

RESEARCH  
ARTICLE**The Islamic Jurisprudential Principles for the Protection  
of the Muslim Family (Measures and Solutions)****Hicham Daoui**

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Muslim family, Islamic Jurisprudential guidelines, family protection, Islamic upbringing, custody, family cohesion, Islamic Sharia, contemporary challenges, Sharia-based solutions.

**Abstract**

This research addresses the topic of “The Islamic Jurisprudential (Fiqh) Principles for the Protection of the Muslim Family, measures and solutions” by reviewing the foundational principles established by Islamic Sharia to ensure family stability and the moral integrity of its members, considering the family as the core unit in building societies. The study begins by highlighting the importance of the family in the Qur’an and the Prophetic Sunnah, and the necessity of preserving its structure in the face of contemporary challenges. It is structured around three main sections: The first examines manifestations of newborn protection in light of Islamic legal rulings; the second discusses education and upbringing as key pillars for child protection; while the third focuses on legitimate methods for safeguarding the family both internally and externally, especially in cases of conflict and domestic disputes. The research also addresses contemporary issues such as custody, separation, and modern childrearing, and proposes Sharia-based alternatives for resolving family-related problems in a way that ensures cohesion and mercy within the Muslim household. The study concludes with a set of findings and practical recommendations that contribute to enhancing family stability in accordance with a balanced Islamic approach.

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**Introduction**

The family is the foundation upon which society is built; it is the first building block from which nations and peoples are formed. When the family is righteous, it produces beneficial individuals who contribute to the development of society and the reinforcement of its stability. However, when the family system becomes dysfunctional and chaos and neglect spread within its structure, the negative impact extends to society as a whole, weakening its foundation and giving rise to widespread problems.

Sociologists have recognized this fact, considering the family the primary source for shaping individuals. If its upbringing is sound and its approach based on ethics and noble values, it produces a generation that carries the banner of goodness and advancement. But if it is afflicted by corruption, it generates individuals who become a burden on their society, and may even pose a threat to its stability.<sup>1</sup>

This concept is confirmed by the Holy Qur’an, which presents a parable of the good land that yields benefit by the permission of Allah, in contrast to the bad land from which nothing emerges but harm – as conveyed in the meaning of the verse in Surah al-A’raf. From this foundation, Islamic Sharia came to establish the pillars of the family upon strong principles of love and justice, recognizing its vital role in building a cohesive society, empowering its individuals, and contributing to the advancement of the nation.

## Significance of the Topic

The importance of this research lies in understanding the proper foundations for raising children, and identifying effective means to protect the family from factors of disintegration and deviation. It also aims to shed light on Qur'anic verses and Prophetic traditions that address family-related issues, in an effort to solve the problems facing the Muslim family in the modern era.

Among the key issues the study tackles is clarifying the truth and proper ruling concerning the custody and care of children, especially in light of conflicting laws that may lead to negligence and harm. It further seeks to present Islamic alternatives to guide caregivers, instead of relying on newly introduced modern methods that may not align with Islamic values.

Additionally, the research addresses how to strengthen familial bonds between spouses when disputes arise, by drawing upon Qur'anic and Prophetic guidance in resolving conflicts – with the aim of preventing the escalation of family problems and preserving the stability of the Muslim household.

## Research Objectives

1. To clarify the fiqh-based guidelines for protecting the Muslim family and enhancing its stability.
2. To analyze the contemporary challenges facing the Muslim family.
3. To propose practical solutions derived from Islamic Sharia to resolve family-related problems.

## Research Problem

How do Islamic jurisprudential (fiqh) guidelines contribute to the protection and stability of the Muslim family, and what solutions does Sharia offer to confront contemporary challenges?

## Research Structure

This study consists of an introduction, three main sections (mabahith), and a conclusion that includes key findings and recommendations.

**Introduction:** Discusses the reasons for choosing the topic, its significance, and the main axes of the study.

**First Section:** Reviews the manifestations of newborn protection in Islam after birth.

**Second Section:** Focuses on child care through education and upbringing.

**Third Section:** Explains methods of protecting the family in Islam, both internally through education and guidance, and externally in facing challenges and risks.

**Conclusion:** Summarizes the main points discussed in the research, followed by key findings and recommendations, and ends with the list of sources and references used.

## Part One: Manifestations of Newborn Protection in Islam After Birth

### Section One: Establishing the Newborn's Life and His Right to Inheritance

Abu Huraira (may Allah be pleased with him) reported that the Prophet (PBUH) said: *"If the newborn cries at birth, he inherits."* It was also narrated from Sa'id ibn al-Musayyib, from Jabir ibn Abd Allah and al-Miswar ibn Makhzuma, that they said: *"The Messenger of Allah (PBUH) ruled that the newborn does not inherit until he cries aloud; his crying includes shouting, sneezing, or weeping."*<sup>2</sup>

This hadith indicates that the establishment of life after birth is a condition for the newborn's entitlement to inheritance. A newborn is not considered legally born unless signs of life appear on him, such as crying, sneezing, or other similar indicators.

### Section Two: The Call to Prayer (Adhan) and Iqama in the Newborn's Ears

It is a Sunnah practice upon the birth of a child to recite the Adhan in his right ear and the Iqama in his left ear. Ibn al-Qayyim clarified the wisdom behind this practice as follows:

- That the first thing the newborn hears are the words of monotheism (*tawhid*), reflecting the greatness and majesty of Allah. This serves as an early planting of Islamic belief, just as a dying person is prompted to utter the testimony of faith.
- The Adhan weakens the influence of Satan, for Satan flees from the words of the Adhan. Thus, the newborn hears what angers Satan and reduces his impact on the child.

- The call to Islam is the first message to reach the newborn's ears, preceding any other influences that might shape his upbringing.<sup>3</sup>

The evidence for this practice is found in the hadith of the Prophet (PBUH): *"Whoever has a newborn and recites the Adhan in his right ear and the Iqama in his left ear, the 'Umm al-Sibyan' (harmful spirits) will not harm him."*<sup>4</sup>

Another wisdom lies in strengthening the oral muscles through the movement of the tongue, palate, and jaws, helping the newborn to naturally and effectively latch onto the breast and suckle.

Tahneek refers to the practice of chewing a date and placing a small portion of it on one's finger, then gently rubbing it inside the newborn's mouth from right to left so that its taste spreads throughout his mouth. If a date is not available, any sweet substance may be used, such as thickened syrup or sugar mixed with rose water, in accordance with the Sunnah and the example of the Prophet (PBUH).

This is affirmed in the hadith of Abu Burda, who narrated from Abu Musa (may Allah be pleased with him): *"A boy was born to me, and I brought him to the Prophet (PBUH). He named him Ibrahim, performed tahneek with a date, supplicated for him for blessings, and then returned him to me."*

As for shaving the newborn's hair, Ibn al-Qayyim mentioned several health benefits, such as strengthening the child, opening the pores on his head, and enhancing his senses of sight, smell, and hearing.<sup>5</sup> The social wisdom behind giving charity equal to the weight of the shaved hair in silver lies in expressing social solidarity, as it helps relieve the suffering of the poor and reinforces values of cooperation and compassion within the community.

### Section Three: The 'Aqiqah and Its Importance

The 'Aqiqah is the sacrifice of a sheep for the newborn on his seventh day. Its legitimacy is established by the hadith of the Prophet (PBUH): *"Every child is held in pledge for his 'Aqiqah, which should be slaughtered for him on the seventh day, his head shaved, and he be named."*<sup>6</sup>

#### Wisdom behind the 'Aqiqah:

The 'Aqiqah is an offering to seek nearness to Allah on behalf of the child from the moment of his birth, and a ransom to protect him from calamities, similar to how Allah ransomed Isma'il (PBUH) with a great sacrifice. It also serves as proof for the child to intercede for his biological parents.<sup>7</sup>

#### Social benefits of the 'Aqiqah:

- Strengthening bonds of love within the community, as people gather to celebrate the newborn with shared meals.
- Supporting social solidarity, as the 'Aqiqah promotes values of **social justice** and alleviates poverty and deprivation.
- Reviving the spirit of cooperation and compassion, thereby reinforcing the unity and cohesion of the community.<sup>8</sup>

### Section Four: Circumcision and Its Importance

**Linguistic definition:** Cutting the foreskin that covers the head of the male organ.

**Juridical definition:** It is the circular fold beneath the glans, the removal of which is the basis for relevant Islamic legal rulings.

Its legitimacy is established in the hadith of the Prophet (PBUH): *"When the two circumcised parts meet, ghusl becomes obligatory,"* as narrated by Imam Ahmad and al-Tirmidhi. The Prophet (PBUH) also said: *"Part of the natural disposition (fitrah) is: rinsing the mouth, sniffing water into the nose, trimming the mustache, using the siwak, clipping the nails, plucking the armpit hair, shaving the pubic hair, and circumcision."*<sup>9</sup>

#### A. Wisdom and Importance of Circumcision

- It is a symbol of Islam and an emblem of natural disposition (*fitrah*).
- It completes the pure monotheistic path (*hanifiyyah*) prescribed by Allah through Ibrahim (PBUH), as Allah says: *"Then We revealed to you: Follow the religion of Ibrahim, the upright, and he was not of the polytheists."*
- It distinguishes Muslims from followers of other religions.
- It represents submission to Allah and obedience to His commands.

- It brings cleanliness, enhances appearance, and contributes to physical refinement.
- It helps regulate sexual desire.
- It is an important health measure, protecting from various diseases.
- It eliminates fatty secretions that may accumulate in the circumcision area.
- It prevents the risk of glans entrapment during extension, avoiding specific medical issues.<sup>10</sup>

Circumcision offers several health benefits: it reduces the risk of genital cancers and helps prevent nocturnal enuresis (bedwetting). Prophet Ibrahim (PBUH) was the first to practice circumcision, doing so at the age of eighty, as reported in the hadith of Abu Huraira (may Allah be pleased with him), recorded by al-Bukhari and Muslim. In another narration, it is mentioned that Ibrahim was the first to host guests, the first to wear trousers, and the first to be circumcised. This practice continued among the prophets and their followers until the advent of Prophet Muhammad (PBUH), after which it became a defining ritual of fitrah and a Sunnah emulated by Muslims in pursuit of purity and righteous adherence.

The mother is the person closest to her child, the one who shows the most compassion and tenderness. Her milk is the ideal nourishment, containing all the nutritional elements appropriate for the child's developmental stages—something unanimously confirmed by medical professionals. Allah grants the mother sufficient milk for her child and instills love and mercy in her heart, motivating her to care for and breastfeed him without hardship, as she feels he is a part of her.

Islamic texts command mothers to breastfeed their children, as in the meaning of the verse in Surah al-Baqarah, which encourages nursing for two complete years for those who wish to complete the term of breastfeeding.

Allah also praises the mother who nurses her child and emphasizes her right to honor and kindness. In the meaning of the verse in Surah Luqman, Allah notes that *the mother bears her child in weakness upon weakness, and his weaning is in two years*, requiring gratitude toward Allah and the parents.

Jurisprudents have agreed that **breastfeeding is religiously obligatory** on the mother, whether she is married to the child's father or divorced. If she refuses while being able, she is accountable before Allah. As for whether she is legally compelled to breastfeed, that depends on the child's circumstances and the availability of another nurse:

- If no other woman is available to nurse the child, or the father cannot afford to hire a nurse, or if the child refuses to nurse from another woman, then the mother must breastfeed and may be compelled to do so to preserve the child's life.
- If another nurse is available, she cannot be legally forced to breastfeed; in this case, financial support is the father's responsibility.<sup>11</sup>

Islam's concern for the nursing child is further illustrated in the story of the al-Ghamidiyyah woman who became pregnant from adultery and came to the Prophet (PBUH) requesting the implementation of the prescribed punishment. He told her: "Go until you give birth."<sup>12</sup> When she delivered the child, she brought him to the Prophet (PBUH), and he said: "Go and breastfeed him until you wean him." Once she weaned him, she brought him along with a piece of bread, showing he could eat solid food. Only then did the Prophet (PBUH) carry out the punishment, having ensured that the child no longer depended on his mother's milk.<sup>13</sup>

It is also reported that Caliph Umar ibn al-Khattab (may Allah be pleased with him) did not allocate a share from the public treasury for a child until he was weaned. However, he changed this decision when he overheard a mother weaning her child prematurely out of fear of losing financial support. He said: "You almost caused his death!" and then decreed that the child be granted his financial share from birth, to encourage longer breastfeeding durations.

As for the legal rulings of breastfeeding, the majority of jurists agree that the type of nursing that establishes kinship (mahramiyya) and prohibits marriage is that which occurs within the first two years of the child's life.<sup>14</sup>

## Part Two: Protection of the Newborn Through Care, Guidance, Upbringing, and Education

A child is more influenced by the behavior of those around him than by direct instruction. Imitation is a defining characteristic during his early years. A child raised in an environment where prayer is observed, the Qur'an is recited, and Islamic values such as compassion, honesty, cleanliness, and generosity are practiced, will naturally grow up committed to Islam—without the need for direct guidance. Conversely, a child raised in an environment

devoid of prayer, dominated by lying and musical distractions, will adopt such behaviors, negatively affecting his success in life.<sup>15</sup>

The Prophet (PBUH) advised: *“Discipline your children upon three qualities: love of your Prophet, love for his family, and recitation of the Qur’an. For the bearers of the Qur’an will be in the shade of Allah’s Throne on a day when there is no shade but His, along with His prophets and chosen ones.”* (Kanz al-‘Ummal, no. 45409) The Qur’an has a profound impact on the human soul, and the purer the soul, the greater its receptiveness to it. Due to the natural purity of a child’s heart, he is more prepared to be influenced by the Qur’an. For this reason, the Makkan verses are short and easy to memorize, facilitating their comprehension and recitation by children.<sup>16</sup>

There are remarkable examples of early Qur’an memorization, including:

- **Imam al-Shafi’i**, who said: *“I memorized the Qur’an at the age of seven, and the Muwatta’ at the age of ten.”*<sup>17</sup>
- **Sahl ibn ‘Abd Allah al-Tustari**, who learned and memorized the Qur’an at the age of six or seven.
- **Imam al-Nawawi**, who would avoid playing with other children and preferred reading the Qur’an, to the point that his teacher foresaw for him a great future in knowledge and worship.<sup>18</sup>

As for the love of the Prophet (PBUH), it is a fundamental element in the child’s upbringing. The human psyche, especially during its formative years, seeks to imitate the most powerful figure it perceives. Islamic education emphasizes cultivating love for the Prophet (PBUH) so that he becomes a role model in the child’s life—shaping his character and values through admiration of his noble conduct and virtuous biography.<sup>19</sup>

- Both the young child and the grown adult are drawn to the personality of the Prophet (PBUH). He is the unchanging, steadfast role model—the most complete of all human beings and the best of all Allah’s messengers. The Qur’an, in the meaning of the verse in Surah al-Ahzab, affirms that *“Indeed, in the Messenger of Allah you have an excellent example for anyone who hopes in Allah and the Last Day, and remembers Allah often.”*
- The psychological and neurological illnesses spreading in today’s societies are largely the result of straying from righteous role models and failing to emulate the Prophet (PBUH). As warned in Surah al-Nur, violating the command of the Prophet may result in tribulation or a painful punishment.

The Prophet (PBUH) also recommended instilling connection with Allah in children from a young age. He said: *“Let the first word your children speak be ‘La ilaha illa Allah’, and teach them this again at death.”* Ibn al-Qayyim, in his book *Ahkam al-Mawlad*, said: *“When the time comes for a child to speak, let him be taught to say: ‘La ilaha illa Allah, Muhammad Rasul Allah.’ Let the first words he hears be about knowing Allah, His Oneness, and that He is above His Throne, watching over them, hearing their words, and being with them wherever they may be.”*<sup>20</sup>

Every child has unique issues—psychological, social, or economic—and these vary from one child to another. This highlights the importance of sound upbringing based on instilling religious values and following a righteous example, so as to build strong and balanced personalities capable of confronting life’s challenges with firmness and faith.<sup>21</sup>

Islam has placed great emphasis on instilling love for Allah, reliance on Him, and teaching children to be aware of His constant presence and to believe in divine decree (*qada’ and qadar*). This was the Prophet’s (PBUH) method in educating children.

Al-Tirmidhi narrated from Ibn ‘Abbas (may Allah be pleased with him) who said: *“One day, I was riding behind the Prophet (PBUH) when he said: ‘O young boy, I will teach you some words: Be mindful of Allah, and He will protect you. Be mindful of Allah, and you will find Him before you. If you ask, ask of Allah; and if you seek help, seek help from Allah. Know that if the entire nation were to gather to benefit you with something, they would not benefit you except with what Allah has already decreed for you. And if they gathered to harm you with something, they would not harm you except with what Allah has already written against you. The pens have been lifted and the pages have dried.’”*

In another narration: *“Get to know Allah in times of ease, and He will know you in times of hardship. Know that what missed you could never have hit you, and what hit you could never have missed you. Know that victory comes with patience, relief with hardship, and that with difficulty comes ease.”*

This hadith has a profound impact on the child’s upbringing. It instills reliance on Allah, acceptance of divine decree, and the strength to face hardships without fear or hesitation. What form of education—old or new—can reach a child’s heart as deeply as this hadith?<sup>22</sup>

#### Subsection One: Teaching Children to Pray



The Prophet (PBUH) commanded that children be trained to pray from an early age. He said: *“Command your children to pray at the age of seven, and discipline them for it at the age of ten, and separate them in their beds.”*<sup>23</sup>

Therefore, children must be taught religious obligations from a young age and connected to them through proper educational methods. The Prophet (PBUH) was keen on teaching prayer practically. As reported by al-Bukhari, he once prayed on the pulpit so that people could observe how he performed the prayer and learn from him.

The Prophet (PBUH) also personally taught children what they needed for their prayers. For example, al-Hasan ibn ‘Ali (may Allah be pleased with him) said: *“The Messenger of Allah (PBUH) taught me words to say in witr: ‘O Allah, guide me among those You have guided, and grant me wellbeing among those You have granted wellbeing...’”*<sup>24</sup>

Thus, Islamic upbringing aims to instill religious values in the child from an early age so that he grows up spiritually connected to his Lord and ready to face life with confidence and faith.<sup>25</sup>

The Prophetic approach emphasizes establishing faith and commitment to worship in children's hearts. During childhood, the natural disposition (*fitrah*) still prevails, and Satan has not yet fully penetrated the child's soul. A child's negligence in prayer is a sign that satanic influence is beginning to take hold; thus, it requires a prophetic remedy, namely justified discipline. This must be accompanied by an explanation to the child of the reason behind this structure, including reminding him of the words of the Prophet (PBUH): *“Be mindful of Allah, and He will protect you. Be mindful of Allah, and you will find Him before you. If you ask, ask Allah. If you seek help, seek help from Allah...”* This method is grounded in the certainty that if the entire nation gathered to benefit someone, they could only do so with what Allah had already decreed; and if they gathered to harm him, they could not do so except with what Allah had already written. *The pens have been lifted and the pages have dried.*

It is also recommended to accustom the child to praying in the mosque. A person raised on something continues with it into adulthood. The child should also be taught the etiquettes of sitting and behaving in the house of Allah. Scholars unanimously agree that it is permissible to bring a child to the mosque if he can stand in the prayer line beside the adult and displays modesty and decorum. There is no harm in this, and it increases his attachment to sacred places.

In this context, parents must be keen to teach their child all the manners of dealing with Allah and His Messenger, starting with the etiquette of drawing near to Allah—by following the command in the Qur'an *not to put oneself forward before Allah and His Messenger* and to fear Him. Then comes etiquette with the Prophet (PBUH), such as lowering voices and behaving with reverence in his presence; etiquette in seeking knowledge, which requires patience and commitment; etiquette in the mosque, which involves respecting its sanctity and beauty; and etiquette with parents, neighbors, and friends. There are also street manners, which require giving the road its due, as the Prophet (PBUH) said—*lowering the gaze, returning greetings, enjoining what is right and forbidding what is wrong.*<sup>26</sup>

Behavioral refinement and good manners are not merely external rules but rather a planting of innate values within children from the earliest age. This instills in them a tendency to respond to virtue and high morals, which are the fruits of firm faith. Divine awareness becomes present in their lives, reflected in their conduct through honesty, trustworthiness, uprightness, and selflessness. As the Prophet (PBUH) instructed: *“Honor your children and discipline them well.”* Thus, children are liberated from corrupt pre-Islamic traditions and build their futures on foundations of mercy and justice. Love, compassion, and kindness are the essential elements they need to grow up with psychological well-being, free of resentment and inner turmoil, and filled instead with hope and unwavering trust.<sup>27</sup>

The responsibility of parents in raising children with such virtues is not limited to religious instruction alone; it also includes teaching good morals in dealings with others and achieving justice among them. When justice prevails and jealousy and grudges disappear, strong bonds of affection and unity are established among siblings. The Prophet (PBUH) emphasized this by saying: *“Whoever does not show mercy to our young will not receive mercy.”*<sup>28</sup>

In this way, the righteous parent will have fulfilled their mission of preparing a generation aspiring to a bright future, built on strength, faith, and honesty, and grounded in the enduring values of mercy and justice. Their hearts will remain attached to the love of Allah and His Messenger, making them role models in righteousness and good deeds. They will seek Allah's help in all matters, ultimately becoming a source of moral reform and a standard-bearer of goodness in society.<sup>29</sup>

### Part Three: Protection of the Family in Islam Internally and Externally

Islam pays close attention to protecting the family both from within and from external influences. This protection is manifested in the following aspects:

1. **Preserving Lineage and Preventing Illegitimacy:** Islam emphasizes the protection of lineage and considers attributing oneself to someone other than one's biological father a major sin—reaching the level of disbelief. The Prophet (PBUH) said: “*Whoever claims to belong to someone other than his father, knowingly, Paradise is forbidden to him.*” (Reported by Ahmad and Abu Dawud). This severe prohibition aims to safeguard human dignity, protect family rights, and ensure every individual's lineage is linked to their true biological origin.<sup>30</sup>

2. **Establishing Maternity Through Birth:** The child's lineage to the mother is categorically affirmed through childbirth, without the need for any other condition—regardless of whether the marriage is valid, invalid, based on misconception, or even illicit. Birth alone serves as decisive evidence of maternal lineage.<sup>31</sup>

3. **Establishing Paternity Through Legal Marital Bond:** For men, paternity is only established through a valid marital bond (*al-firash*) or its equivalent. The valid *firash* refers to a lawful marriage that renders the relationship permissible. Paternity may also be affirmed in cases of actual consummation within an invalid marriage or a relationship based on mistaken identity (*shubha*), in order to protect the rights of children and prevent lineage confusion.<sup>32</sup>

4. **Conditions for Affirming Lineage to the Husband:** Islam has established several conditions for affirming a child's lineage to the husband, to ensure the preservation of family lineage and avoid confusion:

- **Duration of pregnancy and time of marriage:** If the wife gives birth six months or more after marriage, the child's lineage is affirmed to the husband—whether or not he acknowledges it. If he denies it, he must resort to *li'an* (mutual oath) to repudiate the lineage.

- **Conditions for valid denial:** Denial is only accepted if the husband has not previously explicitly or implicitly acknowledged the child.

- **Explicit acknowledgment:** For example, affirming during the pregnancy that the child is his.

- **Implicit acknowledgment:** Preparing for the birth or accepting congratulations on the child's arrival.

- **Minimum gestational period:** If a woman gives birth in less than six months from the marriage contract, paternity is not affirmed to the husband, as the pregnancy must have occurred prior to marriage—this is unanimously agreed upon by jurists.

- **Possibility of marital intimacy:** Lineage is not affirmed if the husband is prepubescent or incapable of reproduction, or if it is proven that he never met the wife after the contract.<sup>33</sup>

5. **Methods of Affirming Lineage:** Islam upholds legitimate methods of establishing lineage that preserve rights and prevent confusion, including:

#### A. Acknowledgment of Lineage:

If a person acknowledges a child as his own, the lineage is affirmed with all associated legal rights—under the following conditions:

0. The child must be of unknown lineage; otherwise, acknowledgment is not accepted.

1. The child must be of plausible age to be born to the claimant.

2. The claimant must not explicitly state that the child is a result of adultery, as adultery is not a valid basis for lineage in Islam.<sup>34</sup>

#### B. Legal Claim of Lineage:

If someone claims to be the child or father of another, or a close relative, the court will examine the claim according to Islamic legal standards. If:

- The defendant denies the lineage.
- The claimant provides valid legal evidence.
- The judge rules based on that evidence.

Then the lineage is affirmed with all its legal implications.

#### C. Abolishment of Adoption:

Islam abolished the pre-Islamic custom of adoption, as it led to lineage confusion and false claims. The Qur'an clearly prohibited adoption and nullified all its legal consequences.<sup>35</sup>

#### 6. Biological Parenthood, Adoption, and Foundlings:

### A. Biological Parenthood (Banuwah):

Biological parenthood is the legal relationship between a child and his/her natural parents, stemming from a lawful marriage or its equivalent. It is a fundamental bond based on authentic lineage, from which legal rights and responsibilities arise.<sup>36</sup>

### B. Adoption (Tabanni):

Adoption is when a man or woman claims a child—whether of known or unknown lineage—as their own, even though the child is not biologically theirs. Islam abolished this practice to preserve true lineage. As stated in the Qur'an: *"And He did not make your adopted sons your [true] sons. That is [merely] your saying by your mouths, but Allah says the truth and He guides to the [right] way. Call them by [the names of] their fathers; that is more just in the sight of Allah."* (Al-Aḥzab: 4–5)

### C. Foundling (Laqit):

A foundling is a young child discovered in an unknown place, with unknown parents. If someone claims the child as his own and the circumstances (age and context) make it possible, the child is affiliated with the claimant to preserve his welfare—provided that this does not harm others.<sup>37</sup>

## 7. The Rulings and Etiquettes of Seeking Permission (Istidhan) in Islam:

Based on the Qur'an and the Sunnah, Islam emphasizes the importance of seeking permission before entering others' homes, to respect privacy and protect families from embarrassment or unwanted surprises.

Istidhan is divided into three main categories:

### A. Seeking Permission to Enter Private Homes:

A person must seek permission before entering someone else's house—whether for a visit or any other reason—and must choose an appropriate time that does not coincide with rest or meals.

### B. Seeking Permission in Public Places:

Although these places are open to all, one must still observe etiquette and avoid invading others' privacy.

### C. Seeking Permission Inside One's Own Home:

This applies to seeking permission before entering the rooms of family members—especially during sensitive times like dawn, nap time, or after evening prayers, as outlined in the Qur'an.<sup>38</sup>

One of the important etiquettes of seeking permission is that the visitor should stand to the side of the door and not directly in front of it, so as not to see anything private when the door is opened. It is also preferable that the request to enter be made politely and gently, in a way that puts the residents at ease and makes them feel welcomed rather than intruded upon.<sup>39</sup>

### D. The Number of Times Permission Should Be Sought

**The Sunnah Regarding the Number of Attempts:** In Islam, the Sunnah prescribes that one should seek permission three times only, and not exceed this unless certain that the person being sought did not hear. Imam Malik stated: *"Seeking permission should be done three times. I do not like that anyone exceeds this unless he is sure he was not heard—then there is no harm in repeating it."*

**Evidential Basis from the Sunnah:** This ruling is supported by the well-known incident involving Abu Musa al-Ash'ari and 'Umar ibn al-Khaṭṭab, as reported in *Ṣaḥīḥayn* (the two authentic collections). According to Abu Sa'id al-Khudri: *"We were sitting in a gathering of the Anṣār when Abu Musa al-Ash'ari came in a panic. We asked him, 'What alarmed you?' He said, 'I sought permission three times and was not granted entry, so I returned. The Messenger of Allah (PBUH) said: If one of you seeks permission three times and is not granted it, let him return.'"*<sup>40</sup>

In another narration by Abu Hurayrah, it is stated: *"The first time of asking is to be heard, the second to allow them to prepare, and the third to either admit or reject you,"* indicating that three times is sufficient to gauge the host's willingness to receive a visitor.

**Wisdom Behind the Limit of Three Requests:** Imam al-Qurṭubī explains that limiting the number to three has wisdom: generally, speech repeated three times is heard and understood. The Prophet (PBUH) would often repeat important phrases three times for clarity, and he would also greet a group three times when offering salutations.



If the person is not admitted after three attempts, it indicates the household may be unwilling or unable to receive visitors. Hence, good manners require the visitor to leave without causing embarrassment or pressure.<sup>41</sup>

It is also narrated that when **Abu Ayyub al-Anṣari** once sought permission and the Prophet (PBUH) emerged quickly, he said: *“Perhaps we hastened you,”* showing the Prophet’s consideration for the host’s circumstances and his attentiveness to avoiding discomfort.

## 10. Resolving Family Disputes in Islam

Family relationships are built on mutual respect and affection. Because these relationships involve sensitive matters and deep trust, Islamic law emphasizes resolving family conflicts internally, without involving outsiders, to preserve privacy and integrity.

### A. How to Deal with Marital Disobedience (Nushuz)

If a husband senses signs of nushuz (rebelliousness or disobedience) in his wife, Islam lays out a gradual and restorative process to address the issue, providing an opportunity for reconciliation at every stage:

#### 1. Admonition and Reminder:

The husband should begin by advising his wife, using verses from the Qur’an and teachings from the Sunnah, reminding her of her duties and the importance of obedience in what is reasonable.

#### 2. Separation in Bed:

If admonition fails, the husband may separate from his wife in bed as a form of emotional communication that signals his dissatisfaction—intended to prompt reflection.

#### 3. Non-Harmful Disciplinary Tapping:

If the behavior persists, Islam permits a symbolic, non-injurious strike, not intended to harm or degrade but to convey the seriousness of the situation. This step is subject to strict conditions: it must not be violent, humiliating, or harmful in any way.

The Qur’an outlines this stepwise approach in the verse:

*“And those [wives] from whom you fear rebellion—admonish them, [then] leave them in beds, [and finally] strike them [lightly]. But if they obey you [once more], seek no means against them. Indeed, Allah is Most High and Grand.” (Surat al-Nisa’: 34)*

### B. Striking a Balance in Addressing Marital Issues

The objective of these rulings is not to harm the wife, but rather to preserve the structure and integrity of the family. Each step must be applied with a balanced approach of justice and compassion, without abuse or excess.

If the wife responds positively at any stage of the previously mentioned measures, the husband no longer has the right to proceed to the next step. The goal is not escalation, but reconciliation and restoration of harmony.

However, if the conflict persists despite all individual efforts, resorting to arbitration between family members becomes the most appropriate and fair solution to resolve the dispute.

**“If you fear a breach between the two, appoint [two] arbiters: one from his family and one from hers. If they desire reconciliation, Allah will cause it between them. Indeed, Allah is Knowing and Aware.” (Surat al-Nisa’: 35)**

Through this system of gradual reform and impartial mediation, Islam safeguards both spouses’ rights and maintains the sanctity and stability of the family unit.<sup>42</sup>

## Conclusion

The Muslim family is the foundational pillar upon which a strong and cohesive society is built. For this reason, Islam has provided a comprehensive system of principles and measures to safeguard it—beginning with the newborn’s care, followed by education and upbringing, and culminating in the reinforcement of family stability and the confrontation of internal and external challenges.

Throughout this study, we explored the most significant Islamic rulings related to the protection of the child and the family. We also examined the vital role of Islamic education in raising generations upon sound principles and values.

## Findings

1. Islam established a comprehensive system for the protection of the family, from caring for the newborn to strengthening family bonds.
2. Islamic education plays a fundamental role in instilling values and ethics in children, thereby contributing to the development of a responsible and beneficial generation.
3. The most effective tools for protecting the family in Islam include religious guidance, sound upbringing, strengthening the marital relationship, and preserving children's rights.

#### Recommendations

4. Enhance the role of the family in instilling Islamic values through proper upbringing and by setting a righteous example for children.
5. Promote awareness of the importance of a marriage built on affection and mercy, and the need to adhere to Islamic teachings in resolving marital disputes.
6. Emphasize the responsibility of educational and media institutions in reinforcing the principles of Islam that protect the family from moral decay and disintegration.

#### References

7. Sha'ban, Z. al-D. *Individual Guarantees in Islamic Law*. Cairo, Egypt: Al-Maktabah al-'Arabiyyah.
8. Al-Razi. (2000). *Spiritual Medicine* (A. M. al-'Abd, Ed.). Beirut, Lebanon: Dar Ihya' al-Turath al-'Arabi.
9. Qutb, S. (2004). *In the Shade of the Qur'an*. Beirut, Lebanon: Dar al-Shuruq.
10. Ibn al-Qayyim al-Jawziyyah. (1997). *Rulings Concerning Children*. Beirut, Lebanon: Dar al-Kutub al-'Ilmiyyah.
11. Al-Qurtubi, M. ibn Ahmad. (2006). *The Compendium of Qur'anic Rulings (Al-Jami' li-Ahkam al-Qur'an)*. Beirut, Lebanon: Dar al-Kutub al-'Ilmiyyah.
12. Hussein, A. Faraj. (2000). *Family Law in Islam*. Beirut, Lebanon: Al-Dar al-Jami'iyyah.
13. Ibn Qudamah, A. ibn Ahmad. (1968). *Al-Mughni* (S. Rida, Ed., 3rd ed.). Cairo, Egypt: Dar al-Manar.
14. Ibn 'Abd al-Barr, Y. ibn 'Abdullah. (1999). *Al-Tamhid li-ma fi al-Muwatta' min al-Ma'ani wa al-Asanid* (M. al-'Alawi & M. al-Bakri, Eds.). Beirut, Lebanon: Mu'assasat al-Qurtuba.
15. 'Alwan, A. Nasih. (2002). *Raising Children in Islam*. Cairo, Egypt: Dar al-Salam for Printing and Publishing.
16. Al-Baltaji, M. (2000). *Studies on Family Law*. Cairo, Egypt: Maktabat al-Shabab.
17. Al-Bukhari, M. ibn Isma'il. (2001). *Sahih al-Bukhari* (M. D. al-Bugha, Ed.). Beirut, Lebanon: Dar Ibn Kathir. - Includes: Book of Seeking Permission; Book of Righteousness and Kinship; Chapter on Preaching from the Pulpit (Vol. 2, p. 41).
18. Suwayd, M. Nur. (n.d.). *The Prophetic Method for Raising Children*. Kuwait: Maktabat al-Mukhtar al-Islami.
19. Siham, D. (n.d.). *The Child in Islamic Law and the Prophetic Educational Method*. Beirut, Lebanon: Al-Maktabah al-'Asriyyah.
20. Al-Ghazali, A. H. (n.d.). *The Revival of the Religious Sciences (Ihya' 'Ulum al-Din)*. Cairo, Egypt: Dar al-Sha'b.
21. Al-Ghazali, A. H. *Ihya' 'Ulum al-Din (The Revival of the Religious Sciences)*. Beirut, Lebanon: Dar al-Kutub al-'Ilmiyyah.  
(Note: This is a duplicate reference with a different publisher. Keep both if both were used.)
22. Al-Bukhari, M. ibn Isma'il. (2001). *Sahih al-Bukhari*, Book of Righteousness and Kinship (M. D. al-Bugha, Ed.). Beirut, Lebanon: Dar Ibn Kathir.  
(Note: Repeat of ref. 11 but cited for a different book/chapter. Keep if cited distinctly.)
23. Al-Bukhari, M. ibn Isma'il. (2001). *Sahih al-Bukhari*, Book of Seeking Permission (M. D. al-Bugha, Ed.). Beirut, Lebanon: Dar Ibn Kathir.  
(Note: Repeat of ref. 11. May be merged depending on citation needs.)

#### Endnotes

- <sup>1</sup> Muhammad al-Madani, *The Human Society as Regulated in Surah al-Nisa'*, Supreme Council for Islamic Affairs, Cairo, 1962, p. 166.
- <sup>2</sup> Abu Dawud, *Sunan Abi Dawud*, Hadith No. 2920.
- <sup>3</sup> Al-Darimi, *Sunan al-Darimi*, vol. 2, p. 393.
- <sup>4</sup> Ibn al-Qayyim al-Jawziyyah, *Tuhfat al-Mawdud bi-Ahkam al-Mawlud*, in *Raising Children*, vol. 1, p. 63.
- <sup>5</sup> Al-Bukhari and Muslim, hadith narrated from Abu Burdah on the authority of Abu Musa al-Ash'ari (may Allah be pleased with them).
- <sup>6</sup> Mahmoud Muhammad 'Imarah, *Raising the Young Generation under Islam*, p. 134.
- <sup>7</sup> Ibn Kathir, *Al-Bidayah wa al-Nihayah*, vol. 2, p. 57; see also al-Albani, *al-Ghayli*, vol. 4, p. 385.
- <sup>8</sup> Abdullah Nasih 'Alwan, *Raising Children in Islam*, p. 86.
- <sup>9</sup> Ibid., vol. 1, p. 82; see also Muhammad Nur Sa'id, *The Islamic Educational Method*, pp. 67-68.
- <sup>10</sup> Al-Sabbagh, *Ithaf al-Sadah al-Muttaqin bi-Sharh Ihya' 'Ulum al-Din*, vol. 2, p. 383.
- <sup>11</sup> Ahmad Faraj Hussein, *Family Law in Islam*, pp. 269-271.
- <sup>12</sup> Muslim, *Sahih Muslim*, Hadith No. 1322; Ahmad ibn Hanbal, *Musnad Ahmad*, vol. 5, p. 348.
- <sup>13</sup> 'Abd al-Razzaq, *Al-Musannaf*, vol. 5, p. 311.
- <sup>14</sup> Muhammad Ali al-Sabuni, *Tafsir Ayat al-Ahkam*, vol. 1, p. 354.
- <sup>15</sup> Muhammad Nur Sa'id, *The Islamic Educational Method for the Child*, pp. 108-109.
- <sup>16</sup> Ibid., pp. 108-109.
- <sup>17</sup> Al-Suyuti, *Tabaqat al-Huffaz*, p. 154.
- <sup>18</sup> Abu Hamid al-Ghazali, *Ihya' 'Ulum al-Din*, vol. 3, p. 82.
- <sup>19</sup> Taqi al-Din al-Subki, *Al-Tabaqat al-Kubra*, vol. 3, p. 82.
- <sup>20</sup> Al-Sabbagh, *Ithaf al-Sadah al-Muttaqin*, vol. 10, p. 257.
- <sup>21</sup> 'Alwan, *Raising Children in Islam*, vol. 1, p. 62.
- <sup>22</sup> Al-Bukhari, *Sahih al-Bukhari*, vol. 2, p. 41, "Chapter on Preaching from the Pulpit".
- <sup>23</sup> Muhammad Nur Sa'id, *op. cit.*, pp. 86-87.
- <sup>24</sup> Abu Dawud, *op. cit.*
- <sup>25</sup> Muhammad Munir Sa'd, *The Child in Islamic Law and the Prophetic Educational Method*, pp. 273-274.
- <sup>26</sup> Al-Baghawi, *Sharh al-Sunnah*, vol. 12, p. 246, Book of Seeking Permission, "Chapter on Greeting Children".
- <sup>27</sup> Ibid., vol. 13, p. 34, Book of Righteousness and Kinship, "Chapter on Showing Mercy and Kissing Children".
- <sup>28</sup> 'Alwan, *op. cit.*, p. 264.
- <sup>29</sup> Ibn 'Abd al-Barr, *Al-Tamhid*, vol. 7, p. 228; Al-Bukhari, *op. cit.*, vol. 3, p. 224.
- <sup>30</sup> Zaki al-Din Sha'ban, *Individual Guarantees in Islamic Law*, p. 61.
- <sup>31</sup> Ahmad ibn Hanbal, *Musnad Ahmad*, Hadith narrated from Sa'd ibn Abi Waqqas (may Allah be pleased with him).
- <sup>32</sup> Hussein, *op. cit.*, pp. 248-249.
- <sup>33</sup> Ibid., pp. 247-251; see also Muhammad al-Baltaji, *Studies in Family Law*, p. 589.
- <sup>34</sup> Ibid., pp. 260-261.
- <sup>35</sup> Hussein, *op. cit.*, p. 265.
- <sup>36</sup> Ibn Qudamah, *Al-Mughni*, vol. 5, p. 165.
- <sup>37</sup> Ibn al-Qayyim al-Jawziyyah, *Ahkam al-Sighar (Rulings Concerning Children)*, vol. 1, p. 232.
- <sup>38</sup> Sayyid Qutb, *In the Shade of the Qur'an*, vol. 8, p. 88.
- <sup>39</sup> Ibn al-Qayyim, *op. cit.*, vol. 1, p. 232.
- <sup>40</sup> Al-Qurtubi, *Al-Jami' li-Ahkam al-Qur'an*, vols. 11-12, p. 143.
- <sup>41</sup> Al-Razi, *Al-Tafsir al-Kabir (Mafatih al-Ghayb)*, vol. 23, p. 197.
- <sup>42</sup> Sha'ban, *op. cit.*, pp. 62-63.