

LANDLORDS, TENANTS, EMPLOYERS AND EMPLOYEES

Written by Administrator
Wednesday, 08 April 2020 11:22 -

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THE GUIDANCE OF THE SHARIAH

QUESTION

We need some clarification on some issues confronting us due to this Covid-19 lockdown. We are a company with numerous retail stores countrywide. We are clothing retailers, hence do not come under the 'essential' goods category.

Since the inception of the lockdown, all our stores are closed. We have leases in place with all our landlords. Our landlords range from big property owners, malls and independent building owners. Since we are not trading at all, we have no income from these stores. Our questions are:

(1) Do we have to pay rental for this lockdown period? What is the ruling of our Shariah?

(2) We have employees who are prohibited from working due to the government's lockdown order. What is our responsibility to them according to the Shariah?

ANSWER

1) The debacle and misery are the creation of the government. The entire nation has been cast into a dilemma and hardship of an unprecedented nature. Every unit of society has been placed under the yoke of suffering and oppression.

The government is responsible for the massive disruption of the country's economy, hence it is obliged to come to the assistance of the populace although this is not expected of the authorities who are generally of an indurate attitude towards the miseries and hardships of the populace.

The Shariah takes into account reality. You have been prevented from your trading operations by the short and ill-sighted repressive law of the government. The situation is not of your making. The landlords have to understand that in the circumstances and hardship created by the government, they are not entitled to rent. The scenario in which the entire country has been plunged is a calamity, not of the making of the people. It is tantamount to *ghasab (usurpation)* perpetrated by the government which has prohibited all trading activities in the lease premises.

The Shariah takes cognizance the massive abnormality of the situation. The landlords must be considerate and not demand rental in a calamitous situation of extraordinary proportions which have ruined the economy of the country. In terms of the Shariah, both legally and morally, the landlords cannot claim rental for the lockdown period. You are not obliged to pay rent.

Should the landlords apply pressure, resort to the High Court to restrain their unjust demands.

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When there has been a complete and total brake on trading it is tantamount to the tenant not having possession of the premises.

(2) From Islam's *Akhlaaqi (Moral)* perspective, you are obliged to pay the employees. If your company has the finances to pay the employees, it is duti-bound to pay them for the lockdown period. The thawaab is immense. It is a Deeni moral obligation for which you will be abundantly rewarded by Allah Ta'ala. Take into account their suffering. They have families to feed. Employers should not act callously.

14 Sha'baan 1441 - 8 April 2020