



وزارة التعليم العالي والبحث العلمي
جامعة الموصل
كلية العلوم الاسلامية
قسم الشريعة

أثر المقاصد الشرعية في معالجة ظاهرة التفكك الأسري
محافظة دهوك إنموذجاً

رسالة قدمت الى مجلس كلية العلوم الاسلامية - جامعة الموصل.
وهي جزء من متطلبات نيل شهادة الماجستير في تخصص الفقه وأصوله.

من قبل الطالبة
ليلى نوري حسين البرواري

باشراف
الأستاذ المساعد الدكتور
رمضان حمدون علي الرمو.

المستخلص بلغة الرسالة

الحمد لله رب العالمين والصلاة والسلام على خير خلقه محمد وعلى آله وصحبه الطاهرين أجمعين.

إنَّ البحث في أثر المقاصد الشرعية في معالجة التفكك الأسري - محافظة دهبك انموذجاً، وبيان حكمه في الشريعة الإسلامية من الأمور والقضايا الهامة الضرورية، وللحد من التفكك الأسري لا بد من ايضاح المنهج الشرعي في التعامل مع الاسرة وهو الرفق، والفرق بينه وبين التأديب الذي لا يكون إلا لمصلحة. وكذلك الاحتراز من الآثار السيئة للعنف الأسري واطهار العلاجات والحلول الفقهية والقضائية والتي تتبع من منظور تربوي اجتماعي مما تبين أهمية ومكانة الأسرة في الاسلام .

تتبين أهمية البحث والدراسة في التفكك الاسري في أن الأسرة تعد من الجوانب المهمة في الحياة وأنَّ هذا الموضوع يتناول هذا الجانب، وبالتالي فإنه يتناول قضية تمس حياة الناس العملية، فضلاً عن أن انتشار التفكك الأسري على المستويين المحلي والخارجي بات واضحاً فوجب البحث فيه، فضلاً عن ان المجتمعات تحاول كل حسب توجهه واختلاف شرائعه، ايجاد الحلول لموضوع التفكك الاسري، وأن الاهتمام بالمشكلة ويجاد الحلول الشرعية اللازمة لها تبين أهمية وضرورة الاهتمام بالأسرة والمشاركة في التنقيف حول مشكلة التفكك الاسري، ولأنَّ العلماء والقضاة بحاجة الى بحث هذه المشكلة والوقوف على أسبابها، ومعرفة آثارها، وبيان أحكامها، وطرق علاجها من الوجهة الفقهية الشرعية،

بعد الدراسة الميدانية التي قمت بها في محافظة دهبك والتي التقيت من خلالها بالمختصين في مجال الاسرة والقضايا التي تسبب في التفكك الاسري توصلت الى

١- هذه الدراسة تتطلب ان يكون الكثير من محاورها عناوين لبحوث اخرى كمسألة الخيانة الزوجية ومسألة المخدرات والعنف الأسري وسوء استعمال السوشياي ... وغيرها من الأسباب الغالبة للتفكك

الاسري والتي هي في زيادة وخاصة في السنوات الاخيرة.

٢- تبين من خلال الدراسة والبحث الميداني عدم معرفة أغلبية الناس ماهية وأهمية ومحاور المقاصد الشرعية وضرورتها في الحفاظ على الأسرة من التفكك، فأكثرية المتزوجين لا يعرفون المقاصد الشرعية

الشمولية من الزواج، وتتحصر معرفتهم بكونها ارتباط اجتماعي موروث، أو هي مجرد إشباع النزوات.

(Abstract)

The study of the impact of the legitimate purposes in addressing family disintegration – the governorate of Dohuk as a model, and the statement of its ruling in Islamic law is one of the important and necessary issues. for the benefit. As well as guarding against the bad effects of domestic violence, and showing treatments and jurisprudential and judicial solutions, as well as those that stem from an educational and social .perspective, which shows the importance and status of the family in Islam

The importance of research and study in family disintegration is evident in that the family is one of the important aspects of life and that this topic deals with this aspect and therefore it deals with an issue that affects people's practical lives, in addition to the fact that the spread of family disintegration at the local and external levels has become clear, so it must be searched, in addition to that Societies are trying, each according to his orientation and the difference in his laws, to find solutions to the issue of family disintegration, and that attention to the problem and finding the necessary legal solutions to it shows the importance and necessity of paying attention to the family and participating in education about the problem of family disintegration, and because scholars and judges need to discuss this problem and find out its causes, and know its effects. And a statement of its provisions, and ways to treat it from the legal jurisprudence point of view, since the issue of family disintegration has become one of the private and public conversations in forums and in the media without paying attention to Islamic jurisprudence and its legal .rooting, so it was necessary to research this topic

My choice for this topic came because the Islamic legal purposes must increase in the modern era interest in them and knowledge of the purpose of the law from each of the rituals and each of the obligations in order to achieve its main meaning for which it was prescribed and if the goal is not understood, it becomes meaningless

One of the objectives of the current research and study is the definition of family disintegration, and its effects on the individual on the one hand and on society on the other hand, in addition to the statement of the jurisprudential ruling on family disintegration and how Sharia gave priority to preserving the family by highlighting and giving the necessary solutions from the perspective of Islamic law, as well as the need to clarify the social situation The Dohuk governorate is a model for assessing the importance of measures, taking into account the family, and maintaining the permanence of the natural social situation

The research method that we followed depends on investigation and analysis, bearing in mind that the subject bears a multiple social nature, so it was necessary to follow the quantitative method also to reach more accurate and clarification results

This study consists of an introduction and four chapters on the aspects of legal purposes and family disintegration, and the summary of the study as a conclusion, and so the study covered all aspects and aspects of the subject, indicating the legal view in it, and the specificity of the spatial dimension

We would like to point out that there were many difficulties in the way of research, the most important of which is that the material we chose as a framework for research represents one of the difficulties that any researcher faces due to the scarcity and difficulty of obtaining statistics and samples through which we elicit results, in addition to the lack of primary sources that deal with this subject accurately and explicitly. Because the topic is new in its era, as well as the sensitivity of research .in social issues for some

It is worth mentioning that the field research that I conducted through interviews with specialists, as well as the questionnaires that were distributed to them, helped me a lot in reaching the numbers and statistics that showed the reality of family disintegration in Dohuk from the causes and effects and the necessity of developing the necessary treatments for .it

In conclusion, we extend our heartfelt thanks to everyone who helped in completing this study, whether the aforementioned or others whose names did not help me to mention their names, leaving God Almighty to give them their reward in the hereafter. Similar to similar studies, they are not free from shortcomings or omissions, because they are human effort, compared to the perfection that belongs to God alone, the Mighty and Sublime. Raising the dust, even a few files, that are originally a pride for Islam and Muslims in their dealings within the rights and duties and the treatment and immunity of man within the family, although some tried to distort it, in order to serve the enemies, and from God success and .payment
researcher

Iraqi Republic

Ministry of Higher Education and Scientific Research

University of Mosul

College of Islamic Sciences

Department of Sharia



The impact of legitimate purposes in addressing family
disintegration

Dohuk Governorate

Student

Laila Nouri Hussein

Master Thesis

Supervisor

.Mr. Dr. Ramadan Hamdoun Ali

2022

1444