

Repenting From Bribery Without Returning The Bribe-Money To Its Owner

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What do the scholars of Islam say regarding the following issue: an individual, under the influence of his Baser-self and Satan, has taken money as a bribe and now wishes to seek forgiveness for this sin. Can the bribe money be given as charity to a Sharee Faqeer (i.e. a poor individual according to Shariah)?

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
الجواب بعون الملك الوهاب اللهم هداية الحق والصواب

Taking a bribe is Haram and it leads one to Hell. Also, it must be known that the bribe-taker does not become the owner of the bribe money. The first obligation upon the bribe-taker is to sincerely repent from this sin. Then, he must return the bribe money to the rightful owners. If the owners are no longer alive, it should be returned to their heirs. If the original owner is present, giving the bribe money to a Sharee' faqeer (i.e. a poor person according to Shariah) instead of returning it to the owner will not absolve the bribe-taker of his responsibility. However, if the original owner and his heirs cannot be

located despite exhaustive efforts, and he does not have any hope of finding them in future as well, only then may the money be given as charity to a Sharee Faqeer on behalf of the owner. Nonetheless, if the owner or his heirs are found later and they do not approve of the charity, the amount must be returned to them.

Allama Shami رحمۃ اللہ علیہ while explaining the ruling regarding returning the bribe money to its owners states:

ویردونہا علی اربابہا ان عرفوہم والا تصدقوا بہا لان سبیل الکسب الخبیث
التصدق اذا تعذر الرد علی صاحبہ

Translation: They should return it to its owners if they are known; otherwise, they should give it in charity. This is because the only way to rid oneself of ill-gotten wealth when returning it to the owner is impossible, is to give it in charity.

(Radd-ul-Muhtar with Durr-ul-Mukhtar, Vol. 9, p. 635, published in Peshawar)

While explaining the ruling on bribe money, Imam-e-Ahle-Sunnat Imam Ahmad Raza Khan رحمۃ اللہ علیہ states:

جو مال رشوت یا تغنی یا چوری سے حاصل کیا اس پر فرض ہے کہ جس جس سے لیا اُن پر واپس کر دے،

وہ نہ رہے ہوں اُن کے ورثہ کو دے، پتہ نہ چلے تو فقیروں پر تصدق کرے، خرید و فروخت کسی کام میں اُس مال

کا لگانا حرام قطعی ہے، بغیر صورت مذکورہ کے کوئی طریقہ اس کے وبال سے سبکدوشی کا نہیں۔۔۔

Translation: It is Fardh to return money obtained through bribery, singing, or theft to those from whom it

was taken. If they are not alive, it should be given to their heirs. If neither the owner nor the heirs can be identified, it must be given in charity to the poor. It is Haram Al-Qatee (categorically prohibited) to use such money for any transactions, and there is no way to absolve oneself of its burden except through the mentioned methods."

When the original owner is present, it is necessary to return the bribe money to him. Imam Ahmad Raza Khan رحمۃ اللہ علیہ while answering the same question also mentions the rationale of it and states:

وذلك لان الحرمة في الرشوة وامثالها لعدم الملك اصلا فهو عنده كالمغصوب

فيجب الرد على المالك او ورثته ما امكن

Translation: This is because the prohibition in bribery and similar transactions arises due to the lack of rightful ownership. Thus, the bribe money is like misappropriated wealth for the bribe-taker. Therefore, it is wajib upon him to return it to the rightful owner or to his heirs to the best of his ability.

(Fatawa Razawiyyah, Vol. 23, p. 551, Raza Foundation, Lahore)

Regarding sincere repentance and its conditions, Imam Ahmad Raza Khan رحمۃ اللہ علیہ states:

”سچی توبہ اللہ عزوجل نے وہ نفیس شے بنائی ہے کہ ہر گناہ کے ازالے کو کافی و وافی ہے، کوئی گناہ ایسا

نہیں کہ سچی توبہ کے بعد باقی رہے یہاں تک کہ شرک و کفر۔ سچی توبہ کے یہ معنی ہیں کہ گناہ پر اس لیے کہ وہ

اس کے رب عزوجل کی نافرمانی تھی، نادم و پریشان ہو کر فوراً چھوڑ دے اور آئندہ کبھی اس گناہ کے پاس نہ جانے کا سچے دل سے پورا عزم کرے، جو چارہ کار اس کی تلافی کا اپنے ہاتھ میں ہو بجالائے مثلاً نماز روزے کے ترک یا غصب، سرقہ، رشوت، ربا سے توبہ کی تو صرف آئندہ کے لیے ان جرائم کا چھوڑ دینا ہی کافی نہیں بلکہ اس کے ساتھ یہ بھی ضرور ہے جو نماز روزے ناغہ کیے ان کی قضا کرے، جو مال جس جس سے چھینا، چرایا، رشوت، سود میں لیا انہیں اور وہ نہ رہے ہوں تو ان کے وارثوں کو واپس کر دے یا معاف کرائے، پتانہ چلے تو اتنا مال تصدق کر دے اور دل میں نیت رکھے کہ وہ لوگ جب ملے اگر تصدق پر راضی نہ ہوئے اپنے پاس سے انہیں پھیر دوں گا۔“

Translation: True repentance is a precious thing conferred upon us by Allah Almighty and it is sufficient to erase every sin. Every sin will be removed because of true repentance. Even polytheism and disbelief will be removed. True repentance means feeling remorse and distress for the sin and immediately abandoning it because it is a disobedience to Allah along with a firm intention for never returning to it. Additionally, one must rectify whatever is within his power. So if he has repented from skipping salahs and fasts or from usurping someone's property, stealing, or taking a bribe or receiving interest, than he not only has to quit all these sins but also has to make up for missed salahs and fast as well and in case of usurping, stealing someone's property, taking bribe and receiving interest, he has to either return the amount to its rightful owners or their heirs if the owners are missing or request them to forgive him

all that money . In case the owner or their heirs cannot be found, then the amount should be given in charity. But one must have the intention that if those people are later found and do not approve of the charity, he will return the amount to them.

(Fatawa Razawiyyah, Vol. 21, p. 121, Raza Foundation, Lahore)

”جس شخص نے ظلم یا رشوت کے طور پر مال حاصل کیا ہو، مرنے کے بعد اس کا مال ورثہ کو نہ لینا چاہیے کہ یہ مال حرام ہے۔ بلکہ ورثہ یہ کریں کہ اگر معلوم ہے کہ یہ مال فلاں کا ہے تو جس سے مورث نے حاصل کیا ہے، اسے واپس دے دیں اور معلوم نہ ہو کہ کس سے لیا ہے تو فقراء پر تصدق کر دیں کہ ایسے مال کا یہی حکم ہے۔“

Translation: The wealth acquired through oppression or bribery should not be inherited by the heirs after the person's death, as it is Haram wealth. Instead, the heirs should return the money to its rightful owners if they are known. If the owners cannot be identified, the money should be given in charity to the poor, as this is the ruling for such wealth.

(Bahar-e-Shariat, Vol. 3, p. 481, Maktaba-tul-Madina, Karachi)

واللہ اعلم عزوجل ورسولہ اعلم صلی اللہ تعالیٰ علیہ وآلہ وسلم

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