

Social security for Palestinian women under the applicable personal status law through the implementation of divorce provisions

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Abstract : God Almighty honored man and granted him full rights regardless of sex or color, and this is what the Almighty says: (وَلَقَدْ كَرَّمْنَا) (الإسراء: 70) Islamic law, through its five purposes, was keen to achieve tranquillity and security, whether at the level of the individual or the group, when the Almighty said: (الَّذِي أَطْعَمَهُمْ مِنْ جُوعٍ وَءَامَنَهُمْ مِنْ خَوْفٍ) (البقرة: 155) Livelihood and security from fear are one of the greatest worldly blessings, and on the other hand, fear and instability come at the forefront of the types of afflictions mentioned by the Holy Qur'an in (وَلَنبَلِّغُنَّكُمْ بِشَيْءٍ مِنَ الْخَوْفِ وَالْجُوعِ) سورة (البقرة: 155) The life created by God is human-centered, so all creatures were subjected to congratulations, stability and security, and the emergence of laws and charters is only a clear indication of the position occupied by each member of society, and as a woman as a member of society, which is responsible for achieving happiness for the rest of the family members and is the main pillar and supporter of everyone around her, the law had to do justice to her and show her and her rights, in order to achieve social security for herself, especially since she is considered one of the marginalized groups. And the poor and weak in some societies, so the researcher deliberately studied the extent to which the Personal Status Law achieves social security for Palestinian women through the implementation of divorce provisions as the protective fence and the first organizer of relations in the family, which is the first source of safety for women, and this coincides with the demand of international charters and conventions to make amendments to the texts

of this law, and the researcher has adopted the methodology of descriptive research, through conducting a desk survey (inductive and analytical) In order to trace the historical developments that accompanied the law and build the theoretical framework while giving the character of critical analysis to some of the texts contained therein, interviews were the study tool used for a sample of divorced women. This is done by answering the following main question:

To what extent does the Personal Status Law achieve social security for Palestinian women through the implementation of divorce rulings?

The main question emanates from the following sub-questions:

1. What is meant by social security in the Personal Status Law
2. What are the justifications behind the demand for amending certain paragraphs of the Personal Status Law, especially the age of marriage and divorce?
3. What are the obstacles facing the Sharia judiciary in Palestine with regard to the amendment of certain paragraphs of the law?

Keywords: social security, law, personal status, divorce .

الأمان الاجتماعي للمرأة الفلسطينية في ظل قانون الأحوال الشخصية المطبق من خلال تنفيذ أحكام الطلاق

ملخص: كرم الله سبحانه وتعالى الإنسان ومنحه الحقوق كاملة بغض النظر عن الجنس أو اللون، وهذا ما جاء في قوله تعالى: (وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ) (الإسراء: 70)، كما وحرصت الشريعة الإسلامية من خلال مقاصدها الخمس على تحقيق السكينة والأمن سواء على مستوى الفرد أو الجماعة، حين قال عز وجل: (الَّذِي أَطْعَمَهُمْ مِنْ جُوعٍ وَعَأَمَنَهُمْ مِنْ خَوْفٍ) (قريش: 4)، فرغد الرزق والأمن من الخوف من أعظم النعم الدنيوية، وفي المقابل يأتي الخوف وعدم الاستقرار في مقدمة صنوف الابتلاءات التي ذكرها القرآن الكريم في سورة (البقرة: 155) (وَلَنَبْلُوَنَّكُمْ بِشَيْءٍ مِنَ الْخَوْفِ وَالْجُوعِ). والحياة التي خلقها الله مركزها الإنسان، فوُضعت كل المخلوقات ليهنأ ويستقر

ويأمن، وما نشأة القوانين والمواثيق إلا مؤشر جلي على المكانة التي يتبوأها كل فرد من أفراد المجتمع، وباعتبار المرأة فرد من أفراد المجتمع وهي التي يقع على عاتقها تحقيق السعادة لبقية أفراد الأسرة وهي الركن الأساسي والداعم لكل من حولها، كان لا بد للقانون أن ينصفها ويبين ما لها وما عليها من حقوق، لكي تحقق لنفسها الأمان الاجتماعي، خاصة وأنها تعتبر من الفئات المهمشة والفقيرة والضعيفة في بعض المجتمعات، لذلك عمدت الباحثة لدراسة مدى تحقيق قانون الأحوال الشخصية الأمان الاجتماعي للمرأة الفلسطينية من خلال تنفيذ أحكام الطلاق باعتباره السياج الحامي والمنظم الأول للعلاقات في الأسرة التي هي مصدر الأمان الأول للمرأة، ويتزامن ذلك بمطالبة المواثيق والاتفاقيات الدولية بإجراء تعديلات على نصوص هذا القانون، ولقد اعتمدت الباحثة منهجية البحث الوصفي، وذلك من خلال إجراء المسح المكتبي (الاستقراي التحليلي) في سبيل تتبع التطورات التاريخية التي رافقت القانون وبناء الإطار النظري مع إضفاء طابع التحليل النقدي لبعض النصوص الواردة فيه، وكانت المقابلات هي أداة الدراسة المستخدمة لعينة من النساء المطلقات. وذلك من خلال الإجابة عن السؤال الرئيس الآتي:

ما مدى تحقيق قانون الأحوال الشخصية الأمان الاجتماعي للمرأة الفلسطينية من خلال تنفيذ أحكام الطلاق؟

وينبثق عن السؤال الرئيس الأسئلة الفرعية التالية:

- ما المقصود بالأمان الاجتماعي في قانون الأحوال الشخصية.
- ما هي المبررات وراء المطالبة بتعديل بعض البنود في قانون الأحوال الشخصية خاصة سن الزواج والطلاق.
- ما هي المعوقات التي تواجه سلك القضاء الشرعي في فلسطين إزاء تعديل بعض البنود في القانون.

الكلمات المفتاحية: الأمان الاجتماعي، قانون ، الأحوال الشخصية، الطلاق.

Introduction

Praise be to Allah, Lord of the Worlds, who made us Muslims, and made us one of the keepers of his book shown, this book, which was not touched by falsehood and did not leave small or large, but organized and between its details, for the sake of man and in order to preserve his dignity, freedom and safety, is legislated by God Almighty and stipulated in the arbitrator of the download has been secured from the point of view of Islam is a necessity of life, Islam has considered the preservation of religion, soul, mind, money and presentation of the legitimate purposes, Security for man is like his food, clothing and housing, and for this God, Almighty has thanked the Qureshi's to grant them security, and the Almighty said: (فَلْيَعْبُدُوا رَبَّ هَذَا الْبَيْتِ *الَّذِي أَطْعَمَهُمْ مِّنْ جُوعٍ وَأَمَّنَّهُمْ مِّنْ خَوْفٍ) (قریش:3-4) (One of the greatest blessings after Islam - the blessing of security and reassurance, because of its importance in building the personality of the individual and they are linked to his goodness, as well as a major reason for the advancement of society, and the justice of the state, and each contributes a part to the achievement and development of this security, or its destruction and destruction. Social security in Islam is an obligatory obligation, and a life necessity, indispensable to a human being, it is a blessing from God Almighty simplifies it in the hearts of His servants, and God Almighty has promised the believers security if they adhere to what He guided them to He said: (الَّذِينَ آمَنُوا وَلَمْ يَلْبِسُوا إِيمَانَهُمْ بِظُلْمٍ أُولَئِكَ لَهُمُ الْأَمْنُ وَهُمْ مُّهْتَدُونَ) (الأنعام:82)

Yes, security has been and still is a concern for individuals, groups and nations, seeking to achieve it by various means and means, being the main factor for preserving human existence, and therefore there is no survival of a well-structured, prosperous and stable society, if it does not achieve the means of tranquillity and well-being and overcoming want, disease and ignorance, and in order to achieve these goals, it was necessary to achieve social security, and that political security and economic security cannot be achieved in isolation from social security

(Omari, 2009) The sense of security and reassurance is a prerequisite for achieving progress and prosperity in various aspects of life, social, political, economic and civilizational, and therefore human societies have sought since ancient times of different beliefs and levels of civilization to provide security and stability, and the emergence of laws and charters is only a clear indication of the position occupied by each member of society, and as a woman is a member of society, which is responsible for achieving happiness for the rest of the family members, which is the main pillar and support for everyone around her, it was necessary The law must do justice to them and indicate their rights and rights, in order to achieve social security for themselves, especially since they are considered marginalized, poor and vulnerable groups in some societies, and human rights institutions in the world have sought through their legislation to control a state of stability and security in their societies, and obligated individuals to abide by them if they violate them outside the law, thus exposing themselves to deterrent penalties. Therefore, the researcher deliberately studied the extent to which the Personal Status Law achieves social security for Palestinian women through the implementation of divorce provisions as the first protective fence and regulator of relations in the family, which is the first source of safety for women, and this coincides with the demand of international conventions and conventions to make amendments to the provisions of this law.

The problem of the study and its questions:

The contemplation of the reality of divorced women in Palestine will find that they are in a real crisis that deprives them of a sense of social security, especially if their responsibilities are doubled to be incubators for their children and responsible for their expenses and providing their basic needs, and given that the Personal Status Law is the main regulator of issues related to the family, and this law is a Jordanian law since 1976, and that some of its texts date back to the Ottoman era and the British Mandate as well, except for the difference between international

conventions and agreements on human rights and between some paragraphs in the law Personal Status Applicable in Palestine

This study came to find out the extent to which the Personal Status Law achieves social security for Palestinian women through the implementation of divorce rulings, by reviewing the provisions of the law, tracking implementation problems, and considering a number of issues of divorced women in Palestine, so the main question was as follows:

To what extent does the Personal Status Law achieve social security for Palestinian women through the implementation of divorce rulings?

The main question emanates from the following sub-questions:

1. What is meant by social security in the Personal Status Law?
2. What are the justifications behind the demand for amending certain paragraphs of the Personal Status Law, especially the age of marriage and divorce
3. What are the obstacles facing the Sharia judiciary in Palestine with regard to the amendment of certain paragraphs of the law?

Objectives of the study

This study came to achieve the following objectives:

1. Clarifying the concept of social security in the Personal Status Law.
2. Knowing the justifications behind the demand to amend some paragraphs in the Personal Status Law, especially the age of marriage and divorce.
3. A statement of the obstacles facing the Sharia judiciary in Palestine regarding the amendment of some paragraphs in the law.

Importance of the study:

The importance of this study lies in the fact that the current attention to women's rights has become a target value for the reality of women in the Arab world, as assessing the behaviour of states with respect for women's

rights has become commonplace, and even the evaluation of social and economic systems themselves has become subject to the rights achieved by those systems within a framework of justice and equity. Based on the bitter struggle that Palestinian women have waged and are still waging, the specialized authorities must reconsider the Personal Status Law, which affects women's rights in particular to lay the foundations of the new Palestinian society on an equal footing in rights and duties with men.

In fact, no Palestinian personal status law has yet been issued, which means the continuation of work on a personal status law, an Egyptian in the Gaza Strip, and a Jordanian in the West Bank, and despite the proposal to prepare a new Palestinian personal status law in 1988, a great controversy arose around it, especially when the mock parliament, as a new mechanism of action and initiative by Palestinian women's movements and centers and civil society institutions, and the conservative current in the Islamic direction reacted sharply towards women's demands, considering them It seems that the developments on the national scene, and the entry of the uprising contributed to hindering the adoption of the law, knowing that many laws were issued during the uprising phase and are less important than it, which means that the reasons and considerations to still govern the project or the executive authority and do not seem clear to people, For all that, this study came as a serious attempt to find out the effectiveness of the personal status law applied in Palestine in achieving social security for divorced Palestinian women through the implementation mechanism and in order to reach the objectives of the study, the researcher adopted the descriptive research methodology, by conducting a desk survey (inductive and analytical) in order to track the historical developments that accompanied the law and build the theoretical framework with the character of critical analysis of some of the texts received. In it, interviews were the study tool used for a sample of divorced women.

First: The concept of social security in the Personal Status Law.

The term social security and its meanings:

-The concept of security in language and idiomatically.

Security language: (by soothing the meme, opening and breaking it) is the source of security, it is safe, and safety against fear, as it means stability, safety and distance from risks (Al-Fayrouzabadi, security material), it is reassurance and reassurance not to expect anything bad in the present and coming time, and against it fear, which means panic and loss of reassurance. (Al-Razi,)

Security idiomatically :

Many scholars have dealt with the term security by definition and specificity, and Elahiti defined it as: "the totality of security measures taken to preserve the secrets of the state, and secure its personnel, facilities, and vital interests, and means tranquillity and calm, and the ability to face events and emergencies without disruption" (Elaheti, 2007) . As defined by (Al-Khadimi, Dat) as: "It is the reassurance of a person on his religion, himself, mind, family and all other rights, and not to fear him at the present time or in the coming time, inside and outside his country, and from the enemy and others, and this is in accordance with the guidance of Islam and the guidance of revelation, and the observance of morals, customs and charters". Amara (2007) defined it when he said: "It is the tranquillity corresponding to fear, panic and terror in the world of the individual and the group, in the cities and the places of urbanization, in the ways and ways, in relations and transactions, and in this world and the hereafter all."

It is stated in the Kuwaiti Jurisprudence Encyclopedia in part (6/271) that security among Muslim jurists reassures people of their religion, themselves, money and symptoms, and their thinking is directed to what elevates the status of their society and advances their nation. Through the

previous presentation of the definitions of scientists for the term security, the researcher sees that there is a great similarity between the linguistic and terminological meaning, as the researcher believes that scientists agree on the basic axes in determining the significance of the term, although the words differ, the researcher is likely to define the Kuwaiti jurisprudence encyclopedia of security in the legal terminology, as it was a collector and expression of the basics referred to previously in the simplest and most accurate ways.

The concept of social security as an additional compound :

The researcher defined what security means in language and terminology, and here it is necessary to stand at the term "social" to define the concept of social security as an additional compound. The Dictionary of Social Sciences (1975) defines the term "social" by saying: it is a description of behaviour or attitudes towards others, which means situations in which there is a mutual influence between parties linked by ties and relationships. Dr. (Muhammad Emara) says, which is any meeting - in the Islamic vision identified by Ibn Khaldun is synonymous in meaning with the term urbanism, under which all aspects of the humanitarian message and other types of honesty carried by man when God Almighty succeeded him to build this existence, the human meeting is the urbanization of the world, and this meeting is necessary for the human species, otherwise it did not complete their existence and what God wanted from the world's reconstruction of them and his succession to them, and this is the meaning of urbanization.

In light of this, the "architecture" defines social security in the same reference by saying: "It is the tranquillity that negates fear and dread about man, individually or collectively, in all other fields of worldly urbanism, but also in the eschatological hostility beyond this worldly life." One of the wise men said that security is the most congratulatory living and justice is the strongest army, and therefore injustice is one of

the most prominent factors threatening social security and its lack of pillars (Al-Kilani, 2012). Moreover, poverty is one of the most prominent social and economic problems, where deprivation, destitution and family insecurity lead to cases of delinquency that push their owners to theft and revenge, poverty environments create a suitable climate for social deviation that determines the values of society and spreads fear and anxiety, especially among women and children who are deprived of the necessities of life such as shelter, education and care.
<http://www.startimes.com>

It seems to the researcher that there is a correlation between the word "security" and the word "social" because security in the philosophy of Islamic legislation is only social, and it is impossible to stand its limits at the limits of the individual without the comprehensive meeting of individuals within the group, as Islam is the religion of the group, and its legislative philosophy combined individual responsibility and collective responsibility so that one does not encroach on the other, and therefore any imbalance in social security entails the demise of individual security, has expressed (Al-Mawardi, 1973) for this fact when he stipulated for Salah The world is the regularity of all things, and the regularity of what is suitable for each of its people, because there is no goodness for one of them except for its owner. Based on this, the researcher believes that the previous definitions of security clearance and adequately express social security in its comprehensive concept. Perhaps the researcher's choice to define the Kuwaiti Jurisprudence Encyclopedia of Social Security obviates the need for repetition.

Meanings of the term social security :

Social security has become a principle and an idea of human and civilized value, transmitted by specialists in the social field and in their most prominent books, so it is noticeable today that society is not without calling for the achievement of social security for the individual. After the

meaning of the term was limited to the aspect of security against fear and panic, this term expanded to include multiple and new concepts and contents, which overlap with the overall conditions of life to include social and political reform, achieving justice, equality, freedom, economic sufficiency and other pressing issues related to the individual needs in his daily life. Al-Mawardi (1973) defined the rules of the goodness of the world and the regularity of its construction with six things: "a followed religion, an omnipotent authority, comprehensive justice, public security, permanent fertility, and vast hope."

Al-Mawardi (1973) also adds, commenting on the fourth rule, saying: "The fourth rule is a public security that reassures souls, spreads determination, dwells in the innocent, and humanizes the weak, so there is no comfort for the fearful, nor for the reassurance ... "Al-Mawardi emphasizes the fact that individual security cannot be achieved in isolation from the group, as any defect in one necessarily reflects on the other. Just as security is in providing the necessities and material needs that the lives of individuals and societies are not based on except for them, so it is in moral, psychological and spiritual matters, and for this reason, Islamic law has come to preserve for a man his religion, soul, mind, presentation and money, and has legislated the means to preserve these necessities and the material and moral contents they carry, he says in that Hojjat al-Islam Abu Hamid al-Ghazali: "The system of religion can only be achieved by the regularity of the world, for the system of religion through knowledge and worship can only be achieved by the health of the body, the survival of life and the safety of the needs of clothing, housing, food and security" (Al-Ghazali, dt) Al-Ghazali (may Allah have mercy on him) expressed this fact by saying: "I have seen – after several experiences – that I cannot find among the miserable classes the right atmosphere to instill great beliefs, good deeds, and virtuous morals, it is very difficult to fill the heart of a person with guidance if his stomach is empty, or to clothe him with the garment of piety if his body is

naked. Broad economic and comprehensive urban reform, if we are sincere in fighting vices, sins and crimes in the name of religion or are truly willing to guide people to the Lord of the worlds." (Al-Ghazali, 1987)

On the other hand, sociologists in the world stressed the importance of security for the stability of the individual, including the scientist Abraham Mauslo, who developed a theory of gradation of the human needs of the individual, which was known as the pyramid of Mauslo for human needs, where he arranged it hierarchically from the bottom to the top, and it came at five levels: (Faramawy, 2008 Edited)

The first level: includes the physiological needs that are concerned with human survival, which are innate needs from which the satisfaction of other needs begins.

The second level: is the need for security, which seeks to achieve security in various aspects of life for the individual, whether the security of space, time or even psychological security.

The third level: Includes social needs such as love and belonging, which makes a cohesive and mutually reinforcing group, starting with a cohesive family and ending with a mutually supportive society.

The fourth level: it concerned the need for self-affirmation, esteem and respect by means of which the individual strengthens his identity and enhances his behaviour towards work and achievement.

The fifth level: is the need for self-realization, and here the individual has struck excellence among his group and thus is psychologically balanced and has a personality capable of facing the burdens.

The researcher does not find any contradiction between what Mauslo came up with and the five legitimate purposes that Islam was keen on preserving religion, soul, honour, reason and money. Preserving the soul

from physiological needs, religion for belonging, presentation is represented by the need for security, preservation of money achieves appreciation and respect, and preservation of the mind is represented by self-realization. Because we are talking about the social security of Palestinian women, we must note that the issue of security is a relative feeling, as there is no absolute security in the world, and what achieves security for one woman does not achieve for another woman, as different cultures and societies play a key role in the extent to which it is achieved. While some societies consider that marriage to women is a source of safety and tranquillity, and women's education and work are what achieve their security, other societies believe that women achieve their stability and safety if they marry and give birth, in the end, we find that the sense of security is a relative feeling that has its personal components and cultural standards in each society separately.

Therefore, Islam attached great importance to security in the life of the individual and society, so it took note of the guarantees and worked to unite and achieve its components so that society enjoys comprehensive security (the elements of security in Islamic law). Human rights institutions in the world have also sought, through their legislation, to control a state of security and stability within their societies, and oblige individuals to abide by them, so that anyone who violates them outside the law exposes himself to deterrent sanctions. Because, as we have said, the sense of security is relative because it is linked to the ability of these institutions to reduce crime, the protection of individuals is the core responsibility of the State through its just law through the judicial and executive bodies.

Second: Palestinian Women and Personal Status Law

As mentioned earlier, women can only achieve their security through respect for individuals and society as a whole, and the extent to which the state achieves these rights through legal texts and decision-makers. The

Personal Status Law, or as it is called the Family Law, is one of the laws concerned with the organization of family life, as it is of particular importance in the lives of women in the legislative fields, and although it affects the rights of women and society in general, it is more affecting women's rights, and its provisions have clear links and repercussions in other laws, such as the Labour Code, civil rights, penal laws and others. (Khidr, 1988)

The personal status law, which is newly used in the field of Islamic jurisprudence, which emerged in Western countries and was transmitted to us in the late nineteenth century, is defined as "a set of legal rules that regulate the relations of family members, that is, as members of the same family united by relations of descent and affinity". (Sartawi, 1998) The Palestinian territories (West Bank) are currently governed by the Jordanian Personal Status Law No. 61 of 1976, which is originally based on the Ottoman Family Rights Law of 1917, which is the first attempt. To unify personal status, in a general law, and since Jordan and Palestine are part of the Ottoman Empire, this law was applied in it until 1921, when King Abdullah bin Al-Hassan established an emirate that is the mark of Transjordan, and the situation remained the same until 1947, when the Jordanian Temporary Family Rights Law was issued, and it continued to be in force until it was abolished by the Jordanian Temporary Personal Status Law No. (26). (Provisional, 2011) Sartawi (1998) stated that the Jordan Family Law No. 92 was issued in 1951, which abolished the two laws: the Ottoman Family Law and the Temporary Jordanian Family Law, and continued to be in force until it was repealed by the Jordanian Temporary Personal Status Law No. 61 of 1976.

This law consists of (187) articles divided into nineteen chapters dealing with the issues of betrothal, marriage, taboos, types of marriage and dowry, as well as divorce, breastfeeding, custody and a number of legal issues. Legitimacy is responsible for matters related to it. The law gave women the right to establish a family through a legal contract on

conditions specified by law, and the parties to the contract were required to abide by these conditions in accordance with the rules regulated by the legal provisions (Personal Status Law No. 15, 2019). A woman is allowed to marry herself through a judge if the guardian has no legitimate reason for refusal, and the judge thus acts as her guardian and authorizes her to marry a if she reaches sixteen years of age to a competent man. The law established rights for women, such as alimony and dowry for the wife, which are assessed according to the husband's ability and are acquired by the wife once the marriage is concluded. (Personal Status Law No. 15, 2019) Article (173). The right of alimony has been established for women, as stipulated in article 59 of the Personal Status Law applicable in Palestine, as an effect of the contract, which includes housing, clothing, food and medicine to the extent known and according to the man's ability. (Qader, 2022) Women also have the right to custody of their children and are entitled to such alimony determined by law unless there is an impediment to their ability to custody. (Hourani, 2005) The Personal Status Law also strengthened women's right to inheritance defined by Islamic law, and thus prohibited infringement on it (Personal Status Law No. 15, 2019). Article (171) The researcher believes that despite the existence of laws regulating women's rights and everything related to them, such as the presence of children, for example, there are real problems suffered by Palestinian women, especially divorced ones, whether the bureaucracy with which lawsuits are dealt with and postponements that may take one and two years to be judged. Other catastrophic problems related to the implementation mechanisms are often affected, affecting women's psychological and family security and thus preventing women from achieving their social security. Khader (1998) stated in his study that a large percentage of women considered the personal status law to be largely responsible for most of the suffering suffered by women in our country and in the world at large. According to him, this law is positive based on jurisprudence derived from Islamic law, and legislators differ in the issue of amending it, and its subordination to

the balance of power in society affected by the conflict of interests, as well as the nature of the prevailing socio-economic relations and the degree of their development, and this is what happened in many Arab countries.

Third: The justifications behind the demand to amend some paragraphs of the Personal Status Law.

There are many voices calling for amending the sermons of paragraphs in the Personal Status Law, whether from women's institutions or institutions affiliated with human rights, or even those who work in the heart of the Sharia judiciary, they all talked about the importance of amending the Personal Status Law, stressing that this ends the state of pluralism that Palestine experienced before the establishment of the Palestinian National Authority, which was often systems and laws in favour of the ruling party, this is what Aida Issawi - a member of the Palestinian Coalition to amend the Personal Status Law expressed. It was also important for the new laws to take into account international conventions and treaties, particularly on the subject of equality between men and women and human rights. Through the researcher's work, it was found that the aim of such campaigns is to remove all discriminatory texts that discriminate against women, which consider women to be inferior and inferior to men, and to achieve justice and safety for women. Lawyer Ayad Halakieh, a volunteer at the Women's Center for Legal Aid and Counseling, spoke about the legal personality of men and women. He pointed out that the texts currently in force date back to the Jordanian law of 1976 and the Egyptian law of 1954, knowing that amendments have been made to these laws in both Egypt and Jordan, but they are still in force in Palestine.

Hence the importance of having a Palestinian law on personal inheritance that guarantees women the full right to recognition of their legal personality. Amjad Al-Agha, Director General of Legal Affairs in the Legislative Council in Gaza, said that the Council is keen to develop and improve laws in order to achieve

the greatest service to the Palestinian society, and explained in a press statement that for this purpose it is currently working on a new draft personal status law that addresses many files on marriage, divorce and custody and will see the light within three months at the latest. Through the researcher's presentation of the issue of amending some paragraphs in the Personal Status Law in Palestine and what are its most prominent justifications, the answers were consistent in many points, most notably what Professor Reem Al-Shanti stressed:

The current law in force until this moment has introduced that unfortunately cannot achieve or contribute to the social security of divorced women. The remarkable development that women have generally been able to achieve in the work environment, except for the social, economic and political conditions that increase women's responsibilities on the one hand and do not recognize their independent personality on the other. As well as the existence of developments that have not been addressed by the current law and have become necessary to reconsider, while women's institutions consider that the Personal Status Law is an unfair law against women, which would deprive women and behind them the family of a sense of security and stability, it is not logical that our Palestinian society today is governed by a law that has passed for decades, and has only brought families affected by divorce more crises.

The Palestinian state needs a unified law between the Gaza Strip and the West Bank, a Palestinian law that applies to the Palestinian people regardless of geopolitics and what it produces. In order to address the above and for the previous justifications, Al-Agha stressed that when the Legislative Council approves a law, it studies the so-called local environment and the international environment, the local environment, which is to study the compatibility of the new draft law with the laws in force, and the absence of conflict and violation, while the international environment means studying the laws in force in the countries surrounding us, and the legislative policies adopted by them, as well as

the international agreements concluded, with the need for all laws and agreements to be commensurate with the principles of Islamic law, our customs and traditions, as stipulated in "Article 4" in The Palestinian Basic Law, which also stressed that the draft law is a top priority for the Legislative Council and will enter into force after completing all legal procedures and periods.

Fourth: Obstacles facing the Sharia judiciary in Palestine regarding the amendment of some paragraphs of the law: The Sharia judiciary in Palestine faces many obstacles with regard to amending some paragraphs of the law, the most important of which is the existing political and social system that negatively affected any positive change process in favor of women and the family alike. With the exception of the suspension of the Legislative Council, as well as the different attitudes of Islamic currents that contradict the visions of international laws and agreements, as well as the different views on the Personal Status Law, the difference in jurisprudence is sure to lead to a fundamental difference between those who enact the law. As for the question of women's institutions, why have they not achieved their goal of fairness for women and achieving something tangible on the ground? Randa Siniora, Director of the Women's Center for Legal and Social Guidance, answered the lack of the required political will in the Palestinian political system, in addition to the political division suffered by the Palestinian people, affects the political will, the impact of the social culture that views women as inferior, and the predominance of custom, customs and traditions in many cases.

While Ms. Salwa Bannoura, lawyer of the administrative board of the Rural Women's Association, attributed the lack of effective results from all attempts made by women's institutions, the lack of a unified strategy for amendment and the political and economic instability of Palestinian society, as well as the lack of clarity in the work strategy and mechanisms, work in such a context needs more decisiveness and continuity, and it seems that

The work is seasonal, so to speak, the forces that were impulsive at one point quickly break out. After all, there are no real results on the ground. As for what the Department of Guidance and Family Reform considered as an obstacle, a good number of religious scholars and mujtahids considered that this work is prejudice to religion, and one is removed from the circle of faith. They also stressed the absence of a legislative umbrella and political or partisan division. While Ms. Fatima Al-Temporary, Director General of the Palestinian Alimony Fund, confirmed that one of the main obstacles facing the judiciary is the lack of awareness of women in the law in general and the lack of knowledge of their rights that leads them to a state of confusion, except that the weakness of the woman's personality is sometimes considered a real obstacle and one of the spouses blackmails the other, especially in the case of children.

Fifth: Difficulties facing divorced women in obtaining their financial rights:

There are countless cases that follow the issue of divorce or the process of separation between spouses, including financial rights, which often end with mutual consent between the spouses according to certain bases agreed upon between them, or resorting to Sharia courts in the event that the husband does not recognize the rights of his wife, or is unable to bear the financial burdens resulting from the divorce case. Or the husband's procrastination in giving the wife her rights. However, in fact, the issue of resorting to Sharia courts for women, in general, suffers from many limitations and difficulties, the most important of which are: The high costs that accompany hiring lawyers lead to the reluctance of many women to access justice and thus to the lack of access to their rights and the rights of their children

Second: Social difficulties :

Those who contemplate the reality in which we live are well aware of the impact of custom and traditions on the consolidation of negative ideas in

the soul of women about themselves, their status and their rights, thus limiting women's abilities to obtain their rights, thus losing social security is their right .

Third: Physical structural difficulties

The institutions of the judiciary, especially the enforcement departments of the headquarters of the judiciary, suffer from the lack of policies that must be available in them, as the buildings are flabby, and suffer from a lack of halls, and limited spaces, which cause embarrassment for women, in addition to the lack of public facilities and waiting places.

The mediator on what a woman suffers until she reaches court and how she has overcome the social and psychological determinants in the hope that she will find in . However, what is happening in reality and the psychological pressure that women are exposed to, whether before the divorce or what they face after it, finds it important to provide a May worthy of women's dignity and not dehumanize them .

Fourth: The game of time and the problems of implementation:

Repeated postponement affects the psyche of women, especially with procrastination in the implementation of sentences, which leads to frustration and despair, and women may resort to withdrawal and waiver of their rights and the rights of their children in exchange for preserving their dignity and not being psychologically harmed in the corridors of the courts. Regarding question of Professor Judge Thabat Al-Damiri about the status of the execution courts in Palestine, she confirmed that there is a project submitted to amend the situation .In the Sharia courts to develop a special building for the project of the Enforcement Department for the courts

From here and through all of the aforementioned obstacles that prevent the achievement of social security for Palestinian women, the researcher considered the need to issue judicial circulars that address the most

important problems facing the implementation departments, whether (the length of time, and proof of evidence, as this alternative includes the President of the Supreme Council of the Sharia Judiciary using his right to issue judicial systems and regulations according to the need for work, as he issues circulars that will solve judicial problems, and problems related to the existing procedural process, including marred by Complexities of women's empowerment and entitlement to full financial rights, taking into account the time factor and its importance, and adopting more practical ways to prove evidence that negatively affects women's social status and achieving safety for them and their families. Based on what has been discussed, and considering that the Palestinian people are part of the international system, the researcher believes that the influential and responsible parties should take all means to harmonize with international conventions all legislation related to personal status, in particular. International, and report continuously.

Results:

1. Social security is indivisible, in order to achieve social security for divorced women, it is necessary to achieve material prosperity, family security, religious security and political security, as Jean cannot be achieved in isolation from other aspects .
2. The Palestinian society suffers from the absence of a unified Palestinian personal status law, which leads to many contradictions, especially with regard to implementation mechanisms, which negatively affects the achievement of social security.
3. The Personal Status Law is a Sharia law and this does not contradict the spirit of Islamic law, and through the correct intentional understanding, it is necessary to reconsider some items to achieve social security for divorced women.
4. The absence of a legislative umbrella and the state of the political division led to the obstruction of any attempt to amend the law.
5. Women's institutions have not yet achieved their main objective towards amending the Personal Status Law because there is no clearly

defined strategic plan, whether with regard to the amendment or the mechanisms of action.

6. Cultural heritage, the prevailing social system and the totality of customs and traditions related to women are all obstacles that deprive women of achieving their social security.

7. The implementation departments in Palestine suffer from general laxity, whether in public buildings and facilities, with regard to privacy, or with regard to implementation strategies.

Recommendations:

1. The need to activate the Palestinian Legislative Council and end the state of political division, which in turn brings about tangible positive change.

2. The need for the concerted work of official and informal institutions to work on issuing a unified Palestinian identity law, taking into account the development of times and changing conditions.

3. Adopting a unified strategy by those concerned with achieving truth and justice and be clear and mechanisms to achieve social security for divorced women.

4. Inclusion of a strategic plan by family guidance homes as well as women's institutions to raise awareness among women in general regarding their rights, and raise awareness regarding the personal status law.

5. Establishing specialized departments and attaching them to the Sharia courts, such as the Enforcement Department, especially for Sharia courts and spectators, away from the police services.

6. Establishing a national body comprising representatives of the security services, Sharia scholars, thought leaders, civil society organizations, sociologists and education, responsible for developing a strategic plan to achieve social security for divorced women.

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