

# If a Guardian Gifts Something to a Minor, the Minor Becomes the Owner of it Without Taking Possession

Darulifta Ahlesunnat (Dawateislami)

## Question

What do the scholars of Islam and jurists of the sacred law state regarding the following matter: I possess some gold. I told my wife that this gold is for one of our daughters, but I did not hand it over to that specific daughter; it is still with me, and this daughter is still a child (minor). My question is, has the gold become her property or not? Now, my elder daughter is getting married, and I wish to give this gold to her. Am I permitted to do so?

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ  
الْجَوَابُ بِعَوْنِ الْمَلِكِ الْوَهَّابِ اللَّهُمَّ هِدَايَةَ الْحَقِّ وَالصَّوَابِ

In the scenario described, the gold has become the property of the specific daughter (child), and she is now its owner. Therefore, you can no longer give that gold to anyone else, nor can this daughter herself gift it to anyone.

The detailed explanation is that the words you used, "This gold is for our [so-and-so] daughter," constitute a gift (hibah). When a guardian (walī), such as a father, gifts something to his child, and that item is already in the guardian's possession, the gift becomes complete merely by the declaration (lījāb). The item becomes the property of the child because, in this situation, the guardian's possession acts as a proxy for the minor's possession, which is legally considered the child's own possession. According to Islamic law, once an item becomes the property of a minor, no one has the authority to gift it to another person.

وَاللَّهُ أَعْلَمُ عَزَّ وَجَلَّ وَرَسُولُهُ أَعْلَمُ صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ

(Allah Almighty knows best and His Messenger صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ knows best.)

**Answered By: Mufti Fuzail Raza Attari**

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