

الأسرة المثالية في الإسلام

The Model Family in Islam

**Official Ruling (Fatwa)
On Early and Forced Marriage
Pre-marriage Counselling, Comprehensive
Gender and Health Education for the
Youth and Gender-based Violence.**



جمهورية مصر العربية
وزارة العدل
دار الإفتاء المصرية
مكتب المفتي

بعد مراجعة فتوى دار الإفتاء بالفلبين - وعدد ورقاتها ثمان
ورقات، والمتضمنة خمسة عشر بنداً - والمتعلقة بالزواج المبكر
والقسري، وإجراء الفحص الطبي، وإعطاء النصيحة لراغبي
الزواج قبل عقده، والتثقيف الصحي الشامل وحظر العنف القائم
على النوع الاجتماعي.

وجدنا أن ما تضمنته هذه الفتوى لا يخالف الفهم الصحيح
للقرآن الكريم، والسنة المشرفة وما شهدا له من الأدلة بالاعتبار.

والله الموفق،،،

أ.د/ شوقي إبراهيم علام

١٥/١٢/٢٠٢٤

مفتي جمهورية مصر العربية



In the name of Allah the Most Beneficent, the Most Merciful

**Arab Republic of Egypt
Ministry of Justice
Dar Al-Ifta of Egypt
Office of the Mufti**

After the verification of ***Fatwa*** (legal opinion) issued by the Dar Al-Ifta of the Philippines, containing fifteen paragraphs, regarding early marriage and forced marriage, pre- medical examination, pre-marriage counselling, comprehensive gender and health education, and gender- based violence.

We found that the content of this ***Fatwa*** does not contradict the correct way of understanding the Glorious Quran and the Noble Sunnah, and the proofs certified by the two in this respect.

"May Allah grant success"

His Eminence
Dr. Shauqi Ibrahim Allam
Mufti, Arab Republic of Egypt
• 4 November 2015



المسادة/ دار الافتاء بالفلبين

السلام عليكم ورحمة الله وبركاته وبعد ...

بعد مراجعة الفتوى الصادرة عن دار الافتاء بالفلبين عن الزواج المبكر والقصرى
واجراء الفحص واعطاء النصيحة لراغبى الزواج قبل عقده والتثقيف الصحى الشامل
وحظر العنف القائم على النوع الاجتماعى - بواسطة لجنة من كبار علماء الشريعة
وخبراء الصحة بالمركز - وُجد أنها تتفق مع الفهم الصحيح مع القرآن الكريم وصحيح
السنة وإجماع الفقهاء.

واننا إذ نشيد بالجهد المبذول فى إعداد هذه الفتوى - نؤكد ضرورة نشرها على
نطاق واسع فى العالم الإسلامى.
ومرفق قائمة بأسماء المسادة الخبراء.

والسلام عليكم ورحمة الله وبركاته ...

مدير المركز

ر.أ.د/ جمال أبو السرون



تحريرا فى ١٥/١٢/٢٠٢٠ م
م.إيمان

Al-Azhar University
International Islamic Center for Population Studies and Research

Messrs/ Dar Al-Ifta of the Philippines

Peace, Mercy and the Blessings of Allah be with you

After the verifications of the **Fatwa** (legal opinion) issued by the Dar Al-Ifta of the Philippines on early marriage and forced marriage, pre- medical examination, pre-marriage counselling, comprehensive gender and health education for youth, and gender- based violence - through a Committee consisting of Prominent Shari'ah Scholars and Health Experts of the Center – we found that it is consistent with the correct understanding of the Holy Quran and the Noble Sunnah and consensus of the Jurists.

We commend the great effort in the issuance of this **Fatwa**. We likewise, affirm the importance of extensively disseminating it throughout the Islamic world.

Peace, Mercy and the Blessings of Allah be with you

Professor Jamal Abu El-Serour
Director
International Islamic Center for Population Studies and Research
Al Azhar University
11 November 2015

أسماء السادة الخبراء

من الناحية الشرعية

أ.د/ طه أبو كريشة

نائب رئيس جامعة الأزهر الأسبق وعضو مجمع البحوث
الإسلامية

أ.د/ حامد أبو طالب

عميد كلية الشريعة والقانون الأسبق بجامعة الأزهر وعضو
مجمع البحوث الإسلامية

أ.د/ عبد الله مبروك النجار

عميد كلية الدراسات العليا السابق وأستاذ بكلية الشريعة
والقانون - جامعة الأزهر

من الناحية العلمية

أ.د/ جمال أبو السرور

مدير المركز الدولي الإسلامي للدراسات والبحوث السكانية
بجامعة الأزهر - والرئيس السابق للاتحاد العالمي لاتحادات
أطباء أمراض النساء والتوليد (فيجيو)
نائب مدير المركز

أ.د/ شكوى عبد العظيم

أستاذ البحوث البيوطبية بالمركز

أ.د/ مرفت محمود محمد

أستاذ الصحة الإنجابية بالمركز

أ.د/ أحمد رجا عبد الحميد رجب

أستاذ النساء والتوليد بالمركز

أ.د/ سراج الدين منصور



Name of the Experts

In the aspect of Shari'ah:

- Dr. Taha Abu Kuraisha: Former Chairman of the Al-Azhar University and Member of the Islamic Research Academy;
- Dr. Hamid Abu Taleb: Former Dean, College of Shari'ah and Law, Al-Azhar University and Member of the Islamic Research Academy;
- Dr. Abdullah Mabrook El-Najar: Former Dean of the College of Higher Learning and Professor of the College of Shari'ah and Law, Al Azhar University;

In the aspect of Science :

- Dr. Jamal Abu El- Serour: Director of the International Islamic Center for Population Studies and Research, Al-Azhar University and Former President of the International Federation for Gynecology and Obstetrics (FEGO)
- Dr. Shukri Abdul Azeem: Deputy Director of the Center
- Dr. Merfat Mahmoud Muhammad: Professor of the Bio-Medical Research of the Center;
- Dr. Ahmad Raja Abdul Hamid Rajab: Professor of Reproductive Health of the Center
- Dr. Sirajuddin Mansour: Professor of Obstetrics and Gynecology of the Center

ACKNOWLEDGEMENT

The Dar-al-ifta Philippines expresses its heartfelt thanks to the following members of the Dar al-ifta and other Muslim religious leaders who facilitated and shared their brilliant ideas and deep insights in the formulation and issuance of this Fatwa on the Model Family in Islam, viz:

Muslim Scholars:

- | | |
|--------------------------------------------------|-----------------------------------------------------------|
| 1. Ustadz SharifJal Asri Abirin
Sulu Province | 8. Ustadz Abdulwahid Inju
Tawi-tawi Province |
| 2. Ustadz Abdulsalam Alabat
Cotabato City | 9. Ustadz Maher Malaguial
Maguindanao Province |
| 3. Ustadz Jaafar Ali
Cotabato City | 10. Ustadz Mohammad Pasigan
Davao City |
| 4. Ustadz Mansor Ali
Sultan Kudarat Province | 11. Ustadz Mahmoud Polangi
Marawi City |
| 5. Ustadz Abdulawahab Ayao
Cotabato City | 12. Ustadz Abdul Hamid Saripada
Lanao del Sur Province |
| 6. Ustadz Esmael Ebrahim
Cotabato City | 13. Ustadz Saidall Ya'cob
Lanao del Norte Province |
| 7. Ustadz Bajunaid Ibrahim
Cotabato City | |

Likewise, the Dar-al- ifta is deeply grateful to the **Grand Mufti of Egypt** for his generous endorsement of the fatwa and to the eminent religious scholars of the **Al Azhar University of Egypt** for their religious guidance and contributions for the enhancement of the fatwa.

We also wish to recognize the efforts of UNFPA Consultant **Ustadz Esmael Ebrahim** in consolidating all inputs on the fatwa and the substantive technical and administrative support provided by the **Technical Working Group** which was specifically created to assist in the formulation of the fatwa.

Technical Working Group:

- | | |
|-----------------------------------------------------------|--------------------------------------------------------------------------------|
| 1. Bai Mariam Ali
Executive Director, MOSEP | 5. Ms. Florence Tayzon
Assistant Representative, UNFPA |
| 2. Ustadza Anisa Taha
Chairperson, Nuroos Salam | 6. Ms. Venus Samson
GBV Humanitarian Coordinator, UNFPA |
| 3. Bai Mariam Daud
Coordinator, Nuroos Salam | 7. Ms. Maria Fe Esmundo
Planning Officer I, Commission on Population |
| 4. Ms. Hafsa Taha
Bookkeeper, BLMI | 8. Ms. Marissa Duran
Admin-cum- Finance Associate, UNFPA |

In the crafting of the fatwa, the Daral-ifta wishes to convey our sincere thanks to the following who were consulted during the process of fatwa formulation for providing rich and diverse perspectives:

1. **Bangsamoro Medical Society**
2. **Bangsamoro Leadership Management (BLMI)**
3. **Bangsamoro Transition Commission**
4. **Bangsamoro Development Agency**
5. **Social Welfare Committee, MILF**
6. **Maguindanao Shariah Circuit Court**
7. **Department of Health- ARMM (DOH-ARMM)**
8. **Department of Education – ARMM (DEPED-ARMM)**
9. **Family Planning Organization of the Philippines (FPOP) – Socksargen Chapter**

Finally, the Dar-al-ifta would like to thank the **United Nations Population Fund (UNFPA)** for their generous funding support and their partner, the **Commission on Population (POPCOM)**, for facilitating the administrative and financial arrangements for the workshops and meetings on the fatwa.



دار الإفتاء بـانجسامورو

Fatwa Issuance

Ref. No.: 000002

Date: NOV. 23, 2015

الأُسرة المثالية في الإسلام

The Model Family in Islam

الحمد لله الواحد الأحد، الفرد الصمد، العليم الحكيم، الذي ليس كمثله شئ، وهو السميع العليم، والصلاة والسلام على من لا نبي بعده، محمد بن عبدالله ومن تبعه بإحسان إلى يوم الدين. وبعد:-

Praise be to Allah the One and Eternal, the All-Knowing, the Unique (none is like Him), the All-Hearing, All-Knowing. Blessing and Peace be upon Muhammad Bin Abdullah, the final Prophet of Allah, and upon those who follow his footsteps up to the Last Day. It follows:

هذه فتوى أصدرتها دار الإفتاء بالبانجسامورو عن الزواج المبكر و القسري، وإعطاء نصيحة زوجية لراغبي الزواج قبل عقده، والتنقيف الجنسي الصحي الشامل للشباب، والعنف القائم على الجنس

This *Fatwa* (formal legal opinion) is issued by the Dar-al-ifta Bangsamoro regarding early marriage and forced marriage, pre-marriage counselling for those who intend to get married prior to the solemnization of marriage, comprehensive gender and health education for youth, and gender-based violence.

من مقاصد تعاليم الشريعة أو القانون الإسلامي مصلحة الفرد والمجتمع . ومن المؤكد أن هذه القوانين جاءت لحماية هذه المصالح ولتسهيل تحسين إكمال متطلبات الحياة البشرية . وقد أرسل الله سبحانه وتعالى نبيه (ﷺ) رحمة للبشرية وإكمالاً للسلوك والأخلاق . ومن ناحية أخرى تميز القرآن الكريم كرسالة كاملة عن الإسلام بما يشكل توجيهات ورحمة للمؤمنين.

قال الله تعالى: " يَا أَيُّهَا النَّاسُ قَدْ جَاءَكُمْ مَوْعِظَةٌ مِنْ رَبِّكُمْ وَشِفَاءٌ لِمَا فِي الصُّدُورِ وَهَٰذَا وَرَحْمَةٌ لِّلْمُؤْمِنِينَ ﴿٥٧﴾ . يونس.

Among the purposes of Shari'ah or Islamic Law is the wellbeing of the individuals and the society. No doubt, that Shari'ah has come to safeguard such wellbeing of individuals and society as well as to facilitate, improve, and provide the necessities and requirement of human life. Allah had sent His Messenger as Mercy to humanity to keep their behaviour and morality excellent. Besides, the Glorious Quran is distinct as an excellent Message of Islam comprehending orientations and mercy to the Believers.

"O Mankind, there has come to you an admonition from your Lord and a Healing for the (diseases) in your hearts, and for those who believe, a Guidance and Mercy," (Yunos: 57)

طبق النبي (ﷺ) الرحمة والتوجيه في حياته فأصبحت أداة لتحقيق العدالة والمساواة، والقضاء على التحيز و التمييز وكذلك المشقة والمحن وهذه من مظاهر رحمة الله والاعتراف بأهمية دور البشر خليفة لله على الأرض لحماية ما فيه مصلحة الفرد والأسرة والمجتمع ككل.

The Holy Prophet (peace be upon him) had exemplified such Mercy and Orientation and put into practical life. Hence, it became an instrument for virtual justice and equity, and for getting rid of partiality and discrimination, as well as to alleviate the sufferings from difficulties and adversities. These are manifestations of Allah's Grace and recognition of the significance of the role played by man as vicegerent of Allah on the earth in safeguarding the interest and wellbeing of the individuals, the families and the society as a whole.

ولتحقيق أهداف الشريعة الإسلامية، فإن دار الإفتاء في الفلبين أجرت سلسلة من المشاورات والاجتماعات مع القيادات الدينية الإسلامية المختلفة في مناطق مينداناو للوصول إلى توافق الآراء وموقف موحد لحل القضايا المتعلقة بالزواج المبكر والطلاق والتثقيف الجنسي الصحي الشامل للشباب، وإعطاء نصيحة زوجية لراغبي الزواج قبل عقده و عن العنف القائم على النوع الاجتماعي.

To achieve the objective of Shari'ah, the Dar-al-ifta in the Philippines spearheaded series of consultations and meetings with various Islamic leaders all-over Mindanao regions in order to arrive at a consensus and resolve and address the problems related to early marriage, forced marriage, comprehensive gender and health education for the youth,

pre-marriage counselling for those who intend to get married prior to the solemnization of marriage, and gender-based violence.

وبعد عقد ورشتي عمل في مدينة داباو في 11 الى 13 نوفمبر 2014م و في 21 الى 23 أبريل 2015م على التوالي للوصول إلى توافق الآراء بهذا الخصوص، وبعد استعراض شامل لمصادر مختلفة من القرآن الكريم و السنة النبوية الشريفة والرجوع إلى الفتاوى الأخرى من العلماء المسلمين في العالم الإسلامي، أجمعت دار الإفتاء في الفلبين على ما يلي:

After spearheading two workshops held at Davao City on 11-13 November 2014 and 21-23 April 2015 (Gregorian calendar) consecutively, with the purpose of arriving at a consensus on the subject matter, and after comprehensive examination of different sources from the Glorious Quran and the Noble Prophetic Sunnah, as well as referring to the other Fatawa (formal legal opinions) of Muslim Scholars in the Islamic world, the Dar-al-ifta in the Philippines has reached consensus as follows:

و ضع القرآن الكريم قانونا كاملا للمسلمين ليطبقوه في حياتهم اليومية.
قال الله (ﷻ): " يَا أَهْلَ الْكِتَابِ قَدْ جَاءَكُمْ رَسُولُنَا يُبَيِّنُ لَكُمْ كَثِيرًا مِمَّا كُنْتُمْ تُخْفُونَ مِنَ الْكِتَابِ وَيَعْفُو عَنْ كَثِيرٍ قَدْ جَاءَكُمْ مِنَ اللَّهِ نُورٌ وَكِتَابٌ مُبِينٌ (15) يَهْدِي بِهِ اللَّهُ مَنِ اتَّبَعَ رِضْوَانَهُ سُبُلَ السَّلَامِ وَيُخْرِجُهُم مِّنَ الظُّلُمَاتِ إِلَى النُّورِ بِإِذْنِهِ وَيَهْدِيهِمْ إِلَى صِرَاطٍ مُسْتَقِيمٍ (16) . المائدة

Setting-up the Glorious Quran as the perfect Law of the Muslims so that they have to put it into practical daily life:

"O People of the Book, There has come to you Our Messenger, revealing to you much that you used to hide in the Book, and passing over much (that is now unnecessary): There has come to you from Allah a (new) light and a perspicuous Book. Therewith Allah guides all who seek His good pleasure to ways of peace and safety, and leads them out of darkness, by His Will, unto the light - guides them to a Path that is straight." (Al-Maidah: 15-16)

الإسلام دين كامل وشامل ولذلك كان أفضل طريق حياة للجميع، وهو دين عالمي ورحمة للعالمين.

قال الله (ﷺ): "... الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتِمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضْتُ لَكُمْ الْإِسْلَامَ دِينًا...". المائدة:3.

Islam is perfect and comprehensive religion; therefore, it is no doubt that the best and ideal way of life for all, and it is universal religion as well as mercy for all mankind.

"This day I have perfected your 'Din' for you, completed My Favour upon you, and have chosen for you Islam as your 'Din.'" (Al-Maidah: 3)

أن النبي محمدا (ﷺ) رحمة للبشرية.

قال الله (ﷻ): " وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ " ﴿107﴾. الأنبياء.

The Holy Prophet Muhammad (peace be upon him) is Mercy to the whole humanity.

"We sent you not but as a mercy for all creatures." (Al-Anbiya: 107)

أن النبي محمدا (ﷺ) قدوة حسنة و مثالية للمسلمين يجب إتباعه في كل ناحية من نواحي الحياة البشرية.

قال الله (ﷻ): " لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ لِّمَن كَانَ يَرْجُو اللَّهَ وَالْيَوْمَ
الْآخِرَ وَذَكَرَ اللَّهَ كَثِيرًا ﴿21﴾ . الأحزاب. رقم الآية 21

Surely, the Holy Prophet Muhammad (peace be upon him) is the excellent exemplar and model for the Muslims. Therefore, following his footsteps in every aspect of human life is binding.

"You have indeed in the Messenger of Allah an excellent exemplar for him who hopes in Allah and the Final Day, and who remember Allah much." (Al-Ahzab: 21)

يحث الإسلام المسلمين على إتباع تعاليمه (ﷺ) أخلاقيا وإجتماعيا وسياسيا واقتصاديا وغير ذلك في كل ناحية من نواحي الحياة البشرية.

قال الله (ﷻ): " وَيَوْمَ نَبْعَثُ فِي كُلِّ أُمَّةٍ شَهِيدًا عَلَيْهِمْ مِّنْ أَنفُسِهِمْ وَجِئْنَا بِكَ شَهِيدًا عَلَى هَؤُلَاءِ وَنَزَّلْنَا عَلَيْكَ الْكِتَابَ بَيَانًا لِّكُلِّ شَيْءٍ وَهُدًى وَرَحْمَةً وَبُشْرَى لِّلْمُسْلِمِينَ ﴿89﴾ . النحل. رقم الآية 89

Islam urges the Muslims to take the Holy Prophet's teachings such as moral, social, political, economic and any other aspect of human life.

"On the day We shall raise from all People a witness against them from among themselves, and We shall bring you as witness against these (your People) and We have sent down to you the Book explaining all things, a Guide, a Mercy, and Glad Tidings to Muslims." (An-Nahl: 89)

**كجزء من التعاليم الاجتماعية فإن الإسلام قام بحماية العلاقات الأسرية
حماية قوية وأن الزواج هو الرابط الإسلامي الوحيد الذي جعل العلاقات
الزوجية بين الرجل والمرأة تشريعا سماويا. وهي العلاقة التي تكسب
السكنى والمحبة والرحمة والموودة والعاطفة بين الزوجين.**

قال الله (ﷻ): " وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ
بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ (21) " سورة الروم آية 21.

It is a part of Islam's social teachings to firmly stand and strongly safeguard the family relationship, knowing that marriage is the sole Islamic family bond based on the heavenly legislation concerning relationship between man and woman. In fact, this family bond establishes a harmonious and peaceful life, mutual love and affection between the couple (which eventually results in mercy in the procreation of children).

"And among His Signs is this: that He created for you mates from among yourselves, that you may dwell in peace and harmony with them; and He has put love and mercy between your (hearts), Verily in that are signs for those who reflect." (Ar-Rome: 21)

ولذلك فإن المجلس يرى أن الإسلام قد رسم منهجا وحلا محددا لكل جانب من جوانب الحياة البشرية، ومنها ما يتعلق بتنظيم العلاقات الأسرية على أساس من العدل والموودة والرحمة. وبناء على مداورات مستفيضة ودراسات متأنية عن موقف الإسلام من الزواج المبكر والقسري، ومن التثقيف الصحي الجنسي الشامل للشباب، وإعطاء نصيحة زوجية لراغبي الزواج قبل عقده ومن العنف القائم على الجنس، **تم إصدار هذه الفتوى.**

In this context, the Council finds out that Islam had set up a procedure and fix solution for every aspect of human life, which is the regulation of the relationship of the family circle on the grounds of justice, love, and affection. Hence, on the basis of elaborate deliberations and careful studies on the Islamic stance regarding early marriage and forced marriage, comprehensive gender and health education for youth, and pre-marriage counselling for those who intend to get married prior to the solemnization of marriage, and gender-based violence, **the issuance of this Fatwa is done.**

الزواج المبكر Early Marriage

يحث الإسلام الشباب على الزواج إذا توفرت فيه المتطلبات الضرورية لذلك ولم يأمر الأطفال بذلك.

قال الله (ﷻ): " وَلَيْسَتَغْفِرَ الَّذِينَ لَا يَجِدُونَ كَافًا حَتَّىٰ يُغْنِيَهُمُ اللَّهُ مِنْ فَضْلِهِ..." سورة النور من الآية 33.

وعن عبد الله ابن مسعود رضي الله عنه قال: قال لنا رسول الله (ﷺ): " يا معشر الشباب من استطاع منكم الباءة فليتزوج فإنه أغض للبصر وأحصن للفرج، و من لم يستطع فعليه بالصوم فإنه له وجاء". متفق عليه

Islam urges the Youth to get married when the necessary conditions are met. However, this urgency is not applicable to the pre-puberty age (still at childhood stage).

"Let those who find not wherewithal for marriage keep themselves chaste, until Allah gives them means out of His Grace," (An-Nur: 33)

In an authentic Hadith, Abdullah bin Mas'oud (May Allah be pleased with him) said: The Messenger of Allah (peace be upon him) told us:

"O ye young men, whoever among you can afford to get married has to do, knowing that it is most effective way of gaze-lowering and modesty safeguarding. But if one cannot afford, then he has to resort to Fasting for easier lust-control."

ما روي عن رسول الله (ﷺ) حينما تزوج عائشة بنت أبي بكر رضي الله عنها وهي صغيرة فان هذا الزواج أساسا أمر سماوي من الله سبحانه وتعالى إلى رسوله الكريم (ﷺ) وخاص به.

عن عائشة رضي الله عنها قالت: قال لي رسول الله (ﷺ): "رَأَيْتُكَ فِي الْمَنَامِ بِحَيِّ بَيْتِ الْمَلِكِ فِي سُرْقٍ مِنْ حَرِيرٍ فَقَالَ لِي: هَذِهِ إِمْرَأَتُكَ فَكَشَفْتُ عَنْ وَجْهِكَ التُّوبَ فَإِذَا أَنْتِ هِيَ فَقُلْتُ: إِنَّ يَكُ هَذَا مِنْ عِنْدِ اللَّهِ يَمْضِهِ". رواه البخاري.

As what was narrated with respect to the Messenger of Allah (peace be upon him) regarding his marriage to A'ishah (May Allah be pleased with her), the daughter of Abu Bakr as young girl, was a special case for him (peace be upon him) as it was a marriage in accordance with Heavenly instruction. Hence, it was prearranged by Allah. The Hadith went, more or less, like this:

"A'ishah (may Allah be pleased with her) said: "The Messenger of Allah told me": "I have seen you in a dream with an angel in a silk battlement and told me, this is your wife. So I uncovered your face and indeed it was you." So I said: "Allah will conclude this with you." (Narrated by Imam Bukhari)

وفيما يتعلق بالسؤال عن الرواج والعمر المناسب للمرأة، فالإسلام براعي مصلحة ورفاهية الزوجين. لذا فإن الإسلام يعتبر رشد الفكر وسلامة العقل شرطاً مبدئياً للزواج وترك ذلك الأمر لأصحاب الخبرة والمتخصصين من الأطباء الماهرين وعلماء الاجتماع والنفس لإعطاء قرار للعمر المناسب للزواج حفاظاً على مصلحة كل من الزوج و الزوجة. وهذا واضح في القرآن الكريم.

قال الله (ﷻ): " وَابْتُلُوا الْيَتَامَىٰ حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ وَلَا تَأْكُلُوهَا إِسْرَاقًا وَبِدَارًا أَن يَكْبَرُوا وَمَن كَانَ غَنِيًّا فَلْيَسْتَعْفِفْ وَمَن كَانَ فَقِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفِ فَإِذَا دَفَعْتُمْ إِلَيْهِمْ أَمْوَالَهُمْ فَأَشْهَدُوا عَلَيْهِمْ وَكَفَىٰ بِٱللَّهِ حَسِيبًا ﴿٦﴾ النساء. رقم الآية 6

As regards the question on the reasonable age of a marriageable woman, Islam takes into account the interest and comfort of the couple. Anent this, Islam considers mind-maturity and intellectual-integrity as conditions in principle on marriage. In view of this, addressing this problem has to be entrusted and referred to the Experts and Specialists on Medical, Social, and Psychological Sciences to decide what is the appropriate age for getting married, to safeguard the wellbeing of both the husband and wife. The injunction of the Glorious Quran goes like this:

"Make trial of orphans until they reach the age of marriage; if then you found sound judgment in them, release their property to them; But consume it not wastefully, nor in haste against their growing up. If the guardian is well off, let him claim no remuneration, but if he is poor, let him have for himself what is just and reasonable. When you release their property to them, take witness in their presence: But All-sufficient is Allah in taking account." (An-Nisa; 6)

أوصى الأطباء الموثوقون من شعب مورو بأن العمر المناسب لزوج الرجل المسلم هو 20 عاماً و للمرأة 18 عاماً. وبناء على رأي هؤلاء الماهرين الطبيين فإن هذا العمر يفي بمتطلبات سن البلوغ و سلامة العقل والتفكير.

هذا وبالنسبة لمسألة العمر المناسب للفتاة، فإن المجلس يحترم مصلحة ورفاهية الزوجين كما أن الإسلام لا يفرض عمرا محددا لأهلية الزواج.

قال الله (ﷻ): " وَابْتَلُوا الْيَتَامَىٰ حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ وَلَا تَأْكُلُوهَا إِسْرَافًا وَبِدَارًا أَنْ يَكْبَرُوا وَمَنْ كَانَ غَنِيًّا فَلْيَسْتَعْفِفْ وَمَنْ كَانَ فَقِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفِ فَإِذَا دَفَعْتُمْ إِلَيْهِمْ أَمْوَالَهُمْ فَأَشْهَدُوا عَلَيْهِمْ وَكَفَىٰ بِاللَّهِ حَسِيبًا ﴿٦﴾ النساء. رقم الآية 6

The reliable Medical Doctors of the Bangsamoro had recommended that the appropriate marriageable age of a male is 20 years, and a female is 18 years. Based on these opinions of the Experts on Medical Science, no doubt that, the required puberty age such as mind-maturity, and intellectual-integrity will sufficiently avail.

As regards the ideal age of a marriageable woman, the Council respectfully takes into account the interest and comfort of the couple, knowing that Islam does not precisely fix any marriageable age.

"Make trial of orphans until they reach the age of marriage; If then you found sound judgment in them, release their property to them; But consume it not wastefully, nor in haste against their growing up. If the guardian is well off, let him claim no remuneration, but if he is poor, let him have for himself what is just and reasonable. When you release their property to them, take witness in their presence: But All-sufficient is Allah in taking account." (An-Nisa: 6)

Footnote:

In addition to mind-maturity and intellectual-integrity among females, the health basis of Medical Experts at Al-Azhar University in Egypt that the recommendable marriageable age in females is 18 years since it is the reproductive developmental stage wherein the ossification and fusion of pubic bones are completed in most females. This ossification and fusion are vital health indicator because it marks the maturity of reproductive health among females in preparation for safe or low-risk pregnancy and labor.

Then again, the said Medical Experts reiterated that Islam does not precisely fix any marriageable age but instances where the bride is below 18 years of age, the couple is free to avail contraceptives through informed choice to delay temporarily the primigravida if the Sharī'ah conditions on preventing pregnancy are met.

Dr. Tato M. Usman, MD, MPAIM

Member, Philippine Delegates to Al-Azhar University, Egypt

الزواج القسري Forced Marriage

أن المجلس قرر إجماعاً بأن النيب أحق بنفسها من وليها. وهذا بناء على الحديث الصحيح عن عبد الله بن عباس رضي الله عنه أن رسول الله (ﷺ) قال: "الأيّم أحقّ بنفسها من وليها واليكرُ تُستأذن في نفسها وإذنها صماتها". رواه مسلم.

The Council has unanimously ruled that the widow or divorcee has more right for herself than her guardian. This is based on the authentic Hadith narrated by Abdullah bin Abbas that the Messenger of Allah (peace be upon him) said:

"The widow or divorcee has more right for herself than her guardian and the consent of the virgin woman has to be taken, knowing that her silence is her consent." (Narrated by Imam Muslim)

Footnote

Another proof that the widow or divorcee has more right for guardianship to herself in marriage than her guardian is explicit in the Glorious Quran.

"So if a husband divorces his wife (irrevocably), he cannot, after that, re-marry her until after she has married another husband and he has divorced her..." (Al-Baqarah: 230)

The above quoted verse is explicit that the widow or divorcee (in an irrevocable and absolute divorce) is the one who marries another husband.

H. E. Abuhuraira Udasan
Mufti, Dar-al-ifta Bangsamoro

أن المجلس قرر إجماعاً بأن اليكر التي بلغت سن البلوغ مع سلامة العقل والتفكير لا يمكن تزويجها بدون إذنها. يؤيد ذلك حديث الرسول (ﷺ) عن أبي هريرة رضي الله عنه قال: " لا تُنكحُ الأيّم حتّى تُستأمر، و لا تُنكح اليكر حتّى تُستأذن". قالوا يا رسول الله و كيف إذنها؟ قال: "أن تسكت". رواه البخاري.

عن الخنساء بنت خدام الأنصارية قالت: أنكحني أبي و أنا كارهة، و أنا بكر، فشكوت ذلك للنبي (ﷺ)، فقال: "لا تُنكحها وهي كارهة". رواه التوري.

عن عائشة رضي الله عنها قالت: أن فتاة دخلت عليها فقالت: "إن أبي زوجني من ابن أخيه ليرفع بي خسيسته، وأنا كارهة"، قالت: إجلسي حتى يأتي رسول الله (ﷺ)، فجاء رسول الله (ﷺ) فأخبرته، فأرسل إلى أبيها فدعاه، فجعل الأمر إليها، فقالت:

با رسول الله قد أجرت ما صنع أبي، ولكن أردت أن تعلم النساء أن ليس للآباء من الأمر شيء". و في لفظ آخر: "ولكن أردت أن تعلم الآباء أن ليس للآباء من الأمر شيء". رواه النسائي.

روى ابن عباس رضي الله عنه: أن جارية بكرا أتت النبي (ﷺ) فذكرت أن أباه زوجها و هي كارهة، فخيرها النبي (ﷺ). رواه أبو داود و النسائي وابن ماجه.

The Council has unanimously resolved that a virgin woman, who has reached the age of puberty with sound mind and integral intellect, will not be compelled to marriage without her consent. This is emphasized by the Hadith narrated by Abu Huraira:

"The widow or divorcee should not be married without expressing her consent. The virgin woman should not be married without giving her consent. They asked the Holy Prophet (peace be upon him) on how would she gives her consent: He (peace be upon him) said: 'Silence is her consent'."

"Al-Khunsa daughter of Khuddam Al-Ansariah said: 'I was a virgin and was wedded by my father under compulsion. So I complained to the Messenger of Allah (peace be upon him) and he said: 'Do not wed her under compulsion'."

"A'ishah (Allah be pleased with her) said that once a young woman came to her and said: 'My father wedded me to his nephew to cover his (nephew's) vile while I hated so.' A'ishah told me to wait for the Messenger of Allah. Upon his arrival (peace be upon him) I told him the problem, so he (peace be upon him) called her father, but gave the choice to the young woman whether to revoke or condone their marriage. The young woman said: 'O Messenger of Allah, I respect the decision of my father, but I just want to draw the women's attention that fathers have no right to pressure their daughters to marriage'."

"Ibn Abbas relates that a young virgin woman approached the Holy Prophet (peace be upon him) and told him that she was wedded by her father under compulsion. The Holy Prophet (peace be upon him) gave the choice whether to revoke or condone the marriage'."

نصيحة قبل الزواج

Pre-marriage Counselling

إن المجلس يقر بأهمية الزواج في الحياة ويشجع راغبي الزواج على القيام بالفحص الطبي قبل عقد الزواج مع التأكيد على أن ذلك ليس شرطاً من شروط صحة عقد الزواج متى توافرت فيه الأركان التي حدتها الشريعة الإسلامية.

The Council agreed the importance of marriage in life and urges those who intend to get married to have Physical (i.e. Medical) Examination prior to the solemnization of their marriage, although it is not a condition for the legality of marriage, if the required conditions fixed by the Shari'ah are met.

Footnote

Although Pre-marriage counselling is not a condition for the validity of marriage, it was discussed at Al-Azhar University in Egypt that it is a prerequisite in some Muslim governments like Egypt, Indonesia and Malaysia among others to give way to Premarital Medical Examination. Its prime objective is to screen and detect contagious, hemolytic and hereditary diseases that may be transmitted to his/her spouse or may be acquired by their children that may be prevented if detected prior to marriage.

Among the contagious, acquired or hereditary diseases, include Human Immuno-deficiency Virus (HIV), Hepatitis-B, ABO incompatibility, Thalassemia and other related diseases. These can be done through laboratory examinations and other ancillary diagnostic procedures in some health facilities.

Dr. Tato M. Usman, MD, MPAIM

Member, Philippine Delegates to Al-Azhar University, Egypt

التثقيف الجنسي و الصحي للشباب

Gender and Health Education for Youth

أن المجلس يرى أن حماية الضروريات الخمس (الدين، النفس، العقل، النسل والمال) من مقاصد الشريعة. لذلك فإن المجلس يوصي على تصميم برامج التثقيف الصحي الشامل وقضايا النوع للشباب و يدرس في المراحل المختلفة في المدارس العامة و المدارس الأهلية على حسب أعمار الطلبة لتوجيه هؤلاء الشباب من المسلمين ليصبحوا مسؤولين أكثر رشداً، ومستقيمين من الناحية الأخلاقية وأكثر وعياً، و أن إختيار وتطوير مواد لا بد أن يتم باستشارة مع دار الإفتاء.

The Council finds out the protection of the five necessities (religion, life, intellect, progeny, and wealth) as part of the Shari'ah purposes. In view of this, the Council recommends the resolute action on setting up a program for comprehensive gender and health Education for youth and their other related affairs to be put into the curriculum of public and private educational institutions, taking into account the intellectual receptivity of the student at every stage of their studies. This also plays important role in orienting and teaching the Muslim youth to keep them more guided and responsible. Subsequently, they become youth of honesty, integrity, and awareness. Of course, the choice and developing of the subjects (put into the educational curriculum) should be consulted with the Dar-al-ifta.

العنف الجنسي ضد النساء

Gender-based Violence

أن المجلس يؤكد على المكانة العظيمة للمرأة في الإسلام ويؤكد - كذلك - على أن العنف الجنسي وغيره من أنواع العنف ضد المرأة يخالف مبادئ الشريعة الإسلامية.

ومما يدل على ذلك من القرآن الكريم:

قال الله (ﷻ): "وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ (21)" سورة الروم الآية 21.

"...هُنَّ لِيَاسَ لَكُمْ وَأَنْتُمْ لِيَاسٌ لَهُنَّ..." البقرة من الآية 187

وقال (ﷻ) أيضاً: " يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَجِلُّ لَكُمْ أَنْ تَرْثُوا النِّسَاءَ كَرَّهَا وَلَا تَعْضَلُوهُنَّ لِيَذْهَبُوا بِبَعْضِ مَا آتَيْتُمُوهُنَّ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبَيَّنَةٍ وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَجَعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا (19)" النساء الآية 19

ومن سنة النبي (ﷺ) ما روى عن أبي هريرة رضي الله عنه قال: أن رسول الله (ﷺ) قال: " وعاشروهن بالمعروف " ، وقال (ﷺ) أيضا: " لا يفرك مؤمن مؤمنةً إن كره منها خلقا رضي منها آخر " . أوقال: " غيره " . رواه مسلم .
عن أبي هريرة (رضي الله عنه) قال: قال رسول الله (ﷺ): أكمل المؤمنين إيمانا أحسنهم خلقا، وخياركم خياركم لنسائهم". الترمذي.

The Council emphasizes the sublime status of woman in Islam. It also affirms that gender-based violence and other forms of abuses against women are absolutely against the principle of the Shari'ah.

"And among His Signs is this; that He created your mates from among yourselves, that ye may live in tranquility with them, and He has put love and mercy between your (hearts). Verily in that are Signs for those who reflect." (Ar-Rome: 21)

"They are garments and you are their garments..." (Al-Baqarah: 187)

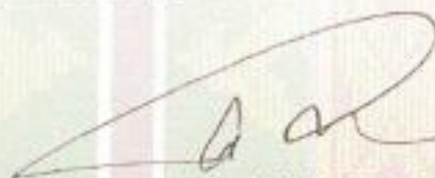
"O ye who believe, you are forbidden to inherit woman against their will, nor should you treat them with harshness, that you take away part of the dower you have given them - except where they have been guilty of open lewdness. On the contrary, live with them on a footing of kindness and equity. If you take a dislike to them, it may be that you dislike a thing, and Allah brings about through it great deal of good." (An-Nisa: 19)

"Abu Huraira said that the Holy Prophet (peace be upon him) said: 'Deal with them in kindness.' He also said: 'No believer, male or female can deceive you if he/she hates her behavior, but appreciated by other'."

"Abu Huraira also said that the Holy Prophet (peace be upon him) said: 'The best in Faith is the best in behaviour, and the best of you is the best to their women'."

الله أعلم

Allah Almighty knows best.



H.E. ABUHURAIRA UDASAN
Mufti, Dar-al-ifta Bangsamoro

23/11/20



List of Names of Dar Al-Ifta Bangsamoro

H.E Abuhuraira Abdulrahman Udasan
Mufti, Dar-al-Ifta Bangsamoro

Ustadz Abdulrauf Guialani
Deputy Mufti

Ustadz Ahmad Mala
Office Director

Ustadz Kamarudin Baulo
Treasurer

Ustadz Ebrahim Norodin
Secretary of Arabic

Dr. Tato Mohd Uthman
Secretary for English

Ustadz Mohammad Anka Dama
Member

Ustadz Usman Omar
Member



Dar-al-ifta Bangsamoro