



The first question of Fatwa no. 4997:

Q 1: We import some goods from abroad. Sometimes we receive these goods with something missing. This can be due to a number of reasons: they might have been stolen

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from the ship or the port dock; they might also have been lost or delivered to another person by mistake, or any other form of damage, such as being thrown by the captain of the ship in the sea, because he thinks this is safer for the ship, in addition to other forms of damage we might be exposed to when importing the goods or claiming the compensation for the damages from the port administration, the ship owners, the port of loading or others that might have caused this damage. It is a difficult and expensive task for us, and it needs a long time to do. So, the company claims the damages on our behalf, as they have specialized lawyers all over the world who can undertake this job and reclaim the cost of the stolen, lost or damaged goods from the person responsible for it, in return for a percentage of their value, about 1/3% of a Riyal of the total value. This agreement is concluded at the time of ordering the dispatch, and before shipping it. They take their wages for the dispatch, whether a loss is discovered in the goods or not. Is this form of agreement permissible? Given that if we sign this agreement, we guarantee that nobody will do injustice to us and we will not lose our rights, whether at home or abroad.

A: If the reality is as you have mentioned, this contract with the company

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is invalid, because it entails uncertainty and risk. The company that is going to claim the value of lost or damaged goods is going to take the money agreed upon even if the goods are delivered safely to their owners. They might also pay more or less than the sum of money agreed upon if there is a problem with the goods. The claim that the goods owners are not done injustice anyway is not true, as they might pay the money agreed upon to the company in return for nothing if the goods are safe. The company might also fail to reclaim the value of the damaged goods, unless they pay it on their own responsibility as a debt. This is another risk which might be added to the first one. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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