



"The Foundations of Family Security in the Holy Quran and Positive Law"

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Abstract

This article addresses a topic of great importance due to its connection to the family and its security; it sheds light on the foundations of family security in the Holy Qur'an and positive law; this is done by deepening the research into the verses of the Holy Qur'an and the positive legislations regulating the family and its security, and deriving the foundations and pillars of family security from those verses and legislative materials; It is thus clear that family security is a broad concept that can only be understood through the convergence of its components, which are characterized by development and change according to the variables of time, place, the nature of society, and everything that affects family stability.

It is also clear that these rulings included security principles and components that are highly effective in achieving sound family security. These are fundamentally authentic Islamic principles that were later adopted by secular legislation and have accompanied the family through its various stages of formation. These components are embodied in the engagement and its related rulings, in marriage and its conditions and pillars, and in the resulting consequences and the related regulations, conditions, and consequences, which are considered security principles par excellence.

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Introduction

Security is the foundation of life, and upon it rests social organization at all levels, beginning with the individual, then the family, passing through groups, and ending with larger human entities. Since the family is not isolated from these structures but rather represents a fundamental structural unit upon which all human entities are based, it was imperative that it be granted special legislative protection to preserve its security and stability, for the sake of protecting the entities that emerge from it. Therefore, throughout history, the family has enjoyed a privileged status that has made it a target of security, protection, and fortification. This is evidenced by the legal rulings and guarantees established for it, which are found in the verses of the Holy Quran and subsequently followed by a number of positive laws. These laws establish family security principles that guarantee its members a happy, tranquil, and stable life, in which they enjoy all the elements of comfort, protection, and ease. From this perspective, this research is entitled: "The Foundations of Family Security in the Holy Quran and Positive Law."

The importance of this topic stems from its direct connection to the most important unit in society: the family. It sheds light on a highly sensitive and crucial aspect of protecting this unit—namely, its security and the foundations upon which it rests—within a rapidly evolving family system and facing ever-changing challenges. This is due to its connection to a rapidly evolving and changing social system. These social transformations related to the family necessitate a renewed examination of how to protect this fundamental building block by updating and strengthening its security measures to keep pace with these

modern transformations and rapid changes that may threaten family security directly or indirectly, in the short or long term.

The importance of this topic is highlighted by its direct connection to the most important unit in society: the family. Research Problem:

Family security is a religious and legal requirement that all divine and secular systems have strived to achieve and establish in the best possible way, granting the family sufficient protection and enabling it to fulfill its divinely and legally mandated role, for which it was originally established. In this pursuit, they have adopted a set of rulings and principles upon which this security is based. This research aims to answer a pertinent question posed by this topic, namely: What are the components of family security in the Holy Quran and secular law?

Research Objectives: The research aims to achieve several objectives, the most prominent of which are:

- Highlighting the components of family security in the Holy Quran and secular law – using the Algerian Family Code as a model.
- Identifying the most important components of family security contained in the verses of the Holy Quran and the articles of the Algerian Family Code.
- Demonstrating the extent to which Islamic law and secular laws are committed to legislating everything that strengthens the protection of the family and preserves its security. Research Methodology: This research adopted two main methodologies, as follows:
 - The inductive method: This is achieved by tracing and investigating the most important elements of family security in the Holy Quran and positive law.
 - The deductive method: This will become apparent through in-depth research and meticulous examination of the verses of the Holy Quran and the rules of family law, revealing the principles and provisions that establish and strengthen family security.

Research Plan: To answer the research problem and achieve its predetermined objectives, the research was divided into three sections as follows:

Introduction:

Section One: The concept of the elements of family security.

Section Two: The elements of family security in the Holy Quran.

Section Three: The elements of family security in positive law.

Conclusion: This section included the most important findings and recommendations.

The First Requirement

The Concept of the Components of Family Security

This section will address the meaning of family security and the significance of its components. It will also highlight the importance of these components and their role in achieving family stability, ensuring peace of mind, comfort, and a sense of security for family members, thereby strengthening their security and cohesion. This will be presented as follows:

Section One: Defining the Components of Family Security

To clarify the technical meaning of the components of family security, I will first explain the descriptive phrase "family security," which consists of the words "security" and "family." To further clarify the meaning of this phrase, I will explain the meaning of each word individually to reveal the intended meaning of the linguistic construct.

First: Definition of Security: The meaning of the word "security" will be explained in both its linguistic and technical senses as follows:

1- Linguistic Definition of Security: Security is the opposite of fear. It is said: He felt secure, safe, and at ease, and he was not afraid. He was safe from evil. Security is the absence of expectation of harm in the future. Its origin is the tranquility of the soul and the absence of fear. With the disappearance of fear and the arrival of reassurance, a person can live secure in their life and property and not feel any danger threatening them.

2- Technical Definition of Security: It is the feeling of reassurance of an individual or group, the spread of trust and love, the absence of betrayal by individuals towards one another, and the elimination of corruption. By removing all threats to stability and meeting the physical and psychological needs to ensure the ability to continue living in peace and security.

Secondly: Definition of Family: The technical meaning of family does not differ from its linguistic meaning, as explained below:

1- Linguistic Definition of Family: In Arabic, the word "family" (أُسْرَةٌ) means a strong shield or stronghold. It refers to the group to which a person belongs and under whose protection they live. It also refers to a man's clan and household, including his wife, children, and paternal relatives.

2- Technical Definition of Family: It is the social bond consisting of a husband and wife, children, and may include grandparents and other relatives. In light of the above, we can say that family security is: "The peace of mind of family members (father, mother, children, and relatives) regarding their lives, property, and freedoms, and their lack of fear of any danger that threatens them directly or indirectly, from within or outside the family. This makes them feel safe, allowing them to live a tranquil life in which they enjoy all their rights and freedoms."

Third: Defining the Components of Family Security: The meaning of "components" will be explained in the language. The compound "components of family security" will be defined technically as follows:

1- Definition of Components in Language: Components is the plural of component; It is everything that is composed or structured, whether a system, apparatus, or project, from essential elements that contribute to its establishment, existence, and effectiveness (e.g., "The foundations of life, beauty... the foundations of urban development..."). The foundation of life is its pillar upon which it rests, and the foundation of the body is its completeness. The foundation of everything is that by which it is sustained. And the foundation is that which sustains life and is sustained.

2- Definition of the Foundations of Family Security in Terminology: Based on the meaning of "foundations" in the language and in light of the previous definition of family security, I can say that the meaning of the foundations of family security refers to: "The sum of the basic material and moral pillars and supports upon which family security is built and strengthened by their completeness and endures as long as they exist and are present, just as it disappears with their disappearance or is disrupted by their deficiency or the loss of some of them."

The second section: The importance of the pillars of family security

The importance of the pillars of family security is highlighted by their impact on achieving and strengthening family security in its various manifestations, and on preserving family bonds from disintegration and collapse. Such disintegration leads to frustration, disappointment, and an imbalance in family dynamics, resulting in the loss of values and the erosion of rights. It also fosters a generation that is lax in its adherence to social traditions, rejecting anything that doesn't align with its desires. This generation embraces negativity, selfishness, and self-centeredness, feeling no sense of purpose in life. Consequently, it rebels against the rules of social upbringing, closes the door to dialogue, and shuts doors to dissenting voices. Undoubtedly, this creates significant imbalances in many values that contribute to family cohesion and continuity, such as solidarity, compassion, and tolerance. It generates profound

frustration among family members, negatively impacting family cohesion and posing a serious threat to its security.

Therefore, the foundations of family security protect the family from all of this and provide strong pillars for building the family on sound principles, thus avoiding the dangers of negativity and loss that threaten its security. This is achieved through adherence to Sharia and legal rulings and sound social values in forming the family, raising and caring for children, and the cooperation of family members to achieve the best interests of the family, which benefits everyone. Thus, the establishment of family security depends on the availability of its foundations, and any disruption of these foundations constitutes a threat to family security and negatively impacts its members. This is because each individual will be unable to invest their effort and intellect in creativity or think of any action that contributes to the family's development process, whatever its nature—economic, social, cultural, educational, etc.—and will instead become frustrated and weakened because they will exhaust their energy thinking about ways to achieve security for themselves and their family, and to ensure a decent life and material and moral protection.

() ... Hence, the foundations of family security provide family members with comprehensive protection that enables them to exercise their rights and actively participate in building the family through various forms of contribution, whether social, economic, educational, cultural, or otherwise, which benefits all family members. It also allows them to think, make decisions, and control matters, which enables them to showcase their abilities, creativity, and scientific and intellectual skills, and to utilize these skills in developing the family and preserving its structure and security. Thus, positive and constructive interactions and productive cohesion prevail among family members, and harmony is generated among them. This positively impacts family behavior both internally and externally, and clearly contributes to spreading a culture of dialogue and the exchange of opinions among family members, preventing the imposition of specific convictions. It fosters a sense of trust and cohesion among all members, who share household tasks, become accustomed to participation and cooperation, bear responsibility, and avoid dependence on others. This leads to their complete happiness and established security. The Muslim community is strengthened by their strength and secure by their security, for the strength of the community stems from the strength of the family.

Based on the foregoing in this section, we conclude that the foundations of family security are represented by everything that protects the family, maintains its cohesion, and provides it with a suitable environment to fulfill its assigned role in life. These foundations may vary in importance and significance depending on the necessity of their presence and the severity of their absence. Therefore, family security depends on the convergence and interconnectedness of its components; it is a relative and not fixed matter. This means that these components change with the change of time, place, nature of life and family pattern, and they cannot be combined as they are originally a changing and evolving reality. Therefore, the issue of achieving complete and comprehensive family security remains a relative issue related to what is available of these components. However, it can be said that there are essential components that are characterized by a greater degree of stability, and I will try to highlight the most important of them in jurisprudence and law within the following two requirements.

The second requirement

The foundations of family security in the Holy Qur'an

The Holy Qur'an has taken care of the family in a comprehensive, complete, and meticulous manner, as it has adopted a sound approach in its construction that takes into account all aspects of the family, both material and moral; He obligated each member to specific duties and granted them specific rights, establishing a balance of justice in the distribution of rights and the bearing of obligations. Thus, He laid the foundations for the family's security and the pillars of its protection through the regulations and rulings He established, most of which pertain to marriage, its preliminaries, and its effects. Therefore, this section will explain the most important of these Quranic verses and their legal rulings, which establish a strong and cohesive family system, considered one of the most important and prominent components of sound family security. This will be presented as follows:

First Section: Encouragement to Marriage

God Almighty ordained marriage because of the great benefits it contains, the advantages of which are manifested in the security of the family and its preservation from disintegration and humiliation. The legal evidence from the Holy Quran is replete with proofs of the legitimacy of marriage and encouragement of it. And it is obligatory upon those who are able to marry, whose souls yearn for it, and who fear sin; because preserving one's chastity through lawful means and refraining from unlawful ones are all obligatory, and this cannot be achieved except through marriage, due to the purposes it entails, which are considered essential for the security and stability of the family.

Marriage is obligatory upon those who are able to marry, whose souls yearn for it, and who fear sin; because preserving one's chastity through lawful means and protecting oneself from unlawful means are all obligatory, and this cannot be achieved except through marriage, due to the purposes it entails, which are considered essential for the security and stability of the family. Among the Quranic verses that urge marriage as one of the most important pillars of family security is the Almighty's saying: {And if you fear that you will not deal justly with the orphan girls, then marry those that please you of [other] women, two or three or four.} [An-Nisa: 3], as well as His saying: {And of His signs is that He created for you from yourselves mates that you may find tranquility in them; and He placed between you affection and mercy. Indeed in that are signs for a people who give thought.} [Ar-Rum: 21].

It is clear that these verses and others that came in their context have urged and encouraged marriage, explaining this by the benefits and advantages it contains, which are considered among the most effective components of family security; through which psychological tranquility is achieved, affection and mercy are obtained between spouses, and the ability to lower one's gaze, protect chastity, and preserve offspring (). Marriage satisfies the sexual instinct in the best way, fulfilling desires while being free from disease. It calms the body and prevents the gaze from looking at what is forbidden. It also provides chastity through lawful means, protecting oneself from temptations. Marriage brings tranquility and peace due to the affection, love, and harmony between spouses. It establishes a righteous family, the nucleus of society. Through marriage, children are born, and the lineage is increased in the best way, while preserving kinship ties, which fosters mutual understanding, cooperation, harmony, and support. It fulfills the parental instinct, which grows with the presence of children, and nurtures feelings of affection, compassion, and tenderness. Through marriage, families are strengthened, and bonds of love between them are reinforced.

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The second branch: The legislation of the marriage proposal

The proposal is a prelude to marriage and a promise of it. God Almighty has prescribed it before the marriage contract is concluded so that each spouse may get to know the other, and proceeding with marriage may be with guidance and insight (), by approaching the intended woman or her family (), and expressing the desire to marry her by explaining his situation, and negotiating with them regarding the contract, its requirements and their demands concerning it, because the marriage contract is concluded on the basis of permanence and continuity, as it is a contract whose subject is human life, and it is the most serious contract for those who enter into it; Therefore, the preliminaries to this stage are no less important than the marriage contract itself. This stage (the engagement period) can be considered one of the most prominent pillars of family security because of the serious and decisive decisions made upon it, which directly impact the family's future security and stability. During this period, sufficient acquaintance takes place between the engaged couple and their families, and each party confirms their acceptance of the other. Agreement is also reached on all essential matters related to married life to prevent any disputes or problems.

For this reason, numerous verses in the Holy Quran regulate this stage and define its rulings, considering it a crucial pillar of family security and stability, if not the most important pillar, as it is the foundation upon which the family is built. When the foundation is strong, the structure will be sound, and vice versa.

And among those verses is His saying, may He be glorified: "There is no blame upon you for that which you hint at concerning a proposal to women or for what you conceal within yourselves. God knows that you will remember them, but do not make a secret promise to them except in terms of what is appropriate. And do not resolve upon the marriage tie until the prescribed period has reached its end. And know that God knows what is within yourselves, so beware of Him." And know that God is Forgiving and Forbearing. [Al-Baqarah: 235]

Third Branch: The Legislation of Marital Maintenance

Marital maintenance is what the husband provides for his wife and children in terms of food, clothing, housing, and related necessities, ensuring their sufficiency in these matters in a reasonable manner. It is obligatory upon the husband towards his family, as Allah Almighty says: {And upon the father of the child is the provision for them and their clothing according to what is acceptable} [Al-Baqarah: 233], and also: {Lodge them where you dwell, according to your means, and do not harm them in order to make life difficult for them. And if they are pregnant, then provide for them until they give birth.} If they suckle your children, then give them their due compensation. And consult among yourselves in a fair manner. (At-Talaq 6) All these verses indicate the husband's obligation to provide for his wife and those he supports according to his means and ability.

Undoubtedly, the economic factor has become a fundamental pillar of family security, as it is the foundation of married life. This is because the very idea of marriage and family formation is linked to the husband's ability to fulfill the financial responsibilities placed upon him as the head of the household. Therefore, the husband's insolvency and inability to support those under his guardianship prevents him from forming a stable and secure family, especially since in our time the family's financial needs have multiplied and diversified, and the circle of its material necessities has widened. What was yesterday considered a luxury or a luxury of luxuries has become in our present time one of the most essential necessities, and the family's lack of many of those luxuries has become a real danger to its security and a clear disruption in its system. Therefore, the scholars of the Muslim community have unanimously agreed that the husband is obligated to provide for those he supports, and that the judge can compel him to do so if he refuses without a valid excuse, provided the wife requests it. Since she is bound to her husband by virtue of the marriage contract, and is prohibited from leaving the marital home except with his permission to earn a living, it is his duty to provide for her and her children, and to ensure their sufficiency and the sufficiency of those he supports, including food, clothing, shelter, and everything else that customarily and traditionally constitutes maintenance.

Fourth Branch: Legislation of Marital Rights

The Holy Quran contains a set of marital rights that are incumbent upon each spouse towards the other, so that the family may be built on sound foundations, ensuring that all parties can fulfill their rights. Therefore, it is incumbent upon each spouse to know their rights and obligations towards the other, so as not to wrong them intentionally or unintentionally. To the extent that one spouse neglects their duties, the other is deprived of their rights. This neglect, in turn, leads to imbalances in the relationship, deprivation of fulfilled needs, and disruption in interaction and communication between the spouses. Undoubtedly, the outcome of this is the disintegration of the family and the loss of its security. On the other hand, fulfilling duties leads to positive interaction and good communication between the spouses, which fosters the development of family relationships. It also encourages the performance of duties, sacrifice, and healthy competition among family members, resulting in happiness for all and ensuring the security of their rights in return for fulfilling their obligations.

() This is illustrated by the verse: "And for women are rights over men similar to those of men over women. But men have a degree [of advantage] over them. And Allah is Exalted in Might and Wise." [Al-Baqarah: 228]. This means that women have rights over men just as men have rights over women, as Allah has ordained. Each should fulfill their obligations to the other in a just and equitable manner. This includes all rights, such as kind treatment, adornment for one another, and everything that fosters affection between them, preserves the family's security, and maintains its stability.

It is also part of the wisdom of Islamic law that it differentiates these rights according to gender, inclinations, and the inherent differences between men and women. She urged the man to be patient with his wife, to treat her kindly, to remind her of her virtues, and not to hate her if he finds something in her that he dislikes, but rather to seek what he loves in her, as Allah Almighty says: "O you who have believed, it is not lawful for you to inherit women against their will, nor should you make difficulties for them in order to take [back] part of what you gave them unless they commit a clear immorality. And live with them in kindness. For if you dislike them - perhaps you dislike a thing and Allah makes therein good." [An-Nisa: 19]

Fifth Branch: The Duty of Raising, Caring for, and Educating Children

Islamic law has established a comprehensive approach to raising children in a sound manner that strengthens family stability and reinforces its security; This includes directing parents to raise the child well from birth, taking care of him and attending to all his affairs, from managing his food, clothing, and sleep, to paying attention to his cleanliness and physical, psychological, and mental health, and accustoming him to adhering to Islamic manners such as spreading peace, respecting others, visiting relatives, visiting the sick, and teaching him the manners of eating, drinking, sleeping, and other general social manners. All these manners leave their mark on the child through correcting and refining him and developing his social relationships with his relatives and his community on the basis of mutual respect and complete trust, and practicing his life with a positive spirit. Hence, Islam warned against everything that leads to the child's negativity and isolation, and called for everything that strengthens his social relationships and strengthens the bond of love and cooperation between him and his family and his community (). Islam also guided parents to ways of developing confidence in the child by praising him and commending him with words and phrases of praise, encouraging him with gifts and presents, and urging him to do good; which has a great effect on his righteousness and uprightness ().

Islamic law also warned parents against their children falling into bad company and associating with deviant individuals, as the impact of such association on a child's behavior is significant. It guided them to choose righteous companions for their children, as this is a sufficient reason for the proper upbringing of a Muslim child based on enjoining good and forbidding evil. In this regard, the Wise Quran states: "And on the Day when the wrongdoer will bite his hands [in regret], he will say, 'Oh, would that I had taken with the Messenger a way! Oh, woe to me! I wish I had not taken so-and-so as a friend. He led me astray from the Reminder after it had come to me.'" "Satan is ever a betrayer of mankind" [Al-Furqan: 29].

In conclusion, I would like to say that these rulings explained in this section, which the Holy Quran has provided to regulate the family, establish its order, and ensure its security, are but a small part of the vast array of protective measures for the family established by the tolerant Sharia. These measures are among the most effective pillars of sound family security, as they protect the family and ensure its security at all stages of its formation, whether during engagement, marriage, or after marriage and its subsequent effects, such as the obligation of financial support, the fulfillment of marital rights, and the duty of raising and caring for children. Undoubtedly, these rulings, and their precise, comprehensive, and meticulous implementation, demonstrate the Holy Quran's keenness to protect the family, maintain its stability, and employ all means to achieve these goals, the highest of which is realizing family security in its most sublime form.

The second requirement: The components of family security in positive law

The components of family security in the law are numerous, and the positive legislations have different views of these components. However, they all agree on legislating everything that would regulate the family and achieve its security and stability. As an example of this legislative and legal attention to the components of family security, I will highlight what is stated in the Algerian Family Law of provisions that can be considered among the most prominent components of family security in the law, which most Arab personal status laws have also stipulated. The following is a detailed explanation:

First Branch: Legislation of Marriage and Regulation of its Provisions and Conditions

Positive law texts have converged to establish the legitimacy of marriage and regulate its conditions and provisions. The marriage contract has received special attention in law, unlike other contracts. One of the most prominent manifestations of this attention is the subjection of both substantive and formal conditions. These conditions are considered among the most important security measures for preserving and protecting the family. Most Arab positive laws agree with Islamic law on the majority of these conditions, while some specific formal conditions, not explicitly stated in Islamic law but necessitated by circumstances and changing times, have been added. Among these conditions are: the requirement to document the marriage contract before a notary or civil registrar, and the issuance of an official document proving the marriage. This official document protects the marriage from manipulation or denial.

() Similar to other legal systems that require the administrative documentation of marriage contracts, the Algerian legislator also stipulates that marriage contracts be documented before a legally authorized body. Article (18) of the Algerian Family Code states: "The marriage contract shall be concluded before a notary or a legally qualified official..." Furthermore, Article (22) of the same law details how to prove a marriage contract, both in the case of registration and in the case of non-registration, and identifies the authority responsible for registering unregistered marriage contracts. This article states: "The marriage contract is proven by an extract from the civil status register. In the case of non-registration, it is proven by a court ruling. The ruling confirming the marriage must be registered in the civil status register at the request of the Public Prosecutor's Office." Clearly, the Algerian legislator considered the benefit inherent in documenting marriage contracts, most notably the security of the family and protecting it from the risks that may arise before and after consummation, such as claims for dowry and alimony, divorce cases, and other related issues. Inheritance and lineage issues, cases of fraud and deception that often arise in marriages below the legal age and in polygamous marriages, and other problems that cannot be resolved simply because the marriage contract has not yet been officially registered.

() In addition to the requirement of documenting the marriage contract, most contemporary legal systems have included, among the formal requirements for concluding a marriage contract, the condition of "undergoing a premarital medical examination" and submitting a medical certificate before the contract as a formal requirement for completing the marriage. The obligation to undergo a medical examination in most legal systems stems from the alarming rise in divorce rates due to physical defects discovered by one spouse in the other after marriage, which prevent the fulfillment of the marriage's objectives, or allow for their achievement only with extreme difficulty not typically encountered in a healthy marriage. For example, the Algerian legislator stipulated this condition in Article (7 bis) of the Family Code, which states: "The prospective spouses must submit a medical certificate, no more than three (3) months old, proving that they are free from any illness or any factor that may pose a risk incompatible with marriage. The notary or civil registrar must verify, before drawing up the marriage contract, that the couple has undergone the required medical examination." Both parties must undergo medical examinations and be aware of any diseases or factors that may be revealed that could pose a risk incompatible with marriage. This is noted in the marriage contract..."(). This text clearly demonstrates the Algerian legislator's keenness on the necessity of premarital medical examinations for both parties, reflecting a strong belief in the importance of health for family stability and its impact on family security. Indeed, this condition, imposed by most legal systems, is considered one of the most important pillars of family security in recent times, due to several factors, primarily the high divorce rates resulting from diseases and defects often discovered at a later stage.

It should be noted that these two procedures (documenting the marriage contract and conducting a medical examination before marriage) do not contradict the provisions of the Holy Qur'an, nor do they oppose any established legal ruling. The verses of the Qur'an also referred to documenting the marriage contract when they described it as a solemn covenant. The covenant (*mithaq*) is a pledge or document that is binding in a matter. This is mentioned in the verse: "And how can you take it back when you have been intimate with one another and they have taken from you a solemn covenant?" [An-Nisa: 21]. Furthermore, most contemporary Muslim jurists have deemed premarital medical examinations

permissible, as they do not contradict the higher objectives of marriage in Islamic law, nor do they contradict trust in God. Rather, they are simply a form of taking necessary precautions. In general, these two procedures are considered among the most important legal safeguards for protecting the family from disputes and misunderstandings that may arise during the marriage contract. They can be considered among the most important pillars of family security, protecting the couple from the risk of deception and misrepresentation before the marriage contract is finalized.

The second section: The legislation of engagement

Most Arab legislations, within their personal status laws, stipulate engagement, considering it a preliminary stage preceding the marriage contract. They regulate its provisions and controls within a set of articles. For example, Article (5) of the Algerian Family Code states that: "Engagement is a promise of marriage..." Indeed, the Algerian legislator aims to understand the wisdom behind legislating engagement in marriage, as it fosters acquaintance, closeness, and a sense of security and reassurance between the engaged couple and their families. This encourages them to finalize the marriage contract with conviction and satisfaction, after careful consideration and study, which significantly increases the success rate of their marriage. This, in turn, positively impacts the security and stability of the family.

However, if it becomes clear to the engaged couple and their families during the engagement period that there is no compatibility between them and they believe that the marriage is more likely to fail than succeed, they can withdraw from this engagement, considering that it is a prelude and preparation for the marriage contract, and it does not entail what is entailed by marriage (), as it is nothing more than a promise of marriage, and it is not a contract and does not possess any of the characteristics of a contract, and it does not entail any of its effects (), which is what the Algerian legislation indicated - like other Arab legislations - as it came in the text of Article (05) - mentioned above - of the Algerian Family Code, which states that: "The two parties may withdraw from the engagement..." (), and it is clear that the Algerian legislator intended with this text to realize the purposes of the legitimate engagement, which aim primarily to ascertain the suitability of the spouses for the union, and the probability of the success of their marriage and their compatibility, which constitutes an essential component for the security of their family.

Furthermore, the engagement is surrounded in law by a set of guarantees that enhance family security, ensuring the fulfillment of rights for their owners and compensation for harm if it is broken off and this causes damage to one of the parties. Most positive legislations have adopted the principle of the permissibility of compensation for damages resulting from breaking off an engagement. This is exemplified by Article (5) of the Algerian Family Code, which stipulates that: "...if breaking off an engagement results in tangible or intangible harm to one of the parties, they may be awarded compensation..." However, the mere breaking off of an engagement is not grounds for compensation unless it is accompanied by actions that caused harm to one of the betrothed parties. In such a case, compensation may be awarded based on tort liability, as required by the rule prohibiting deception and the rule preventing harm. All these rules reinforce the objectives of engagement in Marriage represents strong guarantees that make engagement a cornerstone of family security and one of the most important foundations for building a safe and stable family. These are fundamental Islamic principles that have been adopted by most secular legal systems.

Marriage is a crucial element in ensuring family security and is a key pillar for building a safe and stable family. Third Branch: Legislation on Spousal Support

All Arab personal status laws consider spousal support to be a financial right established for the wife by the husband under the marriage contract. They have detailed its provisions and circumstances, considering it one of the most important pillars of family security that cannot be waived or violated under any circumstances, due to the resulting disruption to the family and the threat to its security. For example, in Algerian legislation, Article (74) of the Family Code stipulates that: "The wife's maintenance is obligatory upon her husband upon consummation of the marriage or upon her being summoned to him with proof..." (). It is clear that this article, and its counterparts in other Arab legislations, considers

spousal support to be among the duties incumbent upon the husband, and among the obligations he undertakes towards his wife. Any breach of this obligation jeopardizes the security of his family and exposes him to legal accountability for his failure to fulfill this obligation. The husband is obligated to provide maintenance, and the wife has the right to claim it in court. In this regard, Article (80) of the Family Law stipulates that the wife: "is entitled to maintenance from the date the lawsuit is filed, and the judge may rule on her entitlement based on evidence for a period not exceeding one year prior to filing the lawsuit."

The Algerian legislator, like other Arab legislations, also stipulated that the husband is responsible for the maintenance of his children, including their food, clothing, housing, medical treatment, educational expenses, and all other necessities. For example, Article (75) of the Algerian Family Code states: "The father is obligated to provide for his children unless he has his own money. For males, this obligation extends until the child reaches the age of majority, and for females, until marriage. It continues if the child is incapacitated due to a mental or physical disability, or is pursuing education, and ceases if the child becomes self-sufficient through earning a living." The Algerian legislator further specified the components of child support within the same law, stating in Article (78): "Maintenance includes: food, clothing, medical treatment, housing and its rent, and what is considered a necessity according to custom and tradition." Clearly, the Algerian legislator recognizes the importance of maintenance as a fundamental aspect of security. Family matters; therefore, he was keen to detail its rulings and obligations upon the husband, and then to specify its necessary components in order to enhance family security and ensure its continued stability.

Section Four: Legislation of Marital Rights

All positive legislations – including Algerian legislation – have established rights for spouses towards each other in order to promote family stability and build a cohesive and secure family. These marital rights are numerous in personal status laws, but all these laws converge on some fundamental rights, most of which revolve around each spouse's right to be treated with kindness and respect by the other, their right to participate in and make important decisions that affect the family's fate and security, their right to be treated with kindness by their parents and relatives, and their right to visit, communicate with, and receive their parents and relatives according to custom and tradition. These are among the essential and detailed rights that most legislations have established in various forms. For example, Article (36) of the Algerian Family Code stipulates that: "The spouses must:

- 1- Maintain the marital bonds and the duties of shared life,
- 2- Treat each other with kindness, and exchange respect and affection." And mercy,
- 3- Cooperation in the best interests and care of the children and their proper upbringing,
- 4- Consultation in managing family affairs and spacing births,
- 5- Kind treatment of each other's parents and relatives, respecting them and visiting them,
- 6- Maintaining kinship ties and treating parents and relatives with kindness and respect,

7- Visiting each other's parents and relatives and hosting them with kindness." It is clear from this article that the Algerian legislator, believing in the importance of family stability and its role in strengthening family security, has established these rights and obligated each spouse to adhere to them in return for the other's commitment to their obligations. The truth is that these rights are nothing more than Islamic etiquettes brought by Islamic law, which clarified and detailed them, and which Muslim families have traditionally observed. They are among the virtues and morals of Muslims since the establishment of the Islamic state. Not long ago, they were considered accepted norms within Muslim families, requiring no codification. The positive impact of this was evident in the stability and security of the family. However, with the expansion and intermingling of Muslim societies, the weakening of religious guidance within Muslim families, and the decline of Islamic culture, many Muslims abandoned these etiquettes. This led to a clear breakdown and significant fragmentation within Muslim families. This necessity prompted Arab

and Islamic legislation to codify these etiquettes and obligate each spouse to adhere to them in order to protect the family and preserve its security.

Fifth Branch: Legislation of Amicable Methods for Resolving Family Disputes

Disagreement is a natural occurrence among humans. Therefore, disagreement between spouses is normal, regardless of their level of agreement and harmony, as is the nature of married life. However, disagreements between spouses may escalate, leading to the exchange of hurtful words or shameful actions. This is because foul language is the root of most disputes, and because maintaining restraint in arguments is difficult, neither spouse knows what to say or do. In such cases, the situation may lead to legal proceedings, disputes, the denial and loss of rights, and a breakdown of trust between them. This, in turn, destabilizes their family and causes them material and emotional losses. To avoid this, positive laws have established several amicable methods for settling family disputes, which ensure the preservation of family security and stability and protect its privacy. These methods and approaches are numerous in the law, the most prominent being reconciliation and arbitration.

For example, the Algerian legislator has approved some amicable methods for settling family disputes. It has stipulated the activation of reconciliation in personal status cases in several articles of the Family Code, making it mandatory for the judge before proceeding with this type of case. The legislator has also obligated the judge to document his reconciliation efforts and the results of his multiple attempts. For instance, Article (49) of the Family Code stipulates that divorce proceedings between spouses are invalid if they are not preceded by several attempts at reconciliation. Its text states: "Divorce is not valid except by a ruling after several attempts at reconciliation conducted by the judge, the duration of which shall not exceed three (03) months from the date the lawsuit is filed. The judge must draw up a report detailing the efforts and results of the reconciliation attempts, which he signs along with the court clerk and the two parties..."

(). The Algerian legislator, like most positive legislations, has also adopted the system of arbitration in personal status matters to settle family disputes and enhance family security. Article (56) of the Family Code states: "If the dispute between the spouses intensifies and no harm is proven, two arbitrators must be appointed to reconcile them. The judge appoints the two arbitrators, one from the husband's family and one from the wife's family, and these two arbitrators must submit a report on their mission within two months." It is clear from this article that the Algerian legislator is inclined to strengthen the system of reconciliation in family disputes and achieve family security by all amicable means. Therefore, the judge is obligated, when discord occurs between the spouses and no harm is proven, to send two arbitrators who strive to reconcile them, exert effort in searching and investigating the cause of the discord, and do their utmost to try to reconcile them, and ascertain each of them's desire and inclination towards reconciliation. They are to submit a report on their mission within two months, whether they succeed in reconciling or fail, so that they do not procrastinate in their mission and are keen to expedite the study of the causes of the conflict and propose appropriate solutions regarding those causes().

These two texts show the extent of the Algerian legislator's keenness – like other positive legislations – to activate amicable methods for settling family disputes as one of the most important components of family security. This was manifested through the systems of arbitration and reconciliation as two amicable methods of great importance and effectiveness in maintaining family security and stability. It is worth noting here that positive legislations have taken these two methods from Islamic Sharia, which was the first to legislate them. Many Sharia texts have been mentioned regarding them, urging reconciliation in personal status matters, and that it is a Sharia requirement and a prophetic practice. Because of the objectives it achieves, which benefit the family by preserving and empowering it, as in the Almighty's saying: "And if a woman fears cruelty or desertion on her husband's part, there is no blame on them if they make terms of settlement between themselves. And settlement is best. And human souls are prone to selfishness. But if you do good and fear Allah - then indeed, Allah is ever, with what you do, Acquainted." [An-Nisa: 128], and His saying also regarding arbitration: "And if you fear a breach between them, then appoint an arbitrator." [Then appoint] an arbitrator from his family and an arbitrator from her family. If

they both desire reconciliation, Allah will bring them together. Indeed, Allah is ever Knowing and Acquainted. (An-Nisa: 35)

[Then appoint] an arbitrator from his family and an arbitrator from her family. If they both desire reconciliation, Allah will bring them together. Indeed, Allah is ever Knowing and Acquainted.] In conclusion, based on the issues discussed, I would like to state that positive legislation has been significantly influenced by the verses of the Holy Quran that establish comprehensive family security and are considered among its most prominent pillars. This influence has manifested in the legislation of marriage, regulating it with formal and substantive provisions. It has also established that engagement and the promise of marriage are intended to investigate and ascertain the suitability of the relationship between the two parties. Furthermore, it has mandated the husband's financial support of his wife as stipulated in the marriage contract, recognizing it as one of the wife's financial rights. It has also established shared rights and obligations for both spouses, aiming to strengthen family stability. Additionally, it has legislated amicable avenues for resolving family disputes to protect family security and preserve its stability—methods that are inherently Islamic. In short, these legislations have striven to establish the foundations of family security and reinforce them to protect the family from disintegration. And loss.

Conclusion

After delving into this research and exploring its various aspects, a set of conclusions was reached, and some recommendations were proposed, as follows:

First - Conclusions:

- 1- The components of family security have a broad meaning, encompassing all the material and moral pillars that protect the family and its members, maintain their security, cohesion, and stability, and provide them with a conducive environment for creativity and excellence, suitable conditions for a dignified life, and the sense of tranquility sought from family security.
- 2- Achieving comprehensive family security is a relative matter, contingent upon the convergence of security components that are characterized by change, development, and instability, due to their connection with the variables of time, place, the nature of society, and lifestyle.
- 3- The rulings of the Holy Quran that regulate the family at all stages of its formation are among the most effective pillars of family security. This begins with engagement and its related rulings, then marriage and its conditions and regulations, and the resulting obligations and duties, most notably spousal support, the rights of spouses and children, and other legal rulings. All these rulings establish firm foundations and fundamental pillars that ensure sound family security.
4. Positive legislation has striven to enact everything that protects the family and preserves its security, and it has benefited greatly from the rulings of the Holy Quran that regulate the family. This is clearly evident in the marriage system and its essential and formal conditions, in the family's financial system, and in the system of reconciliation in the event of marital discord, which legislates amicable methods for resolving disputes. All of these are Islamic systems that are among the strongest pillars of family security.
- 5- Most contemporary positive legislations have specified some formal conditions necessary for concluding a marriage contract, which are considered among the most important components of contemporary family security, such as the two conditions of: documentation, and conducting a medical examination before marriage. Islamic Sharia scholars have agreed on the permissibility of these two conditions, because they achieve the legitimate objectives associated with marriage.

Second - Recommendations:

- 1- Given the significant development and rapid change within the contemporary family and social system, I recommend that positive legislation keep pace with these developments and periodically update and strengthen the foundations of family security in accordance with the changes occurring within the family and society.

2- I recommend that all researchers and specialists in personal status law give greater importance to the topic of family security and its foundational elements by updating this topic and keeping abreast of all new developments related to it, in a manner that aligns with contemporary family relations and their evolving dynamics.

3- I recommend that all relevant state structures concerned with the family and socialization, as well as all social actors, mobilize all their energies and resources to establish sound family security in the long term. This can be achieved by raising awareness among members of society and families about the importance of family security, the necessity of developing its foundations, and the importance of adhering to its pillars, both individually and collectively. This is because it is directly related to the safety of the family and its members, and because family security is crucial for building strong, safe, and cohesive societies.

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