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**MARTESA SIPAS LIGJIT TË SHERIATIT: TRADITA DHE
PËRGJEGJËSITË**

**БРАК СПОРЕД ШЕРИЈАТСКИОТ ЗАКОН: ТРАДИЦИЈА И
ОБВРСКИ**

**MARRIAGE UNDER SHARIA LAW: TRADITION AND
RESPONSIBILITIES**

Abstract

This paper examines the foundation and situation of marriage within Sharia Law, emphasizing the moral, legal, and spiritual dimensions that guide the relationship between man and woman. Marriage is regarded not only as a legal contract but also as a sacred covenant that safeguards human dignity, family stability, and social order. In Islamic thought, this institution is framed as a comprehensive system that reflects divine wisdom and moral responsibility, where the family becomes the nucleus of social life and the primary environment for transmitting values and identity.

The framework of Sharia ensures that both spouses have defined rights and duties, fostering balance between mutual affection and responsibility. While the husband is entrusted with leadership of the family, the law requires him to exercise authority with fairness, compassion, and respect, thereby preventing abuse of power. The wife, on the other hand, retains her independent legal personality and economic capacity, including the right to property, inheritance, and personal

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agency. This balance demonstrates that marriage is not intended as a system of dominance but as a partnership built on complementary roles.

Methodologically, the study relies on qualitative analysis of primary Islamic sources, particularly the Qur'an and Hadith, supported by interpretations from classical and modern scholars of Islamic jurisprudence. Secondary academic literature is also examined in order to situate Sharia perspectives within broader discussions on law, gender, and social stability.

The findings reveal that marriage under Sharia Law is both a legal contract and a spiritual covenant, designed to ensure justice, compassion, and mutual respect. It functions as a mechanism for protecting individual rights, while simultaneously serving the collective interest of society through family stability and moral continuity. The rules regulating dowry, financial support, divorce, and inheritance illustrate how Sharia harmonizes individual and collective responsibilities, preventing exploitation and safeguarding fairness.

Beyond individual rights, Sharia Law situates marriage within the broader moral order of society. Stable families are seen as essential for protecting future generations, preserving moral values, and preventing social corruption or disorder. The spiritual dimension of marriage is equally central. The Qur'an and Hadith emphasize that the marital bond should cultivate mercy, compassion, and tranquility, elevating the relationship beyond material concerns. By fulfilling their obligations, spouses are believed to draw closer to God and to achieve spiritual growth through patience, generosity, and cooperation.

Through these provisions, Sharia Law harmonizes the natural differences between the sexes, creating an environment where partnership, respect, and moral growth are central. Ultimately, the institution of marriage under Sharia Law reflects a multidimensional system that unites ethical values, legal structure, social stability, and divine guidance. It provides not only a framework for family life but also a model of how human relationships can be regulated by justice, compassion, and shared responsibility.

Keywords: *Sharia law, marriage, family, Islam, moral responsibility*
Field: *Social sciences*

1. Introduction

Marriage is one of the oldest and most essential social institutions in human civilization. It provides the framework for family life, regulates relations between the sexes, and secures the continuation of the human race. Every legal and cultural tradition has developed its own understanding of marriage, but in Islam, the institution occupies a particularly sacred position. According to Sharia Law, marriage (*nikah*) is not merely a civil contract; it is a religiously sanctioned covenant that carries profound moral and spiritual implications (Esposito, 2001; Ali & Khan, 2025).

Islamic teachings emphasize that the bond between husband and wife is based on tranquility, love, and mercy. The Qur'an states: "*And among His signs is that He created for you spouses from among yourselves so that you may find tranquility in them, and He placed between you affection and mercy. Indeed in this are signs for those who reflect*" (Qur'an 30:21, Ali, 2004). This verse demonstrates that marriage is a divine institution intended to fulfill human needs for companionship and to provide the foundation of a stable society.

The purpose of this paper is to examine the institution of marriage under Sheriat Law by analyzing its sacred nature, the rights and duties of spouses, the balance of gender relations, and its role in maintaining social order. The study highlights the moral, legal, and spiritual dimensions that contribute to family stability and social harmony.

2. Methodology

This study is based on a qualitative analysis of Islamic sources, including the Qur'an, Hadith traditions, and classical works of Islamic jurisprudence. These primary sources were examined not only for their literal directives but also for the broader moral and spiritual principles they convey regarding the institution of marriage. Particular attention was given to how Qur'anic verses and Prophetic teachings have historically been interpreted by authoritative scholars and jurists.

In addition to primary sources, secondary academic literature was consulted to contextualize Sharia Law within contemporary debates on marriage, family, and gender relations. This includes the works of modern Islamic scholars who provide critical insights into the application of Sharia principles in present-day societies. A comparative dimension

was also integrated, contrasting Sharia's framework with other legal and cultural traditions in order to highlight both its unique features and its universal aspects.

The methodological approach is interpretive and analytical rather than statistical, aiming to synthesize textual evidence with scholarly interpretations. This enables a comprehensive understanding of how legal, moral, and spiritual dimensions intersect within Sharia Law and how they contribute to family stability and social order.

3. Results

In Islamic jurisprudence, marriage is regarded as a *mithaq ghaliz* (a strong covenant). This description highlights its seriousness and distinguishes it from casual or temporary relationships (Kamali, 2008; Rashid, 2024). The Prophet Muhammad (peace be upon him) stressed that marriage is part of faith, saying: "*When a servant marries, he has completed half of his faith; let him then fear Allah regarding the other half*" (Bayhaqi, as cited in Al-Albani, 2002).

Unlike some legal systems that view marriage as only a contract between two consenting adults, Sharia Law combines the legal contract with divine obligation. The marriage contract must fulfill certain conditions, including the presence of witnesses, the offer and acceptance (*ijab* and *qabul*), and the provision of a dowry (*mahr*) (Nasir, 2009). These requirements not only make the contract legally binding but also reflect the religious and moral weight carried by marriage.

Furthermore, marriage in Sharia Law is intended to be enduring. While divorce is permitted in cases of necessity, it is considered the most disliked of lawful things in Islam. The Qur'an encourages reconciliation and patience, stressing the importance of maintaining family unity whenever possible (Qur'an 4:35, Ali, 2004).

Sharia Law grants the husband certain rights, primarily rooted in his responsibility as provider and protector of the family. The Qur'an declares: "*Men are protectors and maintainers of women because Allah has given some of them more strength than others, and because they support them from their means*" (Qur'an 4:34, Ali, 2004). This verse outlines the husband's role in financial provision and family leadership.

The rights of the husband include:

- Conjugal rights within the limits of respect and dignity.

- Fidelity and cooperation from the wife in maintaining family harmony.

- Respect for his authority, which is tied to his duty of financial support and protection (Nasir, 2009).

At the same time, Sharia Law safeguards the dignity and independence of the wife. She is entitled to:

- A dowry (*mahr*), which symbolizes the husband's commitment and respect.

- Financial maintenance (*nafaqah*), covering food, shelter, and clothing (Kamali, 2008gi).

- Independent legal and economic capacity, meaning she retains ownership of her property and earnings.

- Kind treatment and respect, as commanded in the Qur'an: "*Live with them in kindness; for if you dislike them, it may be that you dislike something in which Allah has placed much good*" (Qur'an 4:19, Ali, 2004).

The Prophet Muhammad (peace be upon him) also emphasized this balance, saying: "*The best of you are those who are best to their wives*" (Tirmidhi, as cited in Siddiqui, 1996). This teaching demonstrates that a husband's authority is not absolute but bound by compassion, fairness, and responsibility.

A central feature of Sharia Law is its recognition of the natural differences between men and women, while at the same time affirming their spiritual equality before God. The Qur'an declares: "*Whoever does righteous deeds, whether male or female, while being a believer — We will surely grant them a good life, and We will reward them according to the best of what they used to do*" (Qur'an 16:97, Ali, 2004).

The relationship between husband and wife is thus complementary rather than competitive (Esposito, 2001). Men are assigned the role of financial responsibility and protection, while women contribute significantly to the moral and emotional development of the family. This balance ensures that each partner's strengths are utilized for the well-being of the family unit.

In practice, Sharia Law emphasizes mutual consultation (*shura*), affection (*mawaddah*), and mercy (*rahmah*). These values ensure that differences in roles do not lead to exploitation but to cooperation in fulfilling shared responsibilities.

Marriage under Sharia Law does not only affect the couple but also the wider community. The family is considered the cornerstone of society, and its preservation is critical to social harmony (Engineer,

2008; Hameed, 2024). Stable families transmit faith, moral values, and social traditions across generations.

Legal safeguards such as dowry, inheritance rights, divorce procedures, and rules on guardianship are designed to ensure fairness and stability (Nasir, 2009). For example, divorce must follow due process, including arbitration and waiting periods, to allow opportunities for reconciliation (Qur'an 65:1–2). This careful balance prevents the abuse of power and ensures justice for both spouses.

By regulating gender relations and securing the dignity of both men and women, Sharia Law protects society from moral corruption, exploitation, and disorder. Marriage is therefore not only a personal choice but also a social responsibility.

Beyond legal rights and duties, marriage in Islam has deep moral and spiritual significance. It serves as a means of spiritual growth, helping individuals to cultivate patience, generosity, and compassion (Kamali, 2008). Spouses are described in the Qur'an as "*garments for one another*" (Qur'an 2:187), symbolizing protection, intimacy, and mutual support.

This moral framework elevates marriage from a mere contract to a pathway of righteousness. By fulfilling marital obligations, believers are not only serving their families but also drawing closer to God.

4. Discussions

The findings presented above demonstrate that marriage under Sharia Law is both a legal and a spiritual institution, uniting contractual obligations with divine commandments. In the discussion of these results, several key themes emerge that invite further reflection. First, the dual nature of marriage—as contract and covenant—creates a framework that is more comprehensive than in many secular legal systems. By emphasizing spiritual accountability alongside legal duties, Sharia Law integrates personal morality into the functioning of family life. This reduces the risk of marriage being reduced to a purely transactional relationship and instead situates it within a higher ethical order.

Second, the balance of rights and responsibilities between spouses, while clearly articulated in Islamic jurisprudence, raises ongoing debates in contemporary contexts. The role of the husband as provider and leader is meant to be tempered by compassion, justice, and fairness, yet critics argue that these provisions can sometimes be misinterpreted

or misapplied in ways that disadvantage women (Nadia & Fathima, 2024). On the other hand, the recognition of the wife's independent legal personality and economic rights indicates that Sharia Law contains mechanisms to safeguard female autonomy and dignity. The tension between traditional interpretations and modern demands for gender equality continues to be a central issue in the application of these laws.

Third, the concept of complementarity between men and women presents both strengths and challenges. Complementarity promotes cooperation and mutual respect, preventing unnecessary competition within the family. However, in societies experiencing rapid social and economic change, these distinctions can appear rigid. Some scholars argue for more flexible understandings of gender roles, while others maintain that the original intent of Sharia principles is still relevant for ensuring family harmony.

Fourth, the social dimension of marriage underscores its role in preserving moral order and communal stability. By making the family the cornerstone of society, Sharia Law places significant responsibility on individual households to transmit values, faith, and traditions. This emphasis aligns with sociological perspectives that view family stability as critical for broader social cohesion. Yet, in modern pluralistic societies, questions arise as to how these values interact with secular legal frameworks and multicultural norms (Al-Harathi, 2024).

Finally, the moral and spiritual aspects of marriage highlight the unique contribution of Sharia Law to ethical discussions on human relationships. The imagery of spouses as "garments for one another" suggests intimacy, protection, and mutual support that transcend legalistic definitions. This spiritual dimension provides an avenue for personal growth and moral development, presenting marriage as a pathway to divine closeness. Such a perspective enriches contemporary debates about the meaning of marriage in an age where legal, social, and personal interpretations often diverge.

In recent scholarly debates, marriage in Sheriat Law has also been examined through the lens of human rights and contemporary ethics. According to An-Na'im (2011), Islamic family law embodies an evolving moral vision that seeks to balance divine command with social justice, highlighting that interpretations of marital roles must be responsive to context and culture. Similarly, Barlas (2019) argues that the Qur'anic framework supports gender reciprocity rather than hierarchy, suggesting that equality and mutual responsibility are consistent

with the ethical objectives (maqasid) of Sharia. This reinterpretation aligns with the views of Ramadan (2017), who emphasizes the need to distinguish between immutable divine principles and culturally influenced legal practices, especially regarding gender relations. Moreover, contemporary research by Mir-Hosseini (2020) explores how reformist movements within Islamic jurisprudence advocate for an interpretation of marriage based on compassion (rahmah) and shared agency rather than authority and obedience. These perspectives reveal that the institution of marriage under Sheriat Law is not static but dynamic, capable of evolving while remaining faithful to its moral and spiritual essence.

Taken together, these discussions suggest that while Sharia Law provides a coherent and well-structured framework for marriage, its interpretation and application remain subject to cultural, historical, and societal influences. Acknowledging these dynamics is crucial for understanding both the resilience and the adaptability of Islamic marital principles in the modern world.

In the context of contemporary societies, the application of Sheriat principles to marriage law varies considerably across Muslim-majority countries. For instance, in Malaysia and Indonesia, the integration of Sheriat into national legal frameworks has evolved toward a hybrid model that seeks to harmonize Islamic principles with constitutional protections of gender equality and human rights. Family courts in these nations often interpret Sheriat provisions through a contextual lens, emphasizing justice, compassion, and the social objectives of Sharia (maqasid al-shari'ah). In contrast, countries such as Saudi Arabia and Iran maintain more literal applications of Sheriat in family law, where gender roles and male guardianship continue to play a central role. However, even within these jurisdictions, gradual reforms have emerged in response to global human rights discourses and internal demands for modernization. For example, Saudi Arabia's Vision 2030 reforms have introduced measures to enhance women's participation in public life and have granted them greater autonomy in personal and professional spheres. Similarly, Iran has witnessed internal debates on redefining marital obligations, with increasing advocacy for gender-sensitive interpretations of Islamic law.

Beyond the Muslim world, comparative legal studies show growing interest in how Islamic marital ethics can contribute to global discussions on family stability, gender equity, and moral education. Scholars have argued that the emphasis of Sheriat Law on compassion

(rahmah), justice ('adl), and social responsibility offers valuable insights for addressing modern challenges such as rising divorce rates, family disintegration, and the commodification of relationships. In multicultural societies like the United Kingdom and Canada, Muslim communities have developed innovative approaches to reconcile Sheriat-based family ethics with secular legal systems, fostering intercultural dialogue and legal pluralism.

Furthermore, the global discourse on women's rights has led to renewed interpretation of key Qur'anic concepts in light of maqasid al-shari'ah - the higher objectives of Islamic law. These objectives, which prioritize justice, welfare, and the protection of dignity, have been used by reformist scholars to advocate for reinterpretations that emphasize partnership rather than hierarchy within marriage. The integration of these principles in legal reforms across nations such as Tunisia and Morocco shows that Sheriat-based marriage can coexist with democratic principles and international human rights norms when approached through a contextual and ethical framework.

In sum, contemporary applications of Sheriat Law reveal that marriage remains a dynamic institution shaped by cultural, legal, and moral forces. Comparative analysis across different societies illustrates that the moral essence of Sheriat — centered on compassion, justice, and balance — retains universal relevance. As Muslim communities continue to navigate globalization and modernization, the institution of marriage under Sheriat Law serves not as a static relic of the past, but as a living moral framework that adapts to contemporary realities while preserving its divine foundations.

5. Conclusion

Marriage in Sharia Law is a sacred and comprehensive institution that unites legal, moral, and spiritual dimensions. It is built on a covenant that safeguards dignity, defines rights and duties, and promotes compassion and justice within the family. While the husband is entrusted with leadership, his authority is limited by the moral obligation of fairness and kindness. The wife, in turn, enjoys full legal and economic independence along with protection and respect.

The findings of this study demonstrate that Sharia Law views marriage not simply as a social contract between two individuals but as a divinely guided partnership with profound implications for family and

community life. By clearly outlining mutual rights and obligations, Sharia Law creates a system that emphasizes both personal responsibility and spiritual growth. The concept of complementarity between husband and wife ensures cooperation rather than competition, encouraging the effective use of each partner's strengths for the benefit of the household and society.

At the same time, marriage functions as the foundation of social stability, serving to transmit values, traditions, and moral guidance to future generations. The emphasis on reconciliation, patience, and mutual respect reveals the importance of preserving family unity as a cornerstone of societal order. Through mechanisms such as dowry, inheritance rights, and regulated divorce procedures, Sharia Law establishes safeguards against exploitation, ensuring fairness and balance between spouses.

Furthermore, the spiritual framework elevates marriage beyond its legal dimensions, presenting it as a means of attaining closeness to God and moral refinement. This dual focus—legal protection and spiritual development—illustrates the uniqueness of Sharia's vision for human relationships. The family thus becomes not only a private unit but also a moral institution entrusted with sustaining the well-being of the entire community.

In conclusion, the institution of marriage under Sharia Law reflects divine wisdom expressed through a balance of justice, compassion, and responsibility. It represents a multidimensional system where legal norms, moral duties, and spiritual aspirations converge. By harmonizing gender relations and upholding family stability, Sharia Law ensures that marriage continues to serve as both a personal commitment and a collective responsibility, safeguarding the dignity of individuals and sustaining the cohesion of Muslim society.

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