MONTHLY AHKAM | FEBRUARY 2022 - 2 /Feb/ 2022

To Have more than One Khums Year

Question1: In addition to a fixed khums year, is it possible to set a separate khums year for the profit of a separate business?

Answer: If the income and expenditure of each earning/business are calculated separately and independently, one can set a separate khums year for each business.

Internet Taxi

Question2: If I request a car from a telephone or internet taxi company, but I ignore my request or cancel it due to excessive delay (about half an hour) and leave the waiting area before the car arrives, am I liable to anything?

Answer: If you have specified to have it within a certain period of time or there is a normal time for it, you are not liable if it delayed more.

Khums on Extra House

Question3: If a person hands over his dilapidated house to someone to build several apartments on the land and receives two apartments in compensation for the house; Does the extra apartment that is not for personal use liable to khums?

Answer: If you intended to earn profit (sell the extra apartment) and the customer is available to buy it, you must pay khums on the profit after deducting inflation. But if you did not intend to sell it and only wanted to rent it out, it is not subject to khums before you sell it. After the sale, the increase in its price (after deducting the principal and the inflation) will be considered as the income of the year of sale.

Right to Divorce

Question4: Can a girl stipulate within the marriage contract that she has the right to divorce if her husband marries another woman?

Answer: It is void to stipulate a woman's right to divorce. Yet, she can stipulate within the marriage contract that she will be his agent and attorney if he marries another woman so that she can divorce herself on the behalf of her husband. In this case, the condition is correct.

To Sell Likes and Followers

Question5: What is the ruling on selling real/fake likes and followers?

Answer: If it is real one, it is not a problem in itself provided that it does not entail any vile consequence. However, if it is fake, it is not permissible.

Khums on Deposit

Question6: Is there any khums on the money that the tenant has to lend to the landlord to rent the house, i.e. the deposit?

Answer: If the tenant is not able to pay the full rent or the landlord does not accept, khums will not be paid on the amount of money that he has to lend to the landlord according to the rent contract to have a house/apartment compatible with his status as per common view, and it is ruled as ma'ūnah.

To Deprive One's Child of Inheritance

Question7: Can a father deprive his child of inheritance or give some children more than the others?

Answer: Depriving some heirs of inheritance is not permissible in the holy law of Islam and is void. But anyone can give his property as a gift to some children or other people before he dies and hand it over to them. Of course, one should not act in such a way as to cause discord and enmity among the heirs.

Khums on Business Tools

Question8: Is it enough to pay khums on business tools once or we have to pay khums on their appreciations every year?

Answer: After paying their khums, they are not subject to khums until they are sold, and after selling, the appreciations (after deducting inflation) are considered as a part of income of the year of sale. If it is not spent on the life expenses during this khums year, it is liable to khums.

Khums on Proceeds from Gifts/Inheritance

Question9: I had a piece of land given to me by my father as a gift and after a while I sold it. Is the money gained from the sale of land subject to khums?

Answer: The amount of money equal to the price of land at the time of donation is not liable to khums. However, if you kept the land with the intention of increase in the price or buying and selling, its appreciation, according to obligatory caution (after deducting inflation), is a part of the income of the year of sale and is subject to khums unless it is spent on life expenses by the end of khums year. Otherwise, no khums is to be paid.

To Exchange a Gold Item for another One

Question10: Exchanging a gold item for another one, how can we avoid ribā?

Answer: If it is done in two separate transactions, there is no problem. In this way, at first a gold item is sold and then another gold item is bought.