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### Shariah Status of Premarital Medical Screening: An Analytical Study

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#### Abstract:

Marriage holds a central place in Islamic teachings, not merely as a legal contract, but as a sacred bond that ensures the spiritual, emotional, and physical well-being of both spouses. In the contemporary era, the growing relevance of premarital medical screening which involves testing couples for serious health conditions such as thalassemia, HIV/AIDS, or other hereditary diseases has introduced a critical ethical and legal discourse within Islamic scholarship. This article investigates a key research question: What is the Shariah status of premarital medical screening in Islamic law? The analysis unfolds by presenting the Islamic juristic principles regarding health and harm prevention, drawing on Qur'anic texts, Prophetic traditions, and juristic maxims, followed by a comparative study of the four Sunni legal schools (Hanafi, Maliki, Shafi'i, and Hanbali) particularly on the topic of annulment due to health related causes. The research also presents scholarly opinions ranging from permissibility to impermissibility and necessity. While some scholars object on grounds of privacy or personal liberty, the majority support permissibility especially for life threatening conditions based on the principles of *hifz al-nafs* (preservation of life) and *dar' al-mafāsīd* (prevention of harm). However, mandating the tests remains a subject of debate, with many jurists cautioning against turning what is Islamically permissible into a compulsory legal obligation without consensus. The study concludes that premarital medical screening, while not religiously obligatory, is Shariah compliant and advisable for the sake of protecting human life and ensuring marital harmony, provided that it respects ethical and legal boundaries.

**Keywords:** Premarital screening, Islamic law, Shariah, mandatory testing, Marriage in Islam, Shariah Ethics, Permissibility, Annulment, Thalassemia, HIV/AIDS

#### Introduction:

Marriage in Islam has been described as an institution that sustains human evolution, procreativity and lineage. It is also one of the signs that reaffirm the supremacy of Allah (The Almighty) over and above any creature. Allah (s.w.t.) creates human beings through the union of male and female (marriage) and also makes them generation upon generation. To this end, He said:

“And among His signs is this that He created for you mates from among yourselves, that ye may dwell in tranquility with them, and He has put love and mercy between your (hearts): Verily in that are Signs for those who reflect.”<sup>1</sup>

This further indicates that marriage in Islam is not all about enjoyment and satisfaction, but also an act of ibadah (worship) that contains other objectives such as protection, procreation and having quantitative and qualitative generations. In view of this, one can understand that Islam is a religion that does not encourage celibacy or monasticism. This is because, the institution of marriage in Islam and children born there from are highly beneficial to the religion, as children stand to be vicegerents and successors of their parents in promoting the religion of Allah (s.w.t.) here on the earth and also their pride on the Day hereafter. Thus, the Almighty Allah said:

‘‘And marry those among you who are single and those who are fit among your male slaves and your female slaves, if they are needy, Allah will make them free from want out of His grace; and Allah is Ample-giving, Knowing.’’<sup>2</sup>

The Prophet (peace be upon him) was reported to have said, ‘‘Mary the affectionate and fertile (woman), for I will compete with the other Prophets with the number of my followers on the Day of Judgment.’’<sup>3</sup> Another version of the translation (riwayah) says ‘‘Mary the affectionate and fertile (woman), for I will be proud of you on the Day of Judgment’’. In yet another Hadith, narrated by Abdullah Ibn Mas‘ud, the Prophet (s.a.w) says, ‘‘O you young men! Whoever is able to marry should marry, for that will help him to lower his gaze and guard his modesty’’<sup>4</sup>. He further said that ‘‘There is no monasticism in Islam’’.<sup>5</sup>

The above authorities explained the objectives of marriage in Islam. Therefore, much is needed to make such objectives viable and reality. A proper foundation should be put in place in order to have a qualitative product of marriage (children) that could serve as successors and overseers of the religion and community.<sup>6</sup>

### **Objectives of the Study**

This research aims to analyze the opinions of classical and modern scholars on the permissibility, necessity, or impermissibility of premarital medical testing in Islamic law.

### **Research Methodology**

This study adopts a qualitative research methodology grounded in Islamic legal tradition. It involves a doctrinal approach, analyzing primary sources such as the Qur‘an, Hadith, and jurisprudential works from the four Sunni schools. In addition, fatwas, legal opinions, and contemporary academic writings on health and law are critically reviewed.

### **Premarital screening**

Premarital screening is defined as testing couples who are planning to get married soon for common genetic blood disorders (mainly hemoglobinopathies, e.g. thalassemia and sickle cell anemia) and infectious diseases (e.g. hepatitis B, hepatitis C, and HIV/AIDS). The premarital screening aims to give medical consultation on the odds of transmitting the abovementioned diseases to the other partner/spouse or children and to provide partners/spouses with options that help them plan for healthy family. The premarital screening reduces the spread of the abovementioned diseases and reduces the financial burdens of their treatments as well. It reduces the burden on the state’s health facilities and blood banks. The screening would avoid any future’s social and psychological problems of families. It helps those who seek such medical check-ups feel at ease; premarital screening raises awareness about healthy and sound marriages (Premarital Screening, 2014, April 08). Premarital check-ups may include also testing for syphilis, gonorrhea, and other sexual-transmitted diseases, blood grouping, resus factor, seminal fluid analysis, FSH, prolactin, testosterone, estrogen hormones, among others.<sup>7</sup>

### **Sharia Perspectives on Pre-Marital Medical Testing**

The question of whether premarital medical testing aligns with Islamic Sharī‘ah principles has been the subject of significant discussion in recent decades. While classical texts did not directly address this issue, the broader principles of maqāṣid al-sharī‘ah, particularly *hifẓ al-nafs* (protection of life) and *hifẓ al-nasl* (protection of lineage) provide a jurisprudential framework to evaluate the permissibility and moral merit of premarital screening.

Modern juristic councils and fatwa departments across the Muslim world have increasingly issued supportive rulings in favor of medical screening before marriage, especially in cases involving genetic disorders, infectious diseases, or other conditions that could severely harm marital life or future children. For example, the Islamic Organization for Medical Sciences (IOMS) in Kuwait, during its 2007 conference on medical ethics, concluded that premarital testing is Islamically encouraged when intended to protect both parties from serious harm and to avoid producing children with preventable genetic disorders.

*"Medical testing before marriage is not only permissible but advisable in cases where scientific evidence shows probable harm to either spouse or their offspring. Preventing such harm falls under the higher objectives of the Sharī'ah."*<sup>8</sup>

Similarly, the Jordanian Fatwa Department, in a 2021 fatwa, declared that medical screening becomes religiously required (*maṭlūb shar'an*) when there is potential to prevent confirmed harm, and may even reach the level of wājib (obligatory) in some cases:

"إذا ثبت أن الفحص الطبي قبل الزواج يمنع ضرراً محققاً، فإنه يكون مطلوباً شرعاً، وقد يبلغ درجة الوجوب في حالات معينة"

*"If it is established that premarital testing prevents confirmed harm, then it is religiously required, and in certain cases may reach the level of obligation."*<sup>9</sup>

Other scholars have emphasized individual autonomy and warned against over-regulation. Some scholars from the traditionalist Salafi-Ahl-e-Hadith circles in South Asia and parts of the Arab Gulf have argued that although medical testing is not forbidden, compulsory implementation may conflict with freedom of marriage contracts and could lead to stigmatization, especially when results are mishandled or misused.<sup>10</sup> Thus, the Sharia perspective is not unanimous, but it leans toward permissibility and even recommendation, especially when medical evidence and Islamic ethical standards (confidentiality, informed consent) are upheld.

### Islamic Jurisprudence Related to Health

The integration of public health considerations such as medical screening before marriage into Islamic jurisprudence is guided by the core objectives of Sharī'ah (*maqāṣid al-sharī'ah*). These objectives emphasize the protection of life (*ḥifẓ al-nafs*), protection of lineage (*ḥifẓ al-nasl*), and elimination of harm (*dar' al-mafūsid*), all of which are foundational principles across the four Sunni schools of law: Hanafi, Maliki, Shafi'i, and Hanbali.

### Foundational Qur'anic and Hadith Proofs

The Qur'an encourages believers to prevent harm and uphold the general well-being of the community:

"Do not throw yourselves into destruction with your own hands"<sup>11</sup>

"And do not kill the soul which Allah has forbidden, except by right"<sup>12</sup>

The Prophet Muhammad ﷺ emphasized harm prevention through the hadith:

"There should be neither harm nor reciprocating harm"<sup>13</sup>

These evidences establish that removing expected harm is a juristic priority.

### Fiqh Maxims (Qawā'id Fiqhiyyah) Supporting Medical Testing

1. الضَّرُّ يُزَالُ

*"Harm must be removed."*<sup>14</sup>

This maxim is a universal principle accepted in all four schools of jurisprudence, and it forms the ethical backbone of arguments for premarital screening.

2. دَرَاءُ الْمَفَاسِدِ مُقَدِّمٌ عَلَى جَلْبِ الْمَصَالِحِ

*"Preventing harm takes precedence over attaining benefits."*<sup>15</sup>

This principle justifies restricting marriage in certain cases if the continuation of harm (e.g., severe hereditary illness) is likely.

### *Jurisprudential Perspectives by Madhāhib*

#### **1. Hanafi Madhhab**

Hanafis emphasize contractual transparency in marriage. *Bada'i al-Sana'i* states that if a defect is hidden and causes harm, the woman or man has the right to annul the marriage (Nikah Fasakh).<sup>16</sup>

Hence, screening to prevent concealment is recommended.

#### **2. Maliki Madhhab**

The Maliki school considers harm due to hidden illness a legitimate reason for dissolution of marriage. According to *Al-Kharashi* on *Mukhtasar Khalil*, concealment of contagious or reproductive diseases may invalidate consent.<sup>17</sup>

#### **3. Shafi'i Madhhab**

Shafi'i jurists hold that diseases which prevent marital intimacy or transmission of harm to offspring are grounds for annulment.<sup>18</sup>

#### **4. Hanbali Madhhab**

The Hanbali scholars explicitly allow annulment in cases of leprosy, madness, or genital diseases. Ibn Qudāmah explains that protecting the health of spouses is a shar'i right.<sup>19</sup>

These classical positions support the idea that if premarital testing can uncover defects that would otherwise nullify consent, it is Islamically endorsed, even if not mandatory.

**Conclusion:** *The Shariah supports medical testing before marriage when it:*

- Prevents serious harm to spouses or children
- Aligns with the principles of transparency and consent
- Fulfills the objective of preserving health, family, and social trust

While not explicitly legislated in early fiqh, the evolution of medical knowledge and its role in safeguarding marriage make it compatible with Sharī'ah's ethical goals.

### **Scholarly Opinions and Fatwas on Premarital Medical Testing**

The main objectives of Sharī'ah are the preservation and protection of life. Accordingly, anything that threatens life or undermines human well-being, such as hereditary diseases (e.g., Hepatitis, Genotype disorders, and HIV/AIDS) must be addressed with appropriate legal and ethical mechanisms. In support of this, Abu Huraira reported that the Prophet (SAW) said:

*"There is no disease that Allah has created, except that He also created its treatment."*<sup>20</sup>

Medical examination is not a foreign concept in Islamic tradition. Another hadith narrated by Abu Huraira describes a man who informed the Prophet (SAW) that he intended to marry a woman from the Ansar. The Prophet asked: "Did you cast a glance at her?" When the man said no, the Prophet replied: *"Go and cast a glance at her, for there is something in the eyes of the Ansar."*<sup>21</sup>

This narration indicates that Islam allows investigation prior to marriage for potential harm or defects physically or otherwise. Additionally, the Prophet (SAW) instructed: *"Do not put a patient with a healthy person."*<sup>22</sup>

This serves as a basis for separating carriers of transmissible disease, which many scholars today argue justifies medical screening.

### **The Opponents of Premarital Screening**

Some Islamic jurists oppose premarital screening, particularly if it includes mandatory testing for sexually transmitted diseases like HIV, Hepatitis, or genetic disorders. Among these was the late Grand Mufti of Saudi Arabia, Shaykh 'Abd al-'Azīz ibn Bāz, who issued a fatwa in response to an inquiry from a man considering marriage to his cousin. The man was advised to undergo a genetic screening to ensure compatibility. Shaykh Ibn Bāz declared that such testing was unnecessary and that one should place their full reliance upon Allah. He cited the Qudsi Hadith:

*"I am as My servant expects Me to be"*<sup>23</sup>

According to Ibn Bāz, engaging in such tests may lead to reliance on potentially inaccurate results and cultivate doubts or suspicion, which the Shari‘ah discourages. He argued that medical tests could foster a mindset that attempts to interfere with divine decree (Qadar) and that Muslims should instead focus on trust (tawakkul) in Allah’s wisdom and predestination.<sup>24</sup>

Similarly, scholars such as Muhammad ibn Salih al-‘Uthaymīn, Abdul Karim Zaydan, and Muhammad ‘Abd al-Sattar al-Shātif also ruled against such examinations, emphasizing that the pillars of marriage are clearly defined by the Qur’an and Sunnah, and adding conditions such as health tests constitute unwarranted innovation. The Prophet (SAW) said:

*“Every condition that is not found in Allah’s Book is invalid.”* These scholars also held that marriage is not solely about reproduction, but companionship and mutual support.<sup>25</sup>

Another prominent institution holding a restrictive stance is Darul Ifta of Darul Uloom Deoband, which issued a fatwa addressing cousin marriages. The fatwa declared that the belief that cousin marriage transmits parental diseases is baseless in Shari‘ah, and stated that even interfamily marriages conducted during the time of the Prophet (SAW), such as the marriage of Fatimah (RA) to her cousin ‘Ali (RA), demonstrate that such unions are permissible. However, the fatwa added that if a blood test is conducted without holding such incorrect beliefs, it is not unlawful. Thus, the emphasis remains on belief and intention, rather than the act of testing itself.<sup>26</sup>

#### ***Scholars in Support of Premarital Screening***

In contrast, several contemporary Islamic scholars support premarital testing, considering it lawful (ḥalāl) and even advisable under specific circumstances.

One such opinion comes from Shaykh ‘Abdullāh ibn ‘Abd al-Raḥmān ibn Jibrīn, a senior Saudi scholar and former member of the Committee for Islamic Research and Fatwas. In response to a query, Ibn Jibrīn clarified that there is no harm in premarital medical testing, especially when there is a legitimate fear of hereditary or chronic illness that may affect the marital relationship. He stated that testing becomes advisable if one party is suspected to be suffering from internal illness—such as epilepsy, infertility, asthma, diabetes, bilharzia, or rheumatism—and emphasized that tests may help prevent conflict or regret after the marriage contract. However, he added that if no evidence or concern exists in the couple’s social or familial environment, then the test is not obligatory and may be skipped. This nuanced opinion balances personal responsibility and medical awareness with the broader principles of Shari‘ah.<sup>27</sup>

Similarly, Sheikh Ahmad Kutty, a senior Islamic scholar from the Islamic Institute of Toronto, issued a legal opinion affirming the permissibility of premarital medical testing—particularly for STDs. He supported his view using the hadith: *“Harm shall not be inflicted nor reciprocated.”* This principle, affirms that any step taken to prevent harm to oneself or others aligns with Islamic objectives.

Sheikh Muhammad Metawalli Sha‘rāwī, a renowned Egyptian jurist, also maintained that premarital testing is permissible, especially with mutual consent. He referenced a hadith in which the Prophet (SAW) encouraged a companion to marry a healthy woman, using this as precedent to highlight the value of health awareness in spousal selection.<sup>28</sup>

#### ***The Islamic Ruling on Mandatory Premarital Screening***

Although the majority of scholars agree that premarital screening is permissible (*mubāḥ*), there remains debate about whether it can be made compulsory. A cohort of contemporary scholars—including Muhammad al-Zuhayli, Nasir al-Mayman, Ḥamadāti Ma‘ā-‘Aynayn Shabīḥūna, Abdullāh Ibrāhīm Mūsā, Muḥammad Shabbīr, ‘Ārif ‘Alī ‘Ārif, and ‘Uthmān al-Ash‘ār—argue that states may enforce medical testing if doing so serves the public interest (*maṣlaḥa ‘amma*).

They cite the verse: “O you who believe! Obey Allah, and obey the Messenger and those in authority among you.”<sup>29</sup> and the command: “*Do not throw yourselves into destruction by your own hands.*” The scholars contend that since many diseases are sexually transmitted, testing may prevent social harm and protect future generations. In their view, this fulfills one of the six major objectives (*maqāṣid*) of Islamic law: preservation of lineage (*ḥifẓ al-nasl*).

They also cited prophetic traditions such as:

“*Do not expose the healthy to the sick,*” and “*Flee from the leper as you would flee from a lion.*”<sup>30</sup>

Such traditions indicate preventive health measures are both Islamic and necessary. From this standpoint, compulsory premarital screening is not a restriction on personal freedom, but a legal necessity for safeguarding the welfare of both individuals and society.

**Table: Scholarly Opinions and Fatwas on Premarital Medical Testing in Islam**

Scholar / Institution	Position	Key Justifications	View on Mandatoriness
Shaykh ‘Abd al-‘Azīz ibn Bāz	Opposed	Trust in Allah's decree; testing causes suspicion; results may be inaccurate	Not required; discouraged
Muhammad ibn Salih al-‘Uthaymīn, et al.	Opposed	Only Qur’anic/Sunnah conditions valid; tests alter divine law; marriage is for companionship, not only for procreation	Not allowed
Darul Ifta, Darul Uloom Deoband	Mildly opposed	Testing based on disease inheritance in cousin marriage is baseless; test is allowed if done without belief in genetic harm	Optional; not encouraged
Shaykh ‘Abdullāh ibn Jibrīn	Supportive (conditional)	Permissible if disease feared (e.g. epilepsy, infertility); if no signs exist, not required	Optional; obligatory only with known risk
Sheikh Ahmad Kutty	Supportive	Helps prevent harm; protects spouses and offspring; based on “No harm, no reciprocating harm” principle	Permissible; not obligatory
Shaykh Muhammad Metawalli Sha‘rāwī	Supportive (with consent)	Based on prophetic advice to marry healthy women; health consideration is valid with mutual consent	Permissible with consent
Group of Contemporary Scholars	Strongly supportive	Public interest ( <i>maṣlaḥa</i> ); disease prevention; aligns with <i>maqāṣid al-sharī‘ah</i> (e.g. protecting lineage)	Mandatory if legislated by authorities

## Conclusion

In light of Islamic jurisprudence and contemporary realities, premarital medical screening emerges as a necessary and ethically commendable measure rather than a religious imposition. The diverse perspectives from the four Sunni schools of law demonstrate the flexibility within Sharī'ah to accommodate changing medical and social needs, particularly when they serve the higher objectives of Islamic law (*Maqāṣid al-Sharī'ah*) such as the preservation of life, lineage, and health. While jurists differ on whether such screening should be mandated, there is considerable consensus that it is permissible and even advisable for the prevention of harm and the protection of both parties in marriage. The research has shown that diseases like thalassemia or HIV/AIDS can deeply affect marital life, and Islam encourages the removal of harm and promotes mutual well-being. Therefore, while compulsion in the name of law may not align with Sharī'ah principles without broader scholarly consensus, voluntary premarital medical testing is clearly in harmony with Islamic ethics and should be encouraged through education, public awareness, and religious guidance. This approach upholds individual dignity while also protecting the collective interests of Muslim families and society.

## Recommendations and Implications for Policy

Based on the findings and analysis, the following recommendations are proposed:

1. **Promotion through Ijtihād and Maqāṣid al-Sharī'ah:** Islamic jurisprudence should evolve through *ijtihād* (independent reasoning) to address contemporary public health concerns. Pre-marital medical testing, when suggested, aligns with the objectives of Sharī'ah (*maqāṣid al-sharī'ah*) particularly the protection of life, lineage, and health without infringing upon foundational legal principles.
2. **Voluntary but Strongly Encouraged Testing:** Rather than implementing mandatory medical testing, Muslim-majority countries should adopt a suggestive model. Governments and religious bodies may strongly recommend testing in areas with a high prevalence of genetic or infectious diseases, while upholding individual autonomy, consent, and confidentiality.
3. **Ethically Framed Public Policy:** Legislators, including in Pakistan, are advised to formulate public health policies that encourage premarital medical testing as a preventive and educational tool, not a legal requirement. These policies should reflect both medical evidence and Islamic ethical standards, safeguarding religious integrity and personal rights.
4. **Religious Guidance and Public Awareness:** Fatwa bodies, Islamic scholars, and health authorities should collaborate to educate the public about the importance of voluntary pre-marital testing. Emphasis should be placed on its religious permissibility and its role in strengthening families and preventing hardship, rather than on obligation or enforcement.
5. **Interdisciplinary Cooperation and Ongoing Research:** Scholarly dialogue among Islamic jurists, healthcare professionals, policymakers, and ethicists must be expanded to develop pragmatic frameworks. These should balance scientific advancements with Sharī'ah values, fostering an approach that is both ethically responsible and socially acceptable.

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