

The Role of Legitimate Politics in Achieving Social Security (an Applied Study on Family Reform Bureaus in Jordan)

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ABSTRACT

Background. This study is organized with an introduction and three sections: The Nature of Legitimate Politics and Societal Security, consisting of two subsections, The Importance and Nature of Legitimate Politics, consisting of two subsections, An Applied Study of the Family Reform Bureau in Jordan, consisting of two subsections.

Method. This research aims to explain the role of legitimate politics in achieving community security and apply it to the family reform bureau in Jordan.

Results. Societal security is an essential need for the growth and sustainability of society, and legitimate politics is the means to achieve it. The family reform bureau performs several tasks, including: reviewing cases transferred from the courts, accepting cases directly brought to the bureau for guidance or resolution of existing disputes, seeking preventive knowledge and guidance. The family reform bureau plays a central and effective role in achieving public security and reducing the divorce rate in society.

Conclusion. In addition, field research can also be used as a complement, namely interviews supported by primary data.

KEYWORDS

Family Reform Bureaus, Legitimate Politics, Societal Security

INTRODUCTION

Security in general, and societal security in particular, is the cornerstone upon which progress is built towards achieving collective societal goals (Luo dkk., 2019). It is an essential and imperative demand that individuals seek from the inception of creation and at any stage of their lives (Bai dkk., 2021). This demand necessitates distinctive efforts by countries, governments, and systems to achieve it, whether at the level of family, village, city, state, or internationally, as it is a fundamental pillar for the stability of human life.

The relationship between legitimate politics and societal security is evident when the ruler implements legitimate politics, plans according to its principles, and strives to achieve the best interests of the nation, both individuals and groups (De Marneffe & Nivre, 2019). They establish regulations for various aspects of life, starting from the (Ackerman, 2019) family, ensuring the

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sound construction of families, the selection of spouses, equality among children, the importance of choosing good companionship, and the caution against divorce, which undermines families, among other political, economic, and social regulations (Guo dkk., 2021). In essence, legitimate politics primarily aims to achieve the interests of individuals in their religion and worldly affairs, with its core focus on welfare (Ai dkk., 2020). When a ruler decides to operate according to legitimate politics, their attention is directed towards achieving benefits, preventing harm (He dkk., 2020), alleviating difficulties, and thus ensuring security and stability within their society (Zhu dkk., 2022). Family reform bureaus play a significant role in achieving societal security.

Praise be to Allah, the Lord of all worlds, and peace and blessings be upon the seal of the prophets and messengers (Gostin & Wiley, 2020), our master and beloved, the delight of our eyes, Muhammad, and upon his family and companions altogether. After this:

Legitimate politics plays a pivotal role in various areas of Islamic jurisprudence, including its role in achieving societal security. Similarly, family reform bureaus in Jordan play a significant role in achieving societal security (Guo dkk., 2021). Based on these premises, this study aims to highlight the role of legitimate politics in achieving societal security, with a focus on family reform bureaus in Jordan.

Research Problem: This study aims to address the following questions:

1. What is the concept of legitimate politics?
2. What is the concept of societal security?
3. What is the concept of family reform bureaus?
4. What role do family reform bureaus in Jordan play in achieving societal security?

Research Objectives: The study aims to achieve the following objectives:

1. Clarify the concept of legitimate politics.
2. Define the concept of societal security and its necessity.
3. Highlight the role of family reform bureaus in Jordan in achieving societal security.

RESEARCH METHODOLOGY

Significance of the Study:

The significance of this study lies in shedding light on the role of family reform bureaus in achieving societal security, which is a necessity for both nations and states (Miao dkk., 2019). Without it, a state becomes weak.

Scope of the Study (Nieuwland & Van Melik, 2020): The study focuses on the role of legitimate politics in achieving societal security and highlights the role of family reform bureaus in Jordan in this regard (Foulkes dkk., 2020). The study does not encompass family reform bureaus in other countries or other forms of security, such as economic security, and beyond.

Research Methodology (Hassounah dkk., 2020): In this study, we have followed an inductive and analytical approach, involving the collection of scholarly material from reputable sources and utilizing the jurisprudential wealth related to the study's topic.

Previous Studies:

1. "Legitimate Politics and its Impact on Family Stability" - Doctoral thesis by researcher Ahmed Saleh Al-Rahahla, 2018.
2. "Social Security in Islam: A Comparative Study" - Dr. Osama Abdel Samieh, Dar Al-Jame'a Al-Jadeeda, Egypt.
3. "Legitimate Politics and its Importance in Achieving Societal Security" - Dr. Abdullah Mohammad Rabab'ah, published in the Arab Journal of Security Studies and Training, Riyadh, 2014.

4. "Preventive Sharia Measures to Reduce Divorce in Light of the Reality of Jordanian Sharia Courts: A Comparative Jurisprudential Study" - Doctoral thesis by researcher Fawzia Bsabous, Al Al-Bayt University, 2018.

The study addressed the Sharia measures taken by the Islamic legal framework to mitigate divorce occurrences, highlighting the foundations upon which family reform is based (Hassounah dkk., 2020). However, it overlooked discussing legitimate politics and its role in achieving societal security, as well as the role of family reform bureaus in that regard, which our study has elucidated.

RESULT AND DISCUSSION

Section 1: The Nature of Legitimate Politics and Societal Security:

Subsection 1 : Definition of Legitimate Politics Firstly: Defining Politics

1. Linguistically, the term "politics" originates from the root "s-w-s," which means managing or organizing something. It also implies the action of governing, controlling, and taming (Kelly dkk., 2019). It signifies handling and taming animals. In the context of politics, it means governing and organizing matters in a way that benefits them.
2. Technically, politics refers to the rules and actions through which the affairs of a nation are managed, legislated, judged, and exercised across all its authorities and relationships with other nations. In essence, it encompasses all systems and regulations that govern the nation's internal and external matters. It also includes the rules that govern the subjects and are known as "sultanic rulings."

Secondly: Defining Legitimacy

1. Linguistically, "legitimacy" is related to "shari'a," and "shari'a" originates from "shara'a," meaning the places from which water flows. It is the source of drinking water that people and animals utilize.
2. Technically, "legitimacy" is derived from "shari'a" and refers to what God has prescribed for His servants in terms of religious matters and ordered them to follow. In the context of Islamic Thirdly (Nazmi dkk., 2019): Defining Legitimate Politics as a Compound Term Scholars have not agreed on a single definition of legitimate politics due to differences in interpreting its meaning, intended scope, and domains (Chalamaiah dkk., 2019). Therefore, multiple definitions are provided to elucidate the concept of legitimate politics, including the following definitions:

Definitions from Ancient Scholars (Letsa, 2019): Ancient scholars provided various definitions of legitimate politics, some of which were expansive, while others were restrictive (Radoglou Grammatikis dkk., 2019). The most important definitions from ancient scholars include:

Ibn 'Aqil al-Hanbali defined legitimate politics as actions that lead people closer to rectitude and farther from corruption, even if they are not legislated by the Prophet or revealed through divine revelation.

Ibn Abidin stated in his commentary on the definition of Sharia politics (Cohen dkk., 2019): "Some have defined it as the enhancement of a crime with a legal ruling to decisively counteract corruption..

And his statement that it has a legal ruling means that it falls within the rules of Sharia, even if it is not specifically addressed (Distefano dkk., 2019). It is noted that this definition restricts Sharia politics to the enhancement of penalties for crimes as a preventive measure against corruption.

Ibn Najim al-Hanafi defined it as the ruler's actions for perceived benefits, even if partial evidence is available.

Al-Mardawi stated that politics involve firm decisions and are not solely based on explicit legal pronouncements.

Definitions from Contemporary Scholars:

1. Dr. Muhammad Na'im Yasin and Dr. Muhammad Humam Malham defined legitimate politics as managing the affairs of the community (Binder & Heupel, 2021), its religious matters, and its subjects in accordance with the objectives of the shari'a.
2. Abdul Rahman Taj defined it as managing public affairs of the Islamic state in a way that ensures achieving benefits and averting harm within the boundaries of the shari'a.
3. "Abdul Wahhab Khalaf defined it as (Binder & Heupel, 2021): The management of public affairs of the Islamic state in a manner that ensures the realization of benefits and prevention of harm, within the boundaries of the Sharia or its fundamental principles, even if it does not align with the opinions of the diligent scholars."
4. Fathi al-Darini defined it as entrusting matters to what benefits them.
5. Abd al-Fattah Amr defined it as a set of orders and actions issued by a qualified jurist (mufti) through which Islamic legal rulings are applied in cases where there is no explicit textual evidence.
6. Abdullah al-Kilani defined it as an action plan that the ruler and jurist rely on to implement appropriate measures for organizing the nation's various economic and military fields, with the aim of achieving development and advancement within society.
7. Contemporary researchers find Dr. Muhammad Na'im Yasin's definition to be the most appropriate. It is comprehensive and restrictive, as it encompasses all entities responsible for implementing legitimate politics and restricts the actions of legitimate politics to those that fulfill the purposes of the shari'a, avoiding any contradictions with the shari'a's objectives in all endeavors.

Topic 2:

Definition of Community Security:

Firstly: Definition of Security, Both Linguistically and Technically:

1. Linguistically, security is attained by someone who feels safe and secure, without fear or anxiety. It implies stability and tranquility (Edenberg & Hannon, 2021). For instance, when we say "security from something," it means being safe from it. When someone's belongings are safe with a certain individual, it means they are protected by them.
2. Technically, security refers to the absence of anticipated harm in the coming time. It is the feeling of tranquility experienced by individuals, whether due to the absence of threats to their existence or due to possessing the means to confront those threats when they arise.

Secondly: Definition of Community, Both Linguistically and Technically:

1. Linguistically, "community" is derived from the verb "jama'a," which means gathering or assembling. It also refers to a group of people (Goodman, 2019). "Tajammucu al-qawm" means people coming together, and "jama'tu al-shay" means bringing together various things.
2. Technically, "community" refers to behaviors or interactions among individuals. It encompasses situations involving mutual influence between different parties linked by bonds and relationships.

Thirdly: Definition of Community Security as a Compound Term:

Community security involves the assurance of safety and the absence of fear and panic for an individual or a group in all aspects of worldly life, and even beyond this worldly life (Reid, 2022).

Alternatively, it refers to an individual living a secure and stable social life, feeling at ease and content about their well-being, livelihood, and the place they live, along with those they support.

Section 2: The Importance of Legitimate Politics and Its Domains

Subsection 1: The Importance of Legitimate Politics: Firstly: The significance of practicing legitimate politics lies in keeping up with societal developments and meeting the demands of evolving life (Aedo, 2019). This is achieved by deducing rulings for newly emerging events and circumstances in the nation's life. Especially those for which there is no explicit legal text or consensus. In such cases, these rulings are derived by evaluating their alignment with the community's welfare and compliance with Islamic legal principles, without resorting to laws and policies that contradict these principles in many matters.

Therefore, there is no doubt about the importance of legitimate politics in the life of the Muslim nation (Ellenberger & Richardson, 2019). It has been practiced since the time of the Prophet, who was the leader, ruler, and head of the Islamic state in Medina (Shatkin & Soemarwi, 2021). This is evident in his application of legal penalties to perpetrators and his refraining from punishment without proper evidence and clear indications.

Secondly: The importance of legitimate politics is manifested in bringing benefits to all individuals, removing harms from society, considering people's conditions and capabilities, as well as anticipating the consequences of actions and their considerations (Krzyżanowski, 2020). It abides by the principles of prioritization in governing affairs to achieve the common good of the nation.

Thirdly: Legitimate politics is highly significant in safeguarding the interests of individuals, families (Fernández Pinto & Hicks, 2019), communities, states, and the entire nation. Its importance lies in acting as a means of enjoining good and forbidding evil. It regulates all activities in society, ensures compliance with legal rules, guides the behavior of individuals and communities, and is an integral part of Islamic law and its branches, emanating from it.

Fourthly: The rulings derived from legitimate politics aim to achieve the five objectives of Islamic law. These objectives are: religion, life, intellect, lineage, and wealth. The implementation of these Fifthly (Sözen, 2019): Practicing legitimate politics is essential for rulers to establish the authority and prestige of the state and its legal system (Pérez-Armendáriz, 2021). They enact legal systems to achieve the public interests of the state.

Sixthly: One of the main functions of legitimate politics is to establish justice in its most comprehensive forms across all aspects of social, economic, political, administrative, judicial, and international life.

Seventhly: The knowledge of legitimate politics emphasizes the comprehensiveness of Islamic law and its adaptability to address contemporary issues and its suitability for application in all times and places.

Subsection 2: Domains of Legitimate Politics:

There are numerous domains of legitimate politics, which can be summarized as follows:

1. **The General Authority and Its Branches:** This involves governance, administration, implementation, and enforcement. Legitimate politics examines the relationships between the ruler and the ruled, specifies the ruler's authority, rights, duties, and the rights and duties of individuals. It also outlines the different authorities within the state.
2. **Administrative Domain:** The relationship between the administrative field and legitimate politics is close. It entails managing emerging matters and regulations related to state affairs and organization. Legitimate politics includes the intervention of the guardian of the affairs (wali al-amr) in individual matters whenever there is a strong presumption that a general interest is not served by the state refraining from involvement.

3. **International Relations:** Legitimate politics encompasses international relations, including contemporary concepts like international law, public and private international law. It serves as a guide for rulers and scholars in defining the nature of the relationship between an Islamic state and other states.
4. **Economic Domain:** The economic domain involves financial affairs and contemporary financial transactions. It addresses regulations on trade, investment, currency values, raising and preserving wealth, as well as restrictions imposed by rulers on certain financial dealings.
5. **Judicial Domain:** This domain covers legal affairs, including principles of litigation, organization, and methods of evidence. It encompasses contemporary concepts such as rules of procedure or the fundamental principles of legal proceedings. It also includes criminal and penal affairs, along with measures to ensure judicial independence.
6. **Personal Status Domain:** Legitimate politics plays a significant role in personal status matters. Due to the emergence of new issues and the variance in customs and traditions, and given the decline of religious consciousness in our time, there is a need to legislate specific rules related to marriage, divorce, custody, and other personal status issues that do not contradict the objectives of Islamic law.

The Third Section: An Applied Study on Family Reconciliation Offices in Jordan

First Subsection: Introduction to Family Reconciliation Offices, their Establishment in Jordan, and their Operation Mechanism

First Branch: Definition of Family Reconciliation Offices These are specialized departments within the Sharia courts, aimed at resolving family disputes through amicable means, awareness, education about marital rights and responsibilities, and providing family guidance. These offices handle unresolved family cases other than explicit divorce, attempting reconciliation between spouses within specialized committees covering various aspects such as religious, psychological, social, educational, and health-related aspects.

Second Branch: Establishment of Family Reconciliation Offices in Jordanian Sharia Courts The concept of establishing family reconciliation offices originated from the Jordanian Judicial Council's desire to uphold the national vision of preserving and protecting families, ensuring their stability, enhancing the quality of family members' lives, and aligning with the spirit of Islamic law. Islamic law aims to preserve the institution of marriage, set guidelines for its continuity in an atmosphere of tranquility, affection, and compassion, and create a suitable environment for resolving family disputes (Mastanduno, 2019). This is achieved by preventing family fragmentation, alleviating material, psychological, and health-related suffering among family members, saving time, effort, and money, and relieving judges of the burden of numerous cases. A specialized directorate called the Directorate of Family Reconciliation, Mediation, and Harmony was established within the Judicial Council to oversee these efforts. This directorate consists of three departments (Perrin & Bouisset, 2022): Family Reconciliation Offices, Awareness and Guidance, and Office Members Affairs. Offices for family reconciliation, mediation, and harmony are established in Sharia courts under the authorization of the Chief Judge.

Reconciliation, Mediation, and Family Reformation Offices have been established within the jurisdiction of Sharia courts (Raphael dkk., 2019). These offices aim to provide preventative and therapeutic family guidance, facilitating the reunification and continuity of families. They address family disputes and guide both parties towards amicable, consensual resolutions, and, if necessary, formalize familial agreements that safeguard the rights of each party without resorting to judicial proceedings in the courts.

These offices are overseen by a directorate known as the Directorate of Family Reformation and Reconciliation. This directorate supervises the offices, with a qualified Sharia judge, not lower than the third rank, appointed to lead it (Syfers dkk., 2022). This appointment is made by a decision of the Sharia Judicial Council, based on the recommendation of the Chief Judge of Judges.

The offices handle disputes referred to them by Sharia courts, or cases directly submitted to the head of the office by either or both parties involved in the conflict. This is done within the jurisdiction of Sharia courts.

Third Branch: Mechanism of Operation of Family Reconciliation Offices These offices operate based on several axes:

1. Reviewing cases transferred from the court.
2. Receiving cases directly from parties seeking guidance or looking for dispute resolution or preventive guidance.

The head of the office forms a reconciliation committee comprising one or more members to review the referred dispute or the submitted request. The head can also directly handle the dispute. Family Reconciliation Offices are required to complete the reconciliation and mediation procedures within a period not exceeding thirty days from the date of receiving the dispute or request. If a specific settlement is reached and parties request its adoption, the head of the office formalizes the agreement through a document signed by the parties and the head. This document is presented to the court for review and authentication, as long as it adheres to the public order. If an amicable settlement is not reached between the disputing parties within the period stipulated in Article 10 of this regulation, the required procedure to be taken shall be as follows:

1. If the dispute has been referred from the court, the President of the Court shall be addressed, explaining the inability to achieve reconciliation and requesting the continuation of the procedures according to the rules.
2. If the request for reconciliation and settlement is directly submitted to the office, in this case, the President shall inform the requester that they have the right to refer the matter to the competent court.

It's worth mentioning that agreements formed within Family Reconciliation Offices, once authenticated, hold the same enforcement power as judicial rulings according to Islamic execution law. This means they can be executed directly without the need for separate legal proceedings. If any party violates an obligation stemming from the agreement, the aggrieved party can resort to the Islamic execution courts to enforce the commitments outlined in the agreement. The Executive Instrument, as stipulated by the Sharia Implementation Law, encompasses judicial rulings, expedited execution orders, bonds, and agreements that contain a legal right issued by or approved by the Sharia courts, including marriage contracts and foreign judgments that have acquired the form of execution within the functional jurisdiction of these courts. Bonds and agreements containing legal rights or approved by the Sharia courts include the agreements regulated by Family Reconciliation Offices

Second Issue: The Role of Family Reconciliation Offices in Achieving Social Security

Family Reconciliation Offices play a significant role in achieving social security, which can be summarized as follows:

1. Often, sessions of reconciliation between spouses in Family Reconciliation Offices result in successful outcomes. These sessions aim to persuade couples to reconsider the idea of divorce, which is the main goal behind the establishment of these offices.
2. Protection of Children from Negative Effects of Family Conflicts and Reducing Deviation: Separation may lead to children feeling insecure and unstable. They might struggle with

loyalty to either parent, and the absence of one parent's supervision can lead to early deviant behavior.

3. As for the impact of reconciliation on children within a cohesive Muslim family devoid of conflicts and quarrels, where love, affection, and mutual respect prevail, it aids children in excelling academically and integrating smoothly into society. This enables them to actively contribute to its development.
4. Reducing Divorce Rates: Resolving disputes and conflicts through reconciliation contributes to finding common ground and understanding between spouses, preserving families from fragmentation and dispersal. This significantly reduces divorce rates.
5. Alleviating Financial Burden on Spouses: Settling disputes through reconciliation accelerates the resolution of conflicts and disagreements outside of court proceedings, sparing the parties the costs of litigation, lawyer fees, and court fees. This eases the financial burden on them and shortens the litigation process.
6. Promoting Peace and Security in the Community: When disputes are resolved through reconciliation between spouses, it fosters social peace and security within the community. Reconciliation eradicates enmity, unites hearts, and removes animosity and grudges. These are aspects that judicial rulings often fail to achieve, as they might fuel hatred and hostility. Reconciliation encourages both parties to reassess their standpoints, making it preferable to end disputes through this method.

Jordanian Sharia courts' Family Reconciliation Offices have achieved positive results in providing solutions and resolving issues between spouses. This has contributed to decreasing the number of cases brought to court and has consistently worked toward reducing divorce rates. The effectiveness of these offices is evident in their skillful use of amicable approaches to resolve disputes, which prevents conflicts from escalating, along with their commitment to the principle of arbitration between spouses. They also play a role in increasing couples' awareness of the seriousness of divorce and its consequences for the family.

This success can be attributed to clear methodologies and comprehensive plans within Family Reconciliation Offices for dealing with family reconciliation matters, specifically addressing the issue of divorce in Jordanian society. Additionally, the high professionalism and expertise of the staff in these offices, along with their accumulated experience from dealing with numerous family cases, contribute to the positive outcomes achieved.

It is evident that the role of Family Reconciliation Offices in reducing divorce is highly significant. They are extensively utilized for employing amicable methods to resolve disputes between litigant couples before reaching the courts. They contribute to preventing the escalation of conflicts between spouses within the family, adopting the principle of arbitration among litigant couples, increasing the awareness of the serious consequences of divorce and its impact on the family, maintaining confidentiality through private deliberations and procedures, and relying on experienced and knowledgeable individuals in family reconciliation.

All of this can be attributed to several factors, including the presence of a clear methodology and comprehensive plans within Family Reconciliation Offices to address family reconciliation issues, particularly the problem of divorce in Jordanian society. Additionally, the high professionalism and competence of the personnel in these offices, as well as their accumulated skills and experiences gained from dealing with a substantial number of family cases, contribute to their success.

CONCLUSION

The research results can be summarized as follows:

First: Sharia policy involves managing religious and community affairs by the Imam, his deputies, or relevant institutions, in line with the objectives of Sharia.

Second: Societal security is an essential necessity for the growth and continuity of societies, and Sharia policy is a means to achieve it.

Third: Sharia policy fundamentally aims to promote the welfare of individuals in both their religious and worldly matters. Its core is the pursuit of benefit. When a ruler employs Sharia policy, their focus is on achieving benefits, averting harm, alleviating difficulties, and ensuring security and stability within the society.

Fourth: Family Reconciliation Offices operate on several fronts, including reviewing cases transitioning from the court, receiving cases that come directly to the office seeking guidance or resolution of existing disputes, or seeking knowledge and preventive guidance.

Fifth: Family Reconciliation Offices play a central and effective role in achieving societal security and reducing divorce rates within the society.

Recommendations:

First: Activate various media outlets to increase awareness among different segments of society about the importance of Family Reconciliation Offices and highlight their vital role in achieving societal security and reducing divorce rates.

Second: Researchers are recommended to delve deeper into studies related to Sharia policy and its various roles in Islamic legislation, as well as to delve into studies concerning societal security.

Third: Highlight Jordan's experience in the field of family reconciliation at both regional and international levels to benefit from this rich experience.

AUTHORS' CONTRIBUTION

Author 1: Validation; Writing - review and editing.

Author 2: Conceptualization; Project administration.

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