, emotional, economic, or psychological actions or threats that affect another individual. (United Nations, n.d.) cites Chapter Two, which indicates that Islam repudiates any form of violence between spouses (Sahih al-Bukhari 5204);

The third instance result from the qualitative interview regarding the second question on matrimonial challenges faced by Muslim couples, as articulated by the third respondent, emphasised two points: the wife's ability to initiate divorce with valid justification, and the reference to her wakil. For further details, please consult chapter two, where this issue has been previously addressed in the literature results.

The fourth instance result from the qualitative interview regarding the second question on matrimonial challenges faced by Muslim couples, as articulated by the fourth respondent, emphasised three primary concerns: marital property and alimony, inheritance rights, and the inconsistency of justice in civil and Shariah courts. Additionally, it noted the lack of female representation in Shariah proceedings. The results further indicate the qualifications required for a judge, which include being mature, free, sane, just, and a legal jurist knowledgeable in the application of rules to specific situations. Judges of the Court for "Unjust Acts" must also be male and possess the qualification of Mujtahid, enabling them to perform Ijtihad. The Qadi Madhalim possesses the power to remove any official from their position. Allah appointed Abdallah Ibn Nawfil and Rashid Ibn Abdallah as heads of the Judiciary and Complaints Tribunal in Madiana. The Judge, Qadi Amm, resolves disputes about transactions and administers punishment, whereas the mushtasib judge addresses violations of

community rights (Fathullah Al Haq and Muhamad Asni, 2017). and for the outcome on the absence of Article 129: d (i), refer to the literature results in section thirteen above.

The fifth instance result from the qualitative interview regarding the second question on matrimonial issues faced by Muslim couples, as articulated by the fifth respondent, indicated that couples frequently encounter disputes over property acquired during subsequent marriages. Occasionally, couples contribute financially to immovable property such as land. The literature suggests that money, movable property, or any jointly acquired assets should be shared equally (Qur'an Surat al-An-Nisa 4:32), which also addresses the issue of lacking written evidence to substantiate their claims.

5.7.4 Question Four

The respondents were asked, what are some of the success stories and strategies that helped your mitigation to succeed?

The First respondents on the fourth question on Muslim couples who sought his organisation support over there matrimonial issue. The First respondent indicated some incidences while second and third respondents had no figures cited but instances, yet for the Fourth respondent noted some isolated instances specifically women, and lastly for the Fifth Respondent every year handles five cases.

For the literature results on Numbers of Muslim couples sought organisation support over their matrimonial issues; locally Directorate of Shariah, and the Directorate of Shariah and Legal Affairs registered less than 80 incidences (Registrar of the Directorate of Shariah UMSC, Qualitative Interviwe with the Imams and Local authorities, 2024). Also indicated figures or statistics were established starting in 1904 the record keeping on annual marriage and divorce reports seized with first census Uganda more 121 years Muslim population was projected 73,792 from total population of 2,400,267. (Report—Annual, Uganda Report for 1909-10, 1911). For the International statistic on Muslim Marriage and Divorce Singapore has the best statistics whiles others barely available who include from the least; United States of America, the

United Kingdom, South Africa, Ghana, Uganda, Kenya and India. For more detail on the statistics on marriage and divorce results refer to chapter two.

For the literature results on Success stories and strategies that helped to led to a successful mitigation. The First respondent provides awareness on Marriage and Family issue. The Literature result indicates There are four Muslim Zones in Uganda according to the Article 19 (1 – 5) of the Constitution of UMSC. The first is the headquarters of UMSC at the National Mosque, secondly, 10 Muslim regions, Thirdly, Muslim Districts comprising of number of 78 districts, and lastly Muslim counties comprising of several numbers of mosques. Each district is headed by District and institution is headed by a Mufti who seats at the Headquarter. (Uganda Muslim Supreme Council , 2022) For more detail on the literature refer to chapter two.

For the literature results on Success stories and strategies that helped to led to a successful mitigation. Second Respondent on Magistrate Court and RDC upholding the ruling of the Sharia court on custody case excusing former husband. The Literature results indicates that The Magistrate Court are of three types in Uganda; one, Chief Magistrate, Magistrate Grade one, and Magistrate Grade two Under the Magistrate Act. Magistrate Court Art Article 5 (1) Magistrate Court Art Article 5 (1) magistrate's court function is to duly presided over by any one magistrate lawfully empowered to adjudicate in the court and for the results on RDC (Regional District Commissioner) is a senior civil servant appointed by the President at the district, Two, of one, to co-ordinate administration of Government services in the district; two, to advise the District Chairperson on matters of a national nature that may affect the district or its plans and programmes and particularly the relations between the district and the Government; three, carry out such other functions as may be assigned by the President or prescribed by Parliament. Article 203 (Uganda Constitution , 1995). For further details refer to chapter two.

Third respondent on the strategies that were successfully mitigated; First, Education, guidance and Counselling of the couples, and set up incoming generating projects (activities) – Real Estates – share dividend - purchase land – Get couple out of renters and leading the legal campaign for AMPL Bill and against the DRB and MAD

Bill the literature result indicates the stakeholders having quality of tolerance and sensibility. Surat al-Hud: 11:87/88.

Fourth Respondent on success stories presented a Muslim woman in pre and post Khula alimony cases at Sharia Courts and the Civil Court refer to Literature result of the fourth respondent above and refer to chapter two section 5.8.3.

Fifth respondent on the success stories in mitigating matrimonial problems; one; discouraged couples to file a divorce petition in the High Court of Uganda, Family Division advised them to instead refer the issue to Uganda Muslim Supreme Council (UMSC). The literature result Indicates going the family Court is a failure to follow steps of Mediation guided by the Qur`an Surat an-Nisa 4:34 refer to chapter two .

On the issue of Many Ugandan judges do not understand the principles governing Muslim marriages and divorce, there not Muslim but also because they are not provided with the requisite technical personnel in the judiciary to advise them. The literature results indicate the Islamic Judicial System is a complex and very sensitive to the Sources of Law, Rule of Law, Production of Witness, and System of the Court refer to chapter two.

5.7.5 Question Five

The respondents were asked, what advice would you give to Muslim community and government on how best to manage marriage and divorce issues in Uganda?

The fifth response addressed the last question regarding recommendations for the Muslim community and government on managing marriage and divorce. He requested the publication of the research results solely for the benefit of his community. There are virtually no research addressing the first respondent jurisdiction for the release of the results; for further specifics, see to chapter two.

The Second Respondents addressed question five on recommendations for the Muslim community and Government on effectively handling marriage and divorce issues in Uganda. The Respondent provided three suggestions; the first

recommendation: Muslims are awaiting the government to operationalise the Qadhi Court. The establishment of Qadhi courts by Muslims is justified by the absence of legal prohibitions against reconciliation in marriage. This initiative can be supported by the presence of local Imams who can effectively manage disputes. It is essential to ensure that Imams possess the requisite knowledge for dispute resolution, fair hearings, and the principles of natural justice. It is recommended that the Judicial Service Commission consider appointing Muslim mediators throughout Uganda. Muslims should reinforce their existing structures and prioritise resolving disputes within their own system rather than resorting to secular courts, which offers additional benefits.

The findings in chapter two of the literature demonstrate that a precedent has already been established regarding the appointment of a Qadhi as a Court Accredited Mediator, as mandated by Article 133 (1) of the Uganda Constitution (1995) and the Administration of the Judiciary Act, Cap 4, section 3 (c).

The third respondent provides counsel to the Muslim community and the Government regarding optimal management of marriage and divorce matters in Uganda. A stalemate exists. The Muslim community is resolute in their decision to refrain from proceeding unless AMPIL is enacted, as the government seeks to incorporate Muslims as indirect participants in the Marriage and Divorce Bill. For the Literature result concerning Government and Private Member's Bills 79 (1) of the Constitution of Uganda. A bill progresses through the following stages in Parliament: First Stage Plenary, Second Stage Committee, Third Stage Plenary, Fourth Committee of the Whole House, Fifth Stage Plenary, Sixth Stage the Clerk's Office, and Seventh Stage the President's Office (Parliament of Uganda, 2023). Additionally, consult Article 129: d (1) in chapter two.

The Literature outcome for the Fourth Respondent recommends the activation of Article 129: d (1), referencing the literature result of the Third Respondent mentioned above. The fifth respondent provides counsel to the Muslim community and the Government regarding optimal strategies for addressing marriage and divorce matters in Uganda. The fifth respondent urged that the Muslim Community lobby for Qadhi courts, as stipulated under Article 126 (Exercising Judicial Power), to enhance advocacy; nevertheless, such advocacy has been restricted. The Muslim Community

will promote peace and mediation instead of seeking remedies through civil courts in Uganda. Individuals with expertise in both Sharia law and Ugandan secular law should be appointed to the Muslim Supreme Council. The government should empower Qadhi courts in Uganda by using Kenya's Qadhi courts as a benchmark and appoint Muslim judges based on their proficiency in both Ugandan secular law and Sharia to effectively resolve Muslim matrimonial issues. The findings in the literature suggest Both Muslim Personal Law and the Qadhi courts are acknowledged in Article 170 of the Constitution of Uganda. (Constitution of Kenya, 2010)

The fifth respondent provided guidance to the Muslim community and the Government regarding optimal strategies for managing marriage and divorce issues in Uganda, particularly concerning the formalisation of business relations. The literature indicates, as discussed multiple times, that Surat al-Baqarah 2:252 emphasises the importance of formalising a contract. Sixth respondent regarding recommendations for the Muslim community and Government on optimal strategies for managing marriage and divorce matters in Uganda.

The sixth respondent, in their capacity as a Member of Parliament, engaged in ongoing constitutional efforts to enforce Article 129: d (i). Secondly, filing the draft Bill using the mechanism of a private bill. Thirdly, challenges regarding Article 129: d (i) include a lack of political will to address the Qadhi Court issue. Fourthly, an advocacy campaign to elucidate the matter concerning Article 129: d (i). Fifthly, inform the members of parliament that it is not primarily the responsibility of the house to legislate on matters concerning Muslims; the parliament has already enacted legislation on Financial Institutions, with a Non-Muslim MP seconding the draft Bill on Qadhi Courts. For the literature results, please consult the part pertaining to the Third responder above.

The seventh respondent addressed the fifth question about the Directorate of Sharia's counsel to the Muslim community and government on optimal strategies for managing marriage and divorce matters in Uganda, including insights on Article 129: d (i). The seventh respondent raises five issues; first, there are no judges available to serve as Qadhi in the Qadhi Courts. Secondly, the Shariah experts in Uganda possess only theoretical knowledge of judicial roles, without the essential practical abilities for

adjudication as mandated by Shariah. Thirdly, the seventh respondents contended that UMSC seeks assistance from specialists within the Muslim World to provide practical skills training to the Qadhi working in the Qadhi Court. The responder indicated that the UMSC requested assistance from Saudi Arabia and is still awaiting a response. UMSC also requests funding for Malaysia in the training of judges serving in the Qadhi Courts. Fourthly, there is a necessity to establish a centre for the formation of Islamic judges, like to the Uganda Law formation Centre. Fifthly, the government's reservations over the pre-Qadhi Court statute are to the availability of justices in the Qadhi Court. (Lubanga, 2025).

The eighth respondent literature results indicates that the Muslim community and the government should recognise the contributions of the Qadhi institution, as referenced in 129 d (i) and discussed in Chapter Two.

5.8 Maqāsid Sharia`h Summary

The Likert Scale is a tool used to evaluate the pillars and conditions of marriage in Islamic societies. It assesses attributes such as beauty, wealth, faith, and politics. The highest score in the "Strongly Disagree" category was politics, followed by "Politics" and "Faith" in the "Disagree" category. The highest score in the "Agree" category was beauty, followed by politics, and the highest score in the "Strongly Agree" category was beauty

The choice of spouse for marriage was evaluated based on factors such as brother, sister, daughter, son, uncle, auntie, married woman, and Christian or Jew. The mode of payment for marriage was evaluated based on recitation of Qur'an verses, loan, cash, in kind, never paid, and half paid. The husband must make Khitbah with serenity before the marriage contract, then choose pre-paid, deferred, or unstipulated Mahr.

Consent of a Guardian/Wali was evaluated for various factors, including mother, sister, Imam, father, and brother. The highest score in the "Strongly Disagree" category was the siter, while the lowest score was the father. Marriage is illegal without Guardian Wali consent, and a woman cannot be a Wali Mujbir without consent from her paternity.

The venue of the marriage contract was evaluated based on the husband's duties and responsibilities to the wife. Nafaqat is compulsory, including provision of food, a good neighbourhood, comfortable housing, and hospital expenses. Protecting the wife's rights and performing marital roles are acts of worship infinitely performed to death, and neglect or extreme performance of these duties and responsibilities is considered unacceptable.

The Likert Scale results on the effectiveness of reconciliation processes in marriage were evaluated. The highest scores in the "Strongly Disagree" category were for obedience, physical needs, seeking permission, and respecting the in-law. The highest scores in the "Agree" category were for respecting property, having children, parenting, and never allowing strangers in the house. The literature summary highlights Qānitāt as obedient in marriage, fulfilling rights and responsibilities, productive duties, treating husbands well, not disclosing weaknesses, seeking forgiveness, not opposing husbands, never refusing husbands, and not allowing others to enter.

The Likert Scale results on the effectiveness of reconciliation processes include Admonition, Mediation, Pronouncements, and Iddah Period. Admonition processes involve seven steps: advising, not sharing bed if misconduct persists, disciplining gently, not being unjust, appointing a mediator if severe discord is anticipated, and if a desire for reconciliation is present, Allah will restore harmony between husband and wife.

Mediation processes involve appointing a mediator from each family, ensuring both desire reconciliation, and appointing the Hakīm (Wakil) in the Wilayah and Imam if there is any dispute over Wali/Guardian. The Hakīm is the Wakil legislated Ranks in the Wilayah and Imam if there is any dispute over Wali/Guardian.

The study evaluated the end of marriage pronouncements, focusing on the strongest disagree, disagree, undecided, agree, and strongly agree results. The results showed that the highest end of marriage pronouncement was Pronouncement 4 or Pronounced an End of Marriage Statement at Once, followed by Pronouncement 2 or State of Anxiety at the Time of the End Marriage Statement Pronouncement, Pronouncement 3 or Made Three Statement to End the Marriage Statement

Pronouncement, and Pronouncement 4 or Pronounced an End of Marriage Statement at Once.

The study also examined the Likert Scale reconciliation efficacy and Iddah Period literature. The highest Iddah or Waiting Period spouse before ending marriage was Iddah 8 or wife separated from husband after completion of the Waiting Period, while the lowest was Iddah 9 or spouse never waited, reconciled, nor separated just walked away.

The literature also revealed that the wife can only ask for Khula with strong reasons, permission is required, the Waiting Period Iddah is one menstrual cycle, Khula Intercession on behalf of the husband is required, and Mahr must be returned to the husband. The study also revealed that the highest response was Marriage, while the lowest was Qur'an, Bible, Hospitality, Inter-Faith Dialogue, Nature, and Peers.

The study identifies various themes related to Islamic training before marriage and divorce, such as the most common answer being yes and the least being three months. The hardest part of marriage was identified as psychological challenges, while the most common response was yes. Reasons for divorce included Allah's Plan, wife's religion change, death, disease, failure to provide, ignorance, disrespect, lack of responsibility, non-Muslim maintenance, none, marriage never ended, no mediation, age, phone, violence, and witchcraft.

The impact of divorce on children was low, intermediate, and high. The impact of divorce on both families was classified as High Impact, Low Impact, and Medium Impact. Respondents' responses to the role of Kadhi or Imam consulted regarding marriage and divorce issues were classified as affirmative or non-affirmative.

Responses to the role of Parliament in marriage and divorce were classified as affirmative or non-affirmative. Respondents' counsel to those contemplating divorce was classified into Unconditional counsel and Conditional Advise.

The study highlights the importance of Nihla as a gift for nothing in return, and the challenges faced by Muslim couples in obtaining help and counselling. Issues such

as exaggerated dowries, girl abduction, Islamic marriage ignorance, and women violating custodian conditions led to seeking assistance.

The study also discusses the challenges faced by Muslim couples in achieving spouse equivalency, including the need for religiousness, freedom, profession, and sobriety. It also highlights the importance of marital property, alimony, inheritance rights, and holding of justice in civil and Shariah courts.

The third questionnaire reveals that Muslim couples in Uganda seek support for their matrimonial issues, with some cases involving women and others involving men. The literature highlights the complexity of the Islamic Judicial System and the need for better representation and technical support in family courts. The literature also highlights the need to operationalize Article 129: d (1) for marriage, divorce, inheritance, custody, and Qadhi courts. The Uganda Muslim Supreme Council (UMSC) should appoint Sharia and secular law experts, and the government should empower Qadhi courts in Uganda. The literature also recommends formalizing economic dealings and formalizing economic transactions. The government lacks political will to enforce Article 129: d (i), and draft bills must follow certain steps to become legislation. The literature highlights the need for a comprehensive approach to managing marriage and divorce issues in Uganda, including appointing Sharia and secular law experts, formalizing economic dealings, and empowering Qadhi courts. The findings highlight the need for a comprehensive approach to managing marriage and divorce issues in Uganda.

CHAPTER SIX

MAQĀSID SHARI`AH AND FAMILY INSTITUTION IN UGANDA

6.1 INTRODUCTION

The last chapter, six, presents the outcome of the study, which is divided into the following parts below:

The first part, Part One, presents the Maqāsid Shari`ah and the family institution and emphasises its significance. The second section tackles the walk-away practices in view of the research objectives RO1, RO2, RO3, RO4, and RO5. The third section provides Maqāsid Shari`ah and the mixed methodology findings from Maqāsid Shari`ah and the Walk Away practice of quantitative semi-structured surveys, Maqāsid Shari`ah and stakeholder qualitative interviews. The fourth section describes the thesis's organisational framework. The fifth portion discusses synthesisation of Maqåsid Shari'ah and actual practice The sixth section illustrates Maqāsid Shari'ah and family institution implications in Uganda. Finally, the seventh section gives conclusions, which are elaborated below.

6.1.1 Restatement Maqāsid Shari`ah and Family Institution Importance

The institution of family is protected by religion, international conventions, the state, and both state and non-state constitutions globally. Despite these safeguards, couples continue to abandon their marital relationships, leading to various challenges across different communities in Uganda.

The concept of "walking away" highlights the underlying issues between couples that make the institution of marriage increasingly unappealing and intolerable.

The study further revealed that many individuals involved lack sufficient knowledge regarding the proper procedures outlined by Islamic Family Law for dissolving marriages within the Muslim community, as prescribed by Islamic teachings.

In Uganda, there is a noticeable trend among stakeholders, particularly husbands and wives, whereby couples abandon their marital relationships without following the procedures mandated by Islamic Family Law (IFL).

Furthermore, other stakeholders have largely failed to act against those who perpetrate abuse. The study raised critical questions about the motivations behind such decisions. Other stakeholders, such as Qadhis/Imams, the Family Division of the High Court of Uganda, Parliament, and the Executive, may not directly benefit from the marriage between a husband and wife; however, they are obligated under various laws—Islamic, international, and local—to help protect the Muslim Family Institution (MFI).

The study looked at Ilm (knowledge), Amal (practice), and Tanfidh/Mutaba`a (execution) of Muslim Family Law in Uganda, highlighting how important it is for the state and its goal to support Islamic family roles for Muslims.

The findings suggested that while the government, Qadhis/Imams, and civil society have made some contributions, their efforts have been minimal in comparison to the ongoing issue of couples leaving their marriages within the Muslim community.

6.1.2 Restatement of Walk Away Practice, Research Gap and Research Objectives

This section presents the research gap and explains the achievements of the research objectives as were elaborated earlier in the chapter.

6.1.2.1 Research Gaps of Walk Away Practice

This study examines the marital challenges that lead spouses to terminate their marital relationships, whether via Talaq, Khula, widowhood, or Walk Away. It examines these concerns within both Islamic and secular frameworks, utilising a range of primary and secondary sources.

The Qur'an and Hadith contain numerous allusions regarding the theme of family, specifically concerning marriage, divorce (Talaq), Khula, and the position of widows and widowers.

The subject of Walk Always is complex, since it represents spouses' resistance to comply with the prescribed protocols for marriage dissolution under Islamic family laws.

A lack of accessible studies on the disintegration of marital partnerships, both globally and in Sub-Saharan contexts, has been noted, particularly with reference to research conducted by governments or individuals on couples Walk Away.

The essential components of Al-Kitab (The Revelation), al-amal (deed), Tanfidh/Mutaba'a (following), and Khalifah (spouse) are crucial in Islamic family structures.

Nonetheless, these five essential components have been alienated from couples by the secular state, which follows the principle of rendering unto Caesar what is Caesar's and unto God what is God's. Thus, the compartmentalisation of Muslim personal laws is firmly established in the administration of divorce justice in Kenya, while it remains only partially addressed in Uganda and other minority Muslim Sub-Saharan Anglophone countries, where resolution is nearly absent.

Notwithstanding the diversity of Muslim Family Law arrangements in secular environments, there is a lack of research on walkaway rates across the entire Sub-Saharan region.

The Muslim Family Institution in Uganda, like with other Anglophone sub-Saharan countries, has shortcomings in the establishment, semi-establishment, or absence of resolutions about marriage and divorce.

It is essential to fortify Muslim Family Institutions in secular or minority Muslim countries to attain unity amid various value systems.

The stakeholders of Muslim family institutions seek information on the advancement of successful policies in minority Muslim nations. Interdisciplinary collaboration about Family Institutions is essential.

It is imperative to address the significant challenges confronting global family structures in a progressively changing world.

It is now proven that there is a lack of research, both historically and presently, concerning the preservation or restoration of the Muslim Family Institution's worth, with neither primary nor secondary stakeholders addressing the practice of Walk Away in Uganda.

6.1.2.2 Research Objectives

The achievement of the set Research Objectives RO1, RO2, RO3, RO4, and RO5 is as below:

6.1.2.2.1 RO1

The Research Objective RO1 validates the root causes of Walk Away couples' adherence to the Pillars and Conditions for the legality of Islamic Marriage and particularly evaluates the legitimacy of the Practice of Walk Away.

A seven-step process starting by looking at the conditions for validity of an Islamic marriage from first, the selection of the spouse with four themes, namely, reason for selection of the source; beauty, wealth, faith, and politics. Second, choice of partner was not related to eight themes, namely, brother, sister, daughter, son, uncle, auntie, married woman, and Christian/Jew. Third, Mahr Payment with four themes, namely, recitation from the verses of the Qur`an, by loan, in kind, and half paid. Fourth, Consent of Guardian/Wali with five themes: mother, sister, Imam, father, and brother. Fifth, marriage contract venue with four themes, namely, mosque, father's home, father-in-law's home, and court. Sixth, the duties and responsibilities of husband to wife with

five themes: clothing, feeding, lightening, hospital expenses, and non-material needs. Finally, the duties and responsibilities of a wife to the husband with eleven themes, namely, obedience, physical needs, sought permission, kept attractive to the husband, protected property, respected the in-laws, bore children, parenting, never allowed strangers in the house, kept secrets of the husband, and non-material needs of the husband.

In conclusion, the couples whose wish was to uphold the limits set by Allah (SWT) tried as much as possible to comply with the fundamental principles and stipulations of an Islamic marriage despite the matrimonial challenges. Yet, those who did not comply simply walked away in disregard to Maqāsid, as mandatory obligations, roles, rights, and responsibilities caused a chaotic environment for discord. On the conditions of the validity of marriage in Islam as a source of the root cause of Walk Away highlighted below;

For selection of spouse, 60.8% entered a marriage relationship to accumulate wealth. 59.3% due to both beauty and faith, while politics is 12.5%. For Choice of partner was not among people to be married; Choice of partner were Christian 8.1%, Mode of Mahr Payment: 31% by Cash, 5.1% by loan, 6.1% in kind, 7.4%. For consent of the guardian, 69.7% was a mother as a Wali, 15% was a sister as a Wali, 20% was an Imam as the wali, 14.2% was a father as a Wali, and 26.5% was a brother as a Wali. For marriage venue, 16.8% was in a mosque, 29.8% was in the father's home, 13.7% was in the father-in-law's home, and 3.6% was in court. For duties and responsibilities of a husband to the wife, 50.9% was for feeding, 59% was for lightening, 57% was for hospital expenses, and 53.9% was for non-material needs. Finally for duties and responsibilities of the wife to the husband, 53.7% was for obedience, 54.7% was physical needs, 49.4% was sought permission, 56.5% was kept attractive and presentable, 57.8% was protected property, 58.3% was respected in laws, 61.3% was bore children, 54.2% was parenting, 48.3% was never allowed strangers in the house, 53.9% was kept secrets of the husband, 54.5% was non-material needs. For detailed results from the survey refer to chapter four sections 4.3.2 1 to 4.3.1.46 from pages 279 to 336.

6.1.2.2.2. RO2

The second research objective of this study was evaluating the effectiveness of the reconciliation process in curbing Walk Away.

This research objective aimed to examine if the spouses complied with Islamic marital reconciliation protocols before the dissolution of their union. An eight step processes which are; 39.9% reminded each other of about failure to fulfill marital responsibilities, 34.6% taught each other about the Qur`an and Sunnah on the marital issues, 23.7% reviewed significance of this marital relationship, 26.2 % slept in separate beds, 17% was lightly beaten, 35.4% the marital issue was taken to the guardian, 44.3% the guardian approved the spouse to return to marriage. As elaborated in detail in Chapter Four section.

For detailed results from the survey refer to chapter four sections 4.3.2.2 to 4.3. 2..2.8.1 pages 336 to 348 in Chapter four.

6.1.2.2.3 RO3

The research objective three; What are suitable policies to curb Walk Away? There are two procedures stipulated by Maqāsid to be followed for every end of marriage. One declaration of intention through pronouncement to end marriage and following iddah procedures.

For pronouncement of the end of marriage statement processes; Statement of purity by the time end of marriage statement pronouncement was made was 24.4%, For State of anxiety at the time of the end of the marriage statement pronouncement was 27.2%. For Made three statements to end the marriage statement pronouncement was 23.4%, For Pronounced an end of marriage statement at once was 2%. For the waiting period; wife waited in the husband`s home before ending marriage was 12%. For wife waited for three menstruation folds in the husband`s home before ending her marriage was 3.1%. For wife waited for four months and ten days was 12.8%, For wife separated

from husband after completion of the waiting period was 3.3%. Spouse never waited, reconciled, nor separated just Walked Away was 58.1%

The results illustrated above and the full details of the results from survey in refer to Chapter four section 4.3.2.3 to 4.3.2.3.11 from pages 348 to 36.

6.1.2.2.4 RO4

The Research Objective four; the matrimonial problems post Walk Away were examined 391 open ended research tools with eighteen questions. Answer the Research question 4; What Are the Matrimonial Problems Post-Walk Away?

Question one; generated nine (9) themes; 227 was born Muslims, 32 was wife reverted, 10 for each theme was husband reverted and Husband -wife reverted, 5 wife non-Muslim, 2 husbands non – Muslim, 1 both reverted, 1 murtad; For Question two generated themes; 19 for marriage, 8 for choice, 5 each for Islamic preaching and learning of Islam, 2 each for blood proximity, and love of Islam, 1 for sujud, Shariah and Discipline, Qur`an, peers, nature, inter – faith dialogue, hospitality, Bible. For Q3. On training before marriage; 125 yes; 3 a month, 2 a week and a year, 3 for 4 days, 2, self-taught, 3 slightly, 2 three days, 2 two months, 2 for two weeks and 193 no. For Q4. 109 Psychological, 93 for noncompliance to shariah, 68 for financial, 23 for family interference, and 23 no challenges. For Q.5 152 for contentment experience, 145 for impeaching experience, 23 for subjugation experience. For Q6, additional reason for ending marriage; 86 for none, 49 for lack of responsibility,45 for lack of respect, 37 for death, 23 for failure to provide, 7 for violence, 6 for no mediation, 5 for maintenance of a non-Muslim, 5 for both phones and maintenance of a none Muslim, 4 for Allah`s plan and ignorance, 3 for changing religion of the wife, 1 for old age and witchcraft. For Q.7 who caused the marriage to end; 46 for Allah (SWT), 64 for Husband, 180 for the wife. For Q.8 on remarry; 184 for no, 42 for silent, and 131 for yes. For Q.9 on the impact on the children; 25 for low, 224 for intermediate impact, 105 for high impact. For Q.10 on both families; 105 for normal, 233 for abnormal. For Q.11. Option on the Walk Away; 298 detrimental choice and 10 for beneficial, 84 for silent. For Q.12, thought on marriage/divorce certificate; 363 for positive and 13 for negative. For Q.13

for summary of procedure used to end marriage; 90 for fully followed, 99 for partially followed, 78 for not followed, and the rest were silent. For Q14. 120 for consulting Imams, 180 for did not consult the Imams, 91 for silent. For Q15 referring the issue to Family Division High court; 280 for non-affirmative, 18 for affirmative, 93 for silent. For Q.17 on Government leading hand; 25 for Affirmative, 281 for non – affirmative. And Finally for Q.18; advice to couple contemplating to end their marriage; 289 for unconditional advice, 41 for conditional advice, and 61 for silent.

The above findings as samples constitute post Post-Walk Away challenges find the more detailed results from the survey refer to Chapter four section 4.3.2.4 to 4.3.2.4.19 from pages 364 to 392.

6.1.2.2.5 RO5

The Research Objective five. The right Maqāsid Shariah Approach to Curb Walk Away?

To find out a right Maqāsid Shariah Approach to curb Walk Away. Five pertinent questions were designed as tools to provide scientific answer to research objective five. the contributors were eight key stakeholders contributed a minimum of Forty-Five (45) thematic themes highlighted as below;

First respondent contributed following themes namely; inflation of dowries, cultural abduction of girls, Lack of knowledge about Islamic marriage, some Muslim seek organisational support, marital dispute, Qadhi office, offering education on marriage and family in Islam, and publication of this work. Second respondent contributed following themes namely; Intention to divorce than counselling, child custody, three instances, success on child custody case, guidance to Muslim Community and the government. Third respondent contributed following themes namely; assisted couples for 41 years, nine key challenges, three; education, guidance and counselling, establishing income generating project, protruded stalemate on the issue of Qadhi Court with the state. Fourth respondent contributed following gross themes namely; Muslim women, divorce, marital properties, inheritance, alimony, delay in the justice system

civil and shariah courts, absence of Article 129 (d) (i). fifth respondent contributed following gross themes namely; Muslims, properties, financial contribution to immovable property, parentage, child custody, Men seeking DNA, filling divorce in civil courts, lacking biding authority shariah court, conflicting jurisprudence applicability of Qadhi court, provided recommendations to the Muslim community and government. Sixth Contributed following gross themes namely; urging government to enforce Article 129 (d) (i), draft bill, insufficient political will, advocacy, potential of influencing non – Muslim parliamentarians. Seventh respondent contributed following gross themes namely; no Qadhi judges, theoretical knowledge of judiciary, assistance from Muslim world, establishment of centre for Islamic Judges, pre – conditions for Qadhi. Eighth respondent contributed following gross themes namely; patience in marriage, need to acknowledge work of the Qadhi by both Muslim community and government.

For more details from the results from the interview refer to chapter five section 5.1 to 5.2.8 from pages 394 to 407.

6.1.3 Bridging Research Gap on Maqāsid Shari`ah and Family Institution

Theoretical Research Gap narrowed by contributing to the available body of knowledge on the protection of family based on Maqāsid as earlier elaborated on the reviewed results in Chapter two section 2. 7. 8

Literature Research Gap narrowed by contributing to the available works on Family s earlier elaborated on the reviewed results in Chapter two section 2. 7. 8.

Methodological Research Gap narrowed by contributing to the available works on Family as earlier elaborated on the reviewed results in Chapter two section 2. 7. 8. The Mixed method design is the new into Muslim Family Institution in Uganda with interviews and surveys.

Geography Research Gap narrowed by contributing to the available works on Family as earlier elaborated on the reviewed results in Chapter two section 2. 7. 8. Thus,

this study has added to the Muslim Family Institution not only East Africa but Anglo Phone Sub Saharan Africa and Common Wealth countries with minority Muslim Population.

Population, Research Gap narrowed by contributing to the available works on Family as earlier elaborated on the reviewed results in Chapter two section 2. 7. 8. Muslim family structures, such as spouses, wives, children, community leaders, and the responsibilities they play in safeguarding families.

Contradiction Research Gap or also know in this study as Conceptual Framework narrowed misconception about Maqāsid of Family in Uganda as earlier elaborated on the reviewed results in Chapter two section 2. 7. 8. Providing Conceptual of Intention, Ilm, Amal, and Tanfidh, Bala' and fitnah, finally various degrees for ending marriage. Intensively discussed in Chapter two section 2.8 to 2.84 pages 101 to 228.

6.1.4 Walk Away Results and Maqāsid Shari`ah Contribution to the Muslim Family Institution

The empirical data unequivocally substantiates that Walk Away Practice is a tangible phenomenon. Sections 4.3 to 4.3.2.4.19, covering pages 279 to 392, detail Chapter 4 of the semi-structured survey, encompassing both closed and open-ended replies. The interview results presented in Chapter Five, sections 5.2 to 5.2.8, pages 395 to 408, further substantiate that neither the other stakeholders nor the Walk Aways sought assistance or advice, leaving the communities in a state of uncertainty for future generations.

The data indicated a notable trend among couples who, rather than following the established Islamic procedures for divorce, finally opted to terminate their marital partnership. The initiation of marriages frequently failed to adhere to the stipulations of Islamic Family Law (IFL) and the protocols of the Muslim Family Institution (MFI).

The research revealed that the principal factor prompting these couples to disengage was based in profound psychological difficulties that eclipsed the marital relationship.

The results underscored the initiatives undertaken concerning the MFI, particularly engaging Qadhis, judicial, legislative, and executive entities, as well as other non-state players, aimed at ensuring an efficient dissolution of marriages.

Notwithstanding these endeavours, their limited results to yet jeopardise the maintenance of the Muslim Family Institution, highlighting an urgent necessity for more efficacious treatments and support for couples undergoing such challenging changes.

6.1.4.1 Innovative Methodology

This study utilised a mixed-methods approach, integrating both quantitative and qualitative techniques. By combining data types, quantitative data offered generalisability, while qualitative insights provided depth and context.

This synergy enables the strengths of one method to address the weaknesses of the other. Quantitative results findings were enriched and qualitative reflected specific experiences, while quantitative data served to validate qualitative outcomes.

6.1.4.2 Interdisciplinary Insights

This research employed an interdisciplinary approach, integrating perspectives from various fields, including sociology, law, political science, psychology, microeconomics, the Qur'an, Hadith, Islamic jurisprudence, history, and social sciences, to gain insights into MFI. Such a diverse methodology enhanced both understanding and creativity in addressing matrimonial challenges.

By collaboratively solving problems with all stakeholders, this research facilitated innovative solutions, encouraged teamwork, and promoted a valuable exchange of knowledge.

Furthermore, the broad skill set developed through this research yielded a versatile foundation adaptable to multiple disciplines.

This holistic approach also offered thorough examinations of the complex matrimonial issues faced in Uganda.

6.1.4.3 Data Driven Finding

This research was undertaken utilising data-driven results and novel data sources, resulting in noteworthy conclusions.

The findings of this study were obtained by meticulous statistical analysis rather than subjective intuition or personal experience.

This study utilised measurable measures, formulated strategies based on insights, evaluated success using quantifiable data, and modified techniques according to feedback derived from data collected throughout various locations of the country.

6.1.5 Maqāsid Shari'ah and Practical Implication of Findings

Husbands and wives: Before marriage entry, at a time when matrimonial challenges manifest themselves, and upon disagreement for the couples respect all the processes of ending marriage as prescribed by Islam. By doing this the couples would have protected the sanctity of the family.

Communities, especially the Muslim community in Uganda, need to know that most of the challenges associated with the marriage institution, as the study indicates, are due to a lack of knowledge about marriage in the context of Islam. This thesis is a humble

contribution to creating advocacy and making the marriage institution admirable to the young and old.

Policy Makers: Executive, Parliament, Judiciary. As the state seeks to reform by updating the Muslim Family Law to boost preservation of family institutions in Uganda, including Muslims. This study has evaluated the existing law of the Mohammedans Act of 1906, also known as chapter 252. This study ably concludes that the couples who want to observe the limits of marriage are not protected by the wives who choose not to observe the procedures but just walk away.

Islamic Thought and Civilisation: understanding a different dimension for the protection of family in minority Muslim communities is essential in the current trend of scholarship.

Other Disciplines: Lawyers, sociologists, psychologists, social scientists, economists, educationists, and even human scientists pay some attention to matters of initiating marriage and to the end of matrimonial relationships within the scope of Maqāsid Shari`ah.

6.2 LIMITATION OF THE STUDY

The subject matter delineated by Cap 252 of the Muhammedan Act of 1906 restricted the scope of Muslim Personal Law to primarily marriage and divorce. Article 129 d (i), upon implementation, will extend inheritance, custody, and the jurisdiction of the Qadhi Court to existing marriages, divorces, and registrations, limited to five research questions concerning matrimonial issues that led to separations among Muslim couples in the four regions of Uganda.

Only respondents who consented to participate in this survey were selected based on contextual factors.

Muslim couples whose marriages concluded in the past five years owing to matrimonial issues or natural causes.

This study was a cross-sectional study survey conducted in Northern, Eastern, Central, and Western regions, characterised by diverse topography, environment, and climate, which posed challenges to accessibility.

The research focused on the capitals of regional towns, municipalities, and cities in the districts.

Uganda National Bureau of Statistics 2024 census expected the Muslim population to be 6,051,317, constituting 13.2% of the total population.

The active marriageable age range of the general population in the country is between 15 and 54 years, including 18,913,563 individuals out of a total population of 45,515,847. Due to inadequate resources, only 391 individuals from the initially designated 500 were sampled from 23 districts out of over 134 districts in Uganda.

6.3 CONCLUSIONS

This study introduces a novel perspective to the current literature on the Muslim family institution and law, examining matrimonial issues that induce couples to engage in walk-away practices.

The study's insights have provided essential attributes of al niyyah (intent), al ilm (knowledge), al amal (deed), and Tanfidh (execution), and the output levels from Khalifah; husbands and wives, Qadhi and Imams, civil societies, the judiciary, legislature, and executive as stakeholders maintain a fundamental role in preserving the Maqāsid of Nasab and Ahl (family) in Uganda.

The distinctive evidence underpinning this study lies in the integration of the concepts of al niyyah (intention), al-Kitāb (the Qur'anic revelation), and the Sunnah of Prophet Muhammad (SAW) as sources of knowledge, alongside the practices of al-amal regarding Zawaj (marriage), Talāq, Khula, Ila, Lian, Zihar (divorce), and Tanfidh (execution), to elucidate the understanding of marriage and divorce through the lens of a secular Anglophone, multicultural, multi-religious, and traditional African context.

This paradigm, when implemented by various stakeholders of the Muslim Family Institution, will effectively address the underlying causes of matrimonial issues, fostering opportunities for significant reform within the family institution, thereby enhancing its appeal and productivity nationwide.

Current study has shown that these approaches to the Muslim family institution can significantly impact social, economic, and intellectual stability when viewed positively.

Nonetheless, the study permits additional scrutiny of the various facets of Article 129 d (1) following its implementation.

6.4 RECOMMENDATION OF THE STUDY

1. To enhance preservation of the family institution, it is recommended that before the pre-marriage stage. The prospective husbands and wives undergo at least a three-month Pre-Marriage Course (PMC), and upon completion, a certificate is issued, and then they enter marriage contract.

2. It is recommended that enhancing preservation of the family institution begins with advocating to the couples that recognising marriage as an act of worship is of paramount importance and is greatly rewarded by Allah (SWT), contingent upon successfully navigating the entirety of the matrimonial tenure as outlined by Shari'ah.

3. It is recommended to the key stakeholders, the Muslim Community, to continue engagement and lobbying other responsible stakeholders until the dream of the MFI reforms is actualised.

4. To advance the reforms of Muslim Family Laws, either via a government bill or private members' efforts, Article 129: d (i)—concerning marriage, divorce, inheritance, custodianship, and Qadhi courts—must be enacted.

This activation is expected to enable all stakeholders to support the family institution within their specific circumstances.

5. The modifications to the rules of the Muslim Family Institution are not unusual; they are implemented in Kenya, India, and Singapore. The government and parliament ought to exercise due diligence by benchmarking against these sister countries.

6. It is recommended that stakeholders implement this study, as it assesses the influence of Chapter 252 ability in the preservation of the Muslim family institution in Uganda.

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APPENDIX 1

ISTAC RESEARCH PERMISSION

Our Reference: IIUM/311/C/2/1/ G2216141
Date : 30th May 2024

To whom it may concern,

Dear Sir / Madam,

Assalamualaikum wrt.wbt

LETTER OF CERTIFICATION FOR CONDUCTING RESEARCH FIELDWORK

The above matter is kindly referred.

This is to certify that **Adam Musa, Matric No: G2216141, Passport No: A00818621** is currently pursuing his **doctoral degree in Islamic Thought and Civilization** at International Institute of Islamic Thought and Civilisation (ISTAC), International Islamic University Malaysia (IIUM).

We would really appreciate any facilitation and assistance rendered to the student for the purpose of conducting his research fieldwork at your esteemed institution. Your invaluable understanding on this matter is duly appreciated.

Thank you and *wassalam*.

ASSOC. PROF. DR. MOHD FEHAM BIN MD GHALIB
Deputy Dean (Academic & Internationalisation)
International Institute of Islamic Thought & Civilisation (ISTAC)
International Islamic University Malaysia (IIUM)

APPENDIX 2

PERMISSION TO USE UMSC CENTRES

بسم الله الرحمن الرحيم

UGANDA MUSLIM SUPREME COUNCIL

المجلس الأعلى الإسلامي الأوغندي

Directorate of Sharia

إدارة القضاء الشرعي

CERTIFIED TRUE COPY
01 JUL 2024
REGISTRAR OF SHARIA MARRIAGES
UGANDA MUSLIM SUPREME COUNCIL

Ref: .....

Date: .....

الرقم: .....

التاريخ: .....

Br. Adam Musa
PHD Student
ISTAC – IIUM
Kuala lumpur – Malaysia

Dear PHD Student

Assalam Alaikum Warrahmatullahi Wabarakatuh,

Re: PERMISSION TO CONDUCT RESEARCH IN UMSC STRUCTURES

The above captioned matter refers.

In response to your letter of the above reference written to us on 5th June 2024, we are happy to learn that you're a PHD student at the International Institute of Islamic thought and civilization (IIUM) in Kuala Lumpur- Malaysia.

That as part of the preparation in your work, you're seeking permission as here in above within your letter.

This is to allow you to continue in your endeavor and May Allah makes it easy for you –In Shaa Allah.

Yours Faithfully,

Pp **DR. ZIYAD SWALEH LUBANGA** 1-7-2024
DIRECTOR OF SHARIA - UMSC

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ب.ب: ١١٤٦ كمبالا – أوغندا
ت: ٣٤٤٤٩٩ ٤١ ٢٥٦ / فاكس: ٢٥٦٤١ ٢٥٦٥٠٠

APPENDIX 3

QUESTIONNAIRE

Questionnaire

I am currently a PhD Candidate at the Institute of Islamic Thoughts and Civilisation (ISTAC), International Islamic University Malaysia (IIUM). My research focuses **on "Curbing Matrimonial Problems in Uganda via Regulating Walk Away Practices based on the Maqasid (objective of) Shariah Approach**." I am seeking information from Muslim ex-wives or ex-husbands in the Northern, Western, Central, and Eastern regions of Uganda. This information will be used solely for academic purposes. Please fill in Sections A to F, and in Section G, feel free to express your opinion.

PART ONE CLOSED ENDED QUESTION

SECTION A: INFORMATION ON DEMOGRAPHY

Region

Northern ☐ Western ☐ Central ☐ Eastern ☐

Gender

Male ☐ Female ☐

Age

Below 18 ☐ 19 – 24 ☐ 25 – 30 ☐ 31 – 36 ☐ 37 – 42 ☐
43 – 48 ☐ 43 – 48 ☐ 49 – 54 ☐ 55 – 60 ☐ 60 – 65 ☐
66 – 71 ☐ 72– 77 ☐ 78 - 83 ☐ Above 84 ☐

Qualification

Certificate ☐ Diploma ☐ Bachelors ☐ Masters ☐ PhD ☐
None of the above ☐

Currently Working

Yes **No**

Marital Status

Single ☐ Married ☐

Marriage Level

First ☐ Second ☐ Third ☐ Fourth ☐ Fifth ☐

Marriage Experience

Less than 1 year ☐ 1- 3 years ☐ 4 – 7 years ☐ 8 – 12 years ☐
13 – 18 years ☐ 19 – 24 years ☐ 25 – 30 years ☐ 31 – 36 years ☐
37 – 42 years ☐ 43 – 48 years ☐ 49 – 54 ☐ 55 – 60 years ☐
61 – 66 years ☐ 67 – Above

Instructions

Read the statement of the question carefully and select using the Likert scale provided below:

1. Strongly Disagree (SD) 2. Disagree (D) 3. Undecided (UD) 4. Agree (A) 5. Strongly Agree (SA)

SECTION B

S/N	Constructs		Factors	**SD**	**D**	**UD**	**A**	**SA**
"Nikah" is a term used in Islamic culture to refer to the marriage contract. It comprises essential practical elements that form the foundation for the long-term survival of the marriage institution below:								
My reason for marrying was;		1.	Beauty					
		2.	Wealth					
		3.	Background					
		4.	Faith					
		5.	Procreation					
		6.	Population					
		7.	For Labor					
		8.	Politics					
		9.	Sunnah					
		10.	Appease parents/Guardian					

Construct		Factors	SD	D	UD	A	SA
My Spouse/partner was among;	1.	Father					
	2.	Mother					
	3.	Brother					
	4.	Sister					
	5.	Daughter					
	6.	Son					
	7.	Uncle					
	8.	Auntie					
	9.	Married woman					
	10.	In Iddah					
	11.	Non-Muslim man					
	12.	Christian or Jew					
	13.	None of the above					
Construct		**Factor**	**SD**	**D**	**UD**	**A**	**SA**
Mahr was paid by;	1.	Recitation of verse from the Qur`an					
	2.	Loan					
	3.	Cash					
	4.	In-Kind					
	5.	Never paid					
	6.	Half Paid					
Construct		**Factor**	**SD**	**D**	**UD**	**A**	**SA**
My guardian (wali) was;	1.	Mother					
	2.	Friend					
	3.	Sister					
	4.	Imam					
	5.	Father					
	6.	Brother					
	7.	None of the above					
Construct		**Factor**	**SD**	**D**	**UD**	**A**	**SA**
My Marriage contract was done at the;	1.	Mosque					
	2.	Father`s home					
	3.	Father-in-law`s home					
	4.	Court					
	5.	None of the above					
SECTION C **Duties and responsibilities of the husband and wife in marriage**							
Construct		**Factor**	**SD**	**D**	**UD**	**A**	**SA**
Nafaqat maintenance of the wife by the Husband was;	1.	Accommodation					
	2.	Clothing					
	3.	Feeding					
	4.	Lighting					
	5.	Hospital					
	6.	Non-material needs i.e. love, Kind, patience, caring,					
	7.	None of the Above					

Construct		Factor	SD	D	UD	A	SA
The duties and responsibilities of the wife;	1.	Obedience					
	2.	Physical needs					
	3.	Sought Permission					
	4.	Kept Attractive and presentable					
	5.	Protected of Properties					
	6.	Respected the in – Law					
	7.	Having Children					
	8.	Parenting					
	9.	Never allowed strangers in the House					
	10	Kept Secrets of the Husband					
	11	Non-material needs; love, kind, patience, tenderness, and others					
	12	Good Communication skills					
	13	None of the Above					
SECTION D **Mediation between husband and wife**							
Construct		**Factor**	**SD**	**D**	**UD**	**A**	**SA**
Admonishment	1.	Reminded each other about failure to fulfil marital responsibilities					
	2.	Taught each other about the Qur'an and Sunnah stands on marital abuse					
	3.	Reviewed the significance of marriage relationship					
Separating Bed	1.	Spouse slept in a separate bed					
Mediation	1.	Marital Issue was taken to the guardians for management					
	2.	The guardians approved to return to marriage					
	3.	The guardian disapproved of this relation					
SECTION E **Pronunciation of End of Marriage**							
Factor		**Construct**	**SD**	**D**	**UD**	**A**	**SA**
Pronunciation	1.	spouse was in a state of purity by the time the end of marriage pronouncement was pronounced.					
	2.	Spouse was in a state of Anxiety at the time of the pronouncement					

	3.	Spouse made three statements to end the marriage at once					
	4.	Spouse pronounced an end-of-marriage statement					
SECTION F **Iddah (Waiting Period)**							
Factor		**Construct**	**SD**	**D**	**UD**	**A**	**SA**
	1.	spouse waited in the husband`s home					
	2.	The Spouse waited for three menstruation folds					
	3.	The spouse waited for 3 months					
	4.	The spouse waited for 4 months and 10 days					
	5.	The spouse waited for nine months					
	6.	The spouse did not wait					
	7.	The spouse reconciled with the Husband before the completion of the waiting period					
	8.	The spouse separated from the husband after completion of the waiting period of 3 months					
	9.	The spouse never waited, reconciled, nor separated just walked away					

PART TWO: OPEN ENDED QUESTIONS

1. You were born a Muslim or just reverted to Islam?
2. Why did you revert to Islam if applicable?
3. Did you undergo some Islamic training before Marriage and divorce?
4. What was the most challenging aspect of the marriage?
5. Share your thoughts on marriage in Islam following your previous marriage experience.
6. What were your additional reasons for ending the marriage?

7. Who caused your marriage to end?
8. Did you remarry after the divorce, and if so, did you marry the same man or another man?"
9. What were the impacts of your divorce on the children?
10. What was the impact of your divorce on both families?
11. What are your thoughts on individuals who choose to leave a marriage without going through the divorce process but just walk away?"
12. Can you share your thoughts on marriage and divorce certificates?
13. Summarise the procedures you followed to end your marriage
14. Kadhi or Imam consulted regarding your marriage and divorce issue
15. Marriage and divorce issue was referred to the Family Court Division of the High Court.
16. Did Parliament help with your marriage and divorce matters?
17. Did the government lend a hand in sorting out your marriage and divorce matters?
18. What advice would you offer to someone who is married and thinking about getting a divorce?
Thank you so much for your assistance

APPENDIX 4

VIRTUAL INTERVIEW SCHEDULE

I am currently a PhD Candidate at the Institute of Islamic Thoughts and Civilisation (ISTAC), International Islamic University Malaysia (IIUM). My research focuses **on "Curbing Matrimonial Problems in Uganda via Regulating Walk Away Practices based on the Maqasid (objective of) Shariah Approach**."

I am seeking Interview on the contribution various Stakeholders of Muslim Family to preserve sanctity of the Family institution in Uganda from Internal and External Stakeholders.

Instructions

1. The Information gathered will be used purely for academic purposes.
2. There five questions related to Matrimonial Problems within context of the Cap 252 of the laws of Uganda or the Muhammedan Marriage and Divorce ACT.
3. The interview will be recorded.
4. Duration 5 – 10 Minutes.
5. Ethical Consideration.

QUESTION ONE

Are you currently working with clients who identify as Muslim with matrimonial problems?

QUESTION TWO

What matrimonial challenges or concerns are leading Muslim couples to seek your assistance?

QUESTION THREE

How many Muslim couples sought your organisation support over their matrimonial issue?

QUESTION FOUR

What are some of the success stories and strategies that helped your mitigation to succeed?

QUESTION FIVE

What advice would you give to Muslim community and Government on how best managing marriage and divorce issues in Uganda?

Thank you so much for your time, insights and contributions.