11105 - Is a divorce done by the judge valid?

the question

Is a divorce (talaaq) or annulment of marriage (faskh) done by a judge in a civil, non-sharee’ah court valid, in a case where the husband or wife approached the court which rules according to man-made laws to deal with the demand or request to end the marriage contract, because there is no Islamic qaadi?

Detailed answer

Praise be to Allah.

The marriage contract may be drawn up according to sharee’ah outside this court, then it may be taken to the court for official confirmation. With regard to divorce, it is not conditional for it to be registered in the court. A husband may issue a divorce before two sound witnesses, which may be written on a piece of paper which is signed by the husband and two witnesses. Divorce may be done in this manner, but a man should not divorce his wife whilst she is menstruating or during a period of purity in which he has had intercourse with her, unless they have found out that she is pregnant.