478672 - What is the ruling on exchanging an item in a store other than the store from which it was bought?

the question

Two years ago, I bought an item of clothing, then I exchanged it for another in a different store, without the storekeeper’s knowledge. The new item was different in size and colour only, and there was no damage to the first garment; The store is in another city, three hours away. I still have the item of clothing, but the one that is in the store will have been sold. What should I do now to put things right? Please note that I am a young woman and it is difficult for me to reach the storekeeper, and I am afraid that he may cause me harm. In my country the prices change daily, so should the compensation be in my local currency or in dollars?

Detailed answer

Praise be to Allah.

Exchanging the garment in another store is not permissible, and your taking the other item was unlawful; the fact that you left another item in its place does not alter the ruling, because Allah, may He be Exalted, has enjoined that exchanges – through buying, selling and otherwise – should be done with mutual consent. Allah, may He be Exalted, says:

{O you who have believed, do not consume one another’s wealth unjustly but only [in lawful] business by mutual consent} [An-Nisa’ 4:29].

And the Prophet (blessings and peace of Allah be upon him) said: “It is not permissible [to take or use] the property of any individual except with his willing consent.” Narrated by al-Bayhaqi in *Al-Kubra*, 11545; classed as authentic (sahih) by al-Albani in *Sahih al-Jami`*, 7662.

So whoever takes something in an unlawful manner must return it to its owner, because the Prophet (blessings and peace of Allah be upon him) said: “A person is liable for what he took until

he gives it back.” Narrated by at-Tirmidhi, 1266. He said: It is sound and authentic (hasan sahih).

Ibn al-Ameer as-San`ani (may Allah have mercy on him) said: This hadith indicates that it is obligatory for a person to return what he took that belongs to someone else, and he cannot be absolved of responsibility until it is restored to the possession of its original owner or someone who represents him, because the Prophet (blessings and peace of Allah be upon him) said “until he gives it back,” and that cannot be achieved except in that way.

This is general in meaning and applies to items taken by force, items left with someone for safekeeping and borrowed items.

End quote from *Subul as-Salam*, 5?173.

Ibn Qudamah (may Allah have mercy on him) said: Whoever takes something by force must return it, so long as it is still available, and there is no difference of scholarly opinion concerning that as far as we know. That is because the Prophet (blessings and peace of Allah be upon him) said: “A person is liable for what he took until he gives it back,” and because the right of the one from whom the item was taken by force has to do with the exact thing that was taken from him, and that cannot be achieved except through returning that item.

If the item was destroyed whilst in the possession of the one who took it, he must replace it, because Allah, may He be Exalted, says:

{Then whoever transgresses against you, transgress likewise against him} [Al-Baqarah 2:194];

And because when it is not possible to return the exact item, he must give something that will replace it.

End quote from *Al-Mughni*, 7/361.

You must also repent and ask Allah for forgiveness for what you did, and go to the store and tell them what happened, then after that, they have the choice:

either they may let you off, or they may ask for some money, or they may ask for their item, and

so on.

If you feel too embarrassed to go to them, then give the clothes to someone else, to your brother or someone else, and he can take it to the store. What matters is that it is essential to resolve the matter with the one whose rights were transgressed, if it is possible to contact him, because repentance is not complete without that.

And Allah knows best.