BLOGS

The concept of Mehr under Muslim law

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The nature of Mehr under Muslim law

In the Islamic marriage contract, the husband must give his wife a financial gift known as ‘mehr’. It is an essential element of the marriage contract, as it symbolizes the husband’s commitment to support his wife financially and provide for her needs throughout their marriage.

The nature of mehr is such that it is a gift given by the husband to his wife that is not expected to be returned unless it has been stipulated as a condition in the marriage contract. The amount of mehr is agreed upon by both parties at the time of the marriage contract, and it can be in the form of cash, property, or any other valuable asset that the couple agrees upon.

In Islamic law, the husband is obligated to pay the full amount of the mehr to his wife, regardless of his financial status. This ensures that the wife is protected financially in case of divorce, death, or any other unforeseen circumstances. The mehr serves as a means of security for the wife, giving her a sense of independence and financial stability in the marriage.

The nature of mehr is also such that it is a means of respect and honour for the wife. By making a financial provision for her, the husband is acknowledging the value and worth of his wife. It is a way of honouring her and showing her that she is valued and respected in the marriage.

Mehr also serves as a means of deterrence against hasty divorces. If the husband decides to divorce his wife, he must pay the full amount of the agreed-upon settlement to her. This encourages the husband to think carefully before ending the marriage and to try to resolve any issues that may arise during the course of the marriage.

Moreover, the nature of marriage is such that it promotes equity and fairness in the marriage. It ensures that both parties have a clear understanding of their rights and responsibilities in the marriage. This promotes a healthy and happy marriage, as both parties are aware of what is

expected of them and what they are entitled to in the relationship.

In conclusion, mehr is a requirement in the Islamic marriage contract for the husband to give his wife money. It symbolizes the husband's commitment to support his wife financially and provide for her needs throughout their marriage. Mehr is a means of security, respect, and honour for the wife, and it promotes equity and fairness in the marriage.

Types of Mehr

There are two main types of dower, also known as mehr in Islamic law: prompt and deferred.

- Prompt dower refers to the portion of the dower that is paid immediately or at the time of the marriage contract. It is usually a smaller amount and is intended to be a gift to the wife. This prompt dower can be in the form of cash, property, or any other valuable asset that the couple agrees upon.
- Deferred dower, on the other hand, is the portion of the dower that is not paid immediately but is deferred until the dissolution of the marriage through divorce, death, or any other means. The deferred dower is usually a larger amount and is meant to provide financial security to the wife in case of any unforeseen circumstances.

Types of Deferred Dower

Deferred dower can be divided into two sub-categories: specified and unspecified.

- A specified deferred dower refers to a specific amount agreed upon by the husband and wife at the time of the marriage contract. The amount can be paid in full at the time of divorce or in installments over a period of time.
- Unspecified deferred dower, on the other hand, refers to a dower amount that is not specified at the time of the marriage contract. Instead, the court will make that decision at the time of the divorce. This type of deferred dower is usually preferred by women, as it provides them with greater financial security in the event of divorce.

In addition to prompt and deferred dower, there is also a type of dower known as **mu'akhar**. Mu'akhar refers to a deferred dower that is agreed upon to be paid at a later time, such as after the birth of a child or after a certain period of time has passed in the marriage. This type of dower

is meant to encourage the husband to fulfil his responsibilities towards his wife and family.

The **type of dower** agreed upon by the husband and wife **depends on their individual circumstances and preferences**.

Rights of the wife in case of Unpaid Dower

In Islamic law, the dower, also known as mehr, is the right of the wife and is mandatory for the husband to pay. If the husband fails to pay the dower, the wife has certain rights to pursue the payment.

1. Firstly, the wife has the right to demand the payment of the dower from her husband. If the husband refuses to pay the dower, the wife can seek legal assistance to enforce her right. She can take the matter to an Islamic court, which will order the husband to pay the dower.
2. Secondly, if the husband is unable to pay the dower at the time of the marriage contract, the wife has the right to agree to a deferred payment schedule. In this case, the husband is obligated to pay the dower at a later time or in installments as agreed upon by both parties.
3. Thirdly, if the husband dies before paying the dower, the wife has the right to inherit the unpaid dower from the husband's estate. The dower takes priority over any other debt or obligation of the deceased husband.
4. Fourthly, in case of divorce, the wife has the right to claim the unpaid dower from her husband. The wife can make a claim for the full amount of the dower or any outstanding balance.
5. Fifthly, if the husband has been declared bankrupt, the wife's dower is considered a priority debt and takes precedence over other creditors.
6. Lastly, if the husband refuses to pay the dower or is unable to pay, the wife has the right to seek a divorce from her husband. This is known as a khula divorce, where the wife initiates the divorce and forfeits her right to the dower in exchange for a release from the marriage.

Under Islamic law, the wife has several rights in the case of unpaid dower under Islamic law. These rights ensure that the wife's financial rights are protected and provide her with legal recourse in the event of non-payment of the dower.

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