



# Darul Ifta AhleSunnat

(Dawateislami)

Ref No. **UK02**

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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## AN IMPERMISSIBLE CASE OF INSURANCE FROM A NON-MUSLIM COMPANY

What do the scholars of Islam say about the following issue that I want to take out a form of life insurance. I am 60 years old and I have bought a house on mortgage for which I have to give approximately £250,000 and I am currently not able to pay back this debt, nor will my wife be able to pay it back after my death. If I die like this then the bank will sell my house, but if the house sells for more than the debt amount then they will return the extra amount, or we will have to sell the house ourselves and pay the debt back. In both cases, my family members will not be able to live in that house after I die. However, If I take out life insurance on that mortgage then there can be a chance of betterment.

The process for this is that the life insurance would be from a non-Muslim company and their policy plan is for 15 years, i.e. for taking a 15 year policy I would have to give £100 per month which is equal to £18,000 across the 15 years. If I die in these 15 years, the company will pay off my entire mortgage amount to the bank, and if I don't die in this time period, then the insurance company will not give me anything. However, it will be possible for me to take out another policy for the next 15 years. In this way I can take out the policy again after every 15 years. In the light of all this information, is it permissible for me to take out this policy or not?

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الجواب بعون الملك الوهاب اللهم هداية الحق والصواب

According to the situation mentioned in the question, it is completely impermissible and a sin to take out this insurance policy because in essence this is a type of gambling, i.e. it consists of putting one's wealth at risk, and the possibility exists for both sides that their wealth would be taken by the other, and this is gambling.

In this situation, even though this transaction would be with a non-Muslim company, but because the benefit of the Muslim is not prevailing, it is still impermissible. In fact, in this case, the possibility of benefit is the same as the possibility of loss, i.e. in the case of not remaining alive for 15 years, there is benefit for muslim, but if you remain alive then you will face loss, in that your wealth will have gone to a non-Muslim for no reason, and such a contract is not permissible between a Muslim and a non-Muslim in which the Muslim faces loss. Whether you take out the policy once or twice, since the same situation will occur each time, therefore the

ruling will also be the same. However, if there is a case in which there is predominant assumption that the Muslim will benefit, doing such a contract with a non-Muslim can be permissible, however currently your situation is not like that based on the information provided in the question.

Allah Almighty states in the Holy Quran:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْبَيْسُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ-

Translation of Kanz ul Iman: O believers! Wine, and gambling, and idols, and fortune-telling arrows are but impure; the works of Shaytan, therefore keep avoiding them in order that you may attain success. (Surah al-Maaidah, verse 90)

Imam ibn Hajar Haytami رحمه الله عليه writes in his book az-Zawajir:

“والميسر القمار بأي نوع كان،..... وروى البخاري أنه - صلى الله عليه وسلم - قال: «من قال لصاحبه تعال أقامرك فليصدق»

Translation: الميسر, this is gambling, whichever type it may be...and Imam Bukhari narrated that the Prophet صلى الله عليه وسلم said: “Whoever says to his companion, ‘Come, I’ll gamble with you’, he should give charity.” (az-Zawajir, vol. 2, pg. 329, Dar ul Fikr, Beirut)

Allama ibn Abideen Shami رحمه الله عليه writes:

“لأن القمار من القمر الذي يزداد تارة وينقص أخرى، وسمي القمار قماراً لأن كل واحد من المقامرين ممن يجوز أن يذهب ماله إلى صاحبه، ويجوز أن يستفيد مال صاحبه وهو حرام بالنص

Translation: Qimar (the Arabic word for gambling) is from Qamar (meaning, moon) which at times increases and at times decreases. Qimar is called Qimar because it is possible for either of the two sides involved to lose their wealth to their counterpart, and it is possible for either of them to gain the wealth of their counterpart, and this is Haram due to Nass (textual evidence). (Radd ul Muhtar, vol. 6, pg 403, Dar ul Fikr, Beirut)

He writes further in another place:

“قال في فتح القدير: لا يخفى أن هذا التعليل إنما يقتضي حل مباشرة العقد إذا كانت الزيادة ينالها المسلم..... وقد

الزم الأصحاب في الدرر أن مرادهم في حل الربا والقمار ما إذا حصلت الزيادة للمسلم نظر إلى العلة“

Translation: The author of Fath ul Qadeer states: It is not hidden that the mentioned reasoning requires that such a contract is only permissible when the benefit and additional amount is attained by the Muslim. Whilst teaching, our scholars would make sure to mention that when the Fuqahaa say that interest and gambling (between a Muslim and non-Muslim) is permissible they mean when the benefit and additional amount is attained by the Muslim, in terms of its reasoning. (Radd ul Muhtar, vol.5, pg. 186, Dar ul Fikr, Beirut)

Sadr ush Shariah, Badr ut Tariqah, Mufti Amjad Ali Azami رحمه الله عليه writes regarding a type of life insurance:

Translation: “There are two cases here, in the case of death; the inheritors receive the full amount that was specified, even if the full amount was not yet paid. This is a case in which there is benefit, however in the other case in which if for some reason a person stops paying them, then even that which was paid is not fully received. This case is purely one of loss, and the permissibility of attaining wealth from non-believers through an invalid contract is only when the benefit is for the Muslim.”

(Fatawa Amjadiyya, vol.3, pg. 238, Maktaba Razaviyya, Karachi)

He writes further at another place:

Translation: “There are many types of life insurance. Some have the possibility of benefit or loss, and these are impermissible, and in some there is no loss, in which any additional amount gained is permissible if done with non-believers.”

(Fatawa Amjadiyya, vol.3, pg. 239, Maktaba Razaviyya, Karachi)

Imam e Ahlesunnat, Sayyidi Alahazrat Imam Ahmad Raza Khan رحمۃ اللہ علیہ, explaining the ruling on life insurance, writes,

”جس کمپنی سے یہ معاملہ کیا جائے اگر اس میں کوئی مسلمان بھی شریک ہے تو مطلقاً حرام قطعی ہے کہ قمار ہے اور اس پر جو زیادت ہے ربا، اور دونوں حرام و سخت کبیرہ ہیں۔ اور اگر اس میں کوئی مسلمان اصلاً نہیں تو یہاں جائز ہے جبکہ اس کے سبب حفظ صحت وغیرہ میں کسی معصیت پر مجبور نہ کیا جاتا ہو جو اس لئے کہ اس میں نقصان کی شکل نہیں، اگر بیس برس تک زندہ رہا پورا روپیہ بلکہ مع زیادت ملے گا، اور پہلے مر گیا تو ورثہ کو اور زیادہ ملے گا“

Translation: If any Muslim has a share in the company with which the contract is done, then it is Haram Qati in general, as it is gambling and any additional amount gained is interest, both of which are Haram and severe major sins. If there is no Muslim in that company at all, then it is permissible as long as there is no force due to it to commit any sin for the protection of health. It is permissible because there is no situation of loss. If he stays alive for 20 years he will receive the full amount back with addition, and if he dies before that his inheritors will receive even more.

(Fatawa Razaviyya, vol. 23, pg. 595, Raza Foundation, Lahore)

In this verdict, Imam e Ahlesunnat declared the insurance between a Muslim and a non-Muslim as permissible, but he mentioned the reason to be that there is no situation of loss for the Muslim, and therefore it is permissible. However, the situation in the question has the possibility of loss for the Muslim as well, due to which conducting such a contract even with a non-Muslim company is impermissible.

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کتبہ

المتخصص فی الفقہ الاسلامی

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02 ذوقعدۃ الحرام 1440ھ / 07 جولائی 2019ء

الجواب صحیح  
مفتی محمد قاسم عطاری

**Note:** This Fatwa was originally written in Urdu. This is its English translation.