

177280 - Ruling on setting a particular age for marriage

the question

I am a young man, twenty-seven years old. I would like to get married to a sixteen year old girl, but the problem is that the new family law that has been introduced in my country, Morocco, has raised the age of marriage for both husband and wife to 18 years. However it is possible to pay a bribe to the judge to allow marriage in this situation. What is the Islamic ruling on this bribe?.

Detailed answer

Praise be to Allah.

Firstly:

There is nothing in sharee'ah to stipulate a particular age of marriage for the man or woman. The scholars are unanimously agreed that marriage of a minor girl is permissible if her father gives her in marriage to someone who is compatible.

With regard to an adult woman, it is not stipulated that her father should give her in marriage; rather any guardian may give her in marriage. But it is stipulated that she should give her permission and consent.

A female reaches adulthood when one of four things occur: reaching the age of fifteen years, growth of pubic hair, emission of maniyy (i.e., reaching climax) with desire whether awake or asleep, or menstruation.

The Qur'an and Sunnah indicate that marriage of a minor [a female who has not yet reached puberty] is valid, and no particular age is stipulated for that.

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Ibn Qudaamah (may Allah have mercy on him) said: If a man gives his virgin daughter in marriage to someone who is compatible, then the marriage is valid. ... With regard to a virgin who is a minor, there is no difference of scholarly opinion concerning that. Ibn al-Mundhir said: All the scholars from whom we acquired knowledge are unanimously agreed that it is permissible for a father to give his minor daughter in marriage, provided that he offer her in marriage to someone who is compatible, even if she objects and refuses. The fact that it is permissible to give a minor girl in marriage is indicated by the verse in which Allah, may He be exalted, says (interpretation of the meaning): “And those of your women as have passed the age of monthly courses, for them the Iddah (prescribed period), if you have doubts (about their periods), is three months, and for those who have no courses ((i.e. they are still immature)...” [at-Talaaq 65:4]. So the ‘iddah for one who has not started to menstruate is three months, and the ‘iddah of three months can only be required in the case of talaq (divorce) or annulment of marriage. This indicates that (the girl who is a minor) may be married and divorced, and her consent is not essential.

‘Aa’ishah (may Allah be pleased with her) said: The Prophet (blessings and peace of Allah be upon him) married me when I was six years old and consummated the marriage with me when I was nine. Agreed upon. It is known that at that age she would not be one of those whose permission would be taken into account. al-Athram narrated that Qudaamah ibn Maz’oon married the daughter of az-Zubayr when she began to menstruate, and something was said to him. He said: If I die, the daughter of az-Zubayr will inherit from me, and if I live, she will be my wife. And ‘Ali gave his daughter Umm Kalthoom in marriage when she was a minor to ‘Umar ibn al-Khattaab (may Allah be pleased with him).

End quote from al-Mughni, 7/30

Shaykh Ibn Baaz (may Allah have mercy on him) said, commenting on the minimum legal age for marriage in some countries:

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, and blessings and peace be upon the Messenger of Allah. To proceed

The newspaper ar-Riyadh (issue no. 4974) published a report entitled “Family Law proposal in the Emirates”, in which it stated that the proposal is based on Islamic sharee’ah. In the article it says: “With regard to marriage contracts, the law states that the boy should be no younger than eighteen years and the girl should be no younger than sixteen, and a penalty of no less than one thousand dirhams and no more than five thousand is to be imposed on anyone who goes against this law, so long as the court has not decided otherwise in cases where preservation of honour and dignity is sought. It is also not permitted for anyone who have passed the age of sixty years to marry the without the permission of the court, especially if the age difference between the two parties is greater than half the age of the older of the two.”

Because this is contrary to what Allah, may He be glorified and exalted, has prescribed, I would like to point out the truth. There is no upper or lower limit on the age for marriage; this is indicated by the Qur’an and Sunnah.

The Qur’an and Sunnah encourage marriage without stipulating a particular age. Allah, may He be exalted, says (interpretation of the meaning):

“They ask your legal instruction concerning women, say: Allah instructs you about them, and about what is recited unto you in the Book concerning the orphan girls whom you give not the prescribed portions (as regards Mahr and inheritance) and yet whom you desire to marry”

[an-Nisa’ 4:124].

So it is permissible to marry an orphan girl, who is one who has not yet reached the age of puberty; her maximum age is fifteen years according to the more correct opinion, although she may reach puberty before that. The Prophet (blessings and peace of Allah be upon him) said: “The orphan girl should be asked for permission with regard to her marriage; if she remains silent, that

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is her permission, but if she refuses then it is not permissible to force her into marriage.” The Prophet (blessings and peace of Allah be upon him) married ‘Aa’ishah (may Allah be pleased with her) when she was six or seven years old and consummated the marriage with her when she was nine, and his actions are legislation for this ummah. The Sahaabah (may Allah be pleased with them) also married women when they were minors and when they were adults, without specifying any particular age. So no one has the right to introduce laws other than those which were prescribed by Allah and His Messenger, or to change the laws that were prescribed by Allah and His Messenger, because those laws are sufficient. Whoever thinks otherwise has wronged himself and has introduced laws for the people for which Allah has not given permission. And Allah, may He be glorified and exalted, says, criticising this kind of people (interpretation of the meaning):

“Or have they partners with Allah (false gods), who have instituted for them a religion which Allah has not allowed?”

[ash-Shoora 42:21].

And the Prophet (blessings and peace of Allah be upon him) said: “Whoever introduces into this matter of ours anything that is not part of it will have it rejected.” Agreed upon. According to a version narrated by Muslim: “Whoever introduces an action that is not part of this matter of ours will have it rejected.” Al-Bukhaari narrated it in a mu’allaq report.

I remind those who are doing this thing of the words of Allah (interpretation of the meaning):

“And let those who oppose the Messengers (Muhammad SAW) commandment (i.e. his Sunnah legal ways, orders, acts of worship, statements, etc.) (among the sects) beware, lest some Fitnah (disbelief, trials, afflictions, earthquakes, killing, overpowered by a tyrant, etc.) befall them or a painful torment be inflicted on them”

[an-Noor 24:63].

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Whatever befalls a nation or individuals of trials, blocking people from the path of Allah, epidemics, wars, or other calamities, the cause of that is what people have done of things that are contrary to the laws of Allah, as He says (interpretation of the meaning):

“And whatever of misfortune befalls you, it is because of what your hands have earned. And He pardons much”

[ash-Shoora 42:30].

Allah, may He be glorified and exalted, has described what befell some past nations of punishment and doom because of their going against His command. Let those who are wise pay heed and learn from that.

It is not sufficient to claim to be following Islamic sharee’ah when there are things that go against it. Allah, may He be glorified and exalted, criticised the Jews for doing that when He said (interpretation of the meaning):

“Then do you believe in a part of the Scripture and reject the rest? Then what is the recompense of those who do so among you, except disgrace in the life of this world, and on the Day of Resurrection they shall be consigned to the most grievous torment. And Allah is not unaware of what you do”

[al-Baqarah 2:85].

I also remind the scholars to fear Allah, may He be glorified and exalted, and to do what is enjoined upon them of offering sincere advice to those who are in authority by explaining the truth, urging them to follow it and warning them against disobeying it. Allah, may He be exalted, says (interpretation of the meaning):

“O mankind! Fear your Lord (by keeping your duty to Him and avoiding all evil), and fear a Day

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when no father can avail aught for his son, nor a son avail aught for his father. Verily, the Promise of Allah is true, let not then this (worldly) present life deceive you, nor let the chief deceiver (Satan) deceive you about Allah”

[Luqmaan 31:33].

May Allah help us all to speak the truth, accept it and act upon it; may He unite the Muslims in guidance and ruling in accordance with His law in all things, for He is able to do that. May Allah send blessings and peace upon our Prophet Muhammad and his family and Companions.

End quote from Majmoo’ Fataawa ash-Shaykh Ibn Baaz, 4/125

Thus it is clear that limiting the age for marriage is something that is contrary to sharee’ah, so there is no obligation to obey it.

If the state wants to protect girls from being exploited by their guardians and being married to husbands they do not want, then it should follow the more correct of the two opinions about asking for the consent of a virgin girl; this opinion states that her consent is a condition of marriage. This is the view of Abu Haneefah (may Allah have mercy on him). And if a girl’s guardian gives her in marriage without her consent, then she has the right of annulment.

Secondly:

Based on the above, there is nothing wrong with you marrying this girl, on condition that she and her guardian both give consent. If that cannot be done except by giving some money to the judge, that is permissible.

In the answer to question no. [87688](#), we stated that it is permissible to give a bribe if one cannot get one’s rights otherwise; in that case it is haraam for the taker but not for the giver.

And Allah knows best.