130222 - Ruling on avoiding paying penalties and fines for traffic infractions

the question

Here in the UK we can get a penalty ticket from the council and a fine if we park our cars in some places in the street that are prohibited or at certain times of the day. Even if the street is empty and you are not causing harm or an obstruction to anyone you can still be given a ticket ordering you to pay up to £60 (almost $100 and sometimes more) which can be difficult to pay sometimes. Therefore if we ingore paying them without any harm coming from that is it permissible or is it a right of theirs to issue these fines?.

Detailed answer

Praise be to Allah.

The fines that are imposed on people for breaking the traffic rules are regarded as a kind of ta’zeer (disciplinary punishment) in the form of a financial penalty.

There is a difference of opinion among the scholars as to whether that is permissible.

What Shaykh al-Islam Ibn Taymiyah and his student Ibn al-Qayyim suggested was that it is permissible because of a great deal of shar’i evidence to that effect.

See: Majmoo’ al-Fataawa (28/109); al-Turuq al-Hukamiyyah, p. 386.

This has been discussed previously in the answers to questions 21900 and 69872.

Based on that, it is not permissible for anyone who has committed any kind of traffic infraction to evade paying the resulting penalty.

In one of the statements of the Islamic Fiqh Council it says: The public interest dictates that there should be some deterrent regulations, one of which is financial penalties for the one who commits

an infraction against these traffic rules and regulations, so as to deter those who put people's safety at risk on the streets and in marketplaces, such as those who drive vehicles or any other means of transportations, on the basis of the hisbah rulings. End quote.

It is well known that the traffic regulations forbid parking cars in certain places so as to prevent accidents or crowding, or to serve other purposes, so it is essential to follow the system so as to protect the safety of all.

Determining whether or not harm is caused by parking in this place is not something to be decided by individuals; rather it is to be decided by the people in charge of these affairs.

The one who goes against those regulations and has a fine imposed on him is not permitted to try to evade it, because it is a punishment that is imposed on him rightfully.

And Allaah knows best.