104675 - Ruling on medical tests before marriage and seeking to avoid that through trickery

the question

In our country, they oblige us to have medical tests before marriage. My fiancé and I always do medical exams, and praise be to Allah, we are in good health. The cost of these tests is a little expensive. After ascertaining that we are free of communicable diseases, can we refrain from doing any further tests and cut it short, and go to a doctor who will provide us with a certificate confirming that we are free of diseases, without any tests, or do we have to do the tests in order to acquire the medical certificate which has no effect on the validity or otherwise of the marriage contract, but it must be provided with the paperwork for the marriage contract when we go to register the marriage?

Detailed answer

Praise be to Allah.

Firstly:

It is permissible to do medical tests before getting married, and that becomes more important if it is thought most likely that there are any hereditary diseases in the family. Shaykh Ibn Jibreen (may Allah preserve him) was asked: What is the ruling on doing medical tests for both spouses before marriage?

He replied: There is nothing wrong with that, if there is the fear of hereditary disease which may have an impact on health, cause problems between the spouses and affect the stability of life and peace of mind. Perhaps one of them has epilepsy or a chronic disease, even if it is mild, such as asthma, diabetes, bilharzia or arthritis. There may also be infertility and the inability to produce children. But if both spouses appear to be in good health, and these kinds of diseases are not

found in the environment and society in which they live, then the basic assumption is that there is no sickness and nothing to worry about, so there is no need for both spouses to do medical tests. But if there are some indications, and there is the fear of some hidden health problem, and one of the spouses or their family request medical tests to check for that, then the test must be done, so that there will be no dispute or argument after the marriage contract is done.

End quote from Shaykh Ibn Jibreen website.

Secondly:

The doctor has no right to issue a certificate stating that someone is free of diseases without doing any test or examination, unless he is the one who tested or examined the patient previously, or if the matter would require uncovering the ‘awrah, and you are both certain that you are healthy. In that case, there is nothing wrong with taking this certificate without any test or examination, so as to avoid uncovering the ‘awrah for no good reason.

Similarly, if any outstanding tests are not important and will cost a lot of money unnecessarily, or will serve no purpose, then there is nothing wrong with you obtaining the certificate.

What is required of people in authority is to be kind to those who are under their authority, because the Prophet (blessings and peace of Allah be upon him) called upon his Lord in supplication, saying: “O Allah, whoever attains any position of authority among my ummah and is harsh towards them, be harsh towards him, and whoever attains any position of authority among my ummah and is kind towards them, be kind towards him.” Narrated by Muslim (1828).

If they force the people to do these tests, then they should be free, and those in authority should equip the public hospitals to do that, out of consideration towards the poor and those who do not have enough money, and so that they will not open the door to bribery for the purpose of obtaining the certificates without doing any tests.

In your case, there is nothing wrong with what you intend to do, in sha Allah. The wrongdoer is the one who obliged you to do something that Allah did not oblige you to do, and imposed on you

costs that you cannot afford, or that cause you hardship unnecessarily.

And Allah knows best.