

DIVORCES AIDED BY ZINDEEQ LAWYERS

Written by Administrator
Monday, 21 October 2019 10:47 -

KUFR DEMANDS OF DIVORCES AIDED BY ZINDEEQ LAWYERS

“They who do not decree (rule/govern/adjudicate) according to that (Shariah) which Allah has revealed, verily they are kaafiroon.” (Qur’aan)

QUESTION: A man divorced his wife to whom he was married only in terms of the Shariah. The marriage was not registered in terms of kuffaar law. After issuing Talaaq, the woman went to court to claim R20,000 monthly maintenance for herself for two years. She also wants a legal divorce. A Muslim lawyer and a Muslim advocate are assisting her in this claim. What is the Shariah’s law pertaining to this matter, and what is the status of the Muslim attorney and advocate? What is the Shariah’s view regarding the minor children? The woman is also claiming legal costs.

ANSWER: The position according to the Shariah is as follows:

1) A divorced woman is entitled to maintenance only during the Iddat period if she does not abandon the marital home.

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2) After expiry of the Iddat, she is not entitled to maintenance. Claiming maintenance for her for two years, and enlisting the kuffaar court for this haraam zulm act is tantamount to kufr. Giving preference to kuffaar law over the Shariah is kufr.

3) The father is responsible for the maintenance of his children. The maintenance is for food, clothing, rent, and all expenses necessary for the Deeni welfare of the children. The father is not responsible for paying for secular education if he is averse to sending his children to secular school, nor is he responsible for any such extra expenses incurred by the mother, but which are not required by the Shariah. Usually, a plethora of unnecessary expenses is imposed on the father. All such expenses ordered by a kaafir court are haraam.

4) Whilst the mother has custody of the minor children, the father always remains the guardian. He has the right of access at all reasonable times and on a daily basis unless there are valid Shar'i grounds for curtailment, e.g. he is a drug addict, an immoral person and the like.

5) The mother may not unilaterally make decisions on behalf of the children.

6) The plaintiff has to explain in detail why she is demanding the exorbitant sum of R20,000. It appears that she is claiming maintenance for herself. But this is not permissible. The woman should incumbently present a detailed list – item by item – for the R20,000 to ensure that she is not using the children to siphon off haraam money for herself, and also to ascertain any wasteful expenditure in which women generally excel. R20,000 per month for two small children

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does appear ludicrously dishonest.

7) If the advocate and lawyer are Muslims, ask them: *What is the Shariah's law pertaining to maintenance for a divorcee?* Making claims in denial of Allah's Law is kufr.

8) Since the marriage was not in accordance with kuffaar law, the claim for a 'decree of divorce' is, to say the least, stercoraceous bunkum. It could also be kufr if the plaintiff is unable to provide reasons tenable in terms of the Shariah for her stupid and avaricious demand.

9) When the boy reaches 8 years and the girl 10 years, custody will then be the right of the father, unless the father is Islamically unqualified.

10) It is haraam for the plaintiff to demand costs of suit. She has instituted the action, hence she is liable for the costs. However, if the children's father had refused to maintain his children, then she would be justified in seeking the assistance of the court.

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(11) The attorney and advocate lose their Imaan if they assist the woman to gain her kufr demands. Aiding kufr is also kufr.

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