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THE DISCOURAGEMENT OF CONSANGUINEOUS MARRIAGE IN ISLAM

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Abstract: This article analyzes the regulation of family relations in Islamic law, focusing on the theological perspective, negative appraisal, and harmful consequences of consanguineous marriages (unions between close relatives). It examines the legal and social reasons behind the absolute prohibition of marrying certain categories of women, the adverse effects of such marriages on societal harmony, and potential solutions to this ongoing issue. Furthermore, the paper evaluates the detrimental impact of local, non-sharia-compliant customary practices in Uzbekistan that contradict Islamic teachings regarding marriage. The findings aim to contribute to contemporary socio-legal reforms in Uzbekistan dedicated to optimization frameworks for maternal and child welfare.

Keywords: Quran, Sunnah, marriage (nikah), jurisprudence (fiqh), maternity, childhood, close relatives (consanguinity), solidarity.

The Discouragement of Consanguineous Marriage in Islam

In recent years, extensive large-scale initiatives have been implemented in our country to comprehensively support motherhood and childhood, protect women's reproductive health, prevent early pregnancies, and eliminate consanguineous marriages between close relatives. Article 76 of the newly revised Constitution of the Republic of Uzbekistan establishes that the family constitutes the primary and fundamental unit of society, operating under the special protection of society and the State. It specifies that marriage must be firmly grounded upon the traditional family values of the people of Uzbekistan, the voluntary consent of both parties, and the absolute equality of rights between those entering the union.

Despite these regulatory strides, instances of premature mortality among young mothers and infants—directly resulting from early marriages or marriages between close biological relatives—continue to persist within our society. The modern developmental imperatives of our society necessitate the strengthening of family institutions, the systematic identification of legal impediments to marriage, and the urgent optimization of legislative frameworks aimed at preventing endogamous unions along collateral lines of consanguinity.

Article 16 of the Family Code of the Republic of Uzbekistan explicitly delineates the specific legal impediments and prohibitions surrounding the conclusion of a marriage. Under this statutory framework, any marriage contracted in violation of the mandatory legal prerequisites may be dissolved, terminated, or judicially declared null and void in accordance with the procedures established by law. Ultimately, the long-term success, health, and stability of human life post-marriage depend directly upon strict compliance with these fundamental safeguards.

Within Islamic jurisprudence (fiqh), the categories of women with whom a man is legally prohibited (*haram*) from contracting a marriage are systematically divided into two major classifications:

a) Women who are permanently prohibited from marriage (*al-maharim al-abadiyyah*);

b) Women who are temporarily prohibited from marriage (*al-maharim al-muwaqqatah*).

Based on diverse socio-biological rationales and profound divine wisdom, Allah the Almighty has instituted a strict legal prohibition barring men from marrying specific categories of female

relatives. In Surah An-Nisa of the Holy Quran, Allah the Almighty proclaims this mandate as follows:

حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ وَبَنَاتُكُمْ وَأَخَوَاتُكُمْ وَعَمَّاتُكُمْ وَخَالَاتُكُمْ وَبَنَاتُ الْأَخِ وَبَنَاتُ الْأُخْتِ وَأُمَّهَاتُكُمُ اللَّاتِي أَرْضَعْنَكُمْ وَأَخَوَاتُكُم مِّنَ الرَّضَاعَةِ وَأُمَّهَاتُ نِسَائِكُمْ وَرَبَائِبُكُمُ اللَّاتِي فِي حُجُورِكُم مِّن نِّسَائِكُمُ اللَّاتِي دَخَلْتُم بِهِنَّ فَإِن لَّمْ تَكُونُوا دَخَلْتُم بِهِنَّ فَلَا جُنَاحَ عَلَيْكُمْ وَحَلَائِلُ أَبْنَائِكُمُ الَّذِينَ مِنْ أَصْلَابِكُمْ وَأَن تَجْمَعُوا بَيْنَ الْأُخْتَيْنِ إِلَّا مَا قَدْ سَلَفَ ۗ إِنَّ اللَّهَ كَانَ غَفُورًا رَّحِيمًا

"Prohibited to you [for marriage] are your mothers, your daughters, your sisters, your father's sisters, your mother's sisters, your brother's daughters, your sister's daughters, your [milk] mothers who nursed you, your sisters through nursing, your wives' mothers, and your step-daughters under your guardianship [born] of your wives unto whom you have gone in. But if you have not gone in unto them, there is no sin upon you. And [also prohibited are] the wives of your sons who are from your [own] loins, and that you take [in marriage] two sisters simultaneously, except for what has already occurred. Indeed, Allah is ever Forgiving and Merciful." **(Surah An-Nisa, Verse 23)**

The categories of women permanently barred from marriage are fundamentally determined by lineage and consanguinity (*nasab*), fosterage or breastfeeding alliances (*razoat*), or marital affinity (*musaharah*). Islamic jurists have determined that there are twenty-five specific categories of women whose marriage to a particular man is permanently unlawful. Among these, seven categories are established through direct blood lineage, seven through fosterage/breastfeeding relations, and an additional four categories become permanently prohibited to a man as a direct legal consequence of marriage.

In a tradition narrated by Abu Hurayra (may Allah be pleased with him), the Messenger of Allah (peace and blessings of Allah be upon him) explicitly guided the community regarding marriage choices, counseling: 'Marry from afar [meaning, choose spouses from unrelated lineages].' Guided by this pure path delineated by Islamic Sharia, classical scholars emphasize that it is far superior and highly preferable to select brides from distant, unrelated tribes and lineages rather than contracting marriages within close biological circles. When marital alliances are formed externally, it carries profound social wisdom, such as significantly expanding, diversifying, and strengthening broader societal kinship ties. Conversely, experience repeatedly demonstrates that consanguineous marriages between close relatives frequently culminate in tragic socio-biological outcomes.

Modern medical science continuously verifies that endogamous unions between close relatives yield deeply negative outcomes regarding reproductive health and child development. Because the genetic profiles and blood lineages of two closely related spouses are highly identical, such unions significantly increase the risk of recessive genetic disorders, frequently leading to the birth of children suffering from congenital disabilities, chronic deformities, and severe physical or intellectual impairments. This situation invariably results in deep emotional distress and familial discord within the household, while the long-term survival, development, and social integration of these disabled children remain plagued by uncertainty. Anticipating these severe biological and social vulnerabilities, the Holy Prophet (peace and blessings of Allah be upon him) resolved this complex dilemma with a single definitive instruction: 'Marry far apart,' thereby eliminating the root causes of these systemic issues. Consequently, we are religiously and socially obligated to completely abandon any blind, unscientific approaches toward the sacred bond of matrimony.

Another highly detrimental social phenomenon occasionally observed in contemporary times is the practice of forced or premature marriage involving underage, minor girls. This issue remains a major catalyst for severe social, domestic, and psychological crises. Prior to entering into wedlock, young individuals must acquire adequate knowledge concerning the profound legal, moral, and shared responsibilities of family life; they must be fully prepared intellectually,

spiritually, and physically to sustain a household. Regrettably, certain individuals adhere to outdated, un-Islamic, and legally non-compliant customary traditions, marrying off underage girls and knowingly placing young men and women in positions of severe vulnerability and systemic risk. When young couples marry without the requisite emotional maturity and foundational knowledge, they face immediate mutual misunderstandings. Consequently, excessive interference from both sets of parents into the fragile new household overpowers the young couple's youthful inability to make independent, mature decisions, inevitably causing the rapid breakdown of the family. Such preventable divorces inflict immense harm upon the structural stability of the broader society.

Conclusion

In certain instances, families blindly rely on archaic ancestral customs, operating under the flawed premise that daughters must never be married into external lineages, and consequently force underage girls into consanguineous marriages with close relatives. It is a fundamental Islamic tenet that ancestral traditions must never be emulated blindly or unthinkingly when they contradict sound reason and divine law. Indeed, Allah the Almighty issues a stern warning in the Holy Quran:

"You are among the messengers, On a Straight Path. [This is] a revelation of the Exalted in Might, the Merciful, That you may warn a people whose forefathers were not warned, so they are heedless." **(Surah Ya-Sin, Verses 4-6)**

Therefore, it is incumbent upon every rational and conscientious individual to refrain from performing harmful, obsolete practices simply because they are labeled as ancestral customs. Instead, members of society must ensure that all domestic, marital, and cultural practices align meticulously with the enlightened legal and ethical principles of the Quran and the Sunnah, thereby securing the holistic welfare of the family and the state.