174652 - He helped his father in his business; is there any sin on him because of his father’s haraam dealings?

the question

At the age of 21 i got involved into my family business and started helping my father in running the day to day business and making policy decisions. When i started the business was already suffering from debt. This debt was in form of suppliers material and banks riba based loans. I did not understand the depth of riba prohibition at that time. However when i did understood the prohibition i stressed upon working without riba. However my efforts were futile and we had to borrow more in order to repay the previous loan. I discussed my uneasiness with my father about the prohbition in islam to deal with riba, and he was of the view that as soon as we earn enough we will pay off our loans to the people and the banks. However that day was not to come and business was shut down. This happened over a period of ten years during which i was directly involved with the business for 5 years.
Hence, we owe money to the banks and also to approximately 20 people. Among those 20 people are some rich and some very weak suppliers whose businesses were closed because their money was stuck into our business and we are unable to pay.
Hence my first question is 'am i responsible for the debt' keeping in view that i was not fully in control of the business nor the policy setting. Was i reponsible for dealing with riba, even though i wanted to avoid it but could not since i could not walk away from my father and let him deal with the problem himself.
My second question is in regards to zakaat. I have a car for personal use and have negative bank balance and live pay cheque to pay cheque. Now, I am the only earning member for my family including my parents. However my wife has gold most of which was given to her by her parents and some of it was given to her by my parents. That gold is not enough to pay off the debt that me and my family has. Hence my question is do i need to pay zakaah on it. If yes then can i pay off the debt with the zakat, keeping in view that i will have to borrow money in order pay zakaah. Similarly my mother has a bit of gold. Shall my father pay zakaah on it, keeping in view my father has little cash and i will pay the zakaah that he owes. The amount of total zakaah will be my 3

weeks salary approximately.
What is the islamic ruling under the circumstances mentioned above. Sheikh i truly appreciate your help.

Detailed answer

Praise be to Allah.

Firstly:

It is not permissible to enter into riba-based transactions, even if your father tells you to do that. What you should have done when you found out that riba is haraam is leave the job, even if that would have made your father angry with you, because the Prophet (blessings and peace of Allah be upon him) said: “There is no obedience to any created being if it involves disobedience towards Allah, may He be glorified and exalted.” Narrated by Ahmad, 1041

But you are only responsible for the riba-based transactions that you did yourself or to which you were a party.

But if your father is the one who did that riba-based transaction and you did not help him with it or play any part in it, then you are not responsible for it, even if you were helping your father in his work that was financed by this riba-based loan.

What you have to do now is repent sincerely, regret what you did in the past and resolve not to go back to being involved in riba-based transactions. For more information please see the answer to question 162423 and 95005

Secondly:

The Muslim is not obliged to pay zakaah on his car or house if they are not trade goods, because the Prophet (blessings and peace of Allah be upon him) said: “The Muslim does not have to pay zakaah on his slave or his horse.”

Narrated by al-Bukhaari, 1463; Muslim, 983. For more information please see the answer to question no. 20057

Thirdly:

With regard to paying off the debt from the jewellery, if the jewellery is the property of your wife, you and your father have no right to it, even if your father bought it with his own wealth, because it is no longer in his possession and it is not permissible for him to take it back. But if the jewellery still belongs to your father but he gave it to her as a loan, then he has to sell it and pay off the debts or part of them, because the Prophet (blessings and peace of Allah be upon him) said: "Delay in payment of a debt on the part of a rich man is wrongdoing." Narrated by al-Bukhaari, 2288; Muslim, 1564. And he (blessings and peace of Allah be upon him) said: "Whoever takes people's wealth intending to pay it back, Allah will enable him to pay it back, and whoever takes it intending to destroy it, Allah will destroy him." Narrated by al-Bukhaari, 2387

Fourthly:

With regard to zakaah on jewellery, it is an obligation upon the owner. If it belongs to your wife, then she has to pay zakaah on it, if it reaches the nisaab (minimum threshold), which is 85 grams of gold, whether it is for adornment or otherwise. If your wife does not have any wealth other than this jewellery and she has to pay zakaah, then she must sell some of it and pay zakaah on it. For more information please see the answer to question no. 50273. The same applies to your mother.

There is nothing wrong with your wife or mother giving the zakaah to your father so that he can pay off his debts; rather that is preferable. For more information, please see the answer to question no. 43207

And Allah knows best.