



THE IMPACT OF SOCIAL RECONCILIATION COUNCILS IN RESOLVING MARITAL DISPUTES BETWEEN SPOUSES: A COMPARATIVE STUDY BETWEEN SHARIA AND LAW

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Abstract: *Reconciliation between spouses is both a religious necessity and a legal strategy. As such, mechanisms and procedures have been established in both religious and legal frameworks to address marital disputes. Among these mechanisms are social reconciliation councils, which aim to resolve conflicts before resorting to formal courts. These councils operate within an organized legal framework that entails numerous obligations and consequences. In Algerian society, such councils play a significant role in mediating disputes. However, their effectiveness varies depending on the competence of the council members, including jurists, legal experts, community leaders, and wise individuals who facilitate conflict resolution, reconciliation, or mitigation.*

Keywords: *Councils, marital disputes, arbitration, reconciliation.*

INTRODUCTION:

The family is one of the most fundamental social units that must be preserved from the outset to ensure its continuity and the realization of its effects—stability, growth, and righteousness—free from any issues that might corrupt the relationship between spouses. Conflicts may arise, and their consequences can persist even after divorce, affecting the children and creating tension between the extended families of both spouses. Such familial discord can lead to social estrangement due to these disputes, which initially emerge within the nuclear family between the spouses.

Islamic jurisprudence, in its comprehensive principles, has established rules and regulations to prevent conflict or eliminate its causes. Among these are the conditions set for marriage to ensure its proper foundation, devoid of potential disagreements or disputes that may surface later between the spouses. Even when familial problems do occur, Islamic jurisprudence has instituted numerous wise mechanisms that serve as initial steps to safeguard the family and its structure from separation and collapse. Upon closer examination, these mechanisms are found to align with the objectives of Islamic law in preserving the family, preventing conflict within it, and addressing such conflict when it arises. This is because disagreement is a natural human tendency, just as harmony is—both are inherent to human experience.

The verses on reconciliation are clear, following a divine methodology that has now become a requirement in contemporary secular courts, which have their specific mechanisms and laws, some of which are derived from or inspired by Islamic legal texts. Among these is the directive to reconcile disputing spouses, attempting to resolve conflicts and address issues at the familial level in the first instance. If no tangible outcome is achieved, further stages are implemented, such as appointing arbiters—one from the husband's family and another from the wife's—or deploying mediators, who are respected figures in society with accepted authority among community peacemakers and wise individuals.

This microcosm of appointing arbiters or mediators between disputing spouses has evolved into a social custom and one of the roles and responsibilities of the imam. Historically and in modern times, it has been institutionalized as "reconciliation councils", among the most beneficial community forums for resolving familial disputes while preserving privacy and trust. These councils operate under specific conditions, including the presence of representatives for both spouses and the involvement of righteous, knowledgeable individuals who seek solutions based on awareness, cultural norms, and prevailing customs, within the bounds of legal frameworks, before the conflict escalates to the point of necessitating judicial intervention. Courts today are overwhelmed with numerous disputes that could otherwise be resolved through these



reconciliation councils, following the mechanisms and methodologies outlined in the Qur'an, such as appointing arbiters, deploying mediators, and convening councils for dialogue and reconciliation efforts.

Research problem

The following problem is raised:

What is the role of reconciliation councils (Sulh councils) in resolving family disputes and conflicts in accordance with the objectives of Islamic law across its various schools of thought? To what extent do these reconciliation councils help reduce the number of cases brought before courts for resolution?

Additionally, what conditions can be established within reconciliation councils to ensure their effectiveness and efficiency in resolving family disputes and conflicts, thereby preventing their escalation to judicial authorities?

Research Objectives

- **To define** social reconciliation councils and the necessary conditions for ensuring their efficiency and achieving their intended objectives.
- **To examine** the qualifications required of a social mediator, specifically referring to imams, community leaders, righteous individuals, and those known for wisdom.
- **To emphasize** the importance of selecting social mediators from among qualified individuals with sound religious knowledge and an understanding of family law to the extent possible.
- **To highlight** the key conditions for arbitrators in reconciliation councils and to demonstrate the impact of these councils in resolving numerous family disputes, as well as their significance from both a legal and social perspective.

SIGNIFICANCE OF THE STUDY

The significance of this research lies in addressing a recurring and anticipated social issue within every family, whether small or large. Our focus, however, is on the nuclear family, comprising the spouses, where disputes may arise. Resolving such conflicts before resorting to litigation is essential, in accordance with divine guidance under Islamic law.

The family is a fundamental social unit intrinsically linked to the Muslim community in Islamic society. Consequently, any disputes within the family must be resolved within the framework of the Muslim collective, through the spouses' extended family and by revitalizing the mosque's role in reconciliation. This is achieved through the efforts of imams, religious scholars, and respected figures known for their virtue and wisdom.

Reconciliation between spouses is both a **legal and religious necessity**, which is why specific mechanisms have been established. Among these mechanisms are **social reconciliation councils**, which intervene before legal proceedings are initiated. Resorting to formal courts entails a structured legal process with binding obligations and consequences. In contrast, reconciliation councils may facilitate amicable settlements before reaching that stage.

In Algerian society, these councils exist, though their effectiveness varies depending on the council in question and the nature of the dispute. The success of such councils largely depends on the **competence of their members**, including jurists, legal experts, community leaders, and wise mediators capable of resolving conflicts, facilitating compromise, mitigating tensions, or achieving other positive outcomes associated with marital reconciliation.

Reconciliation Between Spouses: Concept, Legitimacy, and Mechanisms

Definition of Reconciliation (Al-Sulh) in Language and Terminology

Linguistic Definition of Reconciliation (Corresponding to Arabic "Al-Sulh")

The concept of reconciliation, corresponding to the Arabic term al-sulh, is etymologically rooted in the notion of rectitude and the restoration of harmony. It stands in contrast to discord and corruption. The verb



form signifies the act of rectifying a situation or bringing about a state of goodness and correctness. In interpersonal contexts, it denotes the resolution of conflict and the restoration of amicable relations between parties.¹

As a verbal noun, reconciliation stems from the idea of achieving a peaceful settlement and denotes the process of mending rifts and restoring a state of equilibrium that aligns with principles of reason and relevant legal or religious frameworks.

A key early articulation of a related concept defines a "righteous" individual as one who fulfills their obligations and respects the rights of others. The noun form of reconciliation signifies peaceful resolution, directly opposing the state of dispute². This principle is evidenced in religious texts, such as the Quran:

"Then there is no blame upon them if they reach a settlement , and reconciliation is best." (Surat al-Nisa')³.

Definition of Al-Sulh in Islamic Jurisprudence Among Maliki jurists, al-sulh is defined as:

"The relinquishment of a right or claim in exchange for compensation, aimed at resolving an existing dispute or preventing its occurrence."⁴.

Most jurists frame al-sulh as a **contractual agreement** concluded between two parties to settle disputes. In the context of marital conflicts, it entails reconciliation efforts or the transfer of rights to mitigate discord or preempt its escalation.

Some scholars define al-sulh procedurally as:

"A legally mandated process requiring disputing parties to appear before a specialized body—such as a labor reconciliation bureau or a family court judge—to attempt reconciliation before formal litigation proceeds." ⁵.

Definition of Al-Sulh in Legal Terminology

Under **Algerian Family Law**, the legislator obligates judges to undertake reconciliation efforts between disputing spouses. Article 49 stipulates:

"Divorce is only established by judicial ruling after multiple reconciliation attempts conducted by the judge, within a period not exceeding three months from the date the case is filed."

Here, the law does not define al-sulh conceptually but prescribes **mechanisms** to be implemented during disputes.

The **Algerian Civil Code** (Article 459) defines al-sulh as:

"A contract through which two parties terminate an existing dispute or prevent a potential one, via mutual concessions."⁶.

Judicially, it is described as:

- ✓ The judge's intervention to resolve spousal disputes.
- ✓ A **dispute-resolution mechanism** employing arbitration , mediation , or judicial adjudication ⁷.

The Legitimacy of Reconciliation

Reconciliation is recognized as legitimate from both religious and judicial perspectives, as well as being a humanitarian imperative in all its dimensions. This is because reconciliation, the resolution of conflicts, the restoration of rights, and the preservation of family stability prevent the detrimental consequences of divorce, which inflicts significant familial and psychological harm on spouses, particularly when children are involved. Islamic law is founded on the principle of promoting benefits and preventing harms , and reconciliation is among the contracts mandated by Islamic law in cases of disputes within society, especially between spouses.



EVIDENCE FROM THE QUR'AN:

1. (Surat al-Nisa': 114)

"There is no good in most of their secret talks, except for those who enjoin charity, kindness, or reconciliation between people. And whoever does this seeking Allah's pleasure, We will grant them a great reward."

This verse explicitly affirms the superiority of reconciliation over idle discourse and associates it with divine approval. Reconciliation is thus both a devotional act and a social obligation. The Prophet emphasized this in a ḥadith narrated by Umm Ḥabibah: "All of a person's speech is held against them except the remembrance of Allah, enjoining good, or forbidding evil." Another ḥadith states: "The one who reconciles people by conveying good is not a liar." Abu al-Darda' reported that the Prophet said: "Shall I inform you of something superior to fasting, prayer, and charity? Reconciling between people. And discord is the destroyer."⁸

2. (Surat al-Nisa': 35)

"If you fear a breach between them (the spouses), appoint an arbitrator from his family and an arbitrator from hers. If they desire reconciliation, Allah will restore harmony between them. Indeed, Allah is All-Knowing, All-Aware."

This verse establishes arbitration as a prescribed mechanism when marital discord is feared, with the explicit objective of reconciliation.

3. (Surat al-Nisa': 129)

"You will never be able to maintain perfect justice between wives, even if you strive to do so. But do not incline completely [to one], leaving another suspended. If you reconcile and fear Allah, then indeed Allah is Forgiving, Merciful."

4. (Surat al-Ḥujurat :9)

"If two groups of believers fight each other, reconcile between them. But if one aggresses against the other, fight the aggressors until they return to Allah's command. If they return, reconcile between them with justice and act equitably. Indeed, Allah loves the equitable."

These scriptural texts collectively underscore the **religious obligation**, **social necessity**, and **judicial validity** of reconciliation, positioning it as a fundamental instrument for conflict resolution in Islam.

From the Prophetic Sunnah

Numerous prophetic traditions reinforce the legitimacy of reconciliation, as previously illustrated in the exegesis of Qur'anic verses. Among these is the ḥadith narrated by Kathir ibn 'Abdullah ibn 'Amr ibn 'Awf al-Muzani, from his father, from his grandfather, that the Messenger of Allah said:

"Reconciliation is permissible among Muslims, except a reconciliation that renders the lawful unlawful or the unlawful lawful. Muslims are bound by their conditions, except conditions that prohibit what is lawful or permit what is unlawful."

This is a **ḥasan ṣaḥīḥ ḥadith** ⁹.

The Qur'anic texts affirming the legitimacy of reconciliation—and indeed encouraging it at various levels—along with the Prophetic Sunnah, which guides and stipulates its conditions, establish reconciliation as one of the most virtuous acts. This is due to its role in preventing discord between spouses, fostering mutual benefits, restoring rights, and, most crucially, ensuring family stability and continuity.



MECHANISMS OF MARITAL RECONCILIATION IN ISLAMIC JURISPRUDENCE

As previously noted, Islamic law places significant emphasis on marital relations—before, during, and after their formation—ensuring their stability and continuity while mitigating conflicts that could lead to divorce or other marital disputes.

The Qur'an provides specific guidance in cases of marital discord. For instance, Allah says:

"Men are the caretakers of women, as men have been provisioned by Allah over women and tasked with supporting them financially. Righteous women are devoutly obedient and, when alone, protective of what Allah has entrusted them with. And if you sense ill-conduct from your women, advise them, then distance yourselves in bed, then [as a last measure] discipline them. If they obey you, seek no means against them. Surely, Allah is Most High, All-Great. And if you fear discord between them, appoint an arbitrator from his family and an arbitrator from hers. If they desire reconciliation, Allah will restore harmony between them. Indeed, Allah is All-Knowing, All-Aware." (Qur'an al-Nisa' :34-35)

In this passage, the Qur'an outlines steps to address a wife's rebellion or defiance, which signifies a breach of marital harmony. This represents a form of domestic conflict that should first be resolved internally, whether initiated by the wife or husband, with detailed juristic considerations.

Ibn Kathir explains:

"The verse first addresses the case where discord arises from the wife's defiance, then proceeds to the second scenario, where discord stems from both spouses."¹⁰

Type One: Internal Reconciliation

The first of these matters is undertaken by the husband or the wife, as indicated by the words of Allah the Almighty:

"There is no blame on them if they reconcile between themselves, and reconciliation is best. But human souls are prone to selfishness. If you do good and fear Allah, then surely Allah is All-Aware of what you do." (Quran Surat al-Nisa' :128).

There is also a specific method of reconciliation that the husband may follow, as alluded to in the verse:

"As for those women from whom you fear disobedience, admonish them, forsake them in beds, and strike them (lightly). But if they obey you, seek no means against them. Indeed, Allah is Ever Most High, Most Great." (Quran Surat al-Nisa' :34-35).¹¹

This is explained as follows:

First: Kind Admonishment

This step pertains specifically to the husband, who is to personally counsel his wife, guiding and advising her, urging her toward what ensures the family's welfare and stability. The aim is to resolve the issue within the household, without involving extended family, the community, or legal authorities. This approach is preferable from a Sharia, legal, logical, and social perspective.

Second: Forsaking in Beds

This is also the husband's responsibility if his wife is in a state of (disobedience or rebellion). This measure is to be applied within reasonable limits and serves as a form of discipline, provided it may lead the wife to rectify her behavior.

This method may be suitable for certain types of conflicts but not others. It is the husband's right, and no one else has the authority to intervene in this matter.¹²

Third: Light Striking (Non-Harmful Discipline)

This is also the husband's right, but it must not be severe, injurious, or demeaning to human dignity. Such excessive measures are neither sanctioned by Islamic law nor advocated by any wise or rational person. The



Prophet (peace be upon him) directed that symbolic discipline—such as using a siwak (tooth-stick) to gesture—is sufficient to convey the intended message. Any form of striking that causes injury or fracture is punishable under Sharia, as it is not commanded, and it is likewise punishable by law.

Said ibn Jubayr stated: "The ruling is that the husband should first admonish her. If she complies, well and good; otherwise, he may forsake her in bed. If she still does not comply, he may lightly strike her. If she persists, then the judge appoints an arbitrator from his family and one from hers to determine the source of harm, after which divorce may be considered." Some scholars held that striking may precede admonishment, but the first opinion—following the sequence in the verse—is more correct.

The majority of scholars maintain that the address in the verse "*If you fear...*" (Quran Surat al-Nisa' :34) is directed to rulers and authorities.

The phrase "*If they desire reconciliation, Allah will bring harmony between them*" (Quran Surat al-Nisa':35) refers to the arbitrators, as held by the Companions Ibn Abbas and Mujahid (may Allah be pleased with them) and others.¹³

Type Two: External Reconciliation (Third-Party Mediation)

If reconciliation between spouses cannot be achieved internally, it becomes necessary to resort to formal reconciliation through third-party mediation. This may occur either at the request of a judge, who appoints arbitrators, or through a community-organized reconciliation council. The noble Quran indicates that when spouses are unable to resolve their disputes within the family setting, the matter must be brought into the framework of the Muslim community, represented in this case by an arbitrator from the husband's family and an arbitrator from the wife's family. They then turn to a reconciliation council, the purpose of which is to mediate between the spouses to prevent discord and separation. This is reflected in the words of Allah the Almighty:

"And if you fear dissension between the two, send an arbitrator from his people and an arbitrator from her people. If they both desire reconciliation, Allah will cause it between them. Indeed, Allah is Ever-Knowing and Acquainted with all things." (Quran Surat al-Nisa' :35)

These Sharia-based procedures constitute what is known as marital reconciliation (ṣulḥ), wherein arbitration is conducted by two just mediators to reconcile the spouses, mitigate conflict and dispute, and resolve issues through dialogue before resorting to litigation in secular courts.

Sheikh Abd al-Rahman al-Tha'alibi, an Algerian scholar, stated:

"There is disagreement regarding who is obligated to initiate the appointment [of arbitrators]. Some say it is the judges, while others say it is the spouses themselves who must propose the arbitrators—this being the view in the Maliki school. The first opinion is held by Rabi'a and others. The arbitrators are only appointed in cases of severe fear of discord. The Maliki school and the majority of scholars hold that the arbitrators may examine all aspects [of the dispute], compel the wrongdoer [to fairness], and enforce their decision—whether it be reconciliation or separation. This is also the opinion of Ali ibn Abi Talib, as recorded in al-Mudawwana and other sources."

THE PROCESS OF ARBITRATION IN MARITAL RECONCILIATION IN ISLAMIC JURISPRUDENCE

Arbitration (Taḥkim): Linguistic and Terminological Definitions

1. Arbitration Linguistically

The term for arbitration, corresponding to the Arabic *taḥkim*, originates from a root signifying the act of appointing an arbitrator or entrusting judgment to a designated party. This concept is illustrated in religious texts, such as the Quran:

"But no, by your Lord, they will not [truly] believe until they make you, [O Muhammad], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in full submission." (Quran Surat al-Nisa' :65)



The phrase (they make you judge) signifies entrusting the resolution of disputes to an arbitrator. The term (he judged between them) means to command a decision between conflicting parties. Thus, (arbitrator issues judgments, while arbitration also carries the metaphorical sense of restraining the ignorant, as in preventing them from wrongdoing. This is reflected in the saying of the early jurist Ibrahim al-Nakha'i (may Allah have mercy on him): "Govern the orphan as you govern your child"—that is, restrain them from corruption.

2. Arbitration Terminologically

In Islamic legal terminology, Arbitration refers to the appointment of an arbitrator by disputing parties to adjudicate their conflict¹⁴ (Ottoman Civil Code) defines it as:

"Arbitration is the act by which two disputing parties appoint a third party as a judge by mutual consent to resolve their dispute and settle their claim."¹⁵

In **contemporary legal systems**, arbitration is defined as: "A dispute resolution mechanism in which impartial individuals, selected either directly by the parties or through another agreed-upon method, adjudicate conflicts outside formal judicial proceedings."¹⁶

The Legitimacy of Arbitration

Arbitration between disputing parties is a legitimate practice, as mentioned in the context of reconciliation between adversaries, whether groups or individuals. It has also been referenced in the context of family disputes in several Quranic verses, including the words of Allah Almighty:

"And if you fear dissension between the two, send an arbitrator from his family and an arbitrator from her family. If they both desire reconciliation, Allah will cause it between them. Indeed, Allah is ever Knowing and Acquainted." (Quran Surat al-Nisa' :35)

CONDITIONS OF ARBITRATION

Reconciliation councils, widespread in Islamic societies—including Algerian society—and often led by mosque imams, individuals of virtue and social standing, as well as scholars and wise figures, are also considered legitimate, given the permissibility of arbitration as previously mentioned. This is because reconciliation is an agreement aimed at mediating between two parties to transfer or establish a right, settle a dispute, or prevent the loss of a right. However, these councils will only yield positive outcomes if they adhere to standards of justice in arbitration and a genuine desire for reconciliation. Allah says:

"If they both desire reconciliation, Allah will cause it between them. Indeed, Allah is ever Knowing and Acquainted." (Quran Surat al-Nisa' :35)

Thus, the mediator or participant in these reconciliation councils must meet certain conditions, including:

1. **Islam:** This is a fundamental requirement, as Islam governs many matters. Since arbitration involves judgment, the arbitrators must be Muslim, as non-Muslims have no authority over Muslims. Moreover, a non-Muslim may not understand the rights of Muslim spouses or the beliefs of the Muslim community.
2. **Sound Judgment:** This necessitates maturity and sanity, as maturity is a prerequisite for legal capacity, especially in matters concerning spouses. Sanity is essential in many affairs, particularly in arbitration, as an insane person cannot be a mediator or judge due to their lack of legal competence and absence of rational thought and reasoning.
3. **Qualifications for Judgment and Testimony:** The arbitrator must meet the qualifications required for judicial authority, and an individual whose testimony is invalid cannot be relied upon.
4. **Knowledge of Customs and Traditions:** Understanding societal norms and traditions is necessary to recognize the prevailing customs that should be adhered to, at least from a religious or moral standpoint—especially if these customs align with Islamic texts and do not contradict the objectives of marriage and marital life.
5. **Kinship:** This is indicated in the Quranic verse:



"Send an arbitrator from his family and an arbitrator from her family." (Quran Surat al-Nisa' :35)

The reason for this is that the extended family acts as a representative for one of the spouses to facilitate dialogue, negotiation, and prevent conflict.

CONDITIONS OF ARBITRATION

Some Hanafi scholars have outlined the following conditions for arbitration¹⁷:

1. **Existence of a Dispute Over a Claimed Right:** This condition necessitates the presence of two opposing parties, each asserting a right against the other.
2. **Mutual Consent of the Disputing Parties to Accept the Arbitrator:** If the arbitrator is appointed by a judge, their consent is not required, as they act on the judge's behalf. The Hanafis do not require prior consent from the disputants regarding arbitration; rather, their acceptance of the arbitrator's ruling suffices. In contrast, the Shafi'is stipulate that mutual consent must precede arbitration.
3. **Agreement Between the Disputants and the Arbitrator to Accept the Arbitration Task:** Collectively, these two agreements form the pillar of arbitration, which is the explicit or implicit expression of consent. This may be stated explicitly, such as when the disputants say, "We appoint you as arbitrator between us," or when the arbitrator says, "I arbitrate between you," and they accept. It may also be implied—for instance, if the disputants agree on a specific arbitrator without informing him, but then present their dispute to him, and he issues a ruling, it is valid. However, if the arbitrator does not accept, his ruling is invalid unless arbitration is renewed.

The disputants may impose conditions on arbitration. For example, if they stipulate that the arbitrator must rule on the same day or in the same session, this becomes binding. If they appoint two arbitrators and only one rules, the ruling is invalid unless both agree on the judgment. Similarly, if they appoint a specific arbitrator, he may not delegate the task to another unless both parties consent.

Disputants may not appoint an unqualified arbitrator. If a non-Muslim arbitrates between two Muslims, even if they accept his ruling, it remains invalid.

While not mandatory, it is advisable to have witnesses attest to the arbitration agreement to prevent denial. This has practical implications: if one party later denies having consented to arbitration, the arbitrator's claim alone is insufficient without evidence.

4. **Continuation of Consent Until the Issuance of the Ruling:** If one party withdraws consent before the ruling is issued, the arbitration is nullified.

If the arbitrator informs one party, "You have admitted before me, or evidence has been established against you, and I have ruled accordingly," and the ruled party denies the admission or evidence, their denial is disregarded. In this situation, the arbiter functions similarly to a judge. However, if this occurs after the disputant has dismissed the arbitrator, the ruling is invalid, similar to a judgment issued by a judge after removal.

5. **Attestation of the Ruling:** While not a condition for the validity of arbitration, it is necessary to validate the arbitrator's statement in case of denial. Witnesses must be present during the arbitration session.

Conclusion

Based on the foregoing, the following results and recommendations can be drawn:

RESEARCH FINDINGS

- ✓ Reconciliation councils (Sulh councils), within their organizational framework, represent one of the most significant societal contributions due to their effective conflict-resolution capabilities. They play a crucial role in supporting family cohesion, preserving the integrity of the social unit, and alleviating the burden on the judiciary by resolving disputes before they escalate into complex court cases. Many such



disputes do not warrant extensive legal proceedings, making reconciliation councils a viable alternative for addressing familial conflicts.

✓ The impact of reconciliation councils or arbitrators is evident in numerous straightforward cases stemming from simple social issues that can be resolved through dialogue, mutual concessions, and other mediation mechanisms—particularly those not involving financial claims, bodily harm, or similar matters that are amenable to amicable settlement.

✓ In Algeria, social reconciliation councils function as scaled-down versions of family courts or Islamic judicial bodies, as they involve specialists in Islamic jurisprudence, legal experts, and wise community leaders in resolving disputes without resorting to formal litigation.

✓ In Islamic law, reconciliation is not only legally mandated but also religiously and rationally encouraged to maintain social harmony and mitigate conflicts. When applied to family disputes, it holds even greater legitimacy and necessity.

✓ For reconciliation councils to achieve their intended purpose, mediators must meet specific competency and eligibility criteria, including moral integrity, scholarly expertise, and a fair and impartial understanding of cases—free from bias, favoritism, violations of public law, or contravention of prevailing social norms.

✓ Reconciliation councils, within their structured framework, represent a vital institutional addition that strengthens family unity and safeguards the social fabric.

✓ These councils support the judicial system by resolving disputes before they overwhelm courts, thereby reducing caseload pressures.

✓ The effectiveness of reconciliation councils or arbitrators is particularly notable in simple disputes that can be settled through dialogue and mutual compromise.

✓ In Algeria, social reconciliation councils serve as miniature versions of family courts, where qualified professionals mediate conflicts without formal litigation.

✓ Islamic jurisprudence upholds reconciliation as both a religious and rational imperative, especially in familial matters, where its legitimacy is paramount.

✓ To ensure their efficacy, reconciliation councils must verify the mediators' qualifications, including moral reputation, academic competence, and a just approach to dispute resolution.

RECOMMENDATIONS

✓ The findings demonstrate that reconciliation councils can play an effective and positive role in resolving family disputes and alleviating the burden on courts, particularly in cases that do not involve severe consequences. Therefore, we recommend the establishment of specialized Islamic family courts to adjudicate such matters, leveraging the expertise of qualified professionals in this field.

✓ We further recommend the institutionalization of reconciliation and family guidance offices to support judicial authorities in mediating family conflicts. These offices would facilitate collective dispute resolution for minor cases before they escalate to formal litigation, thereby reducing procedural complexities.

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