371385 - Is it permissible for him to take a riba-based loan, because he has accumulated debts and bills for rent and electricity, and he may be evicted from his home?

the question

I have a job, but my salary is very low. I have many debts, I owe rent for two years and I have outstanding bills for electricity and water. I have tried all means, but unfortunately no one will lend me money, because they know that I cannot pay them back. The problem has to do with rent and electricity. Is it permissible for me to take out a riba-based loan to pay the rent and electricity bills, for fear that my children and I will be evicted, and for fear of shame?

Detailed answer

Firstly:

Allah, may He be exalted, has permitted doing that which is prohibited in the case of necessity, as He, may He be glorified, says (interpretation of the meaning):

{But whoever is forced [by necessity], neither desiring [it] nor transgressing [its limit], there is no sin upon him. Indeed, Allah is Forgiving and Merciful} [al-Baqarah 2:173]

{... He has explained in detail to you what He has forbidden you, excepting that to which you are compelled} [al-An'aam 6:119].

That includes riba and other things that are prohibited.

It says in *al-Mawsoo'ah al-Fiqhiyyah* (6/167) that it is permissible for one who is compelled and has no other option to deal with riba because of necessity, and the sin is on the one who lends, not the one who borrows. End quote.

Secondly:

Necessity refers to when a person is at risk of death, loss of some limb or physical faculty, lengthy imprisonment, or chronic sickness if he does not avail himself of a certain thing. This is what makes it permissible to do that which is prohibited, not mere need or hardship.

Az-Zarkashi (may Allah have mercy on him) said: Necessity is that which meets a point where, if the person does not avail himself of that which is prohibited, he will die or come very close to dying, such as the one who is compelled to eat or wear [something that is ordinarily prohibited], in a situation where, if he were to remain hungry or naked, he would die or lose a limb or physical faculty. This makes it permissible to avail himself of that which is [ordinarily] prohibited.

Need refers to when a hungry person will not die if he does not find food, but he will be faced with hardship and difficulty. This does not make it permissible to do that which is prohibited." (A*l-Manthoor fi'l-Qawaa'id* 2/319).

It says in *Nazariyat ad-Daroorah ash-Shar'iyyah* (p. 67): Necessity refers to when a person is exposed to danger or extreme hardship in such a way that there is the fear of harm to life, limb, honour, intellect, or wealth, and so on. In that case he is obliged or permitted to commit that which is [ordinarily] prohibited or to omit or delay an obligatory religious duty until the time for it ends, in order to ward off from himself harm that he thinks will most likely befall him, within Islamic guidelines. End quote.

It does not appear to us that you have reached this level of necessity that makes it permissible to commit this grave major sin, namely riba. What you must do is look for permissible means, such as a workers' benevolent fund, or tawarruq, which means buying something to be paid for in instalments, then selling it for cash to someone other than the first seller, and other means such as finding a second job, seeking help from relatives, or presenting your case to some doers of good and charitable people, asking them to pay off your debt from their charity and zakaah, especially if they realise that you may be evicted from your home.

Fear of shame is not an excuse for dealing with riba.

Moreover, your idea of taking a riba-based loan is not going to solve your problem; rather it is more likely to complicate it further. If you think that no one will give you a goodly (interest-free) loan, because they know that you will not be able to pay your debt, then how will you pay off the instalments on a riba-based loan that incurs interest? How will you deal with that? Undoubtedly you will get into a new vicious circle of loans, taking one loan to pay off another and so on, until you have no options left except bad options or prison. This is like what the Prophet (blessings and of Allah be upon him) said to the person who asked him about treating sickness with khamr (alcohol); he said to him: “It is not a remedy; rather it is a disease.” Narrated by Muslim (1984).

You have to take stock of yourself and think of your situation and your relationship with your Lord, how you spend money and how that led you to taking out loans.

We ask Allah, may He be exalted, to make things easy for you, pay off your debts and suffice you with that which is halaal so that you have no need for that which is haraam.

And Allah knows best.