

Dear followers of Ahl al-Bayt (as)
Salaamun Alaykum

Shariah Rulings Regarding Status of Nikah performed by without Qadi al-Haq

Many Mumineen have asked me the following question frequently:

Q. Can a Nikah of a follower of the Ahl al-Bayt (as) be considered legal when it is performed by a Qadi who doesn't believe in the Fiqh of Ahl al-Bayt (as)?

A. This is a very important and serious question, the answer to which confirms the legal status of the conjugal relationship and of the resulting offspring. According to the Fiqh of Ahl al-Bayt (as) Nikah without the Qadi al-Haq (the true and rightful Qadi authorized by the Imam of Ahl al-Bayt (as) and in his absence by his sole-representative) is illegal. Therefore, no Nikah can be solemnized except through the intervention of the Qadi al-Haq. Such a Nikah (performed by anyone other than Qadi al-Haq) is considered "Sifah" (debauchery), a sexual relationship arising out of an act that does not comply with all the necessary prerequisites as laid down by the Shariah.

Today, such problems are common among non-practicing Muslim families. They don't guide their children as per the religious Talim due to which their children deviate from the Right Path. Obviously, "Tawfiq" is snatched away from them and the Naymah of Wilayah has left their generations. Note this Nashiyyah of your brother, and take care of your child's religious Talim from early childhood. Pay special attention to Tarbiyyah of your children, which is not the responsibility of the school.

For the followers of Ahl al-Bayt (as) Wilayah is their lifeline for which they are born. Let us conclude this discussion by the poetic verdict of the founder of the Sunni Shafa'e Madhab, Muhammad bin Idris al-Shafa'e:

"O those who ask me about my love of Ahl al-Bayt (as);
Should I confess openly that I love them or should I deny that?

Never shall I deny their love;
Because their love is blended in my flesh and blood.

O Ahl al-Bayt of Mustafa(S), O those whom I turn to;
O those whose love is my reliance.

*You are my Wasilah to Allah on the Day of Judgment;
Why should I be afraid when I have confidence in you?*

*He who loves you will reside eternally in Jannah;
And your enemies will be forever in Jahannam.”*

*May Allah continue the Naymah of Walayah of Ahl al-Bayt (as) in our generations, A’ameen.
Protect this Naymah of Im’an; it is an Amanah of generation.*

Qazi Dr. Shaikh Abbas Borhany al-Waleed

PhD. (USA), NDI, Shahadat al-Aalamiyah (Al Hawzah, Najaf, Iraq), M.A, LLM (Shariah)

Musheer: Fed. Shariat Court of Pakistan

Member: Ulama Council of Pakistan

Chairman: The Guardian Pakistan

The Writer is an Attorney at Law and a Religious Scholar

Website: www.durrenajaf.com

Academia: <https://durrenajaf.academia.edu/QaziBorhany>

Contact for spiritual help: najafspiritualcenter@gmail.com

Note: Effort has been made to trace all the copyright holders, but if any have been inadvertently overlooked, I will be pleased to make the necessary arrangement at the first opportunity. This document may be used, only with this copyright notice included. Permission is granted to circulate among private individuals and groups, to post on internet forums, and include in not-for-profit publications subject to the following conditions: (1) Material used must be produced faithfully in full, without alteration or omission; (2) The author's subject title must remain unchanged, in whole or in part; (3) Material must be attributed to the author. Contact the author for all other rights, which are reserved. **Copyright © 2026 Qazi Dr. Shaikh Abbas Borhany al-Waleed**