



Fatwa no. 6216

Q: Please explain the ruling on two people who, for example, if they are disputing, resort to the tribal rules, and each of them appoints a "Mi`dal," as they call him, and they choose one of the tribal chieftains to judge between them. They then sit in front of him and state their complaints against the other. If it is a simple dispute, the guilty party is ordered to slaughter an animal for the other party. If it is a major dispute, the guilty party is ordered to be given "Janbiyat;" this used to mean that they were beaten

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on their head with a sharp tool until they bleed, nowadays it involves the guilty party paying an amount of Dirhams as a fine. They call this practice a peace-making, and it is common among the tribes-people. They also call it Al-Madh-hab (the doctrine), and if someone does not accept their judgment, they call them "Qati` Al-Madh-hab (a dissenter from the doctrine)." Dear shaykh, what is the legal ruling on this?

A: It is obligatory on Muslims to resolve their disputes in courts that apply the Shari`ah (Islamic law), not tribal rules or man-made laws. In fact, what you have mentioned is not peace-making; it is judging according to tribal principles and rules. That is why they call it "Al-Madh-hab" and call whoever refutes its judgment as a "Qati` Al-Madh-hab." Their calling this practice a peace-making does not change what it actually is; it is still resorting to the judgment of other than Allah in resolving disputes. The penalties that they order, i.e. slaughtering an animal or being beaten on the head with a sharp tool until they bleed, are not Shar`y (lawful) rulings.

The tribal chieftains should not judge between people in this way, and Muslims should not turn to them to resolve their disputes if they depart from the Shari`ah. Today, praise be to Allah, judges resolve disputes according to the Qur'an and Sunnah of the Messenger of Allah (peace be upon him). They resolve problems in conformity with the Law of Allah (may He be Exalted), so there is no excuse for anybody to turn to

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other laws that contradict the Shari`ah to resolve their disputes, especially as there are Muslim scholars appointed to judge by the Law of Allah (may He be Praised).

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

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