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## ARTÍCULO DE INVESTIGACIÓN

# Motivos de la infidelidad conyugal y sus soluciones a la luz de los Objetivos del Derecho Islámico

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**Resumen.** Este estudio investiga los motivos de la infidelidad conyugal y su tratamiento desde la perspectiva de los Objetivos de la Ley Islámica. Este fenómeno se ha producido en el pasado; sin embargo, su propagación se ha hecho notable hoy en día debido al avance de los medios de comunicación social y la disponibilidad de canales visuales y de audio, por lo que tiene graves consecuencias para las familias y las sociedades. Este estudio pretende definir el concepto de infidelidad conyugal y los significados de los Objetivos de la Ley Islámica. Además, el investigador intenta examinar los motivos de la infidelidad conyugal y, en consecuencia, propone posibles remedios a la luz de los propósitos de la Sharia. El estudio adopta un enfoque inductivo-analítico para analizar los datos. El investigador analiza los factores que contribuyen a la infidelidad conyugal, las consecuencias de la infidelidad conyugal y la gravedad de la infidelidad conyugal para el individuo, la familia y la sociedad. Las conclusiones del estudio muestran que los Objetivos de la Ley Islámica desempeñan un papel importante en la estabilidad de la vida conyugal.

**Palabras clave:** motivos, infidelidad conyugal, tratamiento, Objetivos de la Ley Islámica.

## Motives for marital infidelity and its remedies in light of the Objectives of Islamic Law

**Abstract.** This study investigates motives for marital infidelity and its treatment from the perspective of Islamic Law Objectives. This phenomenon has occurred in the past; however, its propagation has become remarkable nowadays due to the advancement of social media and the availability of visual and audio channels, and hence it has serious consequences for families and societies. This study aims to define the concept of marital infidelity and the meanings of the Objectives of Islamic Law. Moreover, the researcher attempts to examine the motives for marital infidelity and accordingly proposes possible remedies in light of Sharia purposes. The study adopts an inductive-analytical approach to analyze the data. The researcher discusses the factors that contribute to marital infidelity, the consequences of marital infidelity, and the seriousness of marital infidelity for individual, family and society. The findings of the study show that *the Objectives of Islamic Law* play an important role in stability of marital life.

**Keywords:** motives, marital infidelity, treatment, Objectives of Islamic Law.

### INTRODUCTION

Allah subhanahu watalla (SWT) enact marriage to achieve affinity and mercy between spouses. He said “And among His Signs is this, that He created for you mates from among yourselves, that you may dwell in tranquility with them, and He has put love and mercy between your (hearts): verily in that are signs for those who reflect.” (Surat Al Rum, verse 21). Disputes between spouses and differences can cause marriage to deviate from its intended purposes and might cause marital infidelity. Marital infidelity surely has negative consequences for family and society. Historically, marital infidelity has been a common occurrence, yet it has become more prevalent in the modern era due to ubiquitous influence of social media as well as smart phones and other devices that facilitate the spread of this phenomenon. In fact, both social media and modern technology have contributed to illegal relationships that deviate from the right purposes of marriage. Thus, this study investigates this phenomenon light of Al Sharia purposes in the Yemeni context.

### Problem Statement

Marital infidelity is a phenomenon that affects people worldwide, in both ancient and modern times. It has negative ramifications for individuals, families, and society at large. The use of social media and modern technology has contributed to its prevalence. Nevertheless, studies on the reasons for marital infidelity have so far been conducted separately from purposes of marriage. Moreover, there is scarcity of research that linked the reasons for marital infidelity and its treatment in Light of the Objectives of Islamic Law. Therefore, this study focuses on the reasons for marital infidelity and proposes possible remedies to this phenomenon from the prospective of the Islamic Law Objectives of in Yemen. As such, the following questions guide the study:

- What is marital infidelity and what are the Objectives of Islamic Law?
- What are the motives for marital infidelity, its effects, and how to address them?
- What are the most prominent purposes of Islamic Law for marriage and what are their role in protecting family life from deviation?

### Research Objectives

- To deeply understand the concept of marital infidelity and what is meant by Objectives of Islamic Law.
- To explain the motives for marital infidelity and its implications and to treat it.
- To identify the purposes of marriage and its role in light of Islamic Law.

### The Significance of the Study

The significance of this study stems from the fact that it diagnoses the motives of marital infidelity and proposes appropriate remedies to this phenomenon. It also identifies the ramifications of this phenomenon on individual, family and society. The study attempts to examine the role of Islamic Law Objectives in marital life.

### The Scope of the Study

This study focuses on the prevalence of marital infidelity in Yemen.

## LITERATURE REVIEW

Reviewing previous research in the field of one's research is essential for researchers to get to know what has already been explored and build on it. The following sections present the related literature.

Ibin Nora Hafidha (2016) conducted a case study on marital infidelity from woman side and its causes. What is important in this study is that the researcher provided a definition to marital infidelity and its causes from. However, the study did not address the purposes of Islamic Law and the ramifications of marital infidelity and its treatment, thus the present study will address this issue.

Hassan Al Saed Hamed Khatab (2009) studied the purpose of marriage and its implications a juridical and comparative study. The researcher divided the Objectives of Islamic Law into two parts: original Objectives subsidiary Objectives. He also investigated the effects of Objectives on the marriage contract. However, the researcher did not address the marital infidelity and its ramification and treatment in the light of Islamic Law Objectives. Thus, the current study will address these points.

**Wife's obedience to her husband in Islamic jurisprudence (the jurisprudential dispute between spouses as a model).** This study highlighted the wife's obedience to her husband and the legal evidence for obedience, the obligation of a woman to obey her husband, the ruling on a woman's obedience to her husband, and the impact of the jurisprudential dispute on personal matters. In fact, the study is related to the duties of the woman towards her husband not to the matters of the motives of marital infidelity and its implication and remedy in the light of Islamic Law Objectives (Mohammed Ibrahim Abdel Aziz Ibrahim Al-Abadi, 2018).

**Contemporary family problems and their solution in the light of Al Sharia purposes.** This study focused on the building a family from the perspective of Islamic Law Objectives, women's work and the controls of their work, the negatives of her leaving for work. It explained the position of Islamic legislation on domestic violence. However, the study did not address the matter of the motives of marital infidelity and how to treat it in the light of Islamic Law Objectives. This is the gap that the current study seeks to fill (Abdul-Wadud Mustafa Morsi, 2014).

### Definitions of Infidelity

There are various definitions to infidelity (*Khianah*) in Arabic, infidelity for instance, is the opposite of honesty (*Al Amana*). The person who commits *khiana* is considered as *kha'in* i.e. a traitor. The plural form of Khain, is *Khawanah*, i.e. dishonest (Al-Ragheb Al-Isfahani, nd: 305).

Marital infidelity is conventionally defined as violating the right by breaking the covenant in secret. It includes all Sharia traditions and instructions (Obaid Allah bin Muhammad Abdul Salam Al-Mubarakfuri 1985:220).

According to Al-Jahidh, khiana is considered as despotism with what a person is entrusted with including money, honor and sanctity, owning what is entrusted, and denying its depositor (Al-Jahidh, NO DATE), p. 5570). Ibn Ashour defined infidelity as “the action of someone who was entrusted with something and he/she deceived what was entrusted for it, without the knowledge of the owner of the trust” (Al-Tahrir and Al-Tanweer, volume 24 p. 174).

Marital infidelity is defined as any treacherous behavior that harms the relationship between the two partners in terms of money, honor and life. Marital infidelity includes theft, lying, adultery, plotting and endangering the partner's life (Muhammad Bayoumi, (1991; 4). It is also defined as: a negative social phenomenon that exists in various human societies, but it differs from one society to another according to the imposed moral systems. It arises due to a defect in the natural relationship that binds spouses due to external influence of cultures and civilizations, which leads to destabilizing and disintegrating the family system as a result of the conflict between its members (Mad Allah, 2009).

There are several Quranic verses that prohibit marital infidelity, including the following verses:

The almighty Allah says: “and that Allah will never guide the snare of the false ones” (Surat Yusuf verse 52) that is those who betray the trust.

Allah says: “If you (O Muhammad SAW) fear treachery from any people throw back (their covenant) to them (so as to be) on equal terms (that there will be no more covenant between you and them). Certainly Allah likes not the treacherous. () (Al-Anfal verse 58) meaning: breaking a covenant.

### Definition of Islamic Law Objectives

Linguistically, Arabic Maqasid Al-Shariah is defined as objective that has various meanings (Al-Farahidi, Kitab Al-Ain, vol. 3, p. 393, and (1424 - 2003).

Maqasid is defined as straightening the path: The Almighty Allah says, and upon Allah is the direction of the [right] way) (Surat An-Nahl verse 9) the verse suggests that Allah guides you to the straight path i.e. Islam and call upon you with clear arguments and proofs. *Tareeq qasid* means easy and straight. *Safar Qasid* means easy to reach. Moreover, Allah says: “If there had been immediate gain (in sight), and the journey easy, they would (all) without doubt have followed thee, but the distance was long, (and weighed) on them (.” (At-Tawbah 42).

*Maqasid* refer also as justice between two parties: It is between excess and negligence, justice and unfairness. Allah Almighty say: (some who follow a middle course), (Surah Fatir verse 32). The prophet peace be upon him said “*Al Qasd Al Qasd Tablugow*) meaning determine your right intention frequently you all will achieve your goals (Reported by Al-Bukhari, No. (6467) p. 1122. It is said: So-and-so is frugal in the maintenance and has been thrifty, and so-and-so is thrifty in his matter, that is, he/she has determined to be righteous in his/her matters (Al-Razi, 1999; 254).

Maqasid can mean objectives, intention, the request for a thing, and its proof, it is said: (I meant the thing, it has, and I focused on certain intention or direction and headed toward it) (Ibn Manzur, Lisan Al-Arab (section 3 / p. 96).

Objectives of Islamic Law conventionally defined as follows:

- 1) Muhammad Al-Taher bin Ashour defined Maqasid Al-Shariah as: (General Objectives of Islamic Law are the meanings and rulings observed by (Allah) the Lawgiver in all or most cases of legislation (bin Ashour, 2004; 165).
- 2) Alal al-Fassi defined Objectives of Islamic Law as the secrets that the legislator puts for each of its provisions), (Allal al-Fassi, 1993, p.7).
- 3) Ismail Al-Hasani (nd): The intended conciliatory goals of the rulings, and the intended meanings of the speech (Al Quran) (Ismail Al-Hasani).
- 4) Ahmed Al-Raisouni defined it as the goals that Al Quran and sunnah intended to convey to the people. In addition, what are the benefits that work in accordance with the Shariah ruling?
- 5) Based on the previous definitions, we can derive a definition of the Islamic Law Objectives as “the meanings and judgment that (Allah) lawgiver took into account in general to achieve interests and ward off evils).

## METHODOLOGY

The current study follows the inductive analytical approach. The researcher reviews the previous and recently-published literature related to the motives of marital infidelity and its treatment in the light of Islamic Law Objectives. The data were elicited from various resources including research articles, magazines and internet resources. The researcher analyzed the resources which are related to motives of marital infidelity as well as the purposes of Al Sharia related to marriage.

### Participants:

The participants of the study are 120 Yemeni nationals. A demographic analysis of the participants in the next section.

## RESULTS

### Demographic analysis of Participants

**TABLE 1.** Statistical description of the participants

#### 1 - Sex

Variables	Frequencies	Percentage
Female	7	5.8
Male	113	94.2
Total	120	100.0

**TABLE 2.** shows the age of the participants

## 2 – Age

Variables	Frequencies	Percentage
More than 50 years	6	5.0
From 20 to 30 years old	8	6.7
From 31 years to 40 years	54	45.0
From 41 years to 50 years	52	43.3
Total	120	100.0

## 3 - Marriage period

**TABLE 3.** Period of Marriage

Variables	Frequencies	Percentage
Less than 10 years old	19	15.8
More than 10 years and less than 20 years	51	42.5
More than 20 years and less than 30 years	39	32.5
More than 30 years and less than 40 years	9	7.5
More than 40 years	2	1.7
Total	120	100.0

## 4 - Academic qualification

**TABLE 4.** Academic qualification

Variables	Frequencies	Percentage
Scientific leave	3	2.5
Bachelor	13	10.8
Diploma	2	1.7
PhD	62	51.7
Master's	40	33.3
Total	120	100.0

This section presents the statistical results of the mean and standard deviations the study dimensions.

Table 5. Indicates clearly that all the items related to motives for marital infidelity dimension were 3 points above the hypothetical mean score. This result demonstrates that there are reasons and motives for marital infidelity. All the items fulfilled overall means (3.823), standard deviation (1.088) and relative percentage (76%). The following sections present the statistical analysis of each item in the questionnaire.



**TABLE 5.** Means, Standard Deviations, and Percentage of marital infidelity motives

No.	Items	Means	Standard deviation	Percentage
1	Spouses' lack of religious faith is one of the reasons of marital infidelity.	3.96	1.024	0.792
2	Failing to fulfil the rights and obligations between spouses is one of the reasons for marital infidelity.	3.96	.982	0.792
3	Mixing unrelated men with women for long hours and sitting with each other is one of the reasons of marital infidelity.	3.38	1.101	0.676
4	A wife's bad treatment to her husband is one of the reasons of marital infidelity.	3.74	.902	0.748
5	Failure to adhere to Islamic teachings in marital relations is one of the reasons of marital infidelity.	3.30	1.220	0.66
6	Choosing a wife without doing any research about her characteristics is one of the reasons for marital infidelity.	3.67	1.070	0.734
7	Lack of affection between spouses is one of the reasons for marital infidelity.	4.00	1.013	0.8
8	Not restraining the gaze at unrelated men or women is a way to cause disagreement, and it may lead to marital infidelity.	4.02	1.247	0.804
9	Women's display of charms and adornment in front of men is one of the causes of marital infidelity	3.96	1.024	0.792
	Total	3.823	1.088	0.76

### Motives for marital infidelity

1 – Items (7) and (8): “Lack of affection between spouses is one of the reasons for marital infidelity”, “Not restraining the gaze at unrelated men or women is a way to cause disagreement, and it may lead to marital infidelity” achieved the highest agreement among respondents to be the motives for marital infidelity. Clearly, these two items achieve a high mean score (4.00), (4.02) with percentages of 80 %, 80.4% respectively. This indicates that the two items receive the highest agreement compared to remaining items.

2 – Items (1), (2), and (9), namely “Spouses' lack of religious faith is one of the reasons of marital infidelity” “Failing to fulfil the rights and obligations between spouses is one of the reasons for marital infidelity”, “Women's display of charms and adornment in front of men is one of the causes of marital infidelity” achieved the second highest mean score (3.96), and a percentage of (79%). This indicated that this dimension is reliable for assessing the motives underlying marital infidelity.

3 – Items (4) and (6), namely “A wife's bad treatment to her husband is one of the reasons of marital infidelity”, “Choosing a wife without doing any research about her characteristics is one of the reasons for marital infidelity” achieved the third highest mean score (3.74), (3.67) and the participants expressed agreement with a percentage of (74%), and 73%, respectively.



4 - Items (3) and (5): "Failing to fulfil the rights and obligations between spouses is one of the reasons for marital infidelity", "Failure to adhere to Islamic teachings in marital relations is one of the reasons of marital infidelity" achieved a moderate score (3.30), (3.38), with a percentage of (66%) and (67%) respectively which is considered as good response.

The results show that the standard deviation for all items are moderate; they are neither too far apart nor close to their means i.e. they are confined between 1.247 and 0.902.

Based on participants' responses, it can be concluded that the overall mean score proved that there are motives for marital infidelity. Table 1, shows the means, standard deviations, and the relative percentage of the items of the motives for marital infidelity.

### **Solutions to limit incidence of marital infidelity**

Table 2 shows the items related to solutions for limiting incidence of marital infidelity. The mean scores indicate that there are potential solutions for marital infidelity. This statistical result indicates that there is an agreement among participants about potential solutions to marital infidelity with a high response degree, as all items achieved a total mean of (4.366), with a standard deviation of (0.813), and relative percentage (87%). The results of the statistical analysis at the item level are as follows.

1 – Item (2), (3), and (4), namely "treating wives kindly preserves the family entity and cultivates happiness in the Muslim home", "Reducing exposure to temptation that stirs instincts through its various visual, audible means", "Recognizing marital problems at an early stage and tackle them and trying to solve them in positive ways achieved the highest degree of agreement among participants. The mean scores of these items were (4.22) (4.26), (4.30), with percentages of (84%, 85%, 86 %,) respectively.

2 – Items (1) and (5), namely "Spouses should share responsibility and each one has to adhere to these rights and duties accordingly", "Spouses should admit their mistakes and search for a solution instead of denial or persistence so as not to make the other party resort to others to satisfy their desires." achieved the second highest agreement among participants of being solutions to end marital infidelity. The person responsible for the problem should acknowledge his/her mistake and come up with a solution rather than denying so as not to provoke other party to resort to others to satisfy their desires". These items achieved these means scores (4.09), (4.15) respectively, with percentages of 81%, 83%. This indicates that the two items are high in terms of the degree of agreement among participants.

The results indicate that the standard deviation values for all the dimension items are moderate, neither far apart nor close to their mean; they are confined between 0.921 and 0.729. Accordingly, this result comes in favor of the agreement. Table 6 shows the means, standard deviations, and the relative percentage of the items of the dimension of solutions of marital infidelity.

**TABLE 6.** Means, Standard deviations, and percentage of remedy to reduce incidence of marital infidelity

No.	Items	Means	Standard deviation	Percentage
1	Spouses should share responsibility and each one has to adhere to these rights and duties accordingly	4.09	.710	0.818
2	Treating wives kindly preserves the family entity and cultivates happiness in the Muslim home.	4.30	.846	.86
3	Reduce exposure to temptations that provoke instincts through its various visual, audible and readable means.	4.26	.921	0.852
4	Recognizing marital problems at an early stage and tackle them and trying to solve them in positive ways.	4.22	.832	0.844
5	Spouses should admit their mistakes and search for a solution instead of denial or persistence so as not to make the other party resort to others to satisfy their desires.	4.15	.729	0.83
The overall mean of remedy items to reduce marital infidelity		4.366	0.813	0.87

### Negative consequences of marital infidelity.

Table 3 shows that the mean scores of all the items that express consequences of marital infidelity increased more than the hypothetical mean (4). This result indicates that the participants' agreement and that there are negative consequences for marital infidelity. All the items achieved a total mean (3.535), with a standard deviation (0.909) and relative percentage (70%). The following are the results of the statistical analysis at the items level:

- 1) Items (2), (5) and (6) "Divorce is an option taken by one of the spouses as a result of the consequences of marital infidelity", "disintegration of the family is among the results of marital infidelity", and "sadness, depression, anxiety and mental illness are among the consequences of the of marital infidelity" achieved the highest agreement among participants. These items achieved these means scores (4.37), (4.12), (4.00), with percentages of 80%, 82%, 87% respectively. This shows that these items achieved a high degree of agreement in terms of among participants compare with the rest of the items.
- 2) Items (1) and (7) "Divorce is an option taken by one of the spouses as a result of the consequences of marital infidelity", "the spread of sexual diseases such as AIDS, syphilis in society are among the consequences of marital infidelity" achieved the second highest score among participants. The means scores of these items are (3.95) (3.99), with relative percentage (79%) (79%) respectively, with a high degree of agreement.
- 3) Items (3), (4) and (8) "Children's deviation is among the results of marital infidelity", "Violent behavior such as beating, killing is as a result of marital infidelity", "lack of security, stability and peace of mind are among the results of marital infidelity" achieved these mean scores (3.92) (3.93) and (3.94) with relative percentage (78%) (78%) (78%), respectively.

The results indicate that the standard deviations of all the dimension items are moderate, neither far apart nor close to their means i.e. confined between 1.070 and 0.830. Table (7) shows the means, standard deviations, and the relative percentage of the items of the dimension of marital infidelity motives.

**TABLE 7.** Mean, standard deviations, and percentage of consequences of marital infidelity

No.	Items	Means	Standard deviation	Percentage
1	Marital infidelity makes spouses loses trust between each other.	3.99	1.017	0.798
2	Divorce is an option taken by one of the spouses as a result of the consequences of marital infidelity.	4.37	.859	0.874
3	Children's deviation is among the results of marital infidelity	3.93	1.070	0.786
4	lack of security, stability and peace of mind are among the results of marital infidelity	3.94	1.032	0.788
5	Disintegration of the family is among the results of marital infidelity	4.12	.997	0.824
6	Sadness, depression, anxiety and mental illness are among the consequences of the of marital infidelity	4.00	.830	0.8
7	The spread of sexual diseases such as AIDS, syphilis in society are among the consequences of marital infidelity	3.95	.977	0.79
8	Lack of security, stability and peace of mind are among the results of marital infidelity	3.92	.931	.784
Total		3.535	.909	0.707

### Creating marital happiness:

It is evident from Table (8) that all the items that express the dimension: "creating marital happiness" have achieved a mean score greater than the hypothetical mean (4). This result revealed that the participants' agreement on the items that leads to creating marital happiness. All the items achieved a general mean of (4.242), a standard deviation of 0.771 and relative percentage (84%). The following are the results of the statistical analysis at the items level:

1 – The Items, (4) and (5), namely "Mutual appreciation and respect between spouses is part of marital happiness", "mutual concern between spouses and treating each other kindly is among the things that create marital happiness" achieved the highest agreement among participants. The mean scores of these items reached (4.35), (4.39) with percentages (87%) (87%) respectively. This indicates that the two items are higher in terms of degrees of agreement than the rest of the items.

2 – Items (3) and (8), namely " Maintaining physical contact between spouses is one of the things that creates marital happiness" and "Adopting dialogue and openness between spouses by disclosing their needs are among the things that create marital happiness" achieved the second highest degree of agreement among participants. The mean scores reached (4.28) (4.31) (24.3) with relative percentage (85%) (86%) (86%) respectively.

3 – Items (2), (6) and (7), namely “Taking care of well-groomed appearance by both spouses is one of things that create marital happiness”, “Taking long vacations to keep away from the hustle and bustle of life enable spouse to engage in love and tenderness”, “Avoiding stress and depression, showing positive attitude, are among the things that create marital happiness” achieved the third highest degree of agreement among participants. The mean scores of these items were (4.03) (4.08) (4.18) with relative percentage (80%), (81%) and (83%) respectively.

The results indicate that the standard deviation of all the dimension items are moderate, neither far apart nor close to their mean; they range between 0.987 and 0.765. Accordingly, this result indicated the achievement of creating marital happiness based on the participants’ answers, with a high response level through the total mean of the item. Table (8) shows the means, standard deviations, and the relative percentage of the items of “creating marital happiness”.

**TABLE 8.** Means, standard deviations, and percentage creating marital happiness

No.	Items	Means	Standard deviation	Percentage
1	Mutual satisfaction of the two spouses about each other is one of the things that create marital happiness	4.28	.980	0.856
2	Taking care of well-groomed appearance by both spouses is one of things that create marital happiness	4.03	.987	0.806
3	Maintaining physical contact between spouses is one of the things that creates marital happiness	4.32	.850	0.864
4	Fourth: Creating marital happiness: Mutual appreciation and respect between spouses is part of marital happiness.	4.35	.885	.87
5	Mutual concern between spouses and treating each other kindly is among the things that create marital happiness	4.39	.892	.878
6	Taking long vacations to keep away from the hustle and bustle of life enable spouse to engage in love and tenderness	4.18	.799	0.836
7	Avoiding stress and depression, showing positive attitude, are among the things that create marital happiness	4.08	.784	0.816
8	Adopting dialogue and openness between spouses by disclosing their needs are among the things that create marital happiness	4.31	.765	0.862
Total		4.242	0.771	0.848

## DISCUSSION

### *Islamic Law Objectives of marriage and its role in family life.*

Marriage has great and noble purposes. Below, we discuss the most important purposes of marriage.



### Marriage purposes:

Survival of the human species appropriately and satisfactorily since marriage is a reason for the offspring that sustains a human being.

Muslim scholars have unanimously agreed that protecting offspring is one of the five necessities in Islam. In fact, there is no disagreement among Muslim scholars that one of the overall purposes of marriage is to have offspring. The main reason for marriage is to have offspring (Ibn Abi Bey, (nd) 308 p.). Allah created man to achieve two goals, namely worshiping Him and building the earth. The Almighty Allah says: "It is He Who has produced you from the earth and settled you therein" (Surat Hud verse 61). That is colonize you, meaning that He orders you to build the earth. Linguistically, if the Arabic letter (*seen* س and the letter *Ta* ت are added to the beginning of the Arabic verb, they show formula of request. A wise person does not object to the fact that construction of the earth and preservation of the human species depend on reproduction and multiplication of the sons of Adam. Furthermore, birth control affects societies due to old age and extinction. Thus, Islamic jurists have agreed that it is not permissible to issue a general law that limits the freedom of spouses to have children.

### Achieving chastity and virtue and protecting society from immorality.

Prophets, peace be upon them, unanimously agreed that fornication is forbidden since it undeniably has harmful consequences to society and public health. The believer who desires the pleasure of Allah and Paradise should avoid immoralities and major apparent and hidden sins. In fact, there are great deal of temptations, especially in our time. The Almighty Allah said: "And go not nigh to fornication; surely it is an indecency and an evil way" (Surat Al-Isra, verse 32). The almighty Allah commended us not to come near adultery. Islam commanded those who are poor and cannot afford marriage to protect oneself against worldly temptations by fasting and avoiding close contact to the prohibited acts. Moreover, poor Muslims should always strive for making the required dowry for marriage and the Almighty Allah will surely help them. Those who are rich, on the other hand, should respond to the order of the Messenger of Allah, peace be upon him when He said: "Those of you who can afford marriage should marry; it restrains the gaze and fortifies one's chastity. Those who cannot should fast; it controls the sexual desire, (Narrated by Al-Bukhari No. 1605), vol. 3 / p. 26. Another narration concerns young men because they are the most vulnerable to deviation and falling into fornication because of their raging desire. Allah's messenger peace be upon him, said: (O young men, whoever among you can afford it, let him get married, for it is more effective in lowering the gaze and guarding one's chastity. (Narrated by Al-Bukhari in his Sahih No. 5066) / p. 3, and *Al-Ba'a*: is the provisions of marriage, such as housing, alimony, and ability to cohabit. The origin of the word '*Al-Ba'a*' is the word "*tabaw'a*", which means settled, and celibacy does not settle except through marriage.

**Achieving affection, mercy and tranquility between spouses:** The Almighty Allah says: "And among His signs is this, that He created for you mates from among yourselves, that ye may dwell in tranquility with them, And He has put love and mercy between your (hearts): Verily in that are signs for those who reflect). (Surah Al-Rum verse 21).

According this verse, the main purposes of marriage is tranquility and family stability. In order to achieve such purposes, Allah made love and mercy between the husband and the wife. Homogeneity is one of the causes of harmony and acquaintance, just as discord is one of the causes of separation and disharmony (Abi Al-Saud, (no date; 52).

Tranquility and innate attraction are one of the miracles of the almighty Allah. A man loves a woman and get attached to her without any previous relationship. Thus, she will calm him when he is angry, pacifies him when he is anxious and tempted. In order for affection, mercy and serenity to last, it is necessary to act according to the words of Allah: “live with them on a footing of kindness and equity” (Surat An-Nisa, Verse 19) Allah also says: “And women shall have rights similar to the rights against them according to what is equitable” (Surat Al-Baqarah verse 228). Ibn Taymiyyah said: “the intention of marriage is not only to enjoy but also to connect and companion; it is the highest degree of companionship, so whoever does not intend to be accompanied, nor enjoy and have sexual relationship, he must be a liar” (Ibn Taymiyyah, (nd: 272). Ibn al-Qayyim (nd; 85) said: Allah has made marriage a means to affection, mercy, offspring, restraining the gaze, guarding chastity, and so on.

**Having children and building a stable family:** Ibn Abbas, May Allah be pleased with him, interpreted the Quranic verse: “And those who pray, “Our Lord! Grant unto us wives and offspring who will be the comfort of our eyes, and give us (the grace) to lead the righteous” (Surat Al-Furqan, Verse 74), by saying that it is those who act in obedience to Allah will dwell contently in the hereafter (Ibn Katheer, (nd; 119). Al-Hasan Al-Basri, may Allah have mercy on him, says: (By Allah, nothing is more pleasing to the eyes of a Muslim than to see an obedient son. The Prophets of Allah piece be upon them used to pray to the Almighty Allah to grant them righteous children. Prophet Zakaria, peace be upon him, who says: “Oh Allah make my child me one that will (truly) represent me, and represent the posterity of Jacob; O my Lord! One with whom thou art Well-pleased!” (Surat Maryam verse 6), and he (Zakaria) said: “There did Zakariya pray to his Lord saying: “O my Lord! Grant unto me from Thee a progeny that is pure; for you are He that hear prayer!” (Surat Al Imran Verse 38). Moreover, Zakaria, peace be upon him said (Now I fear (what) My relatives (and colleagues) (Will do) after me: But my wife is barren: So give me an heir As from Thyself (5); (One that) will (truly) represent me, and represent the posterity of Jacob; And make him, O my Lord! One with whom Thou art Well-pleased! (6)). (Surat Maryam 5-6). The Messenger of Allah, Mohammed, peace and blessings be upon him, said: “When a man dies, his deeds come to an end except for three things: Sadaqah Jariyah (ceaseless charity); a knowledge which is beneficial, or a virtuous descendant who prays for him (for the deceased). (Narrated by Muslim No. 1631) c/3 pg. 1255. Thus, Islam urged the formation of the family and called for people to live in its shadows. It also warned strongly against trying to get rid of the bonds of family as it endorses that family life is from his Sunnah. Marriage is not only to obtain the pleasure of the Almighty Allah. It is a means of piety, preserver of lineages and the strong bond between parents and the way of harmony between them and their children. In this regard, Al-Tahir bin Ashour, May Allah have mercy on him, says: “Regulation of families in the nation is the basis of its civilization. Therefore, taking great care of controlling the family system was the goal of all human laws. Islamic Sharia serves as a guardian over all the laws so that the rules that it legislated for the family were the most just, reliable and time-honored rules. In fact, the original principle in the legislation of the family matter is the tightening of the bond of marriage and the tightening of the bond of kinship the tightening of the bond of in-laws as well as the tightening of the manner of dissolution of what accepts the dissolution of these three ties (Ibn Ashour (no date; 174-182) pp. 174-182).

**Responding to the innate (fitrah) and the instinctive inclination of the spouses:** spouses should satisfy sexual needs of each other in the legitimate way that Allah has made lawful. (Fair in the eyes of men is the love of things they covet: women and sons; heaped-up hordes of gold and

silver; horses branded (for blood and excellence); and (wealth of) cattle and well-tilled land), (Surah Al Imran Verse 14). Abu Dharr, May Allah be pleased upon him said: The Messenger of Allah, peace and blessings be upon him, said: in the case of one of you have intercourse with his wife is charity.” Companions of the prophet said: O Messenger of Allah, when one of us fulfils his carnal desire will he have some reward for that?” He (peace and blessings of Allah be upon him) said, “Do you not see that if he were to act upon it [his desire] in an unlawful manner then he would be deserving of punishment? Likewise, if he were to act upon it in a lawful manner then he will be deserving of a reward. There is nothing wrong with a man coming to his wife and love to make intercourse. Messenger of Allah, peace and blessings of Allah be upon him, said, “Women and perfume have been made dear to me, but my comfort has been provided in prayer” (Abi Dar Al-Ghafari (nd;763).

In Musnad of Anas bin Malik No. 12294), vol. 35 / p. 376, Messenger of Allah, peace be upon him, said: “You should marry virgins, for their mouths are sweeter, their wombs are more prolific and they are satisfied with less” (Narrated by Ibn Majah in Sunna, section 3 / p. 64, 1861, Jaber bin Abdullah said: I married a widow woman during the reign of the Messenger of Allah (peace and blessings of Allah be upon him) He (The Messenger) said to me: if that possible to marry a virgin woman, she will play and flirt with you (Reported by Imam Al-Bukhari in his Sahih, Vol. 7/p. 37, No. 5247). Sheikh Abu Zahra says: “the purposes of Sharia for legal marriage are represented in three things: First: the satisfaction of sexual desire, achievement of chastity and modesty. The second purpose is to achieve legal procreation, and the satisfaction of the instincts of fatherhood, motherhood, kinship, relationship, building the land, and the worship of Allah is derived from it. The third purpose is to establish a good life based on tranquility, affection, mercy, communication, compassion and cooperation among people, especially relatives. In this way, society is reformed and life is straightened (Abu Zahra, (no date; 7-8).

### **Submitting to the Almighty Allah and following His Messenger**

One of the purposes of marriage is to respond to Allah and follow His Messenger peace be upon him. Among the things that bring pleasure to the heart of a believer is submitting to Allah. It is noticeable that the believers’ heart has no life without submitting to Allah’s commands. Allah Almighty has ordered His servants to marry. Allah says: “marry the unmarried among you and the righteous among your male slaves and female slaves” (Surat An-Nur, Verse 32). The command in the verse is directed to fathers and guardians to marry those who are still single and under their guardianship. Considering their age and experience, the guardians are better able to know the purposes and fruits of marriage. Therefore, acts of obedience are called offerings, so whoever intends to marry in response to the command of Allah, he will come closer to Allah and then he will be rewarded. The servant continues to draw near to his Master (Allah) until he loves Him. The Messenger peace and blessings be upon him, explained His way in marriage when a group of people asked about His worship but they misestimated it, and one of them resolved and said: (I keep away from women and never get married” When the Messenger of Allah may Allah heard about it, he said: “You are the ones who said such-and-such? By Allah, I am the most fearful of Allah and the most pious of you, but I fast and break the fast, I pray and lie down, I marry women, so whoever turns away from my *Sunnah* is not from me” (Reported by Al-Bukhari, Volume 7, pg. 2, No. 5063). The Messenger of Allah, Muhammad, peace be upon him, married and did not violate the *Sunnah* of the prophets before him, whom Allah described and praised. Allah says “We did send apostles before you, and appointed for them wives and children: And it was never the part of an apostle to bring a sign except

as God permitted (or commanded). For each period is a Book (revealed).) (Surat Ar-Ra'd, verse 38). The Messenger peace be upon him also said "whoever is able to marry, let him do that (Narrated by Ibn Majah, No. 1863). He also said: "Whoever among you is able to marry, let him marry) (Al-Bukhari, (1905; 26). In fact, the prophetic command is addressed to those who are able to marry, and thus leaving marriage does not draw Muslims closer to Allah as one of the people believed in the aforementioned hadith.

**Fulfilling half of the religion:** Asceticism is not to leave marriage, and to abandon women. Sufyan bin Uyaynah said: "The abundance of women is not extravagance, because Ali, may God be pleased with him, who married four wives, was the most ascetic of the companions and had four wives." (Ahmed bin Ajiba, "*Al Niat Al Salihat*" Good Intentions, p. 120). If a person asks for marriage, he/she will fulfill half of his/her religion. This confirms what the Messenger peace be upon him said: "Whoever marries has secured half of his religion, let him/her fear Allah in the other half." In another narration, the messenger said: "Half of faith has been completed." (Al-Tabarani included it in *Al-Awsat* vol.7 p.332). While worship is interrupted by death but marriage as worship continues after death. Ibn Abidin said "we have no worship that was established from the era of Adam until now and continues in Paradise except marriage and faith) (Hashiyat Ibn Abidin, vol.3/p.3). It is important to follow the Prophet's guidance which is the essence of righteousness. Righteousness is better than a thousand honors. Imam Ahmed narrated "He who gets married for the sake of Allah and marries one's children off for the sake of Allah will surely deserve to be a friend of the Almighty Allah" (Narrated by Imam Ahmad / pg. 457). The Messenger of Allah (Mohammed) peace be upon him characterizes those who get married for the sake of Allah as being perfectly faithful. He said: "Whoever gives, hates, gets married for the sake of Allah, has perfected his faith) (Narrated by Imam Ahmad in *Al-Musnad*, Vol. 24, p. 399, No. 15638).

## CONCLUSION

This research investigated the concept of marital infidelity in light of Islamic Law Objectives. More specifically, it examines motives for marital infidelity and its impact on the family and society in the Yemeni context. The study reveals the following:

- Understand the concept of marital infidelity and Sharia purposes. Marital infidelity represents each traitorous behavior that harms either partner of the marital relationship in terms of money, honor and life. These include theft, lying, adultery, plotting and endangering the partner's life. Objectives of Islamic Law are meanings and judgment that the legislator (Allah and His Messenger) took into account in general and specially to achieve interests and ward off evil)
- It was found that all the mean of "motives for marital infidelity" is more than the hypothetical mean (3). This result indicates the participants' agreement that there are motives for marital infidelity with a high response degree.
- The study shows that there are serious consequences to marital infidelity such as loss of trust between spouses, divorce and violence,
- It was found that the mean of all the items that express "remedy to reduce the incidence of marital infidelity" is more than the hypothetical mean (4). This result indicates the participants' agreement that there are solutions to marital infidelity with a high response degree.



- The study shows that it explains the reasons for marital happiness include mutual respect, spouse's satisfaction of each other and as well as maintaining physical contact.
- The study shows the significant role of Sharia purposes in marital life in relation to preserving the survival of human race, chastity, protecting society, achieving affection, mercy, tranquility, submitting to Allah and following the Prophet Mohammed peace be upon him.

## RECOMMENDATION

The researcher recommends the establishment of a community organization that conducts educational programs via in the audiovisual media and social media to preserve the family and marital life.

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