

Psychological Objectives In Sharia Marriage Provisions

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Abstract:

This study deals with the shows of the most important psychological objectives of the legal marriage provisions; by elaborating the meaning of the psychological objectives, and their ranks from the Islamic law objectives, then showing the most important psychological purposes that marriage provisions sought to achieve. This study adopted the descriptive, analytical and inductive approach, by describing the psychological objectives and the objectives of Sharia and extrapolating the Sharia texts and then analyzing them, to reach the fundamental sources of the psychological objectives of the legal marriage provisions. the study concluded a set of results, the most important of which are: That the psychological objectives are the goals intended by the Islamic Sharia behind the provisions of marriage; care for humans themselves and their feelings and instincts”, the legal marriage provisions have come up with many psychological objectives, the most important of which are: Save and sustain human race, fulfill the maternal instinct, feelings of kindness and tenderness in which complete humans’ nature. Also, to immunize men and women. Also, the legal provisions of marriage by achieving assurance, affection and family stability, achieving communication and social cohesion, strengthening its causes and ties, and developing a sense of responsibility and carrying out its bearing.

Keywords: Psychological objectives, legal marriage provisions.

1. Introduction:

All praise be to Allah who has bestowed upon us the good deeds, forbidden us the wickedness and taboos, and prayers and peace be upon the master of creation, Muhammad and upon his family and companions, and those who walked on his path and enlightened his Sunnah until the Day of Religion.

The Islamic Sharia aims to achieve legitimate purposes that are suitable for people and their livelihood and hostility, preserve their religion, themselves, their descendants, their minds, their money, and the objectives vary and multiplicity; including the general and the

private, the total and the partial, and some researchers have studied other types of objectives, related to certain sections, such as psychological objectives, which although they are contemporary and have not been addressed by the applicants, but the late ones have a side of rooting and restriction in it. This research has come to show what the psychological objectives are and their rank from Sharia objectives, and the rooting of them, then showing the most important psychological objectives that marriage provisions has come to sponsor.

- **Research Problem:** The research tackles a problem in the following

question:

What are the psychological objectives of the legal marriage provisions?

- **Research objectives:** The research aims at a set of objectives:

1. Defining the psychological objectives.
2. Elaborating the psychological objectives of the legal marriage provisions.
3. Legitimate rooting of the psychological objectives of marriage.

- **Previous studies:** the researcher did not find any scholar who has dealt with the subject of research with an independent study, but all general studies related to partial purposes dealt with the purposes of legal marriage in general, such as:

Maqasid Al Shariah Islamiyah, Muhammad Al-Taher Ibn Ashour (2011), presented by Hatem Bousma, Cairo: Egyptian Book House, Lebanese Book House, dealt with the purposes of Sharia in general, and the partial purposes of each of the chapters of Sharia.

Research of Psychological Purposes in the Prophetic Hadiths Dr. Anwar Zuhair Nouri (2020), Journal of the University of Baghdad, Volume 31, Issue 2 (June 30, 2020), where he addressed the psychological purposes in the Prophet's hadiths in general, and the mental illnesses that the hadiths came to treat.

What is new in this research:

Elaborating the psychological objectives of the legal marriage provisions.

Legitimate rooting of the psychological objectives of marriage.

2. Research approach:

The approach adopted in this study is descriptive, analytical and inductive approach, by describing the psychological objectives and the purposes of the Sharia and

extrapolating the Sharia texts and then analyzing them, with the aim of reaching the mothers of the psychological purposes of the legal provisions of marriage.

3. Research Plan:

The research consists of two sections, namely:

First Section: Definitions of research terms.

Second Section: Psychological purposes of marriage provisions.

First Section: Definitions of search terms:

In this section, the researcher addressed the definition of the Objectives of Sharia in general, then the psychological objectives, and then briefly explained the sections of the Objectives of the Sharia, and the following is the statement of this:

First topic: Objectives of Sharia definition:

First: Objectives (maqasid) definition:

1. Maqasid (objectives) is the language of the plural of Maqsad (مَقْصِد), which is a (meem) -the (M) letter in Arabic) source derived from qasad (قَصَد)- yaqsud (يَقْصِد)- qasda (قَصَدًا), and comes in the language with many meanings including:
2. Mediation and moderation between extravagance and frugality, including Allah's saying in the quran: "And be moderate in thy pace..." (وَأَقْصِدْ فِي مَشْيِكَ 19) Luqman (Al-Razi, 1995)
3. Rationality and integrity, including Allah's saying: "And unto Allah leads straight the Way" (وَعَلَى اللَّهِ قَصْدُ السَّبِيلِ) 9 An-Nahl Which means the straight path. (Fayoumi, 1987).

Coming to the thing and turning to it; they say that the thing was intended; that is, it came to

it and turned to it. (Al-Razi, 1995).

Thus, the linguistic meaning of objectives (Maqasid) revolves around the good meanings of mediation, moderation, rectitude, and orientation towards the object.

Second: Definition of Sharia:

Sharia in Language: Derived from the AlSharaa (الشرع), the verb of Sharaa (شَرَعَ), comes in the language with various meanings, the most important of which are:

Appearance and clarity, from which Allah says in the Quran: Or have they partners with Allah (false gods), who have instituted for them a religion which Allah has not allowed. (أَمْ لَهُمْ شُرَكَاءُ شَرَعُوا لَهُمْ مِنَ الدِّينِ مَا لَمْ يَأْذَنْ بِهِ اللَّهُ.) Verse 21, which means appeared. (Fayoumi, 1987; Ibn Mandhar, 1414 AH).

Getting into the thing, it is stated in the hadith: (Then wash his right hand until I start to humerus) (ثُمَّ غَسَلَ يَدَهُ الْيُمْنَى حَتَّى أَشْرَعَ فِي الْعُضْدِ) (Muslim, 1334 AH); which means, entered the water. (Ibn Mandhar, 1414 AH), It comes in the custom of courts in the sense of: Enactment of laws. (Arabic Language Academy, 1989).

Sharia as terminology: Two meanings are called:

First meaning: What Allah Has legislated for His worshipers of doctrines, worships, morals, transactions, and systems of life. (Kattan, 2001).

Second meaning: The practical legislative aspect of religion, such as worship, transactions, personal status, international relations and governance. (Al-Qaradawi, 1990).

Third: Objectives of Sharia definition:

The ancient fundamentalists did not define the objectives of Sharia but expressed them in several expressions and meanings, including:

Bring interest and ward off harm. (Al-Ghazali, D.T.)

Ends and Wisdom. (Al-Isnawi, D.T.).

But modern fundamentalists have defined this science and elaborated its rules; although these definitions are many, they have converged in meaning, and their definitions include:

Definition of Dr. Ahmed Raissouni: "They are the goals and objectives that the Sharia has been set for the sake of achieving them for the benefit of the people." (Raissouni, 1995).

Second topic: Psychological objectives definition:

First: Definition of psychological in language: Taken from the psyche, the language comes in the gloss of them:

- Soul, they say: He himself came out; that is, his soul.
 - Blood, as they say: Himself was poured, which is his blood.
 - The very same thing, as Allah says: (Every soul is hostage to what it has done.) Surah al-Muddathir 38 (كُلُّ نَفْسٍ بِمَا كَسَبَتْ رَهِينَةٌ).
 - Instincts, from which the Almighty says: (Nor do I absolve my own self (of blame): the (human) soul is certainly prone to evil) Yusuf 53 (وَمَا أَزِيئُ نَفْسِي ۚ إِنَّ النَّفْسَ لَأَمَّارَةٌ بِالسُّوءِ).
- (Fayoumi, 1987; Al-Razi, 1995).

These four meanings revolve around man's self, soul, blood, and instincts, and all the meanings are close to our subject, but the closest of them is the third and fourth meanings, which relate to the human soul, instincts and feelings.

Second: Definition of psychological objectives in terminology: Researchers can define psychological objectives as follows: "These are the purposes intended by Islamic law behind marriage provisions; care for the human self, his instincts and feelings."

Third topic: Sections of Sharia

objectives:

The objectives of the Islamic law (Sharia), and indeed of all the Allah's laws, is to guide creation for their own good at once and in the future, and to win in life and the hereafter, and the purposes of the Sharia have been divided into three sections:

- 1- **General objectives:** Which are the meanings and judgment observed for Sharia in all or most of the circumstances of legislation, so that they do not belong to a special type of Sharia provisions, so that this includes the descriptions of the Sharia, its general purpose and the meanings that the legislation does not fail to observe, and this also includes meanings of the provision that are not noticeable in other types of provisions, but are noticeable in many types of it.
- 2- **Special Purposes:** It is the ones that is taken into account by the Sharia in a certain chapter or sections, such as the objectives of the Sharia in financial transactions, the judiciary or the family, and the best care taken care of by Shaykh Ibn Ashour in his book *Maqasid al-Sharia* (Ibn Ashour, 2011).
- 3- **Partial Purposes:** "The intentional ways of the Sharia to achieve the beneficial purposes of the people, or to preserve their public interests in their own actions", which is what the Sharia means by every rule, such as the purpose of the affirmative of prayer and fasting, and the prohibition of adultery and alcohol, and the most concerned with this section of the purposes are the jurists, because they are the people of specialization in the particles and minutes of the Sharia, and they may refer to these partial purposes in their conclusions, but they express them with wisdom at times, or reason, or meaning at other times. (Ibn Ashour, 2011).

Thus, psychological purposes are partial,

because they are a type of intentional purpose of the Sharia ruling, and especially because they are limited to the section of marriage, and this does not mean limiting them to this section, but the topic of our research deals with the psychological purposes related to the provisions of marriage.

Second Section: Psychological purposes of marriage provisions:

The Islamic sharia has paid attention to the provisions of the family, and they have come in detail, and they are not surpassed by the provisions in detail except worship, and when extrapolating the rules and provisions contained relating to the family, we find that they are due to the purposes that the Sharia wanted to achieve. The psychological purposes relating to the family and their detailed provisions can be derived from the texts, whether explicit or implicit, and are described as follows under the following demands:

First demand: Save and sustain human race, fulfill the maternal instinct:

This demand is one of the greatest fundamental objectives; where kids live with the care of their parents especially in their childhood, Where the maternal instinct shows its conquest with care and attention, and the parenting instinct of upbringing and reform, and with it grows all feelings of kindness and tenderness in which complete humans' nature. (Janem, 2008), therefore Nikah (marriage) was legislated, Ibn Ashour says, "The care of the Sharia for Nikah was one of its highest objectives, because Nikah is the crux of family system" (Ibn Ashour, 2011), and this objective can only be achieved through marriage, and the human species cannot be preserved to achieve the role required of man except through legitimate marriage, for that the Almighty Allah says in the Quran:

(O, people! Be conscious of your Lord, who created you from a single soul, and created its

The Mukatab¹ who wants to buy his freedom, the one who gets married seeking to keep himself chaste, and the Mujahid who fights in the cause of Allah.” (Tirmidhi, 1975).

These are some of the difficult things that irritate man and break their back if it were not for the fact that the Almighty Allah helps them to do so, and the most difficult one of these things is chastity, because it requires suppressing the enormous lust anchored in man, which is the requirement of bestiality descending at the slumps of the bastards. But if they are relieved and remedied by the help of the Almighty Allah, they rise to the status of angels and the highest ranks of paradise. (Mubarakfuri, 2015).

It is stated in the Sunnah in the hadith of Abdullah ibn Amr, that the Messenger of Allah (peace and blessings of Allah be upon him) said: (The world is but a (quick passing) enjoyment; and the best enjoyment of the world is a pious and virtuous woman) (Muslim, 1334 AH).

This is a middle ground between opening the space for lusts, suppressing lusts, and monasticism. Moreover, immunization achieves a prevention from the psychological damage that arises from deviation, it is in a state of psychological conflict between the desired and the prohibited, which leads to; disorder, psychological instability, and lack of self-confidence. All these psychological problems are avoided by marriage, and achieve the purpose of immunization (Habanka, 1996).

Dr. Mohammed Al-Zuhaili says that "chastity from adultery is intended by itself in one hand, and is a mean of preserving offspring and offspring on the other hand" (Al-Zuhaili, 2006), pushing the ravages of lust, and lowering gaze is considered a servant and complement to the original purpose, which is self-preservation (Al-Alam, 1994).

Third demand: The objective of assurance and family stability:

One of the most important marriage objectives is to achieve assurance, affection and family stability, because the marital relationship in Islam is a kind of worship, and dispensing with the Halal, as stated in the hadith of Abu Dhar (may Allah be pleased with him) He said: The Prophet of Allah (PBUH) said: (in a man's sexual intercourse there is sadaqa (charity). On being asked whether a reward would be given for satisfying one's passion, he said, tell me; if he were to devote it to something forbidden, would it not be a sin on his part? Similarly, if he were to devote it to something lawful, he would have a reward.) (Muslim, 1334 AH)

The connotation:

Sexual intercourse is worship if it intends to fulfill the wife's right and cohabit with the virtue that Allah the Almighty has commanded, or to seek for a good baby or to achieve chastity for husband and wife, and prevent them all from looking, thinking, caring about what Allah prohibited, or etc... (Al-Nawawi 1392 AH).

This is considered one of the most important objectives indicated and considered by the Qur'an, which is to achieve assurance, affection and mercy, and thus family stability, as the Almighty says in the Quran: (And of His signs is that He created for you wives from among yourselves, that you might reside with them, and has put kindness and mercy between you. Surely, there are signs in this for those who think.) Al-Rum 20 (وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ).

The connotation:

The verse is proof that the creation of a wife from the type of her husband - composition and mind - leads to the resolve of the husband

to her and the establishment of affection and mercy between them, unlike if she is created from another animal sex, it is between them on the contrast and contradiction. (Research Complex, 1973)

We find psychological stability expressed in the Qur'an by the term assurance (Al-sakan), because it means tranquility, and emotional stability is expressed in the words of affection (Mawadah).

And exclusively Islam provides a practical practice to achieve this goal through the rights of the spouses to each other, and monitoring the moments of satisfaction and anger, and the teachings of the Quran came that the moral aspect must be taken into consideration. Also, we will find that the process of achieving the desires or pleasure turns into something like an urban constructive process that strengthens ties between spouses, and achieves the objectives of the psychological and emotional assurance, and falls under it the Quran concepts of assurance, affection, mercy, favor, and credit within the framework of objectives (Al-Wani, 2013), evidenced by the saying of Allah in the Quran: (And they ask you about menstruation: say, "It is harmful, so stay away from women during menstruation. And do not approach them until they have become pure. Once they have become pure, approach them in the manner Allah has directed you." Allah loves the repentant, and He loves those who keep clean.) Surah al-Baqarah 222 (وَيَسْأَلُونَكَ عَنِ الْمَحِيضِ قُلْ هُوَ أَذًى فَأَعْتَزِلُوا النِّسَاءَ فِي الْمَحِيضِ وَلَا تَقْرَبُوهُنَّ حَتَّى يَطْهُرْنَ).

The connotation:

The verse is evidence of taking into account the psychological state of the woman at specific times; for the continuity of affection and harmony between spouses. For example, this is what is stated in the hadith of Aisha, may Allah be pleased with her, she said: The Messenger of Allah (PBUH), said to me: "I know when you are pleased with me and when you are angry with me." She asked how

he knew that and he replied that when she was pleased with him, she said, "No, by Muhammad's Lord," but when she was angry with him, she said, "No, by Abraham's Lord." I said, then she said: She then said, "I swear by God, Messenger of God, that that is so; it is only your name that I omit." (Muslim, 1334 AH), and it contains evidence that the Prophet (PBUH) took into account the psychological state of his wife, Aisha, may Allah be pleased with her, for the continuation of the state of understanding and stability in marital life...

Forth demand: Communication and social cohesion:

This is one of the psychological objectives that are achieved in society, because the family is the first building block, and the more cohesive it is, the more cohesive the society is sophisticated; and this social objective indicates that religion considered family as a collective discourse, because it concerns society as a whole, not the same family exclusively, and the evidence of this: Allah says in the Quran: (And wed those who are single among you. And those who are fit among your servants and maids.) Sura: 24 وَأَنْكِحُوا الْأَيَامَى مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ (وَأَيَّمَانِكُمْ). Also, Allah says in the Quran: (If you fear a breach between the two, appoint an arbitrator from his family and an arbitrator from her family. If they desire reconciliation, Allah will restore harmony between them. Allah is Knowledgeable, Expert.) 35 Al-Nisa' وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِنْ أَهْلِهِ وَحَكَمًا مِنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا

The two verses are a discourse to the nation, which contain evidence that the family has a purpose related to society as a whole, and by achieving this goal a number of sub-psychological purposes are achieved as well, such as cohesion, union and cooperation, and this leads to social harmony, psychological comfort and the decline of personal and social issues. (Al-Najjar, 2020).

Hence the exhortation to alienation in Nikah,

and most jurists stated that it is desirable for a man not to marry from his clan, and explained that one of Nikah purposes is to connect the tribes, in order to cooperate and assist in the opinions and stands (Sherbini, 1994), and this helps in expanding the circle of social ties leading to the achievement of communication, solidarity and cooperation between the parties to these ties, as well as because there is no secure from hostility in Nikah which leads to divorce, if it is in kinship that leads to breaking ties with kith and kin in which ordered by its connection.

Fifth demand: Feeling responsible and carrying it out:

One of the psychological objectives of marriage is to feel responsible and to carry it out and bear it with satisfaction and love, in which Imam al-Ghazali says: "One of the benefits of marriage is strife against self, its coaching and guardianship, the fulfillment of the right of parents, patience for their morals, the possibility of harm from them, the pursuit of reforming them and guiding them to the path of religion. Moreover, diligence in earning halal for them and raising children, all these works are great credit, they are care and guardianship, parents and children are parishioners, and the virtue of care is great." (Al-Ghazali, 2004).

Hence the hadith came with a statement that favored the upbringing and care of children, especially females, as it came from the hadith of Anas ibn Malik, may Allah be pleased with him, that the Prophet (PBUH) said: He, who brought up two girls properly till they grew up, he and I would come (together) (very closely) on the Day of Resurrection, and he interlaced his fingers (for explaining the point of nearness between him and that person). (Muslim, 1334 AH).

The meaning of bringing up – the two young daughters – is intended to support them, to carry out their provisions, and to raise them, and he has remained on this care for them and doing what works for them in terms of

alimony, and considered the most suitable conditions for them until they realize the age of puberty, or marry, whoever did so, and intended the sake of Allah the Almighty; the day of judgment comes with and next to the Prophet (PBUH).

The Prophet (PBUH) in his farewell pilgrimage enjoined good treatment of wives for good; he said: 'I enjoin good treatment of women, for they are prisoners with you...' (Ibn Majeh, 2009).

This Hadith is stressing on the good treatment of wives as good and likens the wife to a public, who is a captive, but she is not a fearful captive like other captives (Al-Harari, 2009); rather, she is a safe captive in the homes of their husbands, and their right is for them to do good to them with all kinds of charity, and the good of the believers is their good for their families as the peace and blessings of Allah be upon him was in his family.

These are the most important psychological objective of marriage, which can be seen from the texts and legal rulings. Otherwise, the psychological purposes are many; you can almost find them in most of the provisions and details of marriage.

And Allah is the conciliator and the last of our prayers is that Praise be to Allah, the Cherisher and Sustainer of the worlds.

4. Conclusion

Praise be to Allah, by whose grace good deeds are done, and prayers and peace be upon the best creatures, Muhammad (PBUH) and his family and those who followed his path; to get the highest ranks.

First and foremost, at the end of this research, we are pleased to record the most prominent of our findings, which are as follows:

First: Conclusions:

- 1- What is meant by psychological objectives: "These are the objectives that the Islamic law (Sharia) intended

behind marriage provisions; the care of the human self, his instincts and feelings," which are partial purposes that Islamic law has sought to achieve, especially in the marriage section.

- 2- The Sharia provisions of marriage came with a number of psychological objectives, the most important of which are: The preservation and permanence of the human species and race, the satisfaction of the maternal instinct, and the feelings of friendliness, kindness and tenderness with which achieve humans' nature.
- 3- One of the psychological objectives of marriage is to immunize men and women and to achieve chastity for them, as the Sharia is a medium in dealing with lusts, so there is no opening of the door to its garbage, nor monasticism in Islam; marriage achieves a fortification of the couple from deviation, turmoil, and lack of self-confidence.
- 4- Assurance, affection and family stability are psychological objectives that the Sharia has sought to achieve through the provisions of marriage, as well as communication and social cohesion, strengthening its causes and ties, and removing the causes of disharmony and conflict.
- 5- Achieving a sense of responsibility and taking responsibility is a psychological objective that Islamic law (Sharia) has sought to achieve through marriage provisions, where the Sharia mandated parents to take care of and raise their children; it even made this a sacrifice to which the spouses would be rewarded.
- 6- There are many psychological objectives that can be seen in the provisions of Islamic law in general, and the provisions of marriage in

particular. So, the researchers recommend extrapolating the psychological purposes of marriage and other provisions of Islamic law.

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