

## **126 - Conditions for performing forbidden act under necessity and engaging in riba transactions**

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### **the question**

Here in Singapore, the Muslims have very little, if not any, chance to participate in non-interest based transactions. What advice can you give to us who have no choice but to be involved in these transactions for our basic needs?

### **Detailed answer**

Al-hamdu lillaah:

Every Muslim has to implement Islamic law, with all possible means, in all affairs, being social, economical, etc., in accordance with the verse: (interpretation of the meaning) "Say: My prayer, my sacrifice, my life and my death are for Allah".

On certain occasions Muslims may be ruled by a non-Islamic system, which makes it very difficult for them to practice their religion. Their example may be similar to that predicted by the prophet, (peace be upon him):

" There will come a day where a Muslim holding fast to his deen (religion) is like he who is gripping a hot coal" (Al-Tirmidhi, sahih).

When a Muslim is faced with such a situation, he should hold fast to the teachings of the Qur'an, keep himself within a good Muslim community, and strive his best to implement Islam, asking Allah's forgiveness for things he could not implement. Allah, the Merciful, has stated that (interpretation of the meaning):

"Allah does not require from a soul more than what it can bear".

When the situation becomes too difficult and over-bearing, a Muslim enters in a state of "adversity" or "necessity" (al-dharoorah) where unlawful things (al-mahdhooraat) become permissible. This is a great rule in Islam which reflects its mercy and appreciation to its

followers. However, this issue is very sensitive as many Muslims, out of their ignorance, mistreat this rule. For example they neglect the corollary which says: "The state of necessity should be dealt with in proportion to its measure." Therefore it is very important to mention the constraints and conditions under which the rule of necessity is applicable. Some of these are:

- That the level of harm associated with the unlawful action be less than that caused by the state of dharoorah.
- That the permissible degree or amount of the unlawful action he is allowed to commit be just enough to get him out of the state of dharoorah.
- That there is no other alternative in facing the state of dharoorah other than committing the unlawful act.
- That the duration of the concession be restricted to the duration of its cause.
- That the dharoorah is actually existing and not only anticipated or expected.
- When someone is faced by dharoorah and all its conditions and constraints are observed then the unlawful thing becomes lawful to him.

Here are few practical examples to illustrate the above:

- It is permissible for the Muslim to eat from the dead animal if he finds nothing halaal to eat, and he will die if he doesn't eat
- It is permissible for a Muslim to utter the words of kufr (disbelief) when he is under a painful torturing that he cannot bear.
- It is permissible to deposit the money at the banks to save them from being lost or stolen, although that is considered to be helping the banks in their haraam interest transactions.
- It is permissible to enroll in car insurance (considering that most of the forms of car insurance are not acceptable in Islam) if he is in bad need to have a car and he is not allowed to drive one without insurance.
- It is permissible to complain to the "civil courts" (although they may not be implementing the Islamic law) to obtain one's rights if they is no other means to do so, provided one has the sound belief that there is no judgment except that of Allah.

Since the question inquires about transactions in particular, it is worth noting the following:

- It is never permissible to ask for riba nor to accept it under any circumstances. Such unlawful action is not permissible under any need.
- Minimizing the risk, or having more convenience are not valid excuses to enter into unlawful contracts, like those involving riba.
- Improving the income or promoting the profits are also not valid excuses to adopt unlawful ways of earning. Let's remember that a little blessed halaal earning is better than many folds of haraam earning.

Finally we have to say that it is the duty of Muslims everywhere to strive to find lawful alternatives to alleviate the state of dharoorah and save themselves from the need to adopt unlawful ways.

We ask Allah to give us of His bounties what keeps us sufficed and satisfied, and not to make us in need of anyone other than Him. Ameen.