

Is it Permissible to Demand or Accept a Loan Amount After Having Forgiven it?

Darulifta Ahlesunnat (Dawateislami)

Question

What do the scholars of Islam say regarding the following matter: I had lent some money to a friend. Later, on one occasion, I told him, "I do not need the money; I have forgiven my loan," and my friend did not reply at that time. Now, after some time, I am in dire need of money. According to Islamic law, is it permissible for me to demand this loan again? And if I do not demand it, but he returns the money himself, is it permissible for me to accept it? Please provide Islamic guidance.

Answer

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
الْجَوَابُ بِعَوْنِ الْمَلِكِ الْوَهَّابِ اللَّهُمَّ هِدَايَةَ الْحَقِّ وَالصَّوَابِ

In the above-mentioned situation, the loan has been legally forgiven, so it is not permissible to demand it again. However, if your friend still wishes to give the amount as an act of grace, then it is permissible for you to accept it.

However, if it becomes apparent from the circumstances or other signs that he is repaying the amount under the assumption that the debt is still incumbent upon him, then it is obligatory for you to inform him that, according to Islamic law, the loan has been forgiven. In such a case, accepting the amount without informing him is unlawful, and if you accept it, you will be obliged to return it. If, even after informing him, he agrees to give it, then there is no harm in accepting it, but this will not be considered the repayment of the loan; rather, it will be a favour on his part.

When a creditor gifts or forgives the debtor of his debt, according to Islamic law, the debt is forgiven. The acceptance of the debtor is not required for its implementation; it is only necessary that he does not reject it.

If a Muslim gives something to another person under the belief that giving it is obligatory upon them, but it is not obligatory in reality, and the other person is aware of this, then it is unlawful and strictly forbidden (ḥarām) for the other person to take it. If they still take it, it will not enter their ownership, and they will be obliged to return it.

وَاللَّهُ أَعْلَمُ عَزَّ وَجَلَّ وَرَسُولُهُ أَعْلَمُ صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَآلِهِ وَسَلَّمَ

(Allah Almighty knows best and His Messenger صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ knows best.)

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