



PROVISIONS OF MARRIAGE IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR) AND ISLAMIC PERSPECTIVE: A COMPARATIVE ANALYSIS

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Abstract:

This article presents a comparative analysis of the provisions of marriage as outlined in the Universal Declaration of Human Rights (UDHR) and Islamic teachings. The study explores the concepts of consent, freedom of choice, rights, responsibilities, polygamy, divorce, and harmonization of human rights and Islamic principles within the context of marriage.

Methodology: *The methodology employed in this study involves a comprehensive review and analysis of relevant literature, including texts on human rights, Islamic jurisprudence, legal frameworks, and scholarly interpretations. Primary sources such as the UDHR and foundational Islamic texts, including the Quran and Hadith, are examined to understand the principles and guidelines regarding marriage in both frameworks. Comparative analysis techniques are applied to identify similarities, differences, and areas of potential harmonization between the UDHR and Islamic perspectives on marriage.*

Results: *The comparative analysis reveals several key findings regarding the provisions of marriage in the UDHR and Islamic perspective. Firstly, both frameworks emphasize the importance of mutual consent and freedom of choice in marriage, albeit with nuanced differences in interpretation. Secondly, rights and responsibilities of spouses are outlined, highlighting mutual support, respect, and the welfare of children as shared values. Thirdly, the topic of polygamy is addressed, with considerations for women's rights, safeguards, and conditions within Islamic jurisprudence. Additionally, provisions for divorce and dissolution of marriage are compared, encompassing procedures, grounds, and the protection of rights for both parties. Lastly, the study identifies common values such as dignity, equality, and family welfare that can serve as points of convergence between human rights principles and Islamic teachings on marriage.*

Summary: *This comparative analysis sheds light on the provisions of marriage in the UDHR and Islamic perspective, offering insights into areas of convergence and divergence between the two frameworks. By examining the principles of consent, freedom of choice, rights, responsibilities, polygamy, divorce, and harmonization efforts, this study contributes to a deeper understanding of marriage rights in both contexts. The findings underscore the importance of respectful and rights-based marriages while addressing challenges and exploring perspectives on reconciling human rights principles with Islamic values in the context of marriage.*

Keywords:

Marriage Laws, Universal Declaration of Human Rights, Islamic Principles, Comparative Analysis, Consent, Legal Status, Non-discrimination, Equality, Minimum Age for Marriage, Division of Inheritance, Compatibility, Legal Systems, Dialogue, Adaptation, Consent, Freedom of Choice, Rights and Responsibilities, Spouses, Polygamy, Women's Rights, AUDHR, Islamic Law, Harmonization, Challenges, Perspectives.

INTRODUCTION:

Human life thrives on order, structure, and stable relationships. The stability of human nature inherently testifies to the fact that humans tread the journey of survival and beauty based on the stability of their relationships. Indeed, human existence itself attests to the fact that humans are inherently social beings, and survival is based on the foundation of relationships with others. On the



other hand, human existence can be jeopardized if these relationships are unstable. Global religions have also played a significant role in this regard, justifying these relationships in a manner referred to as marriage or matrimony. Islam, Christianity, and Judaism have all played their part and established principles governing these relationships. Thus, while other religions have also established principles in this regard, nearly all adherents of religions agree on the fundamental human rights charter of the United Nations. However, Islam provides relatively clearer and better principles regarding marital relationships. Several powerful countries among the member states of the United Nations have abolished restrictions on personal relationships based on same-sex and opposite-sex principles, under the guise of Western culture's liberal pluralism, freedom, or liberty. Nevertheless, the current culture of Western countries is particularly distant from religion, glimpses of which are found in the UN Charter, whereas Islam, on the contrary, also imposes restrictions on relationships with the opposite sex besides marriage. Therefore, a comparative analysis has been conducted in this article.

In Europe, various circles are raising their voices to recognize the personal identity of Muslims residing in Western countries separately. Our personal laws and family rules are at risk even in Muslim countries, and constant international pressure is being exerted on Muslim governments to amend their laws according to international standards and align them with the principles stated in the Quran and Sunnah. Therefore, it is being said to Muslim countries by international organizations and lobbies that when they are members of the United Nations and have signed the Charter of the United Nations, they should amend their laws according to it and respect the decisions of the United Nations Charter and its institutions. What is the difference and contradiction between the internationally promulgated laws based on the UN Charter and the Shariah rules of the Quran and Sunnah.

Overview of Marriage Provisions in UDHR/Understanding UDHR 1948

The United Nations, after its establishment in 1945, laid down fundamental principles in its charter (the UN Charter of 1946), which were based on the concepts of human rights presented in the preceding centuries in the West, revolutions, the establishment of new states, and their constitutions, including England's Magna Carta (1215), the French Revolution's Declaration of the Rights of Man and of the Citizen (1789), America's Declaration of Independence (1776), and America's Bill of Rights (1791). Under the Republican philosophy, the United Nations adopted many positive and precautionary rights agreements, and finally, on December 10, 1948, the Universal Declaration of Human Rights was issued. Most countries around the world endorsed it, and even those who did not endorse it did not object to it. This was because it was merely a declaration and expression of general principles, not a treaty obligating governments to enact any kind of legal binding. However, it made it clear that this was the standard to aspire to. The declaration is considered a revolutionary step in the history of human rights.

The Universal Declaration of Human Rights is a United Nations-approved document and agreement adopted on December 10, 1948, in Paris. It was ratified shortly after the end of World War II, and for the first time in history, it created a consensus on all human rights worldwide. The charter has 30 articles, encompassing almost all aspects of social life, and is the pinnacle of the socialization of international society. The UN Charter and the Charter of Human Rights have made these rights, which are essential for all men and women, part of the constitutional statutes and laws of the member states of the United Nations.

Islamic perspective on marriage:

The term "Islam" is quite comprehensive in its meaning; based on this comprehensiveness, it is said to be the religion whose broadest concept encompasses the system of life and code of conduct. The Sharia of Muhammad (peace be upon him) encompasses the commands of prayers and submission. The foundation of the Sharia rests on two fundamental sources: firstly, the Quran, which is considered the word of God, and secondly, the Hadiths, which are the sayings and actions of Prophet Muhammad (peace be upon him).

In Islam, the institution of marriage holds great importance, and detailed regulations regarding marriage are found. Allah has instilled in both men and women the desire for sexual fulfillment



within the confines of their own gender, and marriage has been prescribed as the proper way to fulfill this desire according to Islamic and legal principles, ensuring that both men and women, as well as their progeny, continue to exist. In this manner, the fulfillment of sexual desire through lawful means and the perpetuation of the human race are achieved through the institution of marriage. The command of marriage has been present from Prophet Adam (peace be upon him) to Prophet Isa (Jesus) (peace be upon him), and it was found in all divine religions and laws.

The Sharia of Muhammad (peace be upon him) is based on two primary sources of knowledge: the Quran and the Hadiths. The Prophet Muhammad (peace be upon him) elaborated extensively on the regulations regarding marriage mentioned in the Quran, and he provided guidance to the Ummah (community) on various other related issues. The scholars of Hadith compiled these narrations in their respective collections, presenting us with a comprehensive understanding of the regulations, etiquettes, conditions, prohibitions, benefits, and consequences of marriage, as well as the natural, moral, economic, and societal effects derived from the prophetic practice.

Comparison of Provisions/comparing UDHR 1948 and Islamic Principles on Marriage:

The provision of the UDHR granting freedom from any form of discrimination based on race, religion, or nationality liberates adult men and women without any distinction of race, religion, or nationality. This point of the UDHR is explicitly negating the notion of the exclusivity of any particular religion. However, Islam provides better and clearer regulations compared to current practices in Christianity and Judaism. Therefore, it can be said that the UDHR and Islam stand on different sides of the spectrum.

The Charter's Article 16 states that:

- (1) No matter their race, gender, or country, adult men and women can get married and start a family. They should have the same rights when getting married, while they're married, and when the marriage ends.
- (2) The people who want to get married must freely and fully agree to the arrangements.
- (3) Families are the most natural and basic unit of society, and both society and the government should support them.

Article 16 states that "Men and women of full age, without any limitation due to race, nationality, or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage, and at its dissolution." According to this article, the following provisions would constitute violations of human rights:¹(Article 16, Universal Declaration of Human Rights 1948)

- Permission for marriage at a young age
- Prevention of marriage with non-Muslims
- Compliance with all laws of guardianship and authority
- Refusal to accept the right of divorce for women
- Male dominance in the family environment.

Issues worth noting: Firstly, what does 'full age' mean? Since there is no age restriction for marriage in Islamic law. Secondly, the phrase 'without any limitation due to religion' clearly means that a Muslim man can marry any non-Muslim woman and vice versa, which contradicts Islamic teachings. Thirdly, the concept of equal rights in the process of dissolution of marriage goes against Islamic principles as Islam has established clear preferences regarding divorce and does not grant both parties equal rights.

Age Eligibility for Marriage in Islam and UDHR 1948:

According to UDHR, it is necessary to be of full age for marriage, which is defined directly as being 18 years old, and this formula applies universally. In reality, the pattern of reaching adulthood varies in every region; in some regions, girls mature early while in others, adulthood is attained later. According to UDHR, the condition for their marriage is 18 years, whereas Islam views it differently.

The right to marriage is granted to adult men and women, seemingly not accepting the marriage of underage boys and girls. Hence, in almost every country, there is a set age for boys and girls to marry, and marriage at an age younger than this is not legally accepted. For example, in Pakistan,



the age for boys to marry is 18 years and for girls, it is 16 years. If marriage occurs at an age younger than this, it is considered a punishable offense, and a case can be filed against it upon complaint. Consequently, in our context, all discussions of minor marriage and its associated laws are suspended, and if this aspect is also taken into account, the issue becomes even more intriguing. It is astonishing that if a boy or girl below the prescribed age commits fornication with mutual consent, it is not considered a crime in today's global norms. It is as if a boy or girl below the prescribed age can commit fornication without it being considered a crime, but if they formally marry, then it becomes a crime.

Marrying beyond the Religious Boundary:

According to UDHR, adult men and women can marry regardless of their affiliation with any religion, whereas Islam differs in this regard. In Islam, a Muslim man can marry a woman of any divine religion, while a Muslim woman can only marry a Muslim man. Hence, Islamic laws and UDHR remain opposed to each other on this point.

Marriage between a man and a woman should not be hindered by color, race, nationality, or religion, but there is a difference in perspective regarding religion. Islam does not permit a Muslim girl to marry a non-Muslim and does not allow a Muslim man to marry a non-Muslim woman except if the girl is from the People of the Book and believes in the fundamental principles of her religion, along with believing in God, the Prophet, and the Day of Judgment. Issues related to marriage and other matters concerning family life present a significant conflict for Muslims with today's global philosophy. The demand of the Universal Declaration of Human Rights at this point is to allow interfaith marriages between Muslims and non-Muslims. However, Muslim scholars are not willing to grant this permission due to the explicit commands of the Quran and Sunnah, which are the sources of Islamic law. Especially in Western countries, when a Muslim girl marries a non-Muslim man or a Muslim man marries a non-Muslim woman, and objections are raised, the local courts often declare such marriages valid despite the objection.

Equality of both genders in marriage and marriage break in Islam and UDHR 1948:

In the Quran, men and women are indeed considered equal, but at the same time, men are designated as the protectors and maintainers of women, which implies a form of superiority of men over women. This notion of superiority granted to men over women is not only contrary to Islamic teachings but also irrational in terms of family organization because without acknowledging one's authority, the household system cannot function and sustain itself.

Regarding divorce during marriage, the rights of men and women to dissolve the marriage are deemed equal. However, this does not align with Islamic teachings because Islam grants men the right of unilateral divorce, known as "Talaq," which women do not possess. Advocating for equality between men and women in terms of divorce rights under the guise of human rights is demanding that women be granted the same legal right to divorce as men. Islamic law does not entirely leave women at the mercy of men, but rather, if the woman's claim is legitimate and justified, alternative avenues exist aside from the husband to fulfill her demand, such as arbitration and judicial processes.

However, the perception of complete equality between men and women in matters of governance, laws, and societal norms leads to the notion of "gender discrimination," demanding the abolition of gender-based laws entirely. The fundamental concept behind this is that there should be no distinction between men and women in matters of governance and law, and wherever such a distinction exists, it is being vigorously opposed through gender-specific laws or attitudes.

Understanding the stance on the abolition of gender-based laws becomes clearer when considering a few aspects:

1. Islam exempts women from governance rights.
2. Women are exempted from religious leadership and imamate responsibilities.
3. Inheritance portions do not grant men and women equal rights in most cases.



There are many such instances where the Quran and Sunnah have delineated separate rules and laws for men and women, all of which, according to Western perspectives, contradict the explicit principles of equality between men and women and are termed as discriminatory laws or attitudes.

Giving Birth before and after Marriage in Islam and UDHR:

Charter's Article 25, Section 2 states:

"(2) Special care and help should be given to children and moms. No matter if they were born in a marriage or not, all children should have the same social safety.²(Article 25, Universal Declaration of Human Rights 1948)

It is mentioned therein that mothers and children have the right to special attention and assistance. All children, regardless of whether they are born as a result of marriage or out of wedlock, have the right to equal treatment in terms of social protection. The second clause of Article 25 refers to assistance for the child and emphasizes that irrespective of whether the child is born within or outside of marriage, they are entitled to equal treatment under the law. We have no objection regarding the child; there is no fault on its part, and any discriminatory treatment towards it is not appropriate. However, when it comes to the child, our understanding of equal treatment in both scenarios is superior, and it implies that even in the case of children born out of wedlock, they are entitled to legally equal treatment. Whereas Islam distinguishes between these two scenarios and considers both the child born out of wedlock and the man engaging in unlawful treatment with the mother as criminals in the eyes of Islam, subject to punishment.

Problems in UDHR 1948:

While the UDHR is indeed a commendable document that guarantees equality and rights for all, it does have some problems. For example, the breakdown of the family system, the increasing prevalence of diseases, and neglecting the elderly in nursing homes have all been noted. All of these issues have been addressed individually and discussed in detail.

a. Destructing of family system in west.

b. Increasing ratio of STDs.

This word refers to only letting couples of the opposite sex get married. It no longer means only letting people of the same sex marry, but also letting people of different sexes marry simultaneously. The UN's human rights groups have urged all states to officially recognize same-sex unions, whether that means giving same-sex couples the right to marry or allowing other arrangements like civil partnerships. They have also asked all states to demand equal benefits and security for all. This kind of legislation is being passed by more and more states.

c. Old home and Difficult old age stage.

The family has a natural and important part of society, and both society and the government should support it. When they are old enough, men and women of any race, country, or faith can get married and start a family. They should have the same rights during the marriage, when it ends, and after it ends. The people who want to get married must freely and fully agree to the arrangements. One of the main ideas in the Universal Declaration of Human Rights (UDHR) is that the family is "the inherent and fundamental group unit of society." During the Second World War, Germany's Nazi government used the family as an easy way to push its authoritarian ideas on people, which strengthened its control through group unity. People all over the world needed to understand that there was a reasonable set of rules that applied to both foreign and domestic situations.

If the government wants to control the lives of its people, Article 16 puts a small limit on that power. This article talks about how events covered by Article 16 of the Universal Declaration of Human Rights have somewhat affected progress in sexual and reproductive health and rights. In particular, it looks at how the freedom to marry and start a family, the requirement that both people involved must give their free and informed consent, and the idea that the family is the "natural and fundamental group unit of society" have changed services in this area. These rights have been strengthened by other human rights agreements, like the Convention on the Elimination of All Forms of Discrimination Against Women. However, the UDHR recognizes that traditional ideas of family still limit some reproductive health problems.



Article 16's wording was written with the morals of the 1940s in mind, but it has been flexible enough to adapt to changes in society and new technologies. The 30 items that make up the UDHR all start with words that don't discriminate, like "everyone," "all," or "no one." Article 16 says that "men and women" have the right to get married. This is in line with what the Women's Drafters of the UDHR decided, which was that women should have the same rights in marriage as men, since there were still big differences in marriage issues at the time. In Article 16, the private lives of people are described. It says that every adult has the right to get married and start a family if they want to. Men and women have the same rights when they are married and when they get divorced. It also makes it clear that the state has a job to protect the institution and stresses how important it is to treat the families of drafters with care. The promise that everyone has the right to marry without being stopped because of their race, country, or religion was made after World War II.³ M.K. Eriksson, *The Right to Marry and to Found a Family: A Worldwide Human Right* (Uppsala: Justus Forlag, 1990).

Some of the ways that people can get married raise concerns for people who fight for human rights. For example, child marriage and social shame that makes women appear "unmarried" are two examples. Child marriage is still common in many places, and it is very bad for girls' sexual and reproductive health, especially in Africa and Asia. Young women who have sexual encounters early in life are more likely to die during childbirth or get diseases that show up later in life, as well as to get sexually spread diseases like HIV/AIDS.⁴ (United Nations Population Fund, *The New Generations: State of World Population 1998* (New York: UNFPA, 1998))

Paragraph 1 of Article 16 unequivocally acknowledges that child marriage is incompatible with human rights, asserting that this right belongs to "men and women of full age." Since the definition of "full age" is not provided, various interpretations can be made in different contexts.⁵ (<https://cdn1.sph.harvard.edu/wp-content/uploads/sites/2469/2014/04/10-Brueggemann.pdf>)

The second paragraph of Article 16, which refers to marriage being entered into "only with the free and full consent of the intending spouses," is synonymous with a prohibition on child and/or forced marriages, as children cannot be in a position to give "free and full" consent. However, child marriage remains a pervasive issue, where every month, 10 lakh girls under 18 are married.⁶ (International Planned Parenthood Federation, *Family Planning Handbook for Health Professionals: The Sexual and Reproductive Health Approach* (London: IPPF, 1997)).

The issue of forced marriage is closely linked, where girls are often married to significantly older men in exchange for the "bride price" rather than their consent. The purpose of this fundamental principle is to ensure that marriage is entered into freely and in a consensual manner, and to prevent forced or coerced marriages. The term "free" is crucial in this paragraph, as it seeks to eliminate any compulsion from parents, other life partners, authorities, or anyone else.

Equality in Divorce and Dissolution:

"Equal rights have been guaranteed during marriage and its dissolution." This was a light phrase that sparked heated debate during the drafting of the proposal. Some argued that it would suggest to the general public that the United Nations had approved divorce "just like marriage." In the end, divorce was understood not as a fundamental human right but as an issue of non-discrimination. No one is required to enter into marriage, but once they do, certain rights become active.

Right to Form a Family:

In Article 16, the phrase "the right to seek a family" refers to the morals that were common at the time of marriage. Since then, some have said that the right to "find" a family includes the freedom to plan a family and even have control over one's reproduction, even the right to IVF. Article 16 says that both men and women can get married and start a family. It says that the family is "the healthy and fundamental group unit of society." It is one of the most important parts of the UDHR for people who work in the field of reproductive and sexual health.

Consent and Freedom of Choice:

The United Nations Declaration of Human Rights (UDHR) and Islamic teachings both base their lessons on the ideas of agreement and freedom of choice in marriage. It says in Article 16(2) of the UDHR that two people can only get married if they both agree to it. It's clear that both individuals desire to join the relationship and get married. That is also why Islamic views stress how important

it is to agree on things before getting married ⁷(Universal Declaration of Human Rights. (1948). United Nations General Assembly)

While he was still alive, the Prophet Muhammad (peace be upon him) said, "A woman should not be married unless she agrees." People should be able to make their own choices, and marriage should only happen when both people agree to them. This is supported by both the UDHR and Islamic views. ⁸(Sunan Ibn Majah, Book 9, Hadith 1847.)

Rights and Responsibilities of Spouses

The UDHR and Islamic views both talk about what partners can and cannot do, with a focus on respect, helping each other, and the safety of children. No matter their race, country, or religion, men and women of full age have the right to marry and start a family (Art. 16(1) of the UDHR). ⁹(Universal Declaration of Human Rights. (1948). United Nations General Assembly)

In marriage, both spouses are equal and accountable for family health and happiness. Islamic teachings require spouses to help one other financially and emotionally and maintain family harmony.

Polygamy and Women's Rights:

Even though the UDHR and Islam have different rules about polygamy, it still brings up important issues about women's rights and safety. The UDHR doesn't say that polygamy is okay or wrong, but it does stress the idea that wives should be treated equally and not be discriminated against. ¹⁰(Universal Declaration of Human Rights. (1948). United Nations General Assembly)

On the other hand, Islamic law allows polygamy as long as the husband and wife are treated equally and the husband is able to provide for them mentally and financially, as stated in the Qur'an. But Islam also stresses how important it is for women to have rights and protections, like being able to give permission, be consulted, and be treated fairly, even in polygamous marriages. ¹¹(Qur'an 4:3.)

Divorce and Dissolution of Marriage:

The provisions for divorce and the dissolution of marriage differ in the UDHR and Islamic law. The UDHR recognizes the right to marry and found a family without interference but does not explicitly address divorce procedures. ¹²(Universal Declaration of Human Rights. (1948). United Nations General Assembly)

In Islamic law, divorce is permitted but regulated, with prescribed procedures and grounds outlined in the Qur'an and Sunnah. While divorce is considered a last resort, Islam provides mechanisms for the dissolution of marriage, including talaq (husband-initiated divorce), Kuhl' (wife-initiated divorce), and judicial dissolution based on valid reasons. These procedures aim to protect the rights and dignity of both parties and ensure equitable outcomes. ¹³(Qur'an 2:229-230, 65:1-2.)

Harmonizing Human Rights and Islamic Principles:

Harmonizing the principles of marriage in the UDHR with Islamic teachings involves emphasizing common values such as dignity, equality, and family welfare. This can be achieved by promoting mutual respect, consent, and fairness in marital relationships, aligning with both human rights standards and Islamic ethics. Positive practices within an Islamic framework include premarital counseling, community support networks, and legal reforms that prioritize women's rights and autonomy within marriage. ¹⁴(Universal Declaration of Human Rights. (1948). United Nations General Assembly)

Challenges and Perspectives:

Challenges in reconciling marriage rights in Islam with universal human rights stem from cultural interpretations, misconceptions, and differing legal frameworks. Addressing these challenges requires dialogue, education, and efforts to promote a nuanced understanding of both Islamic principles and human rights standards. Perspectives from scholars, experts, and community leaders can offer insights into navigating these complexities and developing strategies for upholding marriage rights while respecting religious and cultural diversity. ¹⁵(Al-Hibri, A. (2003). An Islamic Perspective on Domestic Violence. *Journal of Law and Religion*, 19(2), 345-381)

Summary:

The right to marriage and the right to seek a family remain constant subjects of social and political debate. Analysis of internet websites reveals ongoing discussions surrounding the right to marriage, particularly in some countries regarding the possible legal recognition of same-sex marriages. The increasing accessibility of in vitro fertilization technology is also cited as a justification for



asserting the right to seek a family, where establishing a family through such means may be the only option. The significant advancements in reproductive health technology were not anticipated in 1948, but it is interesting that Article 16's language is broad enough to encompass these advancements, a flexibility that is a tribute to the drafters of the UDHR. Article 16 and Article 25 of this Charter directly address:

- (1) The right to marriage
- (2) Free and full consent
- (3) The right to form a family
- (4) Equality and equity

The Muslim World:

There is increasing international pressure on Muslim governments to align their general laws, especially those relating to personal status such as marriage, divorce, and inheritance, with international standards based on Quranic and Sunnah principles. By international standards, it means the Charter of the United Nations and the various agreements of its institutions and conferences, many of which are incompatible with the explicit commands of the Quran and Sunnah regarding marriage, divorce, and inheritance. Therefore, Muslim countries are being urged by international institutions and lobbies to amend their laws in accordance with it when they are members of the United Nations and have signed its Charter, and to respect the decisions of the United Nations and its institutions. What are the differences and contradictions between the internationally promoted laws based on the Charter of the United Nations and the Shariah provisions of the Quran and Sunnah?

1. International laws allow for free marriage without discrimination based on ethnic origin, race, or religion. Islamic law prohibits Muslim women and men from marrying non-Muslims. A Muslim girl in a Western nation marrying a non-Muslim youngster in court shows this basic difference. The court won't entertain your argument that Islam forbids this marriage. It certifies and protects the marriage according to international norms.

2. Similarly, in terminating the marriage, international law allows equal rights to both husband and wife to dissolve the relationship. Whereas Islam gives the unconditional right to the husband to terminate the marital relationship, as stated in the Quran as "Talaq-e-Ahsan". However, the right to terminate the marriage is not directly and unconditionally given to the wife; rather, the right of divorce is granted to the wife through a judicial process known as "Khula". Whatever the reasons may be, the fact remains that Islam does not give women the unconditional right to dissolve the marriage, and this is in conflict with prevailing international law. Hence, in Britain, if a Muslim woman divorces her husband, the court will not be ready to hear the husband's objection because according to Islamic laws, only he has the right to divorce, so the divorce did not take place. Consequently, legally, the divorce will take place, and the system here will also protect this divorce.

3. In matters of inheritance as well, the division stipulated by the Quran is clearly unequal. In the event of the husband's death, the wife receives an eighth in one scenario and a fourth in another scenario, while the daughter's share is always half that of the sons. Whereas international law advocates for equality in this regard and deems the unequal divisions stipulated by the Quran as unfair. Therefore, when laws of inheritance are formulated in accordance with international standards, it implies a revision of the unequal shares stipulated by the Quran.

The laws prescribed by the Quran and Sunnah regarding marriage, divorce, and inheritance are in conflict with the current prevailing international laws. Hence, there is continuous pressure from various international bodies, including the United Nations agencies, on Muslim countries to amend their laws in accordance with international standards. The response of Muslim countries and governments to this pressure is threefold:

1. One response is Turkey's, which had already adopted Western laws centuries ago, even before the declaration of the Quran and Sunnah's commands. Turkey is staunchly committed to its decision, and if even a slight inclination towards returning to the enforcement of Quran and



Sunnah's commands is perceived in Turkey, the state laws and institutions become vigorously active to prevent it.

2. The second response is that of the Islamic Emirate of Afghanistan, where the Taliban's Islamic government maintains unwavering adherence to the commands of the Quran and Sunnah, rejecting outright the Charter of the United Nations and the internationally established laws based on it. Their rejection is also a significant reason why Afghanistan, despite gaining control and establishing complete peace in a large part of its territory, is not being recognized internationally, and they are being deprived of Afghanistan's seat at the United Nations

3. The decisions of Turkey and Afghanistan are clear and unambiguous, but there is also a third response, which is that of most Muslim countries, including Pakistan, to maintain a tight grip on the implementation of the rules and laws of the Quran and Sunnah while also ensuring the satisfaction of the West. For this purpose, a different approach has been adopted, which involves interpreting and explaining the commands and laws of the Quran and Sunnah in such a way that laws are brought closer to Western standards. In this regard, the first significant effort was made during the tenure of President Muhammad Ayub Khan with the enactment of the Muslim Family Laws Ordinance, which was unanimously declared by all the scholars of the country as inconsistent with the Quran and Sunnah. However, despite their opposition, it was enforced, and to this day, it is continuously implemented by the state authorities. One example from these laws is that by including a clause in the marriage form allowing the wife to delegate the right to divorce to the husband, we have tried to reassure the West that we have also given women in Pakistan the right to divorce just like men. The direction of the rest of the laws can also be inferred from this. It is clearly recommended that women should be given the complete right to divorce just like men, and the unequal division of inheritance shares should be abolished.

Summary of Discussion: Both the Universal Declaration of Human Rights and Islam have designated marriage as a sacred and legal relationship. There are almost identical conditions for marriage in both. The Charter of Human Rights states the following provisions regarding marriage:

- Marriage should be a voluntary and consensual relationship.
- The consent of both parties is necessary for marriage.
- There should be a minimum age limit for marriage.
- Marriage should be a legal relationship.
- There should be no discriminatory treatment in marriage.

Islam has designated marriage as a sacred relationship. The following are the provisions regarding marriage in Islam:

- Marriage should be based on consent.
- The consent of both parties is necessary for marriage.
- There is a prescribed minimum age for marriage.
- Marriage should be a legal relationship.
- There should be no discriminatory treatment in marriage.

Comparison:

Both have common provisions regarding marriage:

- Marriage should be a consensual relationship.
- The consent of both parties is necessary for marriage.
- There should be a minimum age limit for marriage.
- Marriage should be a legal relationship.
- There should be no discriminatory treatment in marriage.

There are also some differences regarding marriage in both, such as:

- The Universal Declaration of Human Rights does not provide specific clarity on the minimum age for marriage, whereas Islam specifies a minimum age for marriage.
- The Universal Declaration of Human Rights does not explicitly address the issue of discriminatory treatment in marriage, while Islam prohibits discriminatory treatment in marriage.



Overall, there are common principles regarding marriage in both the Universal Declaration of Human Rights and Islam. Both designate marriage as a sacred and legal relationship, and almost identical conditions are stipulated for marriage in both.

References:

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- [12] (Qur'an 2:229-230, 65:1-2.)
- [13] (Universal Declaration of Human Rights. (1948). United Nations General Assembly)
- [14] (Al-Hibri, A. (2003). *An Islamic Perspective on Domestic Violence*. *Journal of Law and Religion*, (2), 345-381)