

The Irreparable **DAMAGE OF** **3 TALAQS** & The Concept of **HALALAH**

*Nikah is a sacred institution in Islam
conducted and concluded with the sacred
name of Allah Ta'ala. It is a beloved Sunnah
of our Nabi Muhammad ﷺ*



Couples embarking on the journey of marriage must have a sound understanding of its laws and purpose. The spouses must be alive to factors that could lead to its breakdown and termination. Always maintain the respect and sanctity of the marriage by honouring one's pledges through piety and good conduct.

In the event of a marriage encountering problems, parties must adopt a proactive approach of dialogue and reformation. All effort must be made to ensure the success and survival of the marriage. All options must be exhausted to ensure that due processes are adopted to safeguard the marriage from failure.

Alarming rise in Talaq

Unfortunately, there is a sharp and alarming rise in the divorce rate among Muslims. Young couples and their families are just not doing enough to avoid the disaster of divorce. Much worse is the frequency of triple Talaqs being issued in anger and ignorance.

Islamic law is divine and sacrosanct

The laws of Shariah and Islam are derived from divine sources. Allah Ta'ala is All Wise, All Knowing and every decree of Allah Ta'ala is filled with justice and wisdom. The true wisdom and benefit of the laws of Allah Ta'ala can never be fathomed by the human mind due to its limitations. As believers, we are the slaves of our Creator and thus embrace the commands of Islam without reservation, even if we do not understand the rationale or wisdom.

Settle differences amicably

When problems do arise, the Qur'an Shareef calls upon couples to adopt all reconciliatory measures to settle their differences. There should be mutual dialogue, mediation, intervention, counselling, spiritual reformation, repentance and reformation.

After all sincere efforts have been exhausted and there remains no further scope for the survival of the marriage, then a divorce may be issued under the guidance of an Alim/Mufti.

One Talaq suffices for termination of a Nikah

Termination of a Nikah takes places with one Talaq. There is absolutely no need for the husband to issue more than one divorce. The wife should also not insist on all three Talaqs by threatening the husband.

Parties should consult with a reputable Alim/Mufti or an organisation who can guide the parties on the correct process.

One Baain (irrevocable) Talaq (divorce) allows the parties to separate and move on with their lives. It also allows the scope for the parties to reconcile with a new Nikah should the parties review their position and wish to come together again.

The scourge of triple Talaq

If the husband divorces his wife with three Talaqs (issued all at once or on separate occasions), then the marriage terminates irreparably and irrevocably. This is known as Mughallazah Talaq. **When three Talaqs have been issued, then it is unlawful for the husband and wife to reconcile or remarry each other unless halalah takes place.** No amount of regret and tears will allow the parties to make up for their actions expressed in anger and emotion. There is no way in which this couple can continue as husband and wife.

Yet unfortunately, to avoid embarrassment and stigma, couples continue living together in a Haraam union. Not facing the reality and consequences of one's actions only exacerbates the problem and causes more fights, heartbreak and complications in the future. Moreover, the parties are now living together in a state of Zina (fornication) which is a major sin in Islam.

What is Halalah and how does it work?

Halalah literally means to make something pure and lawful. Halalah is a process whereby a woman who was issued with three divorces/Talaqs becomes lawful to remarry her ex-husband after being prohibited due to being given three divorces.

The concept of halalah is mentioned in the Quran Shareef in Surah Baqarah, verse 230, and in many Ahadith. Briefly, the only way in which a woman may become lawful for her husband who had issued her with three Talaqs, is, after observing her Iddat, she marries another man and consummates her marriage with him. If she is released from this second marriage through death or divorce, then, after observing her Iddah of Talaq or demise, she will be permitted to remarry her first husband by mutual consent.

Halalah process must not be arranged

It is imperative for the process of halalah to be unarranged and unplanned. The process should undergo the normal cause of events where the woman marries a man and in the cause of events is released from the marriage after consummation. Should the halalah be undertaken mutually with an open deliberate intent and planned outcome of making the woman eligible for marriage with her previous husband, then such a union and act is accursed (devoid of blessings and goodness).

Islam guards the honour of women - some wisdoms

Whilst outwardly it may seem harsh on the couple to make halalah a requirement for them to remarry after being divorced with three Talaqs, however, it is imperative to reflect over the practicality, purity and wisdom of Islamic laws.

- Firstly, three Talaqs should never be given in one instance. This is sinful and prohibited. Islam has identified divorce as the very last resort to resolving a marriage dispute. Only when all measures have been exhausted should the parties contemplate divorce, and that too, just one, so reconciliation can be easily achieved when emotions calm and settle.
- Halalah serves to emphasise the seriousness of divorce. With knowledge of this, people will be cautious against acting foolishly and will think twice about the humiliation to be suffered if they ever want to reunite.
- Islam seeks to uphold the sanctity of Nikah and to protect the honour of women. Talaq is not a matter to trifle with and should only be exercised in the event of dire need.

- A lesson for men is that, instead of resorting to divorce, they should fear Allah Ta'ala and reflect over their personal weaknesses that led to the marriage breaking down. They should endeavor to bring about harmony with kindness and diplomacy.
- The maximum number of Talaqs in a relationship is something that should be averted at all costs. If all Quranic measures are followed and the spouses still find no recourse to their differences, then it is an indication of their sheer incompatibility, which indicates they may be better being apart from each other. The woman may rather move on and be allowed to marry a more suitable suitor to look after her.

Hence, a woman who was divorced with three Talaqs by her husband, undergoes the process of halalah in the correct manner, will be permitted to reunite with her previous husband by performing a fresh Nikah.

NB. The condition for taking the wife back after her subsequent marriage is that she fully consummates the marriage. This condition is to ensure that people do not trivialize the aspects of Nikah and Talaq in Islam.





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About **Darul Ihsan**

Darul Ihsan Humanitarian Centre provides education, guidance, social, empowerment and welfare services to the community. In providing this service, we adopt a holistic approach, that gives due importance to basic needs as well as human rights and dignity of those that we serve.

Founding **Philosophy**

Darul Ihsan Humanitarian Centre is a multi-purpose, humanitarian-services providing organisation. 'Ihsan' means compassion towards mankind and to act with excellence. The Centre was established in the year 2000 with the primary objective of serving humanity and alleviating poverty and hardship locally and abroad. Since its inception, it has developed and established many humanitarian projects and provides a variety of free services to the community.

Key **Objectives**

One of the key objectives of the Centre is to promote a better understanding of humanity and peace, thereby serving as a bridge-builder between faiths and communities. Through guidance, Ubuntu and empowerment, the organisation hopes to train and develop the youth to become torch bearers of hope, peace and compassion to humanity.

