

Divorce: Its Reasons and Factors in Afghanistan

Parwiz Stanekzai*

Abstract

As we know, marriage and divorce are two interrelated phenomena that coexist. Marriage is a union formed through the bond of matrimony, and in cases of irreconcilable differences, lack of belief, or internal disputes, divorce becomes applicable to the husband. It is evident that two individuals are never identical in terms of appearance, color, or nature, as they inherently possess distinct characteristics. While Islam aligns with human desires at all times and places, and is never in favor of separation between husband and wife, divorce is permitted due to the recognition of human rights and the support for their desires. The Prophet Muhammad (peace be upon him) explicitly stated, "Hate What is permissible according to God is divorce" The most detestable of permissible things to Allah is divorce. There is no doubt that marriage and divorce are two distinct and contrasting phenomena. Marriage establishes the foundation for two individuals' lives and fosters good communication between them, creating a marital relationship. On the other hand, divorce serves as a means of separation and dissolution between a husband and wife. Divorce has been a solution to end marital life even before Islam in various divine religions. However, Islam acknowledges this practice, disapproves of it, and considers it the most undesirable lawful action. In conclusion, when peace is unattainable and conflicts persist between the parties involved in family disputes, divorce becomes the ultimate solution for marital relationships in Islam.

Keywords: Divorce, types of divorce, reasons for divorce, divorce in Afghan society

INTRODUCTION

It is evident that the subject of divorce and separation has increased in the 20th and 21st centuries. Factors such as urbanization, geographical movements, direct and indirect influences on local residents, the functioning of families in the past, and the disregard for values have contributed to the rise of divorce and separation cases. Second, divorce rates in urban and industrial areas have been relatively higher compared with rural villages and settlements. Third, divorce has been recognized as an accepted Islamic and social solution for marriages. Based on this significant issue of divorce and its causes and factors in Afghan society, we will examine it from both a religious and legal perspective.

It is true that divorce is considered one of the most significant phenomena in human life. This phenomenon has multifaceted dimensions that affect all aspects of human society. First, divorce is a psychological phenomenon, as it not only affects the emotional balance of the two individuals involved

but also affects their children, friends, relatives, and close acquaintances. Second, divorce is an economic phenomenon in the sense that it can disrupt the economic unit of the "family" and can be influenced by economic factors such as the "income level of the family" and, in general, "poverty," which can lead to the disintegration of the family. Apart from being a psychological and economic phenomenon, divorce significantly impacts various aspects of the population in a society. On one hand, it affects the quantity of the population since it dismantles the fundamental and legitimate unit of

*Author for Correspondence

Parwiz Stanekzai

E-mail: parwizstanekzai@gmail.com

Professor, Faculty of Sharia and Law, Jahan University, Kabul, Afghanistan

Received Date: July 13, 2023

Accepted Date: August 18, 2023

Published Date: September 28, 2023

Citation: Parwiz Stanekzai. Divorce: Its Reasons and Factors in Afghanistan. Journal of Family & Adoption Law. 2023; 6(2): 14–25p.

procreation, namely the family. On the other hand, it also affects the quality of the population because it can lead to children being deprived of the blessings of a family and, in all likelihood, lacking the necessary conditions to become responsible citizens in a society. Fourth, divorce is a cultural phenomenon and, from another perspective, an interconnected phenomenon, especially in a society where healthy, proper, and natural relationships are lacking. Marital bonds are not an exception either. Therefore, attention to divorce is not only essential from an individual's perspective as a human being and for their children but also from the perspective of the community, culture, economy, and even the overall population, and its impact is worthy of consideration. Therefore, paying attention to divorce is not only important from an individual's perspective as a human being and for their children, but also from the perspective of society, culture, economy, and even the overall population. As we know, in various Islamic texts, it is mentioned that men and women are created for each other, and their bond, which is marriage, holds various physical, psychological, complementary, and social benefits. It is so significant that in hadiths, it is considered as half of the religion. After the marital bond is established based on religious and customary rules and agreements, if the two parties cannot live together due to various personal, environmental, and social reasons, they have the right to separate according to the regulations and norms and may decide to find another suitable partner in the future. Divorce, as a social issue encompassing the legal dissolution of marriage and the separation of husband and wife, is of great importance due to its wide-ranging effects on population growth and the transformation of family structure. Consequently, the Civil Registration Organization, alongside recording events such as deaths and births, annually registers marriage and divorce statistics, which serve as a source for investigations conducted by experts and researchers. These statistics are utilized as valuable resources for various studies and analyses. Research on divorce can provide a scientific and comprehensive understanding of the phenomenon under discussion and contribute to the advancement of the cultural values of society, particularly in the realm of marital culture. It can also aid in formulating appropriate social programs to promote family well-being and prevent the negative consequences and harmful effects of divorce. Divorce statistics in the country are increasing day by day, and this significant social problem has never been as threatening to family cohesion and its detrimental effects as it is in the present era. If a society continues to experience an increasing divorce rate, it will undoubtedly face a crisis.

Reports from the Supreme Court of Afghanistan have indicated that divorce and separation statistics in the country have been on the rise in the years 1395, 1396, and 1397 (Solar Hijri calendar). Furthermore, divorce and separation rates in the years 1398, 1399, and the first half of 1400 have also been relatively high, with approximately 90% of divorces initiated by women. In the year 1397 (Solar Hijri calendar), the Supreme Court registered and handled 3,422 divorce and separation cases; in the year 1396, there were 2,800 cases; and in the year 1395, there were 2,617 cases registered and dealt with at the High Court. The Supreme Court states that increased awareness of people's rights, their trust in the judiciary and courts, and better handling of divorce and separation cases are among the main reasons for the rising divorce and separation statistics in the mentioned years. However, with the advent of the new system (Islamic Emirate) under the Taliban, the divorce and separation rates in the years from mid-1400 to the beginning of 1402 have shown a significant decrease, to the extent that they are not even comparable to previous years. According to the Supreme Court of Afghanistan, with optimism about the reduction in divorce rates in the country, in the year 1401, they reported only 400 divorce cases registered in the past three months across the country [1]. Among these cases, 220 have been processed, 50 cases have been resolved, and the rest are still under investigation.

In addition to the aforementioned reports, there have been articles and research conducted on the subject of divorce in Afghanistan by scholars such as Zahra Siyas (2019) [2], Shorush Naif Daman (2020) [3], Mohammad Pannah (2022) [4], Farideh Alami (1400) [5], and Ayatollah Mohaqiq (2020) [6].

In the aforementioned articles, the focus has been mainly on the legitimacy of divorce and the process of dissolution of marital relationships. However, this article discusses the factors and reasons that lead

to the breakdown of marital relationships and result in divorce in Afghan society, where women separate from their husbands. It has been highlighted that the majority of these factors are related to ethical and cultural issues.

STUDY QUESTIONS

1. What is the definition of divorce, and how is this term invoked by the husband?
2. What are the effects of urban living, geographical movements, and direct and indirect changes on the occurrence of divorce and separation among the local residents?
3. Does divorce depend on the conclusion of the marriage contract (nikah)?
4. Can a woman obtain three divorces in one instance?
5. What are the factors and causes leading to the dissolution of marital relationships and the increase in divorce rates in Afghan society?

STUDY OBJECTIVES

1. Investigating the idiomatic meaning and definition of divorce and its relation to marriage.
2. Examining the stages and necessary conditions for a woman's divorce in the Abu Hanifa school of thought and the consensus of scholars.
3. Studying and analyzing court statistics and reports, and the role of military and political transformations in the changes in divorce and separation rates in Afghanistan [7].
4. Identifying risk factors and causes of divorce in Afghan society.

RESEARCH METHODOLOGY

This research and study are based on a practical objective, as its purpose is to provide practical application of acquired knowledge and gather data through survey-type descriptive research. We aim to obtain the collective opinions of experts by utilizing credible religious books, Afghan laws, collecting reports, and conducting field questionnaires to identify the influential factors on divorce.

GENERAL DEFINITIONS

Before delving into the reasons and factors for divorce in Afghan society, it is necessary to discuss the definition of divorce, its legitimacy, conditions, and essential elements in Islamic jurisprudence and the prevailing laws of Afghanistan. Shedding light on these aspects will help clarify the reasons and factors contributing to divorce in Afghan society.

Definition of Divorce

Lexical Definition of Divorce

In the linguistic sense, divorce means untying a knot, releasing, or dissolving the bond of marriage. It can also refer to the annulment of the contract of marriage, termination, or sending away. Moreover, divorce can be understood as the removal of the marriage contract's conditions.

Technical Definition of Divorce

Divorce is the dissolution of a valid marital relationship, either immediately or in the future, between a husband and wife, with wording that explicitly indicates the occurrence of divorce. Divorce can be initiated by either the husband or the court, based on the wife's request, in accordance with the provisions of this law. It can also refer to the marriage contract with the word "divorce" or similar phrasing, or the explicit removal of the marriage bond, either immediately or in the future.

In terms of defining divorce, jurists have presented various definitions, all aimed at establishing a unified and true meaning. Legally, divorce is considered an "iqa" (occurrence), indicating that it must happen through the husband or his legal representative and not as a result of both parties' will. The Afghan civil law derives that divorce is an "iqa" and not a contract. Similarly, the Afghan civil law states that divorce can be initiated by the husband or his legal representative, or based on delegated authority if explicitly mentioned: the husband can divorce his wife through a legal representative, or he

can delegate the authority of divorce to his wife. Once the authority is delegated, the husband cannot revoke it, unless the wife has not accepted the delegated authority.

LEGITIMACY OF DIVORCE

The subject of divorce existed in celestial religions before Islam, and the religion of Islam has only extended and validated it. The legitimacy of divorce is supported by the following sources: the Quran, the sayings of the Prophet (Hadith), and the consensus of the Muslim community (Ijma).

The Holy Quran

The Quran contains various verses that discuss divorce and its regulations. One specific surah (chapter) entirely deals with the subject of divorce. Although there are different opinions among jurists regarding the legitimacy of divorce based on Quranic verses, some of the notable verses on this topic are as follows:

1. Surah Al-Baqara (Divorce twice, then retain it with kindness or let it go with kindness, and it is not lawful for you to take anything of what you have given them): "Divorce is twice. Then, either keep [her] in an acceptable manner or release [her] with good treatment. And it is not lawful for you to take anything of what you have given them unless both fear that they will not be able to keep [within] the limits of Allah [8]. But if you fear that they will not keep [within] the limits of Allah, then there is no blame upon either of them concerning that by which she ransoms herself."
2. Surah At-Talaq (O Prophet, when you divorce women, divorce them after their waiting period, and count the waiting period, and fear God, your Lord. Do not expel them from their houses, nor go out unless they bring a clear indecency, and those are the limits of diversion. Whoever transgresses the limits of God has wronged himself. You do not know, perhaps God will happen something after that): "O (nation of the) Prophet, if you divorce your wives, divorce them after (the end of their) menstrual cycle. Count their waiting period and fear Allah your Lord. Do not drive them from their homes or let them go away unless they commit a proven immorality. Such are the bounds set by Allah, he that exceeds the bounds of Allah wrongs himself. You do not know, perhaps after that Allah will bring a new event [9]."
3. Surah Al-Baqara (If he divorces her, she is not lawful to him again until she marries another husband; but if he divorces her, there is no blame on them...): "If he divorces her (for the third time), she shall not be lawful to him after that until she has wed (not for the purpose of remarrying her former husband) another spouse and then if he divorces her it shall be no offense for either of them to return to each other [10]."

Hadiths

Regarding divorce, there are numerous authentic hadiths that affirm its legitimacy. Some of these hadiths are as follows:

1. (Abdullah bin Omar, may God be pleased with them both, informed him that he had divorced his wife while she was menstruating. So Omar mentioned to the Messenger of God, may God bless him and grant him peace, that he had divorced her. The Messenger of God, may God bless him and grant him peace, became angry about him, then he said to take her back, then keep her until she is pure, then she will menstruate and be clean, then if it seems to him that he should divorce her. Then let him divorce her cleanly Before he touches her, that is the waiting period as God Almighty and Majestic has commanded.) Abdullah bin Umar (may Allah be pleased with him) reported that he divorced his wife while she was in her menstrual period. He then informed the Messenger of Allah (peace be upon him) about it, and the Prophet became displeased. The Prophet instructed him to take her back and keep her until she becomes pure from her menstrual period and completes her 'iddah (waiting period). After that, if he still wants to divorce her, he can do so while she is in a state of purity. This 'iddah is in accordance with the command of Allah Almighty [11–13].
2. Another hadith narrated by Abu Huraira (may Allah be pleased with him) mentions: On the authority of Abu Hurairah, that the Messenger of God - may God bless him and grant him peace

- said: "There are three things that are very serious and very difficult: marriage, divorce, and taking them back. "There are three matters in which seriousness is serious and jesting is serious: Marriage, divorce, and taking back (one's wife after issuing one divorce)." This hadith highlights the importance of treating matters of marriage and divorce with seriousness and not making jest of them.

3. In Sunan Abi Dawood [14], there is a narration from Imran bin Husain (may Allah be pleased with him) On the authority of Imran bin Husayn - may God be pleased with them both - that he was asked about a man who divorced his wife, then had intercourse with her, and he did not bear witness to her divorce, nor to her taking her back, so he said: "I was divorced for something other than the Sunnah, and I took her back for something other than the Sunnah. I bear witness to her divorce, and to her coming back." Behold, and do not come back where he was asked about a man who divorced his wife, then had intercourse with her without having witnesses for the divorce or the reconciliation. He responded: "You have divorced her without following the prescribed method, and you have taken her back without following the prescribed method. Therefore, take witnesses for your divorce and reconciliation, and do not repeat this action."

THE ELEMENTS OF DIVORCE (ARKAN AL-TALAQ)

Are defined as the essential pillars or foundations that determine the validity and realization of divorce in Islamic jurisprudence. In linguistic terms, "Rukn" refers to a base, a strong and essential aspect of something, its power, honor, and grandeur. In the context of Islamic jurisprudence, it refers to that which, when present, stops the existence of something and is integral to its nature, whether it is apparent or intrinsic.

According to the Hanafi school of thought, divorce has only one element, which is the formula of divorce (Sighah al-Talaq). The formula, whether expressed explicitly or implicitly (Kinayi), is an integral part of the nature of divorce and leads to its realization. However, other schools of thought, such as the Maliki, believe that divorce consists of four elements: eligibility (Ahliyyah), intention (Qasd), the place of divorce (Makkan al-Talaq), and the utterance or formula of divorce [15, 16].

On the other hand, according to the Shafi'i and Hanbali schools of thought, divorce has five elements: the divorcer (Muttalq), the formula, the place of divorce, guardianship (Wilayah), and intention (Qasd).

The main reason for these differences lies in the interpretation of the term "Rukn" by the respective scholars. The Hanafi school considers the presence of Rukn as a condition for the intrinsic nature of divorce, while other schools consider it as a criterion for the realization of its nature, whether it is intrinsic or not. Additionally, the disagreement between the Maliki School and the Shafi'i and Hanbali schools arises from the classification of guardianship (Wilayah) as an independent element of divorce by the latter, while the Maliki School includes it as part of the first element, which is eligibility (Ahliyyah).

TYPES OF DIVORCE

Among scholars, divorce has been categorized into various types, including divorce based on the wording, divorce based on attributes, divorce based on the legitimacy of description, and divorce based on implication.

Divorce Based on the Wording is Divided into Two Types' Explicit Divorce and Implied Divorce

Explicit Divorce
This refers to a divorce that is clearly and explicitly pronounced with words that leave no room for ambiguity. For example, when a husband directly says to his wife, "I divorce you," "You are divorced," "You are now a divorced woman," and so on, divorce takes place upon the utterance of such words.

Implied Divorce

This refers to words or expressions that may carry the possibility of divorce or other meanings, but do not explicitly and decisively indicate divorce. For example, when a husband says to his wife, "Go to

your family,” the divorce does not occur without the intention of divorce. If the intention of divorce is present, it takes effect, but if the intention of divorce is absent, it does not take effect. An example from a hadith narrated by Hazrat Aisha (may Allah be pleased with her) is as follows (When his son Al-Joun was brought to the Messenger of God, may God bless him and grant him peace, and he approached her, she said: I seek refuge in God from you, and he said to her: You have taken refuge with a great sin, join your family). “When the daughter of Juwayriyah was brought to the Messenger of Allah (peace be upon him) and she came near him, Aisha said, “I seek refuge with Allah from you.” He (the Prophet) said, “You have sought refuge with one who possesses a great refuge. Return to your family.” This hadith demonstrates that implied divorce does not take place if there is no intention of divorce, as evident in the statement of the Prophet to his wife.

Divorce Based on Legal Designation, According to the Hanafi School of thought, is Divided into Three Types: Hasan Divorce, Ahsan Divorce, and Bida'i Divorce

Hasan Divorce

This type of divorce occurs when a husband gives his wife one divorce during a state of purity (tuhr), meaning one divorce is issued during each period of purity.

Ahsan Divorce

In this type of divorce, a husband gives his wife one divorce after she has purified herself from menstruation (tuhr) but before any sexual intimacy, ensuring that her waiting period (iddah) is completed.

Bida'i Divorce

Bida'i divorce includes the following scenarios:

1. A husband divorces his wife during her menstrual period (hayd) or during a state of purity when they have engaged in sexual intimacy.
2. A husband utters three divorces at once or in three separate statements during a single gathering.
3. Divorcing the wife three times in a single statement or separately during a single period of purity (tuhr) or even during menstruation or postpartum bleeding.

Divorce Based on Reversibility and Irrevocability is Divided into Two Types: Raj'i Divorce and Bain Divorce

Raj'i Divorce

Raj'i divorce is a type of divorce where the husband, before the completion of the waiting period (iddah), has the right to revoke the divorce without the need for a new marriage contract (nikah) or paying the dowry (mahr) again. In the case of Raj'i divorce, both parties retain the rights and privileges of being husband and wife, even before the completion of the waiting period. In the event of the husband's death, they would inherit from each other.

Bain Divorce

Bain divorce is a type of divorce where the husband's right to reconcile with his divorced wife expires, and the rights and privileges of being husband and wife are terminated. The husband, without renewing a new marriage contract (nikah) and paying the dowry (mahr) again, does not have the right to reconcile with the divorced wife, and they no longer enjoy the rights and privileges of being husband and wife. Bain Divorce is further divided into two categories:

1. *Bain Saghra (Minor Bain)*: In this case, the divorce giver does not have the ability to return the woman to marriage (i.e., reconcile) without a new marriage contract and paying the dowry again. This type of divorce occurs when the husband divorces his wife before being sexually intimate with her or after a non-consummated marriage or in cases of dissolution and separation between the spouses.
2. *Bain Kabra (Major Bain)*: This type of divorce is when three divorces are issued in a single sitting, or three separate instances of divorce are given at different times, or it refers to a divorce where all the husband's rights come to an end, and he has no possibility of returning to the

divorced wife unless the divorced wife marries another man properly, and the second husband legally divorces her. If the second husband legally divorces her due to irreconcilable differences, and the possibility of continuing the marriage with her is legally impossible, then the opportunity for the first husband to return becomes available, and both parties can remarry by entering into a new marriage contract with mutual consent [17]. The jurists of the Hanafi school of thought refer to this type of divorce as “Thalaq Mughallazah” (Triple Divorce).

Divorce with Regards to its Immediacy, Suspension, and its Relation to the Future is Categorized into Three Types: Effective Divorce, Suspended Divorce, and Deferred Divorce

Effective Divorce

Effective divorce refers to an immediate and instant divorce where the divorcer has the intention of divorcing and dissolving the marital relationship at the moment. For example, if a man says to his wife, “You are divorced,” or “I have divorced you.”

Suspended Divorce

Suspended divorce is a type of divorce where the occurrence of the divorce is tied to a future event or action, and the divorcer does not express an immediate request for divorce. The primary intention and objective of the divorcer are not the occurrence of the divorce itself. For instance, a man tells his wife, “If you leave the house without my permission,” or “If you do a certain thing, you will be divorced.” In this case, the occurrence of divorce is contingent upon the wife committing the specified actions. If she does not, the divorce does not take effect, and the marital relationship remains intact in its original state.

Deferred Divorce

Deferred divorce is a type of divorce where the actual occurrence of divorce is postponed to a future time. For example, a man tells his wife, “You are divorced tomorrow,” or “You are divorced during the blessed month of Ramadan.” In such cases, the divorce will be effective on the specified future date. These three types of divorce represent different scenarios in which divorce can take place and the timing of its implementation, giving different legal implications in each situation.

CAUSES AND FACTORS OF DIVORCE IN AFGHANISTAN

Afghanistan is considered one of the poorest countries and lags behind in terms of education, where a majority of the population may not have full awareness of their rights within the framework of Islamic Sharia and established laws [18]. Therefore, the motivations and factors leading to divorce can vary in urban areas, villages, and their surroundings. Here, we can briefly mention some of these factors.

Lack of Consensus between the Bride and Groom

Such marriages are more common in traditional and rural communities, where the marriage decisions are often made by the elders, community leaders, or family members. These arrangements may involve familial and economic considerations and do not necessarily take into account the agreement between the brides and groom.

Early Marriage (Child Marriage)

Early marriages in Afghanistan are prevalent issues in remote rural areas and districts. In these regions, newborns and very young children who have not reached the age of eating solid food or puberty are sometimes referred to as “yak digar,” which means they are betrothed to each other. When they reach the ages of 12, 14, or 15 years, their marriage takes place. Indeed, individuals who marry at a young age often have limited desires and are not even thinking of making greater demands, especially in the case of young girls. Early marriage is considered a virtue and a sign of superiority for their families. However, those who marry at a young age, mostly due to the insistence of their families and to escape the pressures they face, are at higher risk of divorce.

Some young people marry individuals they do not have the willingness or desire to form a life together with, mainly because of family pressure. Consequently, shortly after marriage, they encounter

problems and realize that they cannot have a harmonious married life together. This leads them to consider a second marriage, or it may result in separation and divorce between them.

Economic Poverty

Research and studies indicate that one of the fundamental factors that increases the risk of divorce more than any other reason is economic poverty, which is more prevalent among the poor compared with the wealthy classes. When a couple faces economic pressure, the husband may resort to violence against his wife and blame her for their financial struggles, which eventually leads to divorce. Moreover, financial poverty affects young men who enter marriage burdened with debts, and they may find it challenging to manage the financial responsibilities that come with marriage. As a result, the married life of both partners can lead to divorce.

In general, we can say that there is a direct relationship between money and happiness. Couples who are constantly preoccupied with financial concerns and focus on what to buy or how to spend according to their limited resources may experience more strain compared with a wealthy individual who does not dwell on such matters or is even unconcerned about them.

Interference of Others in the Affairs of the Couple

When a young couple lacks the ability to prevent tension and violence against each other within the family, and if others do not intervene to help, this can lead to divorce. Moreover, excessive interference from external parties in the marital affairs of the husband and wife can also be a cause of divorce. In Afghanistan, it is common for both the family and elders from both sides to interfere and even incite violence against the wife in the private life of the couple. Such situations are more prevalent in various provinces of the country, where parents and relatives of the husband encourage and push him towards violence against his wife, leading to divorce.

These types of situations involve the interference of family members in the private affairs of the couple and can contribute to the breakdown of the marriage.

Age Difference between the Husband and Wife

Yes, one of the factors and causes of divorce between spouses is the age difference between them. Sometimes, the age gap can be more significant, exceeding 20 to 30 years or even more. This significant age difference leads to differences in expectations and behaviors based on their respective ages, which may not be tolerable or understandable for the other partner. As a result, family conflicts and disputes arise.

For example, in Paktia province, Afghanistan, there was a case where a man married a 16-year-old girl while he was 63 years old. In this situation, the age difference is considerable, and the expectations of both parties are vastly different. The needs and desires of the man may not align with those of the young girl, and vice versa, eventually leading to divorce and the wife's separation from the husband.

Unrealistic Expectations before Marriage

One of the main reasons for divorce is the unrealistic expectations of both parties before marriage. In Afghan society, it is often expected that when a man goes to the girl's house for marriage, he must bring gifts such as dried and fresh fruits, along with his father, mother, and sisters, to honor the occasion. Sometimes, due to the lack of a courtship period or an engagement phase, which many people in the community are unfamiliar with or consider against their cultural norms and traditions, some individuals create obstacles to the prospective bride's visits to their homes.

In such situations, lack of awareness of each other's expectations and cultural differences can lead to disappointment and discomfort for both parties, resulting in conflicts and even separation before marriage.

Furthermore, in some cases, certain individuals may have unrealistic expectations from their spouses and compare them with others, not accepting that every individual has their flaws. They constantly engage in complaints, criticism, and nitpicking about their spouse and their thoughts revolve around these issues. After a while, with such behavior, they become unwilling to continue their married life and are ready for divorce from their spouse.

Social Media

It is evident that married life is not devoid of conflicts and disputes. However, in general, social media platforms such as Facebook, Twitter, Instagram, TikTok, and other media outlets are not the primary cause of divorce and separation between spouses. Nevertheless, they serve as a strong and credible platform for marital disputes that can lead to divorce.

Research has shown that when one of the spouses is addicted to social media platforms like Facebook, TikTok, WhatsApp, and so on, they engage in numerous arguments and conflicts with each other. Alternatively, when a son or daughter watches television and a topic of disagreement arises between them, they might easily separate from each other without any precautionary measures. This can lead them to consider marriage with someone else or choose different paths. The influence of media, particularly the prevalence of explicit films and television series in Afghanistan, has amplified this aspect and unfortunately led to the termination of many marital relationships and the breakdown of families through these means.

Infertility or Sterility

It is common for the purpose of marriage and shared life between a young woman and a young man to be the reproduction and bearing of children, which is a natural matter. However, the issue of infertility or sterility in women is considered significant and even a cause of separation in Afghanistan, despite advancements in science and medicine. Some families still believe that if a woman fails to conceive a child for the family, then the son might pursue a second marriage or even separate from his first wife.

In some cases, the infertility may actually be on the part of the husband, or there may be medical complications on the part of the wife that prevent the couple from having a child. Nevertheless, this issue becomes a reason for a second marriage for the man or even leads to the separation between the spouses.

Economic Independence of the Wife

In Afghan society, women are financially dependent on men in terms of expenses (such as alimony, clothing, housing, etc.). However, when a wife engages in work outside the home and achieves financial independence, it can lead to marital issues and even divorce. This is because financial independence can give rise to higher expectations and aspirations in her life, which may eventually lead to the separation of the wife from her husband.

Preference for Sons and Limited Number of Daughters

In rural areas and remote regions, people often desire to have more sons. They believe that only sons can provide support and assistance in their future lives. Daughters, on the other hand, are considered to belong to other families and households after marriage. Based on this belief, when a woman gets married and gives birth to daughters, she may face violence and dissatisfaction at first, as the preference is for having more sons. Consequently, she might decide to pursue a second marriage and separate from her first wife, assuming that she will have better chances of having sons in the new marriage.

However, it is important to note that both sons and daughters are blessings from Allah. The Prophet Muhammad (peace be upon him) stated in a hadith: "He who brings up three daughters or sisters, educating them, and behaving well towards them, till they are mature, will have a place secured for him in Paradise."

This cultural preference for sons and limited number of daughters can contribute to marital conflicts and, in some cases, lead to the breakdown of the family unit. It is crucial to promote a more balanced and equitable perspective on the value and importance of both sons and daughters in society.

Lack of Ethical, Religious, and Belief Compatibility

It is common for two individuals to have different upbringings, perspectives, beliefs, and desires. They may not necessarily believe in the equality of women and men. However, if these differences in beliefs lead to contradictions and conflicting viewpoints to the extent that the two parties become polar opposites, it can result in a life filled with conflicts and disputes. In such a situation, the entire life becomes a battleground for arguments and controversies, and as a result, individuals may decide to separate in order to escape from these constant conflicts and disagreements.

Drug Addiction

Unfortunately, the number of drug addicts in Afghanistan, particularly in Kabul province, has been increasing lately. Individuals addicted to drugs and alcoholic beverages suffer from physical, mental, psychological, and moral health issues and become unfit and unhealthy individuals. Their families are left in distress, always feeling a sense of loneliness and the absence of the addicted person from the family and other relatives. As a result, this situation can lead to separation and even divorce between spouses since such individuals lack a sense of responsibility and do not value family life, spouse, children, and other relatives. With the advent of the new system in Afghanistan in the year 1401 (Solar Hijri calendar, approximately corresponding to 2022–2023 in the Gregorian calendar), the issue of drug addiction has been addressed through specific orders and prohibitions. Addicts have been entirely transferred to rehabilitation centers, which indicates a positive and commendable step taken by the current government in the country.

Lack of Compatibility between the Two Parties

Sometimes, marriages take place under coercive interventions by the parents or other family members, imposing their will upon the couple. For instance, a young man from a poor family, struggling even to afford basic necessities, may marry a girl from a wealthy family who has lived her life in comfort and luxury. As time passes, grievances and complaints from the boy's family start to surface, and eventually, these objections lead to the dissolution of the marriage between the husband and wife.

Lack of Attention to Each Other's Desires

This can be related to emotional and sexual desires. For example, every man expects his partner to be clean and attractive, and likewise, every woman also expects the same from her husband. However, often one of the partners is not willing to express these desires [19]. In such cases, indifference and lack of attention to the other person's appearance, neglecting personal grooming, being unclean, and having bad hygiene or body odor can lead to dissatisfaction in the marriage, especially in an environment where personal adornment, grooming, and cleanliness are valued. Eventually, this can result in separation or a decision to seek another partner.

Seeking Privileges and Goals

In some marriages, the sole purpose is to attain the privileges of a specific individual, such as marrying a doctor, engineer, company executive, professor, university president, or similar positions. In such cases, excessive attention is not given to the age, personality, ethics, and behavior of the prospective spouse. These types of marriages often have a lower chance of long-term sustainability and continuation, as the focus on the spouse's privileges cannot lead to mutual satisfaction in the long run. On the other hand, another prevalent situation in Afghanistan is when some girls marry boys who are financially well-off, wealthy, or living abroad. In such cases, the girl may not be concerned about the boy's personality, ethics, age, or even his health. Her assumption is that once married, she will have access to all his wealth and assets, and if needed, she can easily seek divorce and marry another person, even from abroad [20]. Unfortunately, such misconceptions exist among a majority of the youth.

CONCLUSION

In summary, divorce refers to the dissolution of the marital relationship by the husband using specific words that signify divorce. As previously mentioned, marriage and divorce are two contradictory yet interrelated terms. Divorce occurs after marriage, meaning it is contingent upon the marriage contract, and it cannot happen before marriage. Divorce for a man is not limited to a one-time occurrence; rather, he can divorce his spouse three times, which will terminate the marital relationship. It should be noted that according to Imam Abu Hanifa, divorce is not valid if a woman utters three divorces in one sitting; instead, it must be done in three consecutive periods of purity and without menstruation.

Divorce is a chronic social disease that, similar to chronic physical illnesses, has multiple risk factors contributing to its occurrence. Fortunately, many of these factors are well-known. However, due to not taking them seriously, we do not consider them before getting married. When the warning signs of divorce arise, we do not think of finding solutions; instead, we resort to the only solution we know, which is separation and divorce. Therefore, it is necessary to take two important steps to prevent divorce. First, pre-marital measures such as paying attention to the appropriate age for marriage, compatibility in terms of religion, morals, and ethics, avoiding forced marriages, providing life skills training to the couple before marriage, getting to know each other's families, and educating the couple about their roles and duties in the family. Second, post-marital measures such as familiarizing the couple with sexual behavior principles by knowledgeable and righteous individuals, providing necessary facilities for marital and family counseling in case of marital conflicts related to sexual matters, developing educational programs on communication skills and conflict resolution methods, avoiding interference from others in marital affairs, and obeying the spouse's wishes.

REFERENCES

1. Enayatullah M. (2023). Divorce rates dropped in Afghanistan: Supreme Court. [Online] Available at <https://tolonews.com/afghanistan-182483>.
2. Sias Z. (2019) Divorce: Its factors and effects in the family. [Online] Available at <https://subhekabul.com/%D8%AC%D8%A7%D9%85%D8%B9%D9%87/divorce-2-factors-and-its-effects-on-the-family/>.
3. Daman SN. (2020). What are the laws of separation and divorce in Afghanistan. [Online] Available at <https://dad-man.ir/%D9%82%D9%88%D8%A7%D9%86%DB%8C%D9%86->.
4. Panah M (2022). Examining the causes of divorce in society and explaining the role of divorce in women's delinquency. [Online] Available at http://ls.miu.edu.af/article_100128.html.
5. Alami F. (1400). The taboo of divorce in Afghanistan: women who consider death better than divorce. [Online] Available at <https://www.etalatroz.com/122713/divorce-taboo-in-afghanistan-women-who-know-death-better-than-divorce/>.
6. Kabuli AM. (2020). Investigating the factors of the increase in divorce rates among Afghan immigrants in the corona situation in the analytical report of Azshafqna. [Online] Available at <https://af.shafaqna.com/FA/384622>.
7. Alive. (1402). Nightmare of some divorced women in Afghanistan; "I fled out of fear of my ex-husband's return." [Online] Available at <https://da.azadiradio.com/a/32342548.html>.
8. Hassan A. (1389). Farhang-e Farsi Amidi. Noor-e Namune. Rah-e Rashad.
9. Ibn Abidin, Muhammad Amin bin Umar. Radd al-Muhtar 'ala al-Durr al-Mukhtar. Muscat, Oman: Alam al-Kutub; 2003.
10. Ministry of Justice. (1355). (Official Gazette) Civil Law of the Republic of Afghanistan. [Online] Available at <https://www.refworld.org/docid/5a6f2bce4.html>.
11. Wahbah A-Z. Islamic jurisprudence and its evidence. Syria, Damascus: Dar al-Fikr; 1406.
12. Bukhari MBIBI. Sahih al-Bukhari. Beirut, Lebanon: Dar Ibn Kathir; 2002.
13. Tirmidhi, Abu 'Isa Muhammad bin 'Isa. Sunan Tirmidhi. Cairo, Egypt: Dar al-Hadith; 1999.
14. Al-Sajistani, Abu Dawood Sulaiman bin al-Ash'ath bin Ishaq. (1999). Sunan Abi Dawood. Saudi Arabia: Ministry of Islamic Affairs, Dawah, and Guidance; 1999.

-
15. Al-Barakti, Mohammad Amim Al-Ihsan. Definitions of jurisprudence. Beirut, Lebanon: Dar al-Kutub Al-Elamiya. 1424 AH.
 16. Al-Kasani, Aladdin Abu Bakr bin Masoud. Bada'e al-Sina'e in the order of the Shari'ah. The research of Ali Mohammad Moawad and Adel Ahmed Abd al-Mawat, vol. 4, second edition, Beirut, Lebanon: Dar Al-Kutub Al-Elamiya. 1424 AH.
 17. Ibn al-Hammam, Kamal al-Din Muhammad bin Abd al-Wahed. Description of Fath al-Qadir. Volume 3, Beirut, Lebanon: Dar al-Kutub Al-Elamiya. 1424 AH.
 18. Al-Jizani, Muhammad bin Hossein. The teachers of the principles of jurisprudence among Ahl al-Sunnah wal Jama'ah. Fifth edition, Saudi Arabia: Dar Ibn Al-Jawzi; 1427 AH.
 19. Yaqub al-Jadie al-Anzi, Abdullah bin Yusuf. Facilitating the science of principles of jurisprudence. Beirut, Lebanon: Al-Ryan Foundation; 1418 AH.
 20. Al-Namla, Abdul Karim bin Ali. Al-Mahdab in the science of principles of jurisprudence. Volume 1, Riyadh, Saudi Arabia: Al-Rashad School; 1420 AH.