475508 - Potential Unlawful Usage and Shared Service Fees

the question

What is the ruling on buying an apartment in a residential complex, where the owner of the apartment, like all of the owners in the building, pays regular fees to the owners' association for the maintenance of the building, including swimming pools, playgrounds, satellite TV service and so on, even though the owner himself does not watch anything on the TV in his apartment except that which is pleasing to Allah, may He be exalted? Is he sinning if other owners watch things on television that Allah, may He be Exalted, has prohibited?

Summary of answer

It is permissible to pay fees for permissible services that all the people [in the building] pay for, even if some of them use them for unlawful purposes.

Detailed answer

Praise be to Allah.

What the apartment owner pays of fees for maintenance and services to the owners' association is paying what is required of fees for the running costs of shared facilities in the building, whether that has to do with maintenance and repairs in the building or fees for what they all share of services, such as security, satellite TV and telecommunications services, and so on.

The fact that some people use some of these services in an unlawful way does not affect your making a contract (for these services) with them, because you are using these services in a lawful manner.

Your paying a fee has nothing to do with the others, because each person is paying for his own use of these services, and he is not paying for the other people, meaning that if he did not pay, the

service would be stopped for him only and would remain for those who pay the fees.

So there is no connection between you and other users, and their usage of services has nothing to do with whether you subscribe to them or not. Therefore, so long as you are using the services in a permissible way, there is nothing wrong with that.

Allah, may He be Exalted, says: {No soul earns [evil] but it is to its own detriment; no bearer of burdens can bear the burden of another} [Al-An`am 6:164].

Ash-Shawkani (may Allah have mercy on him) said in his commentary on this verse: No one is to blame if another person commits sin or does acts of disobedience except that person alone. So everything he does of evil, he is responsible for it and no one else will be blamed for it.

End quote from *Fat-h al-Qadir*, 2/211.

Moreover, these services that all the owners or tenants of the building subscribe to, some of them may use them in an unlawful way. If it is possible for you to use a different service by yourself, that you pay for yourself, and not share another service with everyone else, that is better and more prudent, even if that could possibly involve extra costs for you.

But if subscribing to all these services and whatever they require of expenditure is something that is compulsory for everyone in the residential complex, and you cannot opt out of it, this is another reason to grant you a concession, in sha Allah.

And Allah knows best.