379362 - Ruling on the bank giving 2% extra to the recipient of a wire transfer from overseas

the question

I am from Bangladesh, and I have a brother who is working in Qatar. When he sends money from there, there is an increase of two riyals for every hundred. This wire transfer is called “rapid transfer” through a service called Money Gram. When my brother transfers the money through this service, they ask him for the name of the recipient, then they give him a code. I take this code to one of the banks that deal with them, and I collect the money. My question is: What is the ruling on accepting the extra amount that is added to this transfer?

Detailed answer

We have never come across anything like what you have mentioned. Usually the bank deducts something from the money transferred, and does not add to it. What appears to be the case is that there is nothing wrong with that, so long as this extra amount is not stipulated, and it is given when the entire amount is withdrawn, especially if the transfer is rapid and it is not stipulated that the money be left with them for a specific period.

The relationship between the customer and the bank to whom the money is handed over is that of hiring a service.

Dr. ‘Abd al-Kareem ibn Muhammad as-Samaa‘eel said: Regarding the contract between the bank and the customer, the relationship between them is based on hiring. So in effect, the customer hires the bank to receive the money that is transferred and hand it over to him, and the bank receives its fees when the customer receives the money." (A*l-‘Umoolaat al-Masrafiyyah*, p. 262).

There is nothing wrong with accepting a gift from the one whom you hired.

Assuming that the money that the bank receives from the transfer may be regarded as a loan from the customer to the bank, as is the case with money deposited in current accounts – which is an assumption that we disagree with – there is nothing wrong with the gift or extra amount

that the borrower pays when paying off the loan, without that being stipulated beforehand. What is prohibited is if that is stipulated beforehand, or it is given whilst the loan has not yet been paid back.

The basic principle regarding that is the hadith of Abu Raafi‘ (may Allah be pleased with him), who said that the Prophet (blessings and peace of Allah be upon him) borrowed a young camel from a man, then some zakaah camels were brought to him. He told Abu Raafi‘ to give the man a young camel equivalent to his camel, and Abu Raafi‘ came back to him and said: I cannot find anything among them but camels that are older (seven years old). He said: “Give it to him, for the best of people are those who are best in paying off their debts.” Narrated by Muslim (1600).

Ibn Qudaamah (may Allah be pleased with him) said: If he gave him a loan without any stipulation, and he paid back something better in terms of quantity or quality, or less than that, with mutual consent, that is valid." (A*l-Mughni* 4/242).

Conclusion: There is nothing wrong with accepting this gift or extra amount.

But if the money remains in the bank, in a current account, it is not permissible to accept this gift, because leaving the money in the account is regarded as a loan, and it is not permissible to accept gifts for a loan during the period of the loan.

See also the answer to question no. 106418 .

And Allah knows best.