

Giving bribe in order to remove harm of taxes

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

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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

Question: All praise is due to Allaah and prayer and peace be upon his Prophet, his family and his companions. As-Salaam 'Alaykum wa Rahmatu Allaah Wa Barakaatuh.

What is the ruling concerning paying money for a determined person so that this latter withdraws a given document which, if stays in the records or a file of another person, leads to treating him severely through financial penalties and fiscal taxes, knowing that this determined person works in that specified administration itself?

Give us the fatwa concerning this question, may Allaah reward you with all the blessings. Please, could the answer be written if possible? Thank you.

Shaykh Aboo `Abd-al-Mu`iz `Alee Farkous al-Qoobee (May Allaah the Most High preserve him): 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:

If someone is restrained from his money –at first- then he pays someone else to seek his rescue, or to take back his right, or to remove oppression from him and he finds no other means except this to reach it, and the one who helps him is an employee in the administration where the injustice happened, [in this case] the receiver only is a sinner whereas the giver is not, as the latter was obliged to reach his right in any way. The proof that he is a sinner is the hadeeth reported by Aboo Daawood and Al-Haakim who judged it authentic from the narration of Burayda on the authority of his father that the Prophet (peace and blessings of Allaah be upon him and his family) said: “**He who we recruit and provide him with a sustenance -i.e.: give him a salary- whatever he takes after that is Ghulool¹ (unlawful)**”². In the other hand, the evidence that the giver is not committing a sin is the hadeeth of the insisting people who didn't deserve the charity but the Prophet (peace and blessings of Allaah be upon him and his family) gave them when they asked him. He said: “**One of you comes out with his charity that I gave it to him, taking it under his armpit, but indeed it is for him a fire**”. Then, 'Umar (May Allaah be pleased with him) inquired: Ô prophet

¹ Ghulool: is what is taken from the war booty before its distribution. Translator's note.

² Reported by Aboo Daawood, from the hadeeth of Burayda (May Allaah be pleased with him). This hadeeth is judged authentic by Al-Albaanee in “Saheeh Al-Jaami' ” (5899) and in “Saheeh At-Targheeb Wat-Tarheeb” (779).

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of Allaah, how would you give it to him and you knew that it is for him a fire? He (*peace and blessings of Allaah be upon him and his family*) answered: **“What may I do? They refuse except asking me and Allaah rejects for me stinginess”**³. However, the continuation on doing this work is not permissible if he knows that injustice is not removed except with it because of it is a support for the aggression and taking people’s money unlawfully. In addition, the continuation in doing it inherits acceptance of the disobedience, and the wrong turns into the right and the right turns into the wrong that cannot be changed even with the weakest faith. So this means is judged forbidden in order to obstruct the way to the excuse.

This being said and finally, the duty requires helping the oppressed by bringing him out of the oppression and not help him in oppression and aggression that are forbidden according to the verse. It is reported in Saheeh Al-Bukhaaree that the Prophet (*peace and blessings of Allaah be upon him and his family*) said: **“Help your brother whether he is an oppressor or is oppressed”**. The companions inquired: Ô messenger of Allaah, we help him when he is oppressed, but how can we help him when he is an oppressor? He (*peace and blessings of Allaah be upon him and his family*) said: **“You can keep him from committing oppression that will be your help to him”**⁴.

The perfect knowledge belongs to Allaah (*Mighty and Majestic is He*); 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: Ramadhan 21st, 1417 H

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³ Reported by Ahmad (11296) and by Ibn Hibbaan (840), from the hadeeth of Aboo Sa'eed Al-Khudree (*May Allaah be pleased with him*). This hadeeth is judged authentic by Al-Albaanee in “Saheeh At-Targheeb Wat-Tarheeb” (1/498) and in “Ghaayat Al-Maraam” page (266) number (463).

⁴ Reported by Al-Bukhaaree (2443) and (6952) and by At-Tirmidhee (2255) from the hadeeth of Anas Ibn Maalik (*May Allaah be pleased with him*). It is also reported by Muslim (6747) from the hadeeth of Jaabir (*May Allaah be pleased with him*).