170239 - Hotel employee taking commission from taxi drivers for giving them passengers

the question

I live in a non-Muslim country and have a Limousine license but Im not driving because in order to get a passenger from hotel you have to pay $10 to the booker meaning the person who gives you the passenger you have to give him/her certain percentage of the fare amount, that money you pay to the doorman is called 'cookie' in the limousine industry. Now I want to mention few things here that during my training for the limousine license I was told and taught that cookie is illegal and if you get caught you'll be fined. Upon asking to my boss that why I have to pay $10 cookie to the doorman and I consider that a bribery and on top of that it is illegal where we are living. He replied that it is not bribery because it is pre-arranged with the hotel management and we already set the percentage that would be paid to the doorman(person who books the order) because his pay is too low. Now I want to assure you that it is not a tip nor it is a commission rather it is forced money what you have to pay to him. For your information my boss is Muslim too and have been in the business for about 5 years and claims that if it would be haraam why I would be doing it. My question to you is that:
1: What is the definition of rishwah or bribery in the light of Qura'n and Sunnah and
2: Does this fall under rishwah or not?
3: If that $10 which is called cookie in limousine industry I'm paying to the doorman to get a business, does that $10 make my entire earning haraam?
Please advise as I'm so confused with the situation.

Detailed answer

Praise be to Allah.

If this person who is arranging the bookings works in the hotel, and takes what he takes from the drivers with the knowledge of the hotel, and does not show favouritism to anyone, there is nothing

wrong with that.

The shar i reservations with regard to this issue are two:

-1-

Gifts to workers – this refers to giving money to an employee without the knowledge of his employer], because of the report narrated by al-Bukhaari (7174) and Muslim (1832) from Abu Humayd as-Saa‘idi (may Allah be pleased with him) who said: The Prophet (blessings and peace of Allah be upon him) appointed Ibn al-Lutbiyyah, a man from Banu Azd, in charge of collecting the zakaah. When he came he said: This is for you, and this was given to me. The Prophet (blessings and peace of Allah be upon him) stood up on the minbar and praised and glorified Allaah, and said: “What is the matter with an agent whom I send, and he comes to me and says, ‘This is for you and this is for me’? Why doesn’t he sit in the house of his father and mother and see if he is given anything or not? By the One in Whose hand is the soul of Muhammad, no one of you gets anything (by way of such gifts), but he will bring it on the Day of Resurrection, carrying it on his shoulders, whether it is a groaning camel, a lowing cow or a bleating sheep.” Then he raised his arms until we saw the whiteness of his armpits, then he said: “Have I conveyed (the message)?” two or three times.

Ahmad and al-Bayhaqi narrated that the Prophet (blessings and peace of Allah be upon him) said: “Gifts given to workers are a betrayal.” This hadeeth was classed as saheeh by al-Albaani in Saheeh al-Jaami‘, no. 7021.

These gifts are intended to make things easier or to make (workers) overlook mistakes and errors, or to make them like the giver and give him precedence over others. Islam forbids all of that so as to block the means that lead to corruption. But if that happens with the knowledge of the employer, this reservation no longer applies.

-2-

Bribes. This refers to money given to undermine or deny rights and support false claims, or what a

person pays in order to take something he has no right to take, or to evade a duty or obligation.

See: al-Mawsoo‘ah al-Fiqhiyyah, 24/256; al-Hawaafiz at-Tijaariyyah, p. 119

Shaykh Ibn Baaz (may Allah have mercy on him) said: Ibn ‘Aabideen (may Allah have mercy on him) said in his Haashiyah: A bribe is that which a person gives to the judge etc. so that he will rule in his favour, or so as to make him do what he wants. It is clear from this description that there is more to a bribe than money or benefits that one may acquire by means of it. What is meant by “the judge etc.” is the judge and anyone else through whom the one giving the bribe hopes to influence to serve his own interests, whether he is one of the officials or employees of the state or those who work in the private sector, such as agents who work for companies, owners of real estate and so on. What is meant by ruling in the favour of the briber and making the recipient of the bribe do what the giver wants is: fulfilling the wishes and aims of the giver of the briber, whether that is lawful or otherwise.

End quote from Majmoo‘ Fataawa Ibn Baaz, 23/223.

And Allah knows best.