

Fatwa no. 17440

Q: A woman asked a man to give her 800 Riyals, so he gave her it, and said: "Consider this sum an advance on your betrothal." The woman agreed just to get the money, even though she was not convinced due to the big difference between their ages. The man subsequently died and she would now like a Fatwa (legal opinion issued by a qualified Muslim scholar) as to whether she has to pay the money back to the man's heirs - bearing in mind that they did not fulfill their duties towards him and look after him as they were obligated to do for him - or pay it as Sadaqah (voluntary charity) on his behalf, or it is Halal (lawful) for her to keep it for herself?

A: If the reality is as mentioned in the question, and the man gave the woman the money as an advance on her Mahr (mandatory gift to a bride from her groom), but he died before contracting the marriage, it is obligatory for the woman to repay the amount mentioned to the man's heirs. This is because no contract of marriage was concluded between them and she therefore has no right to keep the money.

May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

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