101651 - Returning Money Taken Without Permission

the question

A person has given me money to put in my saving account in an Islamic bank, and then he will take the profits. I needed some of this money and my intention was to estimate the amount of profit of the amount of money I used, and add it to the profits that will be given by the bank when the time of distributing profits in 3 months comes, and give it all to him. Is this permissible? Does it include riba (usury) at all? This person does not know anything about this, and I am giving this to him happily considering it a gift?

Detailed answer

Praise be to Allah.

Firstly:

You did wrong when you took the money without your friend's knowledge, because it was a trust (amanah) that was given to you, so it was not permissible for you to transgress against it. By transgressing against the trust you became liable for it, so you have to return the same amount, but you do not have to give anything more than that, unless you took the money and profited from it, in which case the profit must be given to the owner of the money. This is according to the view of some fuqaha (jurists) who think that the profit on usurped wealth and that which comes under the same ruling should not be taken by the usurper, rather it belongs to the owner of the money. You may tell the owner of the money what has happened, then agree on the way in which the profits are to be shared out.

See also the answer to question no. 87695.

If you took the money and did not make any profit from it, then you must return the same amount, and there is nothing wrong with giving something extra as a gift.

Secondly:

You have to repent to Allah for transgressing against this trust. The conditions of repentance include resolving not to do it again, because repentance is not valid if you continue taking your friend’s wealth without his knowledge. You must also tell your friend and ask for his forgiveness, unless you are afraid that telling him will lead to negative consequences, such as his cutting you off, in which case it is sufficient to return the money only.

And Allah knows best.