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The research addresses the critical issue of family disintegration, focusing on divorce as a growing social problem in Algerian society. It examines the primary causes of marital dissolution, highlighting both public and private factors that often remain undisclosed by couples despite exhausting all reconciliation efforts. Islam regards marriage as a lifelong religious and social bond; however, disputes, animosity, and irreparable discord may render cohabitation impossible, making divorce the final solution, though it is deemed "the most hated halal."

The Algerian Family Code outlines three forms of divorce: mutual consent, unilateral decision by the husband, and unilateral decision by the wife, all requiring attempts at reconciliation. The process must adhere to specific legal procedures under the Family Code and the Civil and Administrative Procedure Code. The study provides a sociological analysis of the causes of divorce, the procedural framework for dissolving marriage, and its profound social impact on families.

Keywords: Divorce; Family disintegration; Algerian Family Code; Marital bond; Legal procedures; Algerian society.

1. INTRODUCTION

The Divorce is one of the most prominent social phenomena that has greatly affected the stability of families and societies. With the cultural, social and economic changes that the world is witnessing today, marital relationships are facing major challenges that may lead to their disintegration. Divorce is not just the end of a relationship between spouses, but rather an event with complex dimensions that leaves a profound impact on individuals, children and society as a whole.

Based on this, the problem of the article arises: What are the most prominent causes of divorce and its social and psychological repercussions, and how can legislation and legal procedures contribute to reducing this phenomenon and addressing its effects?

In this scientific article, we will provide a comprehensive analysis of the causes of divorce and its various stages, in addition to the legal procedures related to it in Algerian legislation, while shedding light on the challenges facing families and society in this context.

2. Basic Definitions

2.1 Linguistically:

It is said: 'Divorce a prisoner if he sends him and lifts his chains, divorce his country if he leaves it, and divorce his wife, that is, he leaves her and dissolves the marriage bond.'(Sakina, 2011, p. 179)

Ibn Abdeen said that divorce is a language of lifting the shackles, but they made it in the woman a divorce and in others a divorce(Kahala, 1982, p. 7).

2.2 Etymologically:

Divorce in a general sense is the termination of a valid marriage during the life of a couple, i.e. a form of legal annulment of the marriage contract, as it represents the final proof(Hassan, 1981, p. 198).

Divorce is also known as the dissolution of the marriage contract and the severance of the marital relationship that began with a permanent contract, despite the repeated assurances and recommendations of the guardians, reformers and preachers of good to society that marriage is an unbreakable bond and a strong sacred bond(Taheri, 1997, p. 139).

2.3Social definition:

Divorce is the dissolution of the marriage process for a reason stipulated by religion, sharia and law, and the most important reasons that authorise divorce include adultery, abandonment for several years, cruelty and insanity that is hopelessly incurable(Tawfiq, 2010, p. 30).

2.4 Psychological definition:

Psychologists believe that divorce is the dissolution of the family through the involuntary departure of one of the spouses, we note in this context that most cases of divorce are due to unconscious factors that enter into psychopathology, that is, the person who sees no solution to marital crises except through divorce is confused with a normal person, and that the fundamental reason that makes him think about divorce, then threaten it, and finally The psychopathic husband uses in his marital life the same wrong methods that he used before, such as lack of trust, fear of responsibility, fear of responsibility, love of possession, jealousy and control, which eventually leads him to divorce.

3. Social theories explaining divorce:

3.1 Social disintegration theory:

Proponents of this theory asserted that many of the social problems, some of which are represented in the instability of the marriage system, the disintegration of the family in general and the delinquency and homelessness of young people in particular, so that the individual does not have an accurate knowledge of what he expects from others and what others expect from him. The followers of the theory build their viewpoint on the results of many studies that concluded that economic change was a major cause of social chaos and disintegration in general, and this disintegration led to high rates of deviance, crime, and other social issues, mainly divorce, and social disintegration also means a disturbance in thinking resulting in disruption of organisation Social disintegration theorists believe that the more primary relationships between individuals in society, the more cohesive and organised that society is and the more free from the spread of deviant behaviours and vice versa, i.e. the more secondary that relationship is, the more disintegrated and less cohesive that society is and the more it suffers from high rates of crime and deviance(Hussein, 2001, pp. 175-177),

it is the inefficiency of the social pattern or its failure to determine the status of individuals and their interrelated roles in a way that leads to the achievement of their goals in a satisfactory manner, as it means the lack or imbalance of coordination between the events that make up society so that this prevents it from achieving its functions to ensure its continuity and survival(Zaki, 1986, p. 385).

3.2 The theory of cultural conflict and social change:

The author of this theory is the American sociologist and criminologist 'Torsten Sellin' who published a book in 1938 entitled 'Conflict of Cultures and Crime'(Sellin, 1938) in which he emphasised the role played by the conflict of cultures in the formation of the criminal phenomenon. The clash of cultures means the conflict and conflict of cultures and certain values that prevail in other groups, and the starting point of this theory is when these moral and social values that are guaranteed by the criminal law conflict or clash, and in this case the conflict of cultures arises and the individual finds himself in front of a confusing situation and must take one of two paths: Either he obeys the orders of the criminal law out of respect for moral and social values and thus avoids falling in violation of them, or he violates those values and principles expressed by the criminal law and exposes himself to criminal proceedings, as the external conflict between the values and principles of the group to which the individual belongs generates an internal psychological conflict that leads to criminality(Al-Warikat, 2009, pp. 108-109), We point out here that social change is nothing but a continuous replacement and conflict in the patterns of social interaction or in the elements of culture and confirms the association of the existence of social issues with social change, that change is the direct or indirect cause of most social issues occurs because social change does not occur to the same degree between the various elements of the construction of society and the possibilities of the emergence of social issues increase if the degree of social change increases, this theory also provides an explanation for the emergence of social issues, especially those associated with mental illnesses that increase mainly as the degree of social change increases in an element of the society's culture The occurrence of social change resulted in a difference in the cultures of individuals and groups,

which led to the emergence of cultures that grant women the right to go out to work, and this resulted in poor socialisation of children (Giddens, 2005, pp. 296-297), and Ogburn, 1950, considered that the cultural gap between material and moral factors is one of the factors of social change, and states that one of the consequences of the occurrence of the cultural gap is social disintegration(Tahoun, 1997, p. 261).

3.3 Values Conflict Theory:

This theory believes that social problems are the result of the conflict between the values of different groups in society and that every society has general values common to its members and general and asymmetric values between groups, as values are those Islamic moral standards that guide the life of the individual and society, and it is worth noting in this context that any social situation is found when there is a conflict or conflict of values prevailing around that phenomenon. In this context, we point out that it has been shown that any social situation when there is a conflict or conflict in the prevailing values about that phenomenon, and from here it is worth noting that there are some limitations to the usefulness of using the concept of conflict of values in explaining social problems, meaning that the problem may not be solved until people realise that values may change over time and that they are affected by existing situations, because some problems may arise as a result of common values and not as a result of conflicting values and that the problem may represent another type of values and perhaps both.

3.4 Non-Normative Theory:

Durkheim's non-normative theory indicated that the social problem is due to factors that are mainly due to the social organisation that failed to organise and define the rules governing the behaviour of its members to achieve their personal goals within the framework of general goals and permissible means within the culture prevailing in society, that is, there are general goals agreed upon, but there is no agreement on the means and methods of achieving them, which society has set for its members to achieve their goals, and thus each of them seeks to achieve this and the methods and means they see, and thus the social problem is also spread among some individuals as a result of their successive frustrations they

have resulting from their inability to achieve their goals(Musa, 2008, p. 46).

4. : Stages of divorce

4.1. : The stage of intellectual separation:

The beginning of the emergence of issues between the spouses and their continuation is enough to create an intellectual separation between them, as each of them thinks differently from the other's thinking about these issues and may even be contrary to them, which increases the intensity of the disagreement between them, and this represents the beginning of the trend towards divorce, as its continuation leads to the second stage, which is the emotional separation.

4.2. : The stage of emotional separation:

From the continuation of the intellectual separation between the spouses and the retention of each of them with their own opinion that is contrary and separate from the other opinion, each of them begins to practice behaviours that may be undesirable and unacceptable within the family, and this intellectual and behavioural separation leads to their emotional separation and the coldness of their feelings, sensations and emotions towards each other(Afifi, 2011).

4.3 The stage of physical separation:

With the continuation of the emotional and emotional distance, a new stage begins, where this leads to a real distance on the physical level, where the performance of marital rights and duties between the spouses becomes a routine work like performing duty, which increases their dislike for each other.

4.5 : Stage of legal separation: When the situation reaches the physical separation, there is no justification for them to be together in one house because the meanings of the life that each of them seeks have not been fulfilled, so divorce becomes a subject of thought to an actual decision where life ends with divorce.

4.6Parental separation:

Divorce may be an end to some of the couple's issues, but it will cause other issues that directly affect their children if they have children, and the divorced couple may agree in an amicable manner characterised by

tolerance and understanding on how to take care of the children in terms of providing the appropriate place for them and identifying the appropriate person who supervises them, the source of spending, the amount needed to cover their expenses and expenses, the way they meet with their parents and other matters that usually regulate the relationship between the divorced couple and their children immediately after the divorce occurs.

Some divorcees believe that the issues end with the divorce or even the ability to agree on resolving the children's issues, but there are issues of a new type that affect the personal side because they are related to the psychological state that affects their emotions, and this stage that the person goes through is characterised by isolation and recalling his memories of his bittersweet moments with the other party, evaluating his behaviour with him, identifying his pros and cons, comparing his reality after divorce with his situation during marriage, and drawing his future plans(Afifi, 2011, p. 202).

5. Reasons for divorce:

-Young age of the couple: The younger the age of the couple at the time of marriage, the higher the chances of divorce due to lack of experience and maturity.

- Low standard of living of the couple or poor economic and social level.

Divorced parents, as it has been found that couples who descend from divorced fathers and mothers tend to divorce themselves.

-Failure to have children, which leads the infertile party to seek divorce in order to satisfy the instinct of parenthood or motherhood.

-Romantic love that precedes marriage, which collides with the reality of life -Excessive selfishness that characterises one of the parties to the marital relationship and is especially evident in those who grew up alone with their parents(Abdel-Ati, 2006, p. 21).

-Permanent criticism, which is an early warning sign that the marital relationship is threatened and in danger.

-Disparaging, mocking and ridiculing the other party, and this comes in the form of an attack against the person himself and not against the act he

did.

Escalating the dispute and giving it a bigger size than it deserves, and escalation carries the language of threat and poses a greater risk in relation to the road leading to divorce(Al-Sayed, 2013, pp. 104-106).

Incompatibility between spouses in interests, inclinations and desires as well as mistreatment of the wife through beating or hurtful words are among the reasons leading to divorce(Abdel-Rahman, 2001, p. 15).

Betrayal and emotional satisfaction outside marriage is one of the main factors in the destruction of the family structure and its collapse and thus the termination of the marital relationship and the occurrence of divorce, as well as the marriage of a man with more than one wife at the same time may lead to the collapse of family disintegration because the husband does not succeed in reconciling his wives and children(Al-Sayed, 2013, p. 84).

-Lack of religious conscience because people have moved away from religion and have become materialistic and the role of religion in preventing divorce has diminished(Saad, 1989, p. 280).

6. Divorce Procedures:

The duration of separation varies according to the degree of divorce, which starts with one divorce, which is the minor annulment and reaches three divorces, which is the major annulment(Rahman, p. 26). In order to dissolve the marital bond in any of the three aforementioned cases, it is necessary to go through certain procedures stipulated by both the Algerian Family Code and the Code of Civil and Administrative Procedure:

Firstly, the procedure for divorce by mutual consent of the spouses (divorce by mutual consent of the spouses):

In order for the procedures for divorce by mutual consent between spouses to be correct, it requires us to address several issues related to the petition for divorce, its content and annexes, the role of the judge in this regard, the contraindications to requesting such a divorce, the characteristics of its adjudication and the judgement issued in this regard, as follows:

The means of requesting a judgement of divorce by mutual consent.

After Article 427 of the Code of Civil and Administrative Procedure defines divorce by mutual consent as a procedure aimed at dissolving the marital bond by the joint will of the spouses, Article 428 follows and stipulates that in the case of divorce by mutual consent, a joint application shall be submitted in the form of a single petition signed by both spouses and deposited with the secretariat. This means that the request for divorce by mutual consent and by the joint will of the spouses requires the consenting spouses to draft a single joint petition that includes the name of the court and the name, surname, signature and address of each of them. If one of them does not know or cannot sign, this is indicated in the petition and puts his fingerprint, then they submit it to the registrar at the family affairs section of the competent court to register it in the register of cases and give it a serial number and a date as received in addition to stating the date of the hearing set to attend to decide on the request.

Secondly, the content of the petition for divorce by mutual consent and its annexes.

To be valid and admissible, the petition for a divorce judgement based on the mutual desire of the spouses, signed by both of them, must, according to Article 429 of the Code of Civil and Administrative Procedure, include the following data

- * The name of the judicial authority before which the lawsuit is filed and to which the request for divorce by mutual consent is submitted.

- *The name, surname, address, nationality, date and place of birth of each of the spouses.

- *The date and place of their marriage and, if applicable, the number of minor children.

A brief description of the terms of the agreement between them and the consequences of the divorce, if any.

When the petition for divorce by mutual consent fulfils all its data and is submitted to the registrar for registration and setting the date of the first hearing, the applicants must attach their petition with a receipt of payment of the registration fee, a family form and an extract of their marriage contract. The registrar then notifies the couple immediately of the date of the hearing before the family judge to consider their request and

issue a judgement thereon and immediately delivers a summons for this purpose.

If the judge plays his positive role properly and confirms the validity of the petition, the validity of the conditions for filing the lawsuit and the payment of the registration fee, he confirms and confirms the will of the spouses and then issues a judgement on the subject, which includes the ratification of the final agreement of the spouses and the divorce decree.

Thirdly, the role of the judge in the consensual divorce proceedings.

The family law judge may not take a passive neutral position in divorce proceedings in general, especially divorce by mutual consent, but must play a positive neutral role, as he must monitor the conditions for accepting or not accepting the petition for divorce by mutual consent and monitor whether or not the petition includes all the required data. According to Article 431 of the Code of Civil and Administrative Procedure, he must listen to the spouses individually and collectively about the reasons for requesting a divorce and ending the marital relationship and the conditions thereof, and ensure that each of them is satisfied and that neither of them is subject to any material or moral pressure or threats.

He must also try to reconcile them, if possible, and inform them of the dire consequences of divorce, whether on them or on their children and family members.

The role of the family affairs judge does not stop there, he must also consider with the spouses and their representatives what happened between them regarding the terms of the divorce agreement and has the authority to cancel or modify them, especially if these terms are contrary to the interests of the children, (such as agreeing to drop maintenance from the father despite his ability and the mother's lack of work) or contrary to public order or the provisions of Islamic law (such as agreeing that the mother will retain custody of the children on condition that she does not remarry again).

Fourth: Contraindications to requesting a divorce by mutual consent and common will.

Article 432 of the Code of Civil and Administrative Procedure stipulates that: 'A request for divorce by mutual consent may not be filed if one of the spouses is under submission or a mental disorder prevents him

from expressing his will, and if such a disorder appears, it must be proven by a specialised doctor.

We conclude from this text that the Algerian legislator has decided to prohibit the filing of a request for divorce by mutual consent and to prohibit its judgement in two cases, namely if one of the spouses is in a state of submission, and if one of the spouses has shown a mental disorder that prevents him from expressing his will to divorce, and this has been proven by a specialised doctor.

If the case is filed and the request for divorce by the joint will of the spouses is submitted to the family court judge and it is proven that one of them is under the status of submission or that one of them is mentally impaired, the judge must rule that the case is inadmissible due to the existence of one of these prohibitions. They can file the case again if the reason is removed.

Fifth: Characteristics of a divorce judgement issued by mutual consent

A divorce judgement issued by mutual consent is characterised by a number of features, namely that it is merely a court certification of the spouses' desire for divorce, it is not described as preliminary or final, and neither of the spouses has the right to challenge it except through a claim of forgery, which requires that the appeal be formally inadmissible; it is also a judgement that cannot be challenged on appeal and that the deadline to challenge it in cassation runs from the date of pronouncement of the judgement and not from the date of its notification.

The cassation appeal does not suspend the execution of the judgement, in accordance with the provisions of Articles 435, 434 and 433 of the Code of Civil and Administrative Procedure.

4. CONCLUSION

The phenomenon of divorce is not an easy matter to study, but it remains the result of harsh social conditions because, unfortunately, the Algerian family still does not enjoy the desired privacy stipulated by the Islamic Sharia and approved by positive laws, as it still interferes in the management of the affairs of the couple by all parties to the family, and

with social conditions and the lack of the husband's possession of a single legal residence, conflicts between the family increase and disputes escalate for the simplest reasons, and in the absence of a programme and psychological and social preparation to enter the golden cage, many things remain unknown to the parties to shock them with a painful reality in which innocent people are victims without guilt due to lack of experience and the lack of experience and

Most of our girls and young people focus only on the night of a lifetime, as most young people call it a pink night full of love and warmth, as most girls rush to have children without planning and thus have won the lion's share and then problems and pressures on the husband with demands that were hidden under a beautiful white curtain, which increases the troubles of the husband, and most men call his wife a traitorous bride who remained silent until she gained her place in the family by having children.

In addition to all this, we must note the need to raise awareness among young people, raise the age of marriage and programme training courses on the need to preserve and sanctify the marital bond.

Defining the true meaning of marriage with the necessity of spreading and mandatory mutual respect between all family members.

Appreciating the efforts of the wife and the husband, containing each other and counting their steps, and it is preferable that the students be consensual and maintain respect for each other after the divorce to preserve the psychology of the children.

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