



PO Box 3393,
Port Elizabeth, 6056
South Africa

Email: muftis@themajlis.co.za

[The Majlis](http://TheMajlis.co.za)

12 Jumadal-Ula 1446 – 14 November 2024

“THE INDEPENDENT ISLAMIC COURT”

Question

Please comment on the Islamic and legal status of the newly formed “*Independent Islamic Court*”. Will the rulings issued by this court have any legal status?

Answer

If by ‘legal status’ you mean legally binding in terms of government law, then, NO! The term ‘court’ in this context is misleading.

The type of ‘court’ which the group has embarked on is old hat. There exist several such ‘courts’ which were initiated decades ago by some Ulama bodies. Issues pertaining to marriage, divorce, inheritance, etc. are matters with which all Ulama Committees deal.

Just as the decrees of the Ulama bodies are not legally binding so too will the decisions of this ‘independent court’ have no legal status. Generally, the party in whose favour a ruling is made, is prepared to accept the decree. But the Ulama have no coercive power to compel acceptance of their decrees and fatwas.

Judging from its advertised programme, it is palpably clear that this new so-called ‘court’ is another modernist outfit which will not follow the orthodox Sunnah. The very fact of luring women to participate in its programme indicates the deviation from the inception. Any entity which lures females out of their homes for participation in functions in the public domain, is deviate and anti-Sunnah.

Question

The Home Affairs Department is now issuing Muslim marriage certificates. What is the Islamic status of these certificates?

Answer

The marriage certificates of the Home Affairs are scraps of paper in terms of the Shariah. Islamically these certificates have no validity. Only the Nikah Certificates issued by the Islamic entity who performs the Nikah are valid.