

Comparative Study of Third Divorce in Law and Order

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Abstract: *Divorce is one of the ways to resolve conflict and family problems. According to Islam divorce is the worst acts of allowed ones, while with all negative and bad characteristics that it has the need for it in solving Family issues is outmost and we cannot reject the need for it. Besides the importance of divorce is breaking the family system of Islam's emphasis on the survival of the family as the nucleus of society and has lost of advice. So according to this point divorce is the last choice and divorce subordinate a series of rules which one of these rules is that the divorce must take once and in form of revolving in hope that the couple problems and issues be solved in this from but if it's not solved then they can use the second form of divorce and again reversion due to hold the wife and husband to gather for continuing their shared life. But if these acts have no effect in solving the couple problems the man is able to use the third divorce and a marital separation. He does this due to blockage of all paths for keeping the warm club of family without any advantages. There are some people who did the third divorce instead to follow the whole principles and this act is against Islamic sharia and has its own problems. This act face us with famous quote that says that why a wise man do and act to sorrow. There are different viewpoints about such divorce and beside this issue most of the current and past jurisprudences are believed that this type of divorce with its force and strength must be done but in other hand some other scholars are against this issue and claims that divorce must be once and each of scholars present several reasons for their ideas.*

Keywords: Divorce, You don't, Third Divorce

1. Introduction

Islam has suggested ways to cure family feuds:

- 1) Preaching and exhortation;
- 2) Patience, boredom, pardon and pardon;
- 3) Leaving the dormitory;
- 4) Corporal punishment under specific circumstances and under specific causal circumstances;
- 5) Use of rulings to solve the Nouztah problem;
- 6) The first divorce;
- 7) Second Divorce.

If all the ways were not followed in the order mentioned above, and did not give rise to the benefits of domestic violence and family violence, then after the second divorce, the couple returned and lived together for a while, working out patience, patience, and conversation. † But it didn't end with the reigning violence, and the fire continued without meaning; it meant that there was no longer any marital continuity, and the couples were created to save themselves and their children from the inferno they created, They have no choice but to break up forever.(1) To this end, Islamic jurisprudence has created a third divorce to cure this problem. This divorce is similar to the other two in its form; That is, the husband divorces his wife by applying the explicit words of the divorce or the implications of the divorce, but it is different from the two divorces, in that the divorce is no longer a reclusive divorce, and the husband cannot return to his wife thereafter. † Because this is Bain's divorce to Cobra Biventry; so when a third man divorces, the couple have no right to go and be alienated, but sometimes the man does not follow that and gives his wife three divorces in the first place. Cholera wants to do the job herself, but after a while she regrets looking for a solution to

the problem. Wednesday is the Vfqyh this or that world is to solve his problem.(2)

Jurisprudential rulings of the third divorce

The biggest and most severe of these is the third divorce, the divorce that ends the life of adultery forever. This divorce is a divisive Baen divorce, which, in the case of other divorces, means that, No longer do couples have the right to refer to each other and form a family in marital life, except under the specific condition of termination. Our divorce scholars have different views on this divorce, as follows:

Plan for the issue of three divorces

Studying the views of the jurists on the third divorce requires that it be discussed from two angles:

First - the overwhelming majority of Sunni religious scholars and many independent jurists who have died in the past. They agree that three divorces in one word and one in parliament lead to three divorces.

As far as the jurisprudence regarding the third divorce is concerned, as far as the search is concerned, they have not mentioned development in their books and only mention that if anyone divorces his wife three times, his wife will have three divorces. She divorces and forbids her husband forever unless she announces it.(3)

Second, the appearance of some contemporary jurists who have devised and discussed this issue from various angles, and these arguments have led them to argue that three divorces lead to a divorce. If one is to refer to one of the contemporary jurists and scholars who follow this theory, we can remind Dr. Abdul Nasser Abu al-Basl that in a book entitled "The Discussions in Al-Fiqh Al-Muqaren" he

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preferred to quote three divorces in the House of Wake. The word causes a divorce. After a detailed discussion of this subject, he has quoted many of the Companions of the Companions, the old jurists of the contemporary ad hoc, and said that all these companions were of the same opinion, including: Including: Abu Musa, Ali Karamullah Wajah, Ibn Abbas, Ibn Zubair, Abdul Rahman bin Awaf, Atta, Tawous, Jaber bin Zayed, Khalas bin Amr, Harith al-Aqali, Muhammad bin Isaac, Hajjah bin Arthaah Ibn Zambagh, Asbagh Ibn Al-Habab, Ibn Maryam, Mohammad Ibn Wahdah Maliki, Sheikh al-Islam Ibn Taymiyyah, Ibn al-Qaim al-Razi in Tafsir Kabir, Shokani, Sadiq Hassan Khan, Sheikh Mahmoud Shalat, Sheikh Mohammed, Sheikh Mohammed Sheikh Abdul Wahab Khalifa, Sheikh Maraghi, Sheikh Abu Wahra, Sheikh Sabouni, Dr. Mohammad Aqla Ibrahim, Many laws of the Arab countries, such as Egyptian civil law, Syrian civil law, and Jordanian civil law are attributed (5); But in contrast to Dr. Abu al-Basl, there are other scholars who have preferred the promise of three divorces after various discussions and examinations, including Dr. Sharaf bin Ali al-Sharif, who gives detailed discussion of the three divorces in particular. He has literally published a book in 163 pages in which he prefers this quote (14). Even in the context of a mathematical equation, he even states that three divorces, three divorces, and in the middle of this sheath, Put this equation: $3 \times 1 = 3$ And if we are to discuss this issue in its entirety and in light of all the discussions that have been made in the field, based on the estimates available, we should write a book of no less than 4 pages, which is beyond the scope of this article. Is Therefore, this issue will inevitably be briefly mentioned, if the God of Exalted Success will grant it an independent discussion. However, a summary of the doctrines of Karam's jurisprudents regarding the occurrence of divorce is briefly explored in this article.

Place of occurrence and place of dispute

Place of occurrence

Divine jurisprudence has the complete occurrence that whenever a man divorces his wife in accordance with the tradition of three times and in three ways in which no sexual intercourse occurs, the divorce is of an age and will occur (10:9 :7).

Place of dispute

One who has three divorces in the House of Commons in one house and one courtyard also has three divorces, whether or not such divorces take place, in which case the scholars of Islam have offered it.

The jurisprudents' view of the occurrence of three divorces in one word

The Islamic jurisprudents' opinion, including the Imams of the four Hanafi religions, al-Maliki Shafi'i and Hanbali, is that such a divorce takes place and that he is bound by his own promise and that his wife, Bravbain, will go to Br n al-Kb r, and therefore cannot refer to his wife unless For that woman to marry someone else, and to have sex with her husband, and then her husband wishes he would divorce her, and to have the weight of wanting to marry her first husband again (4:8:12:13).

These jurists cite a number of reasons, including:

- 1) The Promise of God, who said: (Al-Baqarah /229) (Divorce (recitation) is twice then (or should the spouse (To keep fit, or to give up with goodness). The place where the verse appears to signify the permissibility of two divorces, the weight that is permissible between two divorces, is normal to the three divorces; What is meant by Marantan is that divorce must take place once again, that is to say, in the way it was mentioned, if the Quranic verse told your divorcee that this argument was correct and would argue that divorce is twofold and occurs once. Or it was true twice and the reasoning above was not true.
- 2) Hadith Abi Dawood narrated in his document that Raqana divorced his wife Somayah and applied the term "of course". He informed the Prophet (peace be upon him) of this matter and said to God (c) that I had nothing but a divorce. The Messenger of God (PBUH) said to him: To God you had nothing but a divorce? He said that I swear by God that I had nothing but a divorce, that the Prophet (peace be upon him) returned her to her and returned to her home, while she had her second divorce in her lifetime. He gave the third settlement in the time of Uthman. The scholars of hadith have examined this narrative as firstly attributed to a personal hadith called al-Zubair bin Saeed al-Hashimi, which many scholars regard as weak, secondly, that the hadith is distressed because it is also narrated in terms of "thirty". The word "of course" as well as the word "united" contradicts the narration of Ibn 'Abbas, which stated that three divorces were in the covenant of the Prophet (peace be upon him). There are other narratives in the context of which all are weak, and this article does not allow them to be mentioned (6:11).
- 3) The consensus of the Islamic scholars from the companions of the Sahabah until all have agreed that three divorces in one word and one Majlis have resulted in three divorces.

This is why there is a dispute that consensus lawsuits are not right, because many scholars from the Companions so far believe that three divorces in a House will result in a divorce.

Some other contemporary and contemporary jurists view the possibility of a divorce

Another group of scholars of Islam is of the opinion that three divorces in one word cause a divorce. Scholars attribute this view to many scholars and scholars, as noted above, including the following: Ibn Taymiyyah and Ibn Qayyam's disciple Waqam Fakhr Razi Shafi'i and many contemporary jurists such as: Sheikh Mahmoud Shlottout , Sheikh Ahmed Shaker, Sheikh Mohammed al-Sayis, Sheikh Abdul Wahab Khalf, Sheikh Maraghi, Sheikh Mohammed Abu Wahra, Sheikh Abdul Rahman Sabouni, Dr. Mohammad Aqla Ibrahim.

Many Islamic laws such as the Afghan Civil Code, Egyptian Civil Code, Syrian Civil Code, and Jordanian Civil Code also state that three divorces cause a divorce in one word and another in parliament (5).

Ibn Taymiyyah, one of the great defenders of this view, while discussing this issue in detail, attributes the idea of a divorce to many predecessors and many of the Hanafi, al-Maliki, Shafi'i, and Hanbali jurists, and calls it "Azhar al-Qulain" because the correct narration in this regard is the narration of Ibn 'Abbas, who said that three divorces were in the time of the Prophet (peace be upon him) and the caliphate of Umar, a divorce, as well as the hadith of Raqqa who gave her wife three divorces in one Majlis, Rasulullah (PBUH) ruled in her right to a divorce. He considers all the traditions about the occurrence of the three divorces to be the same, and that all the scholars are lying and disagreeing (1). They also argue for other reasons, including the narration of Imam Ahmad, who narrated in his own way to Ibn 'Abbas, in which it is stated that Raqqa ibn' Abd al-Yazid gave his wife three divorces in one parliament, and thereafter became very sad. It was when the Prophet (peace be upon him) asked him about the quality of this divorce, and he said there were three divorces in one house. The Prophet (peace be upon him) said to him: Such a divorce is a divorce if you want to go back and refer to it (3) Ibn Hajar says that this hadith was narrated by Ahmad Wabvi Ali and has been corrected through Muhammad ibn Ishaq. This hadith in this issue is clear and explicit so that there is no possibility of interpretations in the narrative (2).

Afghan civil law, in line with civil law in Islamic countries, especially Egypt, considers that firstly a man owns three divorces over his wife, and secondly, whoever divorces his wife in a three-word term becomes a divorce (15).

Concerning the property of a man on three divorces in civil law (147), it reads: "The couple is entitled to three divorces against the wife."

If a man divorces his wife according to the method we have just mentioned, then the man cannot go back to his wife in any other way, unless he is dissolved.

The civil law itself states in the divorce (145): "The couple cannot remarry her divorced wife unless the third divorced marries another person and has filed for divorce after entering into a second marriage."

This latter marriage is referred to in the jurisprudential term as 'legal marriage' and it is stated in civil law: "Unless the divorce had been between three free and two divorced women, it would not be possible for her to marry a married man other than her and then to have sex with her. Give or die.

"But if a woman divorces herself to a House of Commons in three divorces, then in the case of Article (145) of the Civil Code, these three divorces will count as one. The article reads: "Divorce is a divisive matter, whether it be a word or a word.

2. Conclusion

Many scholars prefer the opinion of the Republicans over voting and opinion, saying that three divorces in one house lead to three divorces. Bain weight goes to Coburn, but there are others who prefer the opposition's view, including civil

law. And some other scholars, including Ibn Taymiyyah and a group of contemporary scholars whose names have already been mentioned, do not need to be named because of their preference for the presidency; The reasons for its preference are mentioned. Those who prefer this opinion cite for the following reasons:

- 1) The hadith of Ibn 'Abbas, which is about the occurrence of a divorce from a third divorce, in a literal sense of all the correct traditions. This narrative shows that three divorces in one Majlis and one word at the time of Prophet Muhammad and Abu Bakr Sadiq and in the caliphate of Omar were a divorce and then Omar had three divorces.
- 2) The narration of Ibn 'Abbas narrated about divorced men shows that the Prophet (peace be upon him) had three divorces, or one divorce, was natural. And it makes the point.
- 3) The practice of Umar, which had three divorces in one word, was divorced from Shari'a politics, not from Shari'a law, because it is impossible to do it without the authority of the Prophet. Their cave villa will produce three divorces that were a divorce.
- 4) This view is in keeping with what has been said about divorce as a step towards resolving the issue of violence and violence, and that divorce in the Islamic jurisprudence is a deliberate and profound argument, because if one says three divorces are three divorces in one sense, the other is the plan of divorce. It loses its value and appears as men's plaything.
- 5) The rational reason that breaking up a family without having a decisive reason is contrary to the particular interests of the Muslims, and that the consequences of divorce are not limited to couples and that the consequences are also on their offspring and their relatives, are therefore not appropriate in one case. Divide a family disagreement.

What the author tends to do, but the precautionary aspect prevents it from being expressed is that the three divorces are a word in the House of Commons because, contrary to the prophetic tradition of Weber, they contradict the wisdom of divorce legitimacy, and strongly consider the reasons of those who consider it a divorce. A divorce must be calculated. Especially when civil law, which rules the mandate of the Muslim but also the divorced, calls divorces a number.

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