

FOREIGN AND NATIONAL PRACTICE OF COMBATING SOCIAL PROBLEMS OF WOMEN

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ABSTRACT

This significant article was called “Foreign and national practice of combating social women”. It analyzed social problems connected with women`s right. In Islam, Sharia is regarded as a legal code binding on all Muslims. In a religion where everything is beautifully and intelligibly revealed and embraced, unfortunately, some segments of the population severely infringe on the rights of women. Which leads to many disputations? With the article, they tried to analyze certain causes of these problems and give them a solution.

KEYWORDS: Religion, The Koran, Sunnah, Islamic Right, Muslim Law, Women`S Rights.

INTRODUCTION

In recent years, on the basis of ideological and political views and moral decisions, the main directions of the socio-economic and cultural development of the Muslim world have been developing, and this is increasingly changing the position of women in Muslim law and Muslim society. The growing role of implementation as a global policy-forming potential and a powerful legal tool in those countries where Sharia recognized the foundations of legislation in the "Islamic revival" determine to a large extent the relevance of a specific study of the legal status of a Muslim woman in the status of society.

Considering the issue of the status of women in Muslim law, first of all, one should point out the indisputable fact that in all world religions it is most closely related to law and law. In this regard, Muslim law and Muslim legal ideology are the connecting link. At the same time, as lawyer Abdel Rahim al-Ali Nasser, emphasizing the state nature of Islam, "Muslim law has always been at the center of his teaching, and it was perceived not only as a system of norms, but also as a universal political and legal doctrine."

In Islam, Sharia has been replaced by the quality of a legal code that all Muslims must identify. The Koran and the Sunnah, as the main sources of Sharia, there are common legal grounds and rules. Depending on the changing characteristics, they can be interpreted as ijtihad, whereby extreme generality as the most important source of Islamic law after the Koran and associated with the Sun. On the other hand, fiqh is also based on its sharia, but development is possible through human effort. Therefore, it can be re-examined. If necessary, its provisions may also be

included in its interpretation. Many states with a Muslim population continue to declare in their laws and often even in their constitutions the allegiance of the population to Islam. The subjugation of the state of this wealth is proclaimed by the constitutions of Morocco, Tunisia, Algeria, Mauritania, Iran, private capital. The Civil Codes of Egypt (1948), Algeria (1975), Iraq (1951) The Constitution of Iran and the laws of Indonesia require expenditure; provide them with a survey of Islamic law. However, almost all of these countries are planning to modernize and take various measures for this, including in the issue of the status of women, their rights and freedoms. Some examples of the application that this evolution, which includes the establishment of a new type of regime, as well as bold reforms in the field of private law, can live with the seeming immutability of Islamic law.

Numerous Muslim societies that recognize as one of the creeds the perfection and authority of Islamic law have a large number of centuries and continue to exist, mainly empowered by customs (adadatively). The custom is not included in Islamic law and is never replaced as a right, but this does not mean that it is rejected by Muslim law. It goes without saying that from the point of view of Muslim law, some customs may be illegal, but at the same time, they also take place in the practice of Muslim countries.

Islamic law divides all human actions into categories: obligatory, recommended, indifferent, condemned and prohibited. Custom cannot recommend actions that the law forbids, or forbids what the law considers reprehensible or only permissible.

Islamic law contains very few imperative representatives and provides ample opportunity for free initiative. As a result of the conclusion, it is possible, while remaining faithful to Islam, to make very significant changes in the norms that offer Islamic law, but which are not considered mandatory.

Due to this possibility, the jurisprudence of Muslim countries allows, for example, at the conclusion of a marriage a reservation that the wife may subsequently be preferred from marriage (in the sense that this is the prerogative of the husband) or that she receives such a right if the husband does not violate the law enforcement of monogamy. The status of marriage and family has been seriously changed, especially in cases of just such consequences. Ample opportunity for such digressions, in truth, discussion issues. Unlike the Muslim Shiite persuasion, the Sunnis do not allow, for example, they put a number of conditions on this issue, such as the temporary nature of marriage (muta) or the regime of community property of spouses.

Together with the rights to the possibility of developing a Muslim user agreement, however, its significance is not lost.

Much attention in Muslim law is paid to family relations, family and marriage problems, and the status of women. Here it is necessary to proceed from the fact that distribution and Sharia consider celibacy as an unusual phenomenon, and marriage as a religious duty of a Muslim. But in fact, the marriage contract often acted as a kind of commercial transaction. Formally, the consent of the parties, including the bride, is required for marriage. According to Sharia, a Muslim had no right to marry unbelievers and apostates from Islam. Marriages entered into in violation of these conditions were annulled. But a Muslim was allowed to marry women of a different religion, since it was assumed that the husband would convert his wife to the Muslim

faith. It was forbidden for a Muslim woman to marry a non-Muslim. Islamic law defines in detail the grounds for divorce and its procedure. Sharia knows several types of divorces, differing both in the order itself and in its legal consequences. For example, a temporary divorce is possible, providing for a kind of probationary period. Although the grounds for divorce are clearly defined (apostasy from Islam, etc.), a husband can divorce his wife without explaining the reasons in a simplified form (talaq).

According to Muslim law, the right to divorce belongs to a man, but husbands during a divorce are forbidden to act inhumanly and dishonestly with their wives: "For outcast wives, there should be honest content; it is a duty to fulfill those who fear God. From this it can be seen that the Muslim canons on the rights of inheritance and marriage establish the rights of a woman and, to a certain extent, limit the arbitrariness of a man.

According to the Qur'an, three forms of divorce are known: curse-divorce, spine-divorce, and oath-divorce. Three types of divorce are also mentioned in the commentaries on Muslim law "Khidaya" akhsyan (or very commendable), hasyan (commendable) and biddat (not commendable), which in turn fall into many forms.

According to Sharia (a set of norms of Muslim law, morality, religious prescriptions and rituals), four main types of divorce are practiced: heifers boin (in Russian Islamic literature, talaqbain is a final divorce), heifers rij'ezi (rajaa - the rules for returning a husband to his wife), hul 'e (khulla or khlyug - a divorce initiated by a woman by bribing her husband) and muborot (mubarat) - a divorce by mutual consent.

In popular, sometimes in historical and ethnographic literature, there are statements that the procedure for divorce according to Sharia is very simple and that "it was enough for the husband to pronounce the Arabic word talan three times in a row and the divorce was completed. In practice it was much more difficult. Indeed, as soon as the husband voiced the triple "talak", the spouses became forbidden for each other. But this did not mean that he could not reconcile with his wife. The Koran says: "If he divorced her (for the third time), it is not allowed for him after that until she marries another husband, and if he divorced her, then there is no sin over them that they will return if think to fulfill the restrictions of Allah (Chapter II, p. 230). In other words, the husband, if desired, could restore the family after the wife marries another ("muhallila - intermediate husband), divorces him and a new marriage union is concluded. A divorced wife did not immediately leave her husband's house. She stayed in it for four months and ten days, in case of pregnancy - until the end of childbirth, after that she left the house, leaving her husband with children.

As a rule, the wife did not leave her husband's house even when the heifers were divorced rij'ezi (rajaa). If after the completion of the boin heifers, the marriage was restored subject to the observance and performance of all its rites, then the heifers rij'ezi granted the husband the right to restore the marriage without requiring the consent of the wife, who was obliged to obey unconditionally.

Hyul'e (hula, hlyug), unlike boin heifers and rij'ezi heifers, is the final divorce. In the vast majority of cases, it is initiated by the wife, who, in order to obtain a divorce letter, provides her husband with her mahr or other property (part of the dowry). The divorce formula in this case is also pronounced by the husband. This type of Muslim divorce is nothing more than an exchange

of property for a person. The husband comes into possession of property, and the wife acquires the right to her own person.

Muborot is a divorce by mutual consent of the spouses. The initiative of divorce, as in the case of hul'e, belongs to the wife, but the husband himself sets the conditions and determines the amount of the ransom, which should not exceed the amount of the dowry. The essence of the first form of divorce, known as le'on (curse), was that the husband, being convinced of the depraved life of his wife or the illegal habitation of her child, in front of the Sharia court and in front of witnesses ("at the confluence of a crowd of people) uttered a sige from the following words:

"I testify before God that I justly said what I accuse her of. After pronouncing this oath four times, he added a curse: "May the curse of God be upon me if I speak unjustly. The wife, if she considered herself innocent, said four times: "I testify before God that he speaks a lie, then she added: "May God punish me if he speaks the truth.

Upon the completion of the le'on, the marriage is terminated definitively. but. Children recognized by the husband as illegally adopted, remain with the mother, but use the inheritance of the father. A wife, torn away from her husband by uttering a curse, has no right to his inheritance, "equally, the husband does not inherit from his wife divorced according to the law. The marriage could be dissolved by the husband and the announcement of zehor (zikhara), an offensive expression for the wife, that she was to him the same as his mother's back. Comparison of a wife with a sister, aunt, daughters of brothers and other relatives with whom marriage is prohibited due to the proximity of kinship was not considered offensive. After performing the zehor, the wife became forbidden for the husband and he could return her only after giving kephoret (optional: either the release of one slave, or the distribution of food 10 to the poor, or a three-day fast), determined by the spiritual court and consisting of the release of a slave, a two-month fast or distribution alms according to your condition. Zehor (zihar), therefore, a non-final divorce.

The divorce of illo with an oath of non-cohabitation was also temporary. The husband, who decided to divorce his wife, pronounced sigeillo - the words of the oath that he would not have cohabitation with his wife until a certain time. With her tacit consent, the illo unquestioningly entered into force. In the event of the objection of the wife and the filing of a complaint by her, the hakim sheri (the highest spiritual person who gives an opinion - a fatwa on the application of Sharia) set a four-month period, after which the husband was obliged to either give his wife a divorce, or have cohabitation with her by making keforet.

When dissolving a marriage under Muslim law, all the benefits are on the side of the man. The Qur'an says: "Husbands stand above their wives because Allah has given some preference over others, and because they spend from their wealth. And decent women are reverent, they keep a secret in what Allah keeps. And those whose rebellion you fear, admonish and leave them on their beds and strike them. And if they obey you, then do not look for a way against them - indeed, Allah is exalted, great! (Chapter IV, Art. 38).

However, Muslim law recognizes separate reasons why a woman may terminate a permanent marriage. These include: the retreat of the husband from the Muslim faith and his adoption of another faith, his long unknown absence, the discovery of his shortcomings and the disagreement of the minor to remain married when she reaches the age of majority. A detailed description of

the complex system of Muslim divorce, which theologians themselves, the faqihs, understand with some difficulty, is not included in our task. Nevertheless, the specifics of Sharia divorce initiated by a woman should be considered in some detail.

As indicated, one of the reasons that allowed a woman to dissolve a marriage was her husband's apostasy and his adoption of a different faith. Muslim law prescribed: "If there was no cohabitation, then the abandonment of the Muslim faith by one of the spouses immediately destroys the marriage. In the case of subsequent cohabitation, the marriage remains valid if the wife has left the faith; but if the husband left it, then the marriage is annihilated and he is obliged to issue mehr.

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