

Chapter 17

Islamic Solutions to the Effects of Matrimonial Conflict on Children Upbringing

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Introduction

Legalisation of marriage has been viewed as a major approach through which mutual dealings, coexistence, cooperation and continuity of human race are solidified. The marriage contract is a social engagement which mutually connects man and woman to become a couple. It permits them to share things such as living together, exchange loving pleasantries, having sexual intercourse legally, domestic affairs, child upbringing and a lot more in common. In a real sense, in order to have cooperative and responsive minds among the spouses, it becomes necessary that they create a serene family environment where every member will enjoy natural freedom and rights even the children. In other words, realisation of an itch free family setup is a collective responsibility of husband and wife where each party's inputs must be felt.ⁱ Ordinarily, the husband and wife are products of different backgrounds and orientations, the fact that is capable of influencing their perceptions on issues, hence such cannot only give birth to grudges between them but greater consequences on family and the society. As a syndrome of unhealthy relationship, matrimonial conflict usually results in circle of violence, harm, divorce, trauma and child abuse.

The 21st century has been perceived as a period of civilisation and development for human and non-human. During this era, the world has become a global village where accessibility to everything becomes stress-free. Information dissemination and collection is one of the most subjugated activities. Sharing of incidents and proselytisation against matrimonial unrest, negligence of the rights of the children and updates on cases of child abuse are accessible within twinkles of an eye. There is no gain saying the fact that there are unhealthy matrimonyes that have rendered the advantages of the child upbringing unrealistic. The affected children are found wanting, fending for themselves or becoming nuisance, sacrificial-lambs for the ritualists, cultists, militants, kidnappers, bandits or rebellions.

In Islam, child upbringing is a sacrosanct responsibility that the parents must discharge honestly. The Glorious Qur'an and Hadith of Prophet Muhammad (may peace of Allah and peace be upon) reiterate its advantages and consequences for ignoring it. As a religion of reality, Islam recognises the fact that matrimonial conflicts can hinder the success of child upbringing and in order to curb such, Islam recommends certain applicable precautionary and resolvable approaches in

order to restore peaceful coexistence in the family and let the rights of the children be rendered accordingly. On this ground, it is imperative to x-ray factors responsible for matrimonial conflicts in the 21st century, their effects on child upbringing, which poses pathetic experience in the various families and the society and recommend Islamic solutions to the sacrilegious incident with the aim of creating a model race.

Conceptual Discourse on Matrimonial Conflict and Child Upbringing in Islam

Muslim scholars have provided various definitions of marriage. Historically, marriage is an age- long socio-religious and legal practice which serves as a medium of human procreation, satisfaction of human sexual urge and others.ⁱⁱ It is a contract between two persons who have attained maturity to live together as husband and wife responsibly. The consummation of marriage between the persons is not an end in itself but a means to certain results that make it different from other contracts. Truthfully, maturity is a major criterion for the contract yet there are complementary prerequisites which each party must possess to prove their readiness for the contract i.e. sanity, good health, and freedom among others. The prospective husband especially must have a legally reliable source of income, to enable him discharge the financial responsibility of the family. Allah says:

Men are protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means... (Q.4:34)

Under the Islamic Law, a valid marriage contract must be consummated through due processes and conditions vis-à-vis *ijāb waqubūl* (offer and acceptance), *waliy* (guardianship), *sadāq* (nuptial gift) and *shuhūd* (witnesses).ⁱⁱⁱ Muhammad Bakr Ismail posits that the conditions should be five as he recommends *Az-Zawj waz-Zawjah* (groom and bride must be man and woman).^{iv} The position cannot be undermined especially in the contemporary era when lesbianism and gay are legalised in some countries. Whichever, the conditions are essential as they serve as preservatory principles against any matrimonial acrimony. In other words, *waliy* and *shuhūd* can serve as instruments to be employed for reconciliation, should there be any misunderstanding between the husband and wife. This fact is contained in the Glorious Qur'an where Allah says:

If you fear a breach between them both, appoint (two) arbiters, one from his family, and the other from hers; if they wish for peace... (Q.4:35)

Inferring from the above Qur'anic verse, it can be rightly concluded that Islam envisages the fact that couples are bound not to have similar submissions on a

particular issue, hence this necessitates certain recommendations, which are going to be discussed. According to the same verse, matrimonial conflict can either be resolved or otherwise based on the spouses' mind set or readiness to shift ground.

Matrimonial conflict refers to misunderstanding, dispute and disagreement between couple as a result of uncompromising stand, unaccepting fault and/or disrespect of another's view on a matter.^v To some scholars, matrimonial conflict is natural and inevitable like other conflicts such as religious and communal conflict premising on the fact that the parties do not share same origin, culture, orientation, upbringing feature and exposure which can affect their response to their marital relationship.^{vi} It is factual that several marriages have been terminated, some subjected to unhealthy relationship between the spouses alone but maintain being good to the children separately while some deprived the children of their basic rights completely.

And among His Signs is this, that He created for you mates among yourselves, that you may dwell in tranquility with them, and He has put love and mercy between your (hearts): Verily in that are Signs for those who reflect. (Q.30:21)

Child upbringing, on the other hand is a sacred role saddled on the parents by the Law-Giver, Allah. It is a bond of rights of a child which serves as a connector between the parents and children. It is a point of reference that justifies the necessity of goodness of the children to the parents. (See Q.2:233, Q.31:14, Q.46:15-16). In the course of nurturing, parenting and child upbringing, which is a multifaceted responsibility, Islam enjoins man to cater and provide for his family members in such a way that he serves as an interface between them (both mother and children) and their needs, at the same time instilling good morals in them must not be a thing that can be jettisoned. On this, Allah says:

Let the man of means spend according to his means; and the man whose resources are restricted, let him spend according to what Allah has given him. Allah puts no burden on any person beyond what He has given him. After a difficulty, Allah will soon grant relief. (Q.65:1-7).

Furthermore, woman as a mother is not free from having domestic assignments to discharge but has collaborative role on the matter towards making Allah (SWT)'s expectation realistic. Producing a serene and exemplary society where every household will have worthy ambassadors is the vision of Allah. In view of this, woman has to judiciously utilise and protect the amenities of the family, carry the man of the family along with every happening, nurture and train the children physically, psychologically, emotionally and spiritually. Both father and mother are to give good name, food, provide shelter, quality education, prayers for their wards and even work on letting them have a responsible wife/husband.^{vii} The

view of Muhammad on the sacredness of the child upbringing is concurrent when he posits thus:

We (parents) should endeavour to encourage our children to realize their Islamic identity early enough and to maintain it. Both our male and female children are future husbands and wives, fathers and mothers and, of course, the guardians of Islam. They should be trained early enough to get fully prepared to play all these roles. They should be trained to grow up as responsible men and women. They should not be spoilt at young age.^{viii}

Factors Responsible for the Matrimonial Conflict in the 21st Century

It can be rightly posited that not every marriage in the contemporary era is legally consummated.^{ix} But one will be dazed if legally consummated marriage experiences misadventure and insalubriousness. Based on this notion, it is presumed that there must be certain factors responsible for matrimonial conflict especially in the 21st century, which include but not restricted to the following:

Financial Incapacitation: economic setback has been a major problem of the present world without exemption save that the effects differ. Frankly speaking, several financiers have been grossly impoverished as they could not afford the discharge of their mandates as ought to. Men as the breadwinners that finance the budgets and projects of the family become prey of this pervasive economic retrogression.^x Even though, there are women who render complementary efforts towards the maintenance of the family, yet the lapses manifest. In a situation of this nature, several marriages have gone through various kinds of matrimonial conflicts which result in an unhealthy relationship and/or separation.

Religious and Doctrinal Incompatibility: it is neither outright compulsion nor prohibition especially on a Muslim man to marry a non-Muslim woman but only permitted if they can afford and manage the act. The position of Islam is a preventive measure against any religious grudges that may creep into relationship between spouses. In the contemporary time, some couples of different religions who had engaged in marriage years back have developed religious bigotry, hatred and conflict as if they were not aware of their differences prior to their contract.^{xi} In the same vein, different religious organisational affiliation of spouses is also prone to causing matrimonial conflict even if they share the same faith. This is because several, organisations, sects and societies do not agree on a particular doctrine and matter. This usually prompts doctrinal polemics and conflicts among members of different bodies.

Social Media Influence: the influence of the social media on the lifestyle of people in the contemporary world is not measurable. Aside series of lessons tapped negatively and positively, social media users are usually prone to out-mindedness, addiction and others.^{xii} Spouses are human, of course they are not

exempted from accessing social media for leisure and acquainting public happenings, this to a large extent of letting their domestic duties suffer. In such a situation, couples under the same roof, even on the same seat might not feel and/or communicate with each other when the two engaged. The most pathetic is when a party is addicted and didn't recognise the demeaning and displeasing attitude. Additionally, activating a lesson derived from the social media without considering the societal and family cultural value is also observed to have caused psychological and emotional injuries on several matrimonies while many have collapsed.

Sexual Insatiability: naturally, sex is prescribed to solve a number of social requests, quench psychological thirsts and fill certain spiritual loophole. The exercise is principally prescribed for legally married individuals in morally allowed manners. The notion is void of premarital and extramarital affairs which does not only amount to cheat but as well as sin in an Islamic parlance. To be candid, sex is a means of enjoyment, relaxation, leisure, human procreation and even spiritual reward,^{xiii} hence the timing for the real satisfaction and level for the satiability between the parties differ which could prompt conflict among them if not achieved. The worst part of the consequences of this kind of issue is that they (i) may not report to any reconciler for input, (ii) may leave in an unhealthy relationship for decades and (iii) transferring aggressions to their children through irrational manner and common juvenile mistakes.

Distance Lifestyle: it refers to a situation whereby the husband and wife reside at separate locations either for a long or short period of time. There could be some reasons attached to the necessity of the lifestyle which revolve job and proselytisation, nonetheless, the reasons cannot deny the negative consequences which include matrimonial conflict. Of course, the real intimacy between the spouses can be achieved through regular physical contact and relationship which virtual connectivity cannot play.

Undoubtedly, matrimonial conflict is inevitable like other conflicts yet should be viewed as problems that need effective approach towards its prevention and control. Even though, what could prompt matrimonial conflict are not restricted to the ones enumerated above as non-communication and miscommunication, misconception and malpractice of polygamy, disrespect and non-consideration among others might be responsible in some cases. In essence, since the couple are proprietors and officers in charge of child upbringing, their mode of coordination, negative or positive will definitely affect how they handle their responsibilities towards the children which will be checked in the next section of this paper.

Effects of the Matrimonial Conflicts on Child Upbringing

The Glorious Qur'an, in several verses reveals that Allah does not wish agony whatsoever for His creatures save solace. This can be asserted as He treated the first man, 'Ādam (*'alayhis-Salām*) who was housed in a harmonious dwelling

where everything of joy was readily available with easy access. He was well guided, trained and given precautionary information. (See Q.2:31-35). As a responsible parent, a whole Chapter of the Qur'an is not only dedicated to Luqman, the Wise but a detailed update on how he parented his child is narrated. (Q.31:13-19). In the contemporary world, it would be far away from the truth to conclude that all couples enjoy a healthy matrimonial home or that all parents are irresponsible towards their children upbringing. The Glorious Qur'an describes children along with other worldly assets as joyous allurements that make life adorable for man (Q.18:46). Hence, the children are inevitable divine gifts that every man would ordinarily search for tirelessly, even though the duties towards their wellbeing is much sacrosanct since their negligence will amount to child abuse.^{xiv} Nonetheless, the fact remains that there are parents who deprive them (the children) their basic rights physical, spiritual and/or emotional way as a consequence of their marital unrest. In other words, the matrimonial conflict of many homes has been instrumental to the ill-treatment and care free attitudes towards their children in such a way that the children are directly or indirectly affected. In view of this, the matrimonial conflict is prone to affecting the child upbringing of the concerned father which can result to any of the following and more:

Exposure to Profane Experience and Unholy Emulation: every child is gifted of natural tenacious memory which enhances magnetisation, adaptation and recollection of the past events and information. In other words, every child is a good material at saving and retrieving every experience negative or positive, religious or devilish, and customary or foreign. On that note, exposing children to quarrelling and conflictual relationship are fondly prone to becoming product of lack of enthusiasm, religious bigotry, conflictual character, impatience, disrespect, transfer of aggression, irresponsiveness, drug abuse and other vile characters.^{xv}

Malnutrition and Diseases: in a conflictual relationship between spouses on whatever ground, the children are likely to be subjected to deprivation of the basic rights such as poor diet, shelter, education, clothing etc. This, as it may have been proved to factorise persistent illness, chronic health issues such as kwashiorkor, poor growth, reproductive problem, or mortality.^{xvi}

Risk of Physical Damage: there is no gain saying the fact that witnesses of most quarrelling individuals or groups usually become victims of physical damage even during a domestic conflict. In a home where spouses quarrel vigorously, their wards are likely to be injured unintentionally. In a situation of this nature, a victimised child could be subjected to chronic damages, accidental injury, perpetual mark, disorderliness and others.

Poor Academic Performance: a healthy memory is housed in a healthy body system. A number of children whose parents see conflict as a tradition are likely to be mentally unstable at home and in school. What a pathetic situation that there

are children who hawk during school hours, condemn education, and are school dropouts as a result of unhealthy home.^{xvii} By and large, it could be rightly concluded that matrimonial conflict is really inevitable but considering its consequences one would see it as an unfortunate incident since it has enormous effects on the spouses, children and society. This necessitates delving into discussing and bringing forth the Islamic solutions to the sacrilegious act in order that home serenity is restored and worthy ambassadors are produced.

Islamic Solutions to Matrimonial Conflicts

Ṣabr (Patience): the glorious Qur'an is replete of verses that talk about essence, approach and maintenance of patience between people. It is beyond being calm at the period of trial or disturbances. In the Islamic worldview, it is an essential quality that entails portraying good behaviour with other people, tolerating their differences moderately and reacting to an uncalled-for action though in a considerate manner.^{xviii} Furthermore, husband and wife cannot match themselves hundred percent due to some natural differences but with mutual patience (*Ṣabr*), forgiveness (*ʿAfw*) and pardon (*samḥ*) they can tolerate their differences, foster their relationship and preserve their marital bonds.

O mankind! Be dutiful to your Lord, Who created you from a single person (Adam) and from him He created his wife (Eve), and from them both He created many men and women; and fear Allah, through Whom you demand your mutual (rights) and (do not cut the relations of) the wombs (kinship). Surely, Allah is Ever an All-Watcher over you. (Q.4:1).

It is He Who has created you (all) out of one living entity and out of it brought into being its mate, so that man might incline with love towards women (Q.7:189, also see Q.25:74, 4:128-130).

In the Hadith, the Prophet is also reported to have said that:

Fear Allah in regards to women... treat them with kindness, for they are your partners and committed helpers. It is not lawful for you to take anything from them except with their consent and they have the right to be treated with kindness and respect the best of you are those who are the best to their wives and I am the best of you to my wives.^{xix}

Istishārah wan-Naṣīḥah (Consultation and Advice): man is usually disturbed when in disturbances and another man's intervention would be of help. In spite of the Prophet, Muhammad's intelligence, he was enjoined by Allah to go into mutual consultation with people on matters (Q.3:159). Two good heads are better than one! Hence, it is a great principle that spouses share their unhealthy relation with people of experience and understanding chiefly to have guiding advice. An

adage also buttresses this when it says: “problem discussed, problem half solved”. On the purpose of guidance and counseling, Allah says:

And before you also the Messengers We sent were but men, to whom We granted inspiration: if ye know this not, ask of those who possess the Message... (Q.16:43)

Hadith

On the authority of Abu Hurayrah who said that the Prophet, Muhammad said: “seek guidance from those who possess knowledge, for they are the inheritors of the Prophets”^{xx}

Du’a (Prayer):another Islamic solution to matrimonial conflict, is spiritual communication and seeking divine intervention from Allah. It is essential since it is a spiritual weapon that can be used to solve all problems. It plays both preventive and curative roles in any issue that befalls man. It connects man with Allah and serves as a means for guidance, strength, forgiveness, succor and bailing from series of vicissitudes. Allah says:

And when you have decided, then rely upon Allah. Indeed, Allah loves those who rely (upon Him). (Q.3:159)

Invoke Me and I will respond to your invocation. (Q.3:193).

In the Hadith, on the authority of Abu Hurayrah, the Prophet is reported to have said that: “Allah does not reject the supplication of one who asks with a sincere heart.”^{xxi}

Muṣālaḥah (Reconciliation):this refers to the process of sorting out differences, conflicts and misunderstanding between individuals and groups. This is also emphatically recommended in the glorious Qur’an to resolve matrimonial conflicts. The Islamic approach through reconciliation is unique as it sets special qualities which reconciling officers must possess and the readiness of the quarreling parties not only to shift ground but also accept the outcome of the reconciliation in good fate. On the other hand, the reconciliation agency and the conflicting couple must be sincere enough in order to preserve the marital bond, family unity and have reasonable contribution towards the societal development. In the Qur’an 4:35, Allah says:

If you fear a breach between them twain, appoint (two) arbiters, one from his family and the other from hers; if they wish for peace, Allah will cause their reconciliation: for Allah has full knowledge and is acquainted with all things.

In the Hadith, the Prophet said: “whoever makes peace between two people and reconcile them, Allah will grant him the reward of one who has freed a slave.”^{xxii}

Ṭalāq wa Ḥaḍānah (Peaceful Marriage Dissolution and Child Custody): Islam does not conceal the truth that some marital conflicts might be unresolvable according to some circumstances that might prompted them. Confirming this, Muhammad-Busayri and two others carried out research on the percentage of the unmarried women in four (4) Muslim dominated geo-political zones in Nigeria, which revealed that there was 25%, 28%, 30% and 22% women divorcees in the North-Central (Ilorin, Kwara state), North-East (Maiduguri, Borno state), North-West (Kaduna, Kaduna state) and South West (Ogbomoso, Oyo state) respectively.^{xxiii}

In order to avert any consequences which an unhealthy matrimonial relation might have caused, Islam recommends divorce as final resort. *Ṭalāq* (divorce at the instance of husband) and *Khul'* (divorce at the instance of wife) are the major kinds of divorce reckoned with under the Islamic family law, though each has distinct processes that must be followed and whichever is applicable must be carefully exercised and honourably implemented. There are divorcees who have experienced unimaginable matrimonial unrest and in the name of “staying with my children were molested by their husbands and their family members”, though the divorce was later allowed for the sake of tranquility. Yet, many remained single-mothers for a number of years prior to remarrying.^{xxiv} An interviewee on the subject matter expresses the following through a text message:

Unrest and apprehensions in matrimony usually raises uncontrolled tension. There are times that a woman takes a decision to remain in such tensed atmosphere because of the need to be close to the children and give them the desired care. But when such circumstances persist and leads to threat of life, the scholars may be forced to conduct divorce processes to allow the oppressed gain freedom and be at peace with herself and the environs.^{xxv}

Divorce is an essential aspect of the Islamic family law which is extensively discussed in the Qur'an and Hadith of the Prophet (SAW) and elaborately explicated by the Muslim scholars. As a way of emphasising the concept, a complete Qur'an chapter is named as *Ṭalāq* (divorce) and the first-seven of the twelve verses of the chapter dwell on how to administer it justly. In another verse of the glorious Qur'an, Allah says:

For divorced women maintenance (should be provided) on a reasonable (scale). This is a duty on the righteous. (Q.2:241).

On the delicacy and detestability of the divorce in Islam, Prophet Muhammad (SAW) is reported to have said thus:

On the authority of Abu Hurayrah who said that the Prophet said: “The most hateful permission in the sight of Allah is divorce.”^{xxvi}

Though divorce is permitted, Islam is not oblivious of its consequence which is described thus:

It is vital that it be understood that talaaq is a razor-sharp weapon (and) loaded fire-arm which cannot be tampered with. The weakling who succumbs to his anger and in an emotional fit blurts out talaaq must remember that the damage is done.^{xxvii}

In the same vein, Ambali opined thus:

Talaq: This is the dissolution of marriage at the instance of the husband releasing his wife from the obligation of the marriage contract. Although marriage is a contract similar to the contracts of sale, employment or hire, its termination involves more than the termination of any other contract. It is a “strong covenant” among other compacts which Islam enjoins Muslims to keep up and fulfil its terms faithfully.^{xxviii}

It is based on the prevention of the total dissolution of the marriage contract between husband and wife that Islam prescribes another rite (*Iddah*) which must be observed prior to the final dissolution. The *Iddah* is a divine enjoinder to give room for reconciliation between the conflicting husband and wife and/or utilise the period opportunistically to make necessary planning and arrangement for the maintenance of their children who must not suffer in the name of their marriage cancellation.

Ḥaḍānah connotes the Islamic worldview to secure the rights of children and solicit their custody where their basic needs are not jeopardised as young beings. Upon dissolution of marriage contract, Islam enjoins sponsorship and guardianship of the father on the child till he grows and becomes mature when he can sufficiently take good care of himself.^{xxix} This is vividly explained in the following Qur’ān verse where Allah reveals thus:

Let the man of means spend according to his means; and the man whose resources are restricted, let him spend according to what Allah has given him. Allah puts no burden on any person beyond what He has given him. After a difficulty, Allah will soon grant relief. (Q.65:7, see also Q.2:233).

Conclusion and Recommendations

The foregoing discussion has revealed that there are matrimonial conflicts among Muslims in the contemporary era and factors responsible for them differ. Yet, there are spouses who relate with each other in an unhealthy home while many others have divorced. In addition to this unwanted happening, is the child

upbringing that also suffers. This subjects numerous children to series of victimisation as if the religion of Islam does not cater for the duo acts. In view of this, the research recommended Islamic solutions to the effects of the matrimonial conflicts in the 21st century in Nigeria. For these solutions to be effective, the following recommendations are given:

- I. Parents should give necessary and sound Islamic training to their wards right from the young age.
- II. Muslim scholars should intensify efforts towards acquainting Muslims with detail knowledge about marriage, husband and wife relation and child upbringing.
- III. Each spouse should see his/her family setup as “laboratory” to experiment the trainings acquired theoretically and require observation and calmness to succeed distinctly.
- IV. Every devout Muslim should see his/her family as a major contributor to the societal development or otherwise. Hence he/she should plan for its serenity and progression rather than retrogression.

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