

# What is The Ruling of Purchasing or Giving Money to The Parents of a Girl for Marriage?

Darulifta Ahlesunnat

(Dawateislami)

## Question

What do the noble scholars and jurists of Islamic law say about the following: Can you purchase a lady and do Nikah with her?

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الْجَوَابُ بِعَوْنِ الْمَلِكِ الْوَهَّابِ اَللّٰهُمَّ هِدَايَةَ الْحَقِّ وَالصَّوَابِ

Bay' (sale) of a free person, whether male or female, is Batil (invalid) because Bay' involves the exchange of Maal (an asset) with another Maal, and a free person is not Maal. Therefore, since a free woman is not Maal, selling her is Batil (invalid). Consequently, purchasing a woman for marriage is unlawful, Haram, and a sin. It is absolutely not permissible under any circumstances. If such a transaction is merely symbolic and the real intention is to give money to the girl's family, at their request, in exchange for marriage, even in that case, demanding money for marriage by the bride's parents and for the groom or his family to give it is also unlawful, Haram, and sinful. The jurists have classified this as bribery, and any money taken in this manner does not belong to the one who takes it. Instead, it remains the property of the giver and must be returned. However, in both cases, if one has Nikah with a woman in this way, then although he will be sinful, the marriage itself will still be valid, provided that all the necessary conditions of Nikah are fulfilled, and it will not affect the validity of the marriage.

It is mentioned in Sahih Bukhari:

عن أبي هريرة رضي الله عنه، عن النبي صلى الله عليه وسلم، قال: قال الله تعالى: ثلاثة انا خصمهم يوم القيامة رجل اعطى بي ثم غدر، ورجل باع حراً فأكمل ثمنه، ورجل استأجر اجيراً فاستوفى منه ولم يعطه أجره

Translation: Hazrat Abu Hurairah رضي الله عنه narrates that the Messenger of Allah ﷺ said: Allah عز وجل has declared: "There are three types of people against whom I will stand as an opponent on

the Day of Judgment: The one who made an oath in my name and then broke it, the one who sold a free person and consumed the payment, and the one who hired a worker, took full service from him, but didn't pay him."

(Sahih Al-Bukhari, Vol. 3, Book of Transactions, Chapter Sin of Selling a Free Person, Pg. 82, Hadith No. 2227, Publ. Dar Tauq al-Najah)

In the explanation of this blessed hadith, Allamah Badr-Uddin

'Ayni رحمه الله تعالى عليه states:

ومن باع حراً فقد منعه التصرف فيما أباح الله تعالى له والزمه حال الذلة والصغار، فهو ذنب عظيم  
ينازع الله تعالى به في عباده

Translation: Whoever sells a free person has deprived them of the freedoms and rights that Allah has allowed them. By doing so, he has subjected the individual to humiliation and degradation. This act is a grave sin. It is as if such a person is disputing with Allah Almighty regarding His servants.

(Umdah Al-Qari Sharh Sahih Al-Bukhari, Vol. 12, Pg. 42, Publ. Dar Ihya Al-Turath Al-Arabiyy, Beirut)

Regarding the invalidity of selling a free person, Allamah Burhan-Uddin Ali Bin Abu Bakr Al-Farghani رحمه الله تعالى states:

البيع بالميتة والدم باطل، كذا بالحر لا نعدم ركن البيع، وهو مبادلة المال بالمال فان هذه الاشياء  
لا تعد مالاً عند احد

(Al-Hidayah, Vol. 3, Chapter of Fasid Transactions, Pg. 42, Publ. Dar Ihya al-Turath al-Arabiyy, Beirut)

In Tabyin Al-Haqaiq, it is stated:

والاصل فيه ان بيع ما ليس بمال عند احد كالحر والدم والميتة وام الولد والمكاتب باطل  
(Tabyin Al-Haqaiq Sharh Kanz Al-Daqaiq, Vol. 4, Pg. 362, Publ. Quetta)

Mufti-E-Azam of Pakistan, Mufti Waqar-Uddin رحمه الله تعالى عليه, in Waqar-Ul-Fatawa, while answering a question, states:

حره یعنی آزاد عورت محل بیع نہیں ہے کہ دور غلامی ختم ہو چکا۔۔۔ لہذا اس مذموم فعل کو ترک کر دینا چاہئے۔۔۔  
اسلام میں اس طرح کے فعل کی کوئی گنجائش نہیں۔

Translation: A free woman is not able sellable, as the era of slavery has ended... Therefore, this reprehensible act must be abandoned... There is absolutely no room for such actions in Islam.

(Waqar-Ul-Fatawa, Vol. 3, Pg. 96, Publ. Bazm-e-Waqar-Uddin)

Taking money from the groom or his parents in exchange for the bride's nikah is considered bribery. It is stated in Fatawa Alamgiri:

خطب امرأة فی بیت اخیها فابی ان یدفعها حتی یدفع دراهم فدفع وتزوجها یرجع بمادفع لانها

رشوة

(Al-Fatawa Al-Hindiyah, Vol. 4, Chapter 11, Pg. 403, Publ. Dar Al-Kutub Al-'Ilmiyyah, Beirut)

The Imam of Ahl As-Sunnah, A'la Hazrat Imam Ahmad Raza Khan رحمہ اللہ تعالیٰ علیہ states in Fatawa Razawiyah:

اگر وہ روپیہ دینے والا اس لئے دیتا ہے کہ اس کے لالچ سے میرے ساتھ نکاح کر دیں، جب تو وہ رشوت ہے، اس کا دینا لینا سب ناجائز و حرام، ہندیہ میں ہے کہ مرد نے کسی عورت کو اس طمع پر خرچہ دیا کہ وہ اس سے نکاح کرے گی، تو امام استاذ (قاضی خاں) نے فرمایا کہ صحیح یہی ہے کہ وہ اس عورت سے واپس لے سکتا ہے وہ عورت اس سے نکاح کرے یا نہ کرے کیونکہ یہ رشوت ہے، یوں ہی اگر اولیائے عورت نے کہا کہ اتنا روپیہ ہمیں دے، تو تجھ سے نکاح کر دیں گے ورنہ نہیں جیسا کہ بعض دہقانی جاہلوں میں کفار ہنود سے سیکھ کر رائج ہے، تو یہ بھی رشوت و حرام ہے۔

Translation: If the money is given with the intention that, through the greed of money, they will agree to marry their daughter to me, then this is bribery. Giving and taking such money is completely Haram. In Al-Fatawa Al-Hindiyah, it is mentioned that if a man enticed a woman, financially, in the hope that she will marry him, then according to Imam Ustadh (Qadi Khan), the Asah (most authentic) opinion is that he has the right to take that money back, regardless of whether she marries him or not, because this is classified as bribery. Similarly, if the guardians of that woman demand a certain amount of money, saying, "Give us this sum, and we will allow the marriage, otherwise we will not", a practice learned by some ignorant villagers from Hindu customs, this too is bribery and completely Haram."

(Fatawa Razawiyah, Vol. 12, Pg. 285, Publ. Raza Foundation, Lahore)

Sadr Al-Shari'ah Badr Al-Tariqah Mufti Amjad Ali A'zami رحمہ اللہ تعالیٰ writes in Bahar-e-Shari'at:

لڑکی والوں نے نکاح یا رخصت کے وقت شوہر سے کچھ لیا ہو یعنی بغیر لیے نکاح یا رخصت سے انکار کرتے ہوں اور شوہر نے دے کر نکاح یا رخصت کرائی تو شوہر اس چیز کو واپس لے سکتا ہے اور وہ نہ رہی تو اس کی قیمت لے سکتا ہے کہ یہ رشوت ہے۔

Translation: If the bride's family takes something from the groom at the time of Nikah or Rukhsati (sending off the bride), meaning they refuse to proceed with the marriage or Rukhsati without it, and the groom gave the demanded thing and had the Nikah or Rukhsati, he has the right to reclaim it. If the exact item no longer exists, he may claim its value instead, because this is considered as bribery.

(Bahar-e-Shari'at, Vol. 2, Sect. 7, Pg. 79, Maktaba-tul-Madina, Karachi)

Mufti-E-Azam of Pakistan, Mufti Waqar-Uddin رحمہ اللہ تعالیٰ, states in Waqar-Ul-Fatawa:

لڑکی کے باپ کے لیے یہ جائز نہیں کہ وہ اپنی لڑکی سے نکاح کرنے کے لیے شوہر سے یا اس کے والد سے کسی قسم کی رقم کا مطالبہ کرے۔

Translation: It is not permissible for the girl's father to demand any amount of money from the groom or his father in exchange for allowing the marriage of his daughter."

(Waqar-Ul-Fatawa, Vol. 3, Pg. 104, Publ. Bazm-e-Waqar-Uddin)

وَاللّٰهُ اَعْلَمُ عَزَّوَجَلَّ وَرَسُوْلُهُ اَعْلَمُ صَلَّى اللّٰهُ تَعَالٰی عَلَیْهِ وَاٰلِهٖ وَسَلَّم

(Allah Almighty knows best and His Messenger صَلَّى اللّٰهُ عَلَیْهِ وَاٰلِهٖ وَسَلَّم knows best.)

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**Ref No:** FAM-488

**Date:** 19<sup>th</sup> Muharram Al-Haraam 1446 AH/ 26<sup>th</sup> July 2024



**Dar-ul-Ifta Ahlesunnat (Dawat-e-Islami)**



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