111880 - The driver passed the meeqaat and refused to return to it

the question

We traveled for ‘Umra by bus. The driver forgot about the meeqaat and remembered after about 100km. He refused to return to the meeqaat and continued the journey until he reached Jeddah. What shall we do?.

Detailed answer

Praise be to Allah.

The driver should stop at the meeqaat so that the people can enter ihraam from there. If he forgets or does not remember until after one hundred kilometres, as the questioner said, then he must take the people back so that they can enter ihraam from the meeqaat, because he knows that they want to do ‘Umrah or Hajj. If he does not do that and they enter ihraam from where they are, i.e., one hundred kilometres after passing the meeqaat, then each one of them must offer a fidyah to be slaughtered in Makkah and its meat distributed to the poor, because they failed to do one of the obligatory duties of Hajj or ‘Umrah.

In this case, if they take this driver to court, perhaps the court will penalize him so that he will compensate them for the fidyah, because he is the one who caused the penalty to be imposed on them. That depends on the judge’s opinion, because he can make the driver pay the value of the fidyah that these people paid, because he neglected their rights due to his forgetfulness, then he transgressed against them by not letting them go back to enter ihraam. End quote.

Shaykh Muhammad ibn ‘Uthaymeen (may Allaah have mercy on him)