

## Marital Discords and Treatment Methods in Islamic Jurisprudence and Iraqi Law

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### Abstract

Marital life is a human community that is formed by the combination of man and woman and then grows with the presence of children, therefore interests are intertwined and duties are divided in it, and tendencies, interests, desires and view on life will be different. These issues lead to the conflict between some interests, the creation of different views, and the inability to distinguish what is in the person's interest and what is against the person. The expectation of married life is free of wrong problems and far from reality. Marital life is the participation of two people in life under one roof despite many differences in taste, opinion and thought. Therefore, the requirement of married life is that couples understand this issue and respect the taste and opinion of the other party. They should also know that differences between couples differ in intensity, strength and nature from one family to another, and the methods of resolving differences and the role of each of its members and their contribution in solving of discords is different and it is affected by several variables, the most important of which are: the nature of the relationship between the spouses, the level of their education, the level of involvement of relatives in marital affairs, and the level and type of problems.

Marital life will not be on the right path except by solving the problems that disrupt marital relations and the most important ways and factors for solving marital problems and disputes should be presented because the vast majority of these disputes can be solved easily and it is accessible, provided that the intention of the spouses is sincere for God and following the Sharia and rejecting lusts that hinder the right. And this can only be achieved with the firm desire of each of them to achieve stability and extinguish the fire of sedition that has arisen between them for some reasons. On this basis, Islamic Sharia is the main source of most of the articles of the personal status law, the personal status law has not explained more about disputes. As stated in clause (2) of article (1): (If there is no legislative text that can be implemented and applied, it will be implemented and administered based on the standards of Islamic Sharia, which is compatible with the provisions of the law). Because Iraq did not witness a unified personal status law until the issuance of the Iraqi personal status law No. (188) in 1959, which unified the personal status of Muslims in one law. Disputes that are intended to be resolved are related to spouses and not related to other matters, other disputes have their own ways and methods that help to resolve them. The legitimate purpose of adopting these methods and going through these steps is to resolve disputes and end them to achieve stability in the family or to separate them with kindness.

**Keywords:** Marital life, Islamic Sharia, iraqi law.

## INTRODUCTION

The marriage contract is one of the biggest and most sacred contracts, therefore the precious legislator called it a thick contract, i.e, a heavy contract, and this contract is a lifelong partnership based on love, understanding, integrity, mercy and compassion. Therefore, according to the importance of marital relationship and its deep influence in the overall structure of the Islamic Ummah, Islam has paid special and unique attention to it. To the extent that it has set up an organized program for it that guarantees him a large share of happiness and satisfaction, avoiding disputes and problems, and it has established a system for it that is suitable for all ages. And every human relationship inevitably suffers from apathy or pestilence and possibly breaks up, and marital relationship is the same, and if a house was supposed to be safe from these problems, it should be the house of prophethood, on which the best greetings and salutations for the owner of this house.

And the more the spouses are more virtuous, wiser with correct temper and idea, the possibility of problems will be less, and when they arise, they can be surrounded and controlled. Indeed, the life does not move at the same pace, because days fluctuate and hearts change, hence it is difficult to claim that married life is without problems, and this is normal, especially in the beginning of married life and all the homes are exposed to these differences due to the difference in temperament and different behaviors and the lack of recognition of two people from each other and their inexperience in overcoming these issues.

However, we can hope that these differences will be reduced and dealt with in such a way that the safety of the marital home, kindness and humanity in it, and peace are guaranteed because the basis of the success and continuity of the family is the good coexistence of the spouses with each other, and the strength of the relationship between them. And what causes the weakening and disintegration of the family is the penetration of strong marital differences between them that in case of their escalation,

the ship of married life will be in danger of sinking and the bond of friendship and love between them will be broken, therefore, differences and separation will arise, but if the spouses deal with marital differences wisely, the ship will be saved and the bond will be preserved.

Reasons for Choosing the Topic: (1) The reasons and motivations that lead to the creation of problems that have a negative effect on the institution of the family and the relationship between the spouses, and there are many marital problems, and one of the biggest factors is the failure of one of the spouses to fulfill their duties in front of the other due to the disobedience of one or both of them or the emergence of problems that cause harm to the parties. And since these cases are the causes of differences between spouses, this research is dedicated to them; (2) Following Sharia methods in dealing with marital disputes, intensifying acute marital disputes and hastening husbands to directly divorce their wives or resorting to judicial authorities and bypassing Sharia guidelines in treating these disputes and skipping legal procedures aiming to heal the gap and avoid conflict.

Research Objectives: (1) Contributing to the process of correcting common marital problems in the society, highlighting the position and role of the marriage process, the duties of spouses and taking care of the family institution based on Sharia and law; (2) The position of Shariah and law in resolving disputes and problems threatening the family and helping reduce the amount of disputes and family disintegration caused by the inability to resolve marital disputes or ignorance of ways to deal with them; (3) Knowing the reasons and motivations leading to the existence of problems between spouses and how to solve them so that the spouses are aware of their affairs; (4) Recognizing the most common and influential marital disputes in the society, and justice will be achieved by ending them.

The Importance of Research: (1) The importance of the research topic is that it is included in the moral and spiritual relationship between spouses and is much higher than the

material relationship, especially since married life is based on the former without the latter (i.e. based on spiritualities); (2) The importance of this issue is clear from the fact that we see many family problems in this era, which are caused by couples' differences due to the distance from the divine approach in family formation and non-compliance with Sharia duties. Therefore, contemporary issues and cases should be dealt with according to Shari'a and legal standards, and each of the spouses should know how to face these issues and problems and what is the right solution for them. Therefore, all pay attention to a subject requiring a complete study.

#### The Concept of Marital Problems and Discords

It is natural that spouses, especially at the beginning of their life, face various problems and are exposed to various crises and conflicts, because married life, as the core of the family and a social system, does not naturally tend towards stability but maintaining its agreement and coherence is doubtful. On the other hand, they consider marital disputes as the source of social changes, and the intensity of disputes and conflicts varies from one family to another (Mohammed Badawi: 1421, p. 311- and al-Wahshi: 1992, p. 403). And the reality of the society is not free of differences and problems and conflicts that cause disintegration and dissolution or instability in married life and being constantly involved in problems, and the precious Sharia has not denied this aspect of life. However, failure to find ways to resolve differences causes denial and weakens and breaks up the family, and causes differences and acute marital problems to penetrate between them. Therefore, if these differences intensify, the ship of married life is threatened to sink and the bond of friendship between them will be cut and this will lead to differences and separation.

Regarding married life, which is the inner fortress of the Muslim society and its first foundation stone, the young man looks for his life partner and tries hard to his life partner to be close to him in terms of thinking, character and upbringing, and this is a desirable thing according to Sharia law. According to the

saying of the Prophet, peace and blessings of God be upon him, who said: (Go and look at him; this will make you fall in love and get closer to each other) (Ibn Majah: Vol. 1, p. 599). Many husbands think that the only thing they are responsible for is alimony, clothing and housing for their wives and nothing else. But they are wrong because as much as a woman needs food, drink, clothing and other material necessities of life, like it or maybe more than that, they need a kind word and a bright smile and a friendly behavior that heals her soul and sorrow to eliminate and make life happy. One of the most important benefits of a good relationship between spouses is cooperation, harmony and a good life, in which each of the spouses extends a helping hand to the other and does not impose on each other what is beyond their ability, and a husband who imposes beyond his wife's ability will not be like the one who accompanies with her (Al-Najjar: 1995, pp. 120-122).

**Definition of Marital Discords:** The term "marital discords" has been used in different words in ancient and recent books, and all of them are synonyms and have the same meaning and have the same theme, which is the difference between spouses. Among these words and terms are: marital dispute, separation, dispute and marital problems. Below is a definition of marital discords in terms of language and terminology, as well as some terminological definitions of marital discords that have been quoted in ancient and later books, and I will mention the relationship between them.

**Verbal Definition of Differences:** (1) It means "after" and something coming after something and replacing it. Among them: It is said (successor), succession came from the people and succession went from the people and came from one century to the next. And the caliphate from others due to the absence or death of his successor and the caliphate of the camel: bringing them in the ear after the departure of the people (Al-Zubaidi: Vol. 23, p. 241 - Al-Manwi: 1410 AH, page/322); (2) It means conflict and disharmony; the meaning of disagreeing is to disagree, and it means it is against the agreement. And any two things that

are not in agreement or equal, have differences and are also opposites, and differences are more common than disagreements, because each of the two opposites is different and their opposite is not true, and because the necessity of difference between people is in the speech of quarrels and conflicts. Therefore, it is used to express quarrels and arguments (Al-Firuz Abadi: 1436, p 808); (3) Not fulfilling the promise; Kholf is the name of the word "Akhlaq" and it means to promise and not act, and it is said: "breach of promise" means to say something and not do it (Al-Firouzabadi: 1436. p. /806).

**Terminological Definition of Marital Discords:** These are problems and disputes that negatively affect married life and threaten its continuity and lead to important decisions that may lead to divorce. Among the things that are included in this definition are the mention of problems according to the role they have; and its purpose is to provide a definition of marital problems. And at the end, it describes the decisions taken due to marital problems and expresses it in divorce, and it is better to describe it as an important definition because of its importance in married life (Arabic: 2005, p. 4) It is defined as a continuous conflict that is interpreted as a dispute, and the meaning of a discord is a severe conflict that has taken place due to an insult to human dignity (Ibn Ashur: 1984, vol.5, p/46- and Al-Zahili: 2013, vol. 3, p. 588) it can be said: marital discords are conflicts that occur in marital relations and endanger its integrity and stability. It seems that the closest linguistic meaning that matches and is compatible with the idiomatic meaning of marital discords is conflict and lack of understanding because the reality of marital disputes is the conflict between couples and the lack of understanding between them, and there is no doubt that this is an obvious feature of the events that occur in a marital relationship.

**The Causes of Marital Problems and Discords and the Position of the Law Against them**

**Reasons for Marital Discords:** There is no doubt that problems between spouses do not appear in vain and do not arise without a reason, and knowing the causes of conflict,

disagreement and separation between spouses is very important and is the key to solving it and the first step to achieve reform (Zidaan: 1993, vol. 8, p. 423) Hence, I point out the causes of marital discords, the most prominent of which are:

1. Improper marital relations: married life should be based on good relations between the spouses, so that, as we mentioned before, love and peace can be derived from it, and marriage is a mercy for them. Spousal misbehavior: leaving the spouses or one of them in dealing with the family and having a tendency to be immoral in married life that causes the loss of love in hearts and the disappearance of kindness. What most causes misbehavior between spouses is cursing and it becomes more intense between spouses who continue to exchange curses and abusive words (Al-Awaid: 1/2017, p/88). And misbehavior (Al-Zahili: Man /2013, vol/ 9, p/ 6874) in harassing spouses to each other and leads to psychological damage between them.

2. Negligence in performing duties, conflict of roles and ignorance of rights and duties: Husband's busy work or being busy with friends and neglecting his wife and children, which causes the wife to be unhappy with this absence and causes discords between the spouses. And there will be problems that may reach the ears of friends and family. Also, a woman may get involved in her own affairs, friends or other issues, and ignore her husband, children and household affairs and neglect them, in this state, conflict increases between husband and wife. This is what is referred to as role conflict, and psychological studies confirm the negative impact of role conflict on the strength of the family and performing its duties towards its members correctly and appropriately. Negligence of rights and duties will undoubtedly lead to negligence in performing duties and it follows confusion of rights and duties. Therefore, the lack of knowledge of one of the spouses about the rights that he or she is responsible for will cause severe contacts between them. (International Research Office: 1984, p. 18)

3. Hatred: Hatred in married life is the feeling of heart hatred that one of the parties in the marital relationship has towards the other. And it is not without origin and has causes and factors. Among them is the bad association that we have mentioned, the one who is harmed by misbehavior causes him to be hated from the misbehavior person.

4. Financial problems: If money is a source of understanding and harmony, it can be the cause of differences between people in general and spouses in particular. Among the financial problems that cause differences between spouses is the husband's failure to spend for his wife and children due to financial constraints and lack of money, or his failure to spend due to his love for money and avarice, and the husband's desire to monopolize his wife's finances, either by arrangement or acquisition and in this way it cancels his financial responsibility. In addition, the husband's preoccupation with money makes him not meet the woman's needs such as love, kindness, compassion, attention and mercy. Or he does not provide capital to the woman to save so that she can overcome the problems and crises that occur in married life (previous source: p. 19).

5. Decaying marital relations due to external factors: The continuation of marital relations depends on not destroying it due to external interference and factors. The interference of the family, which does not want to reform and appease, is corrupt. Many differences between couples have led to divorce, which are caused by the wife's family or the husband's family, and if the couple were left alone, it would be better for them and more suitable for their relationship (Al-Arabi: 2005, p. 11) and the troubles of married life originate from others and that is why the marital relationship has taken the color of secrecy due to the events that happen between the spouses, because the marital homes that are prosperous are the same homes that secrets between spouses are hidden in it and others are not allowed to interfere in marital affairs. (Youssef: 2012 AD, p. 11). In addition, when couples only think about their interests and do not consider the interests of the other party, this factor joins hands with all

other factors and causes marital discords (Mosalmani: 1997, p. 98).

6. Suspicion and doubt: Marital happiness is complete when the shadow of doubt and suspicion disappears, and if there is suspicion, the zeal and compassion with which God created spouses will not be created. Zeal flares in your soul and arises when what is not worthy is permitted over what you love. And what I see is that zeal is more comprehensive than it includes the disturbances caused to the human soul, because it may be the fear of insulting, trespassing and concealing sacred things (Nuruddin Abulahia: 2007 AD, p. 26).

7. Sexual problems: Islam considers the sexual instinct as one of the natural energies in the human body, which must be avoided or exploited within the framework of a specific role (Ata: 1400 AH, p. 120). Islam's approach in repelling the sexual instinct is a balanced approach, it has neither suppressed nor freed it, but has legislated it by making a legal contract that brings men and women together. It has been found that sexual problems have a bad effect on marital relations from a mental and physical point of view, and in the presence of these problems, peace cannot be reached, and it can refer to sexual indifference (sexual coldness) between spouses due to fatigue, or hard life, stress, boredom or mental preoccupation or taking drugs that reduce libido, hormonal imbalance or aging. Another form of it is sexual incompatibility, in the sense that the relationship between spouses is devoid of sexual satisfaction, so pleasure and orgasm cannot be achieved for both parties and one of them, and it will cause the loss of love, mercy and peace. Also, the difference in the nature of ejaculation causes distance and hatred, the sooner the husband ejaculates, the more the woman tends to orgasm simultaneously for both parties (Yosef: 2004, 240) It is worth noting that sexual compatibility between spouses guarantees that some of the differences to be resolved between them, and the secret is in renewing love and affection.

8. Sexual diseases: The mental and emotional state of the spouses is very important to create a healthy family bond free from conflict and

tension. The point is that many marital disputes, if not all of them, are actually caused by mental and behavioral disorders that lead to incompatibility or alienation between spouses. It is also possible that a woman, because of the psychological abuse that is more painful than physical abuse, have to go to the court and ask for separation. (Sadat: p. 60)

9. Lack of sufficiency between spouses: Shariah sufficiency in marriage is valid according to the majority of scholars (Al-Sarkhasi: 1414 AH, p.22- Al-Dardir: 1996 AD, p/249. Al-Mawaredi: 1999 AD, Vol. 9, p. 100) and different jurists have different opinions on the characteristics of the sufficiency that is required in marriage. The Hanafi school believed that five things are considered in sufficiency (Movaseli: 2010, vol.3, p.99), which are: religion, lineage, business, freedom, and property. Muhammad bin Al-Hassan is against this opinion and says: Sufficiency in religion is not valid, because religion is one of the affairs of the Hereafter and sufficiency is one of the rules of this world (Al-Kashani: 1982. M, Vol. 6, p. 119). Malikiyeh (Al-Baghdadi: 1999, vol.2, p.696-Qarafi: i/1994, vol.4, p.212) differed on the characteristics of sufficiency. And what they agree on is religion and the total attributes of sufficiency for them are: religion, lineage, freedom, and prosperity (Razi: p. 742) and being healthy from flaws and defects. Shafi'i (Maverdi: 1999, vol.9, p. 106) believe that six things are considered in sufficiency: descent, religion, freedom, work, prosperity, and immunity from defects. According to the Hanbalis (Ibn Qadamah: Vol. 7, p. 465), Imam Ahmad's narration is different in the validity of the sufficiency. In one narration of him, the qualification is based on religion and lineage, and in another narration of him, there are five things: religion and lineage, freedom, industry, and wealth. According to the Imamiyyah: Imam Sadiq (a.s.) defines the meaning of marital sufficiency as follows: sufficiency means that a person is chaste and wealthy (Abu Jaafar:1986 AD, Vol. 3, p. 258). They do not have references, except for the attribute of religion, which has been entered with correct and clear texts, and also "marriage of a number of companions" for which

sufficiency was not obligatory except in religion. It is based on this that marital disputes caused by lack of sufficiency are dealt with and judged solely based on the Shariah's view of sufficiency, and social and customary standards in the matter of sufficiency should be weighed based on the scale of Shariah, and the purpose and intent of Islamic Shariah regarding sufficiency in marriage is as the type defined by jurists: achieving equality in social issues, to create stability in married life and achieve happiness between spouses (Zahili 2013. Vol. 9, p. 216)

10. Media and technology: Some media play a role in marital problems and destroying relationships between them. They present an unrealistic picture of married life, which initiates a series of problems and may lead to disintegration and the dissolution of the family (Asal: 1415 AH, p. 65). We live in the age of development of technologies such as television, mobile phones, satellite and video, as well as the most important element at the moment, which is social networks - the Internet. Technology has profound effects on our lives and society, and this has become an undeniable fact and hundreds of scientific research has been conducted around it. When talking about the effect of technology on the family, the first thing that comes to mind is the effect of satellite networks on the family and its values through satellite shows that are manifested in their negative aspects such as scandalous serials, noisy and violent songs and the talks that corrupt the mind and heart. Among the things that threaten the stability of the family with the presence of today's technologies are obscene sites from networks and satellite sites that ignore morals and present nude images that are for corrupting the youth and the morals of societies and in particular, dedicated Muslim families, in addition to non-observance of religious and moral values, create problems between couples, and sometimes the issue may lead to divorce and the destruction of the marital nest, which God has ordered to preserve and care for, and this is the responsibility of the couples.

Position of Iraqi Personal Status Law:

Although the moral rights of couples in the personal status law are all based on Shariah rulings, in some cases, they refer to important issues to be a reason for solving problems and preventing them. In the cases where the personal status law in Articles (40 and 41) foresees the right to request separation due to losses and differences between spouses. And this indicates that married life should be peaceful and there should be good fellowship between the spouses (Kabisi: 1970, Vol. 1, p 147) And in the amendment of Clause (1) of Article 3 in the Kurdistan Region, the purpose of marriage is stated: its purpose is to form a family based on love, mercy, and shared responsibility, away from conflict, differences, and problems. Article 41 states:

- Each of the couples can request separation in case of disagreement between them, either before or after intercourse.
  - The court must deal with the causes of the dispute and, if there is a dispute, appoint an arbitrator from the wife's family and an arbitrator from the husband's family (if any) to reconcile the relationship. If it is impossible, the court obligates the couple to choose two arbitrators, and if there is no agreement, the court appoints them.
  - Two arbitrators should try to correct the nature of the dispute, and if it is impossible, refer the matter to the court and the party whose negligence has been proven should be identified for the court and in case of a dispute, a third arbitrator will be appointed during the proceedings.
  - (a)- If it is proved to the court that the dispute between the couples continues and there is no possibility of reconciliation between them and the couple refuses to divorce, the court will order their separation.
- b) If the separation takes place after intercourse, in the case that there is negligence on the part of the wife, whether it is the plaintiff or the defendant, the dowry will be terminated. If he has received the full dowry, he is obliged to pay more than half of the dowry, but if it is proven that both parties were at fault, the dowry is divided between them in

proportion to the fault attributed to each of them.

- c) If the separation takes place before marriage and the fault of the wife is proven, the wife is obliged to return what she received from the dowry.

Article 23, Clause (1) of the personal status law states: "A woman's alimony becomes obligatory from the time of valid marriage, even if she lives in her father's house, unless the husband asks her to move to the house and she unjustly refuses it." The husband's non-payment of alimony without a valid reason for his wife causes problems and disputes and forces the wife to request a separation. If there is a fear that justice will not be observed between spouses and it will cause disputes and family problems, polygamy is not allowed and it will be the judge's responsibility to evaluate it. The law punishes polygamy in case of violation of the law, but in practice, we notice that the judge sentences the violator to the prescribed punishment by stopping its implementation, thus suspending the provisions of the law instead of its implementation.

#### Shariah Methods of Resolving Marital Disputes and Their Effects:

The Concept of Islamic Ways: The purpose of Shariah or judicial ways: It means the ways and steps that the Shariah has ordered to be followed, and the scholars have determined jurisprudential rules and special laws to resolve discords between spouses. The ways and steps considered for the settlement of discords and marital conflicts are those that are issued by Sharia in the form of text or *ijtihad*. But the paths mentioned in the personal status law have their role according to the society's awareness of them. And the disputes that are supposed to be resolved are related to the spouses, not anyone else, and other disputes have their own ways and methods that help resolve them. The legitimate purpose of adopting these methods and going through these steps is to resolve disputes and end them, to create stability in the family or to separate them with kindness.

Identifying the Problem and Overcoming it: Islam has paid great attention to protecting the

family from disintegration, disagreement and separation, and has surrounded it with a strong fence of morals and manners and has established correct principles that protect the family from problems and disputes that disturb the happiness of the couple and their peace and love. Also, Islam forbids anything that may cause division between family members or prevent the family from reaching its goals (Abu Luz: 2000, p. 10). Man is naturally exposed to many problems and two dangerous forces compete to dominate him. The mental and spiritual force that pulls him to the highest piety and the animal and material force that also strongly pulls him to the lowest level of animality (Tahiri: 1424 AH, p. 44). And God Almighty has not left a problem without a solution for it, because He is more kind to His servants than to make them ashamed and astray. And the problems that a person faces are nothing but a kind of test and selection that qualifies a person to reach the caliphate and the degree of his perseverance in the path that God has drawn for him and the degree of acceptance of the solutions that God has placed for the problems (Surah Anbia, verse 35).

There are many tools that, if spouses use them and deal with them well, they can overcome marital disputes and problems. Some of these tools require mental exercises and efforts so that spouses can master them. Here, wisdom and reason should interfere in driving the ship of marriage, and the captain of this ship should take steps to save the family and spouse from the problems and troubles that beset them (Al-Birjawi: p.88). These are protective shields that save the spouses from marital disputes, and this does not mean that if the spouses use the protective shield, they will no longer have problems in the family, but the benefit of the protective shield is that when a problem occurs, it improves the spirit of the couple. It calms them down and makes them better deal with marital problems.

This is done through the following points (Al-Mutairi: 1411 AH, p. 344):

- Correct view of marital problems.

- Giving a reasonable and natural volume and size to the problem.
- Not exaggerating the problem and not complicating it.
- Looking at the positive side of the marital problem.
- Dealing with family problems calmly

It is important that the spouses deal with the problem well to relieve the pain during the treatment period, and if the solutions and resolving the differences bring order and harmony back to the home and affection and love to the family, they are better after the separation and divorce.

The Effects of Marital Disputes: Marital disputes and problems have very negative effects on the family and sometimes they can be dangerous and destructive, the most obvious of these negative effects are:

1. Domestic violence: severe differences in the family cause cases of domestic violence, which appears through violence and aggression, especially towards women, from the husband, and in some cases it may reach the children from the wife or husband, because some wives reduce their tension caused by their partners by beating their children and treating them badly. As a result of these family conflicts, children lose their belonging to the family, so they turn to their peers to find something that satisfies their desires, and peers may be bad friends that lead to their deviance. Juvenile delinquency is based on family disharmony and weak family relationships and bonds caused by marital disputes and conflicts (Al-Mohsen: 2001 AD, p. 82).

2. Social problems: A family that has a gap in its foundations will have many social problems with its surrounding environment (Shokri: 1981, 247), especially in two major aspects:

(a) Problems with relatives: In case of a dispute, it will be very difficult for a man or a woman to control the tension between the opposite party and his relatives and family. Therefore, if the relationship between the



spouses is not as it should, you often notice that the mother-in-law intervenes so that makes the wife angry or vice versa, the brothers of the wife intervene to anger the husband and so on. These disputes may allow the entry of a third party who may knowingly or unknowingly create a dispute between them.

(b) Problems at work (Ibrahim: I, 1986, p. 32): This is one of the cases that a person who is not stable in his family life, faces. Because a large part of his mental, cognitive and physical effort is spent on thinking, staying up late and nervous tension during fights. As a result, his creative potential will be reduced, his intellectual horizon will be stifled, and the quality of his work performance will decrease, and even his tension will affect his colleagues at work, and this may cause dismissal, restrictions or problems that are unbearable. These social problems are problems that cannot be ignored because they appear quickly with the occurrence of differences in the family, and this indicates the close connection between the family situation and the society.

3. Incompatibility and divorce: The issue of divorce is one of the most serious and biggest problems caused by relationship failure and marital problems. Divorce is considered an unfortunate event for a child and the most important feature of family breakdown. When the child lived in the family and in the arms of his parents and within the limits of their love, kindness, tenderness and peace, after that if he lives outside of this kindness and tenderness, it will cause him a mental shock and his distance from stability, and he prevents him from adapting to the new life after his parents' divorce and exposes him to mental disorders that lead to violence and social harm.

One of the effects of divorce on children is that children are exposed to many disasters and losses due to the failure of institutions and organizations whose main task is to take care of such children, and even if one of the parents takes care of the children, there is no doubt that the child will need the joint care of the parents, the mother and the kindness and care she gives to the child and the continuous care and

guidance that the father has to the child are both important. (Fatima: 2016 AD, p. 591).

Although the marriage contract is a continuous and permanent contract, to create a joint life with peace and tranquility, it is replaced by a joint life between the spouses so that this marriage fulfills the human desire to have children and reproduce. But things may happen in married life completely in conflict with these goals, and as a result of inequality and difference in personality, inequality in behavior and morals, or because of not having children, their lives become hell. This is where God has made separation a way to get out of trouble, because forcing couples to continue a marriage that has not reached its goals is something that logic and common sense cannot bear.

Separation is not an instrument of harm, but a means of escape from an intolerable life, and if some husbands use separation as a means of abusing the wife, it does not harm the wisdom for which divorce is legislated. The lack of investigation by the judiciary in Islamic Sharia does not mean that they are satisfied with the work of these people, but it is because interrogating them and examining the reasons may lead to the disclosure of secrets that will harm their spouses and families, and in this work, there will be a loss that it is more harmful than divorce. Although the Sharia does not prohibit divorce, many jurists have cited texts, among which is the saying of the Prophet, peace and blessings of God be upon him: "The most hateful halal for God is divorce" (Al-Bayhaqi: 1/1994 AD, c/ 7, p. 322).

Determining the Levels of Marital Problems: Marital disputes have different levels of severity and can be classified into three levels as follows:

- The first level: it includes minor differences that occur between spouses and do not last long, and anger and dissatisfaction can be seen in it. At this level of disagreement, each couple seeks to resolve it without destroying their friendship, and none of them is influenced by the other, and it does not affect their marital interaction, because the psychological and

emotional atmosphere in the family is still good (Mobayz: 2003, p. 159).

- The second level: in which the differences between the couple intensify and takes for a long time, and there are differences that express enmity, accusations, and insults. Nevertheless, communication channels between spouses are still open, and there is a desire to resolve differences, and the desire to continue living at this level of disagreement is still strong (Zabian: 2009, p.49).

- The third level: Disagreements at this level continue for more than six months and lead to changing feelings, increasing the gap between spouses, and disrupting communication between them, which may lead to long-term separation and arguments that will be difficult to cure. Psychologists note that the nature of marital conflicts is different depending on the type of upbringing of the spouses. Or the fight may escalate and lead to a conflict, and this conflict depends on the level of the social class to which each husband and wife belongs.

How to Deal with Marital Discords: Differences are natural due to the many reasons we mentioned, including: differences in upbringing and education, psychological nature, cultural and cognitive achievements, and social and environmental conditions. But the issue is not the problem itself, the management is the problem, and the spouses should take advantage of the differences or problems that arise between them in such a way that it is for their own benefit and for themselves and end marital discords in the very first moments. Here are several methods that can help couples control marital discords when it starts:

- Preparation for handing over privileges: married life is indeed a set of handing over privileges from the parties. Therefore, each party should give the other party privileges that ensure the continuation of a dynamic married life, and each party should not believe that this privilege is a weakness or a decrease in his value. Rather, it is an important and fundamental variable in the rules of

establishing affection, good company and kindness between spouses.

Love, affection, intimacy and partnership and the art of giving mutual points to stand against life's problems are food for the soul, and spouses must master these things together. Indeed, the survival of happiness is the responsibility of spouses, which sometimes manifests itself with politeness and sometimes with appreciation for the other's work, considering individual differences and opening the wings of love and kindness to maintain the atmosphere of happiness.

There is a little breadth between the feeling of happiness and unhappiness. If the duty of a woman is to provide the comfort of the household, not to arouse her husband's jealousy and not to disturb him in his sleep or while eating, and to stand by him in all the hardships of life, then the role of the man is important, because he takes care of the house financially and emotionally and with openness, attention and trust helps create the psychological security of his family, away from arousing suspicion and jealousy. (Morad: 2000, p.150).

- Failure to transfer discords to families: The most dangerous thing that threatens married life and affects its stability is transferring spouses' problems outside the home, especially to parents. In this case, each of the parties supports their son or daughter, and the issue turns from a dispute between spouses into a conflict that cannot be controlled. If it is necessary to talk about the difference between spouses, this conversation should be with an expert and impartial person (Al-Mutu: p. 19).

- Advice on solving problems: Reasoning is one of the most important things in facing disputes and resolving them in their first moments, and this is related to knowing the psychology of a husband or wife. And here we will refer to the story of that great companion Zubair bin Al-Awam, may God be pleased with him, with his wife. When he made a condition that after the marriage, he would allow his wife to go to the mosque for prayer, and this condition was before the marriage, and

Ibn Awam, may God be pleased with him, accepted it. But when his wife went to the mosque or came back from the mosque, he became jealous of her because of her beauty, but he could not stop her. And the Messenger - may God bless him and his family - says: "Do not forbid the servants of God from the mosques of God" (Al-Bukhari: 1/1987, Vol. 1, p. 305). So when his wife was getting ready to go out for prayer, he would say to her: By God you are going out and I hate you going out. His wife would say: "Forbid me to stay at home." How is this possible when I made a bet with you not to do it?" But he wanted his wife to pray at home, which was better for him and had more rewards and he also had more peace. But he accepted the bet. And he didn't want to go back on his promise. He thought about this issue and thought of a solution. So he sat on his path in the darkness. When he passed by her, he blocked the way for her and without her recognizing him, he touched her, the woman turned back in the middle of the road and went to her house, and when it was time for her to go out to the mosque, she did not go out again. Zubair said to her: Why don't you go out to pray, he said: People are corrupt, by God I don't go out of my house. Her husband is aware of her feelings and the good intentions and certainty of his wife. He got what he wanted. When his wife went to the mosque or came back from the mosque, he became jealous of her because of her beauty, but he could not stop her. And the Messenger - may God bless him and his family - says: "Do not forbid the servants of God from the mosques of God" (Al-Bukhari: 1/1987, Vol. 1, p. 305). So when his wife was getting ready to go out for prayer, he would say to her: you are going out and I hate you going out. His wife would say: "Forbid me to stay at home." How is this possible when I made a bet with you not to do it?" But he wanted his wife to pray at home, which was better for him and had more rewards and he also had more peace. But he accepted the bet. And he didn't want to go back on his promise, he thought about this issue and thought of a solution. So he sat on her way in the darkness. When he passed by her, he closed the way for her and touched her without knowing her, the woman turned back in the middle of the road

and went to her house and when it was time for her to go out to the mosque, she did not go out again. Zubair said to him: Why don't you go out to pray, she said: People are corrupt, I swear to God, I don't go out of my house. Her husband was aware of his feelings and his wife's good intentions and he got what he wanted.

## Conclusion

The Sharia approach in dealing with marital discords was examined and how Sharia legislated the best way out of the cycle of problems to achieve security and peace so that couples can achieve their immediate and future happiness. Also, the importance of marital problems was embodied in this research and these differences are the main gate of life conflicts and the wide passage of separation between spouses, the destruction of the family and the dispersion of children, and they have a negative effect on the entire society, and the most obvious results of this research can be seen in the following cases.

- Islam has paid much attention to married life and has considered it a high status, because the existence of man and the continuation of his generation from the beginning of humanity until God inherit the earth and those who live on it will be based on the existence of married couples.
- The principle in the marital relationship is that it is based on love and affection, cooperation and tolerance, and any disagreement that occurs in it is an exception, and almost no home is without it, and it is necessary to refer to the principle that it is a pure relationship between spouses.
- Family problems are called instability and conflict between couples. Spouses must fully fulfill all family responsibilities to ensure their happiness, and cooperation between spouses and real harmony is one of the strongest measures that Sharia emphasizes, and creating a marital relationship based on love and mercy is enough to move forward a life with confidence and comfort.

- The causes of marital discords are high; But the most effective of them in marital relations is misbehaving and harming the other, and what harms it the most is obscene speech and profanity, and if spouses feel indifferent and disinterested towards each other, they should try to find out the reasons for it and try to solve it as much as they can with kindness and kind words.
- A good relationship between spouses has a positive reflection in human, cooperative, economic and aesthetic aspects. These aspects are preventive methods to deal with marital problems, because most disputes may be caused by omission or failure in one of these aspects. Therefore, emphasizing these aspects is part of the way to solve problems by eliminating their causes.
- Reforming the family is the way to achieve the security of the whole society, and reforming a society in which family ties are weakened is difficult, and each of the spouses must give up some of what they do not like to see in the other party, and both should think that if they don't like a trait in someone else, there may be another trait in him that can replace it.
- The possibility of filing a lawsuit in the court due to the differences that lead to the separation of the couple from the loss to achieve its causes and may be the source of differences and problems that prevent the achievement of the goals of marriage.

## Recommendations

Considering the importance of married life and the role of the family in building society and the role of spouses in creating and stabilizing it, through a strong relationship based on affection, compassion and shared responsibility, I recommend the following cases:

- First: those who want to get married should pass training courses on the rights and legal duties of both spouses, to inform them of the importance and sanctity of the marriage bond and how to deal with marital discords.

- Second: Supporting and encouraging programs that nurture aspects of faith, moral and family awareness, such as lectures, seminars, creating media programs and trying to intensify them in schools, mosques and media, and the need to encourage research and studies which pay attention to the family value area.
- Third: Activating compromise mechanisms to solve marital problems and disputes, coordination and cooperation between sharia courts, educational and social institutions such as universities, institutions and Islamic societies in a way that serves the Muslim family and the Muslim community.
- Fourth: Work on increasing the awareness of school students and university students towards the values of Islamic married life gradually and based on a study program that enables students to acquire more basic information about Islamic married life at the end of their studies.
- Fifth: I recommend that a law be enacted in the field of Shariah lawsuits and personal status that is more comprehensive and clear and consistent with the requirements of the time. And that the Iraqi law pays more attention to the role of two arbitrators in cases of disputes and conflicts between spouses, so that before the problems escalate and the couple reaches the end of their married life, the chance of reformation between the spouses is doubled, and that the law regulates the methods of dealing with disobedience as prescribed in Islamic jurisprudence and the law must clearly state that two arbitrators must be Muslims.

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