

The person being unable to pay off his debts

The person being unable to pay off his debts

Shaykh Aboo `Abd-al-Mu`iz `Alee Farkous al-Qoobee

Article taken and slightly adapted from: ferkous.com

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allaah, the Most Merciful, the Bestower of Mercy

Question: Is it permissible for a person whose debts are accumulated and has no means to repay them to get a loan from the bank? May Allaah reward you.

Answer: All praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon whom Allaah sent as a mercy to the Worlds, upon his Family, his Companions and his Brothers until the Day of Resurrection.

As long as the debtor is insolvent and has difficulty in paying his loans off, then he is obliged- when the creditors ask to repay the loans and do not pardon them- to extract the additional money that exceeds his need and his family's to repay the debts and leave only the necessary for livelihood. But, if he fails to repay them, the creditors have to wait until he will be in easy financial circumstances, for Allaah تعالى says:

وَإِنْ كَانَ ذُو عُسْرَةٍ فَنَظِرَةٌ إِلَىٰ مَيْسَرَةٍ وَأَنْ تَصَدَّقُوا خَيْرٌ لَّكُمْ إِنْ كُنْتُمْ تَعْلَمُونَ

[And if someone is in hardship, then [let there be] postponement until [a time] ease. But if you give [from your right as] charity, then it is better for you, if you only knew]¹

Indeed, every person who is in hardship should be allowed deferment [till his ease]. Furthermore, Muslim reported from the hadeeth of Aboo Sa'eed Al-Khudree رضي الله عنه who said: "In the time of Allaah's Messenger صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ a man suffered loss in fruits he had bought and his debt increased; so Allaah's Messenger صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ told (the people) **to give him charity** and they gave him charity, but that was not enough to pay the debt in full, whereupon Allaah's Messenger صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ said to his creditors: "**Take what you find, you will have nothing but that**".²

However, this ruling concerns the case of the person who has no money and of explicit poverty. What has to be done -in this situation- is postponement and waiting time of ease of the debtor. Allaah عزَّ وجلَّ recommended in the previous verse to give charity to the insolvent debtor and made that better than postponing him. Rather, he is counted -with this consideration- among the poor debtors who deserve the obligatory charity [Zakaat]. Therefore, the person should not resort to the bank to repay his loans because Sharee'ah (Islaamic law) blocked all ways [that lead] to what is prohibited. In addition, the bank does

¹ Soorah al-Baqaraah[2:280]

² Reported by Muslim (1556) from the hadeeth of Aboo Sa'eed Al-Khudree رضي الله عنه.

The person being unable to pay off his debts

not add to the debtor but worry and grief with its usurious loan and the bank will be added - at the end- to the list of his creditors.

Finally, you have to strive and fear Allaah تعالى indeed:

وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا ۚ وَيَرْزُقْهُ مِنْ حَيْثُ لَا يَحْتَسِبُ ۚ وَمَنْ يَتَّوَكَّلْ عَلَى اللَّهِ فَهُوَ حَسْبُهُ ۗ إِنَّ اللَّهَ بُلِغُ أَمْرِهِ ۗ قَدْ جَعَلَ اللَّهُ لِكُلِّ شَيْءٍ قَدْرًا

[And whoever fears Allaah, He will make for him a way out. And will provide for him from where he does not expect. And whoever relies upon Allaah, then He is sufficient for him. Indeed, Allaah will accomplish His purpose. Allaah has already set for everything a [decreed] extent]³

We supplicate Allaah to open for you the doors of good and blessings and to grant you enough of what He makes lawful so that you may dispense with what He makes unlawful.

The perfect knowledge belongs to Allaah عزَّ وجلَّ; and our last prayer is all the praises and thanks are to Allaah, the Lord of the Worlds, and prayers of Allaah are to Muhammad and his Family, Companions and Brothers until the Day of Resurrection.

Algiers on: Muharram 23rd, 1430 H Corresponding to January the 20th, 2009 G.

³ Soorah at-Talaaq[65:2-3]