191459 - Ruling on picking up lost property in the Haram of

the question

I work in one of the hotels in Madinah, and a lot of visitors and pilgrims stay with me. Three days ago, a pilgrim found a sum of money and handed it in to me, because I work in reception, as all the lost items end up with us in the hotel. Three days have passed, and no one has come to ask about it.
Should I give it in charity?
If I use it to buy, say, a calf or a goat, and distribute the meat to the poor and to my family, is this permissible or not?

Detailed answer

Praise be to Allah.

Firstly:

The fuqaha' differed concerning lost property found in the Haram. According to the Hanafis, Maalikis and Hanbalis – and one of the two reports from ash-Shaafa'i – it is like lost property found outside the Haram. The apparent meaning of the words of Ahmad – and one of the two reports from ash-Shaafa'i – suggests that whoever picks up lost property in the Haram must announce it forever, until its owner comes, because the Prophet (blessings and peace of Allah be upon him) said: "No one should pick up lost property (in the Haram) except one who will announce it." Agreed upon.

Al-Mawsoo'ah al-Fiqhiyyah (2/274)

The more correct view is that it is not permissible for anyone to pick up lost property of the Haram except one who will announce it, because of the report quoted above. An-Nawawi (may Allah have mercy on him) said:

According to the report, “Lost property (in the Haram) is not permissible except for one who will announce it.” What the hadith means is that it is not permissible to pick up its lost property for one who will announce it for a year, then keep it for himself, as is the case in all other lands. Rather it is not permissible (to pick it up) except for one who will announce it forever, and will not keep it for himself. This is the view of ash-Shaafa‘i, ‘Abd ar-Rahmaan ibn Mahdi, Abu ‘Ubayd, and others. Maalik said: It is permissible to keep it after announcing it for a year, as is the case in all other lands. This was also the view of some of the companions of ash-Shaafa‘i; their interpretation of the hadith was not sound. End quote.

Secondly:

Based on that, does lost property found in the Haram of Madinah come under the same ruling?

The majority of the Shaafa‘is – who are the ones who say that it is haraam to ever keep for oneself lost property found in the Haram of Makkah, as stated above – are of the view that this ruling is one of the things that apply uniquely to the Haram of Makkah, and it does not apply to the Haram of Madinah.

Shaykh Zakariyya al-Ansaari said:

No one should pick up lost property in the Haram of Makkah except one who will protect it, because of the report narrated by al-Bukhaari which says that Allah has made this land sacred and it is not permissible for anyone to pick up its lost property except one who will announce it forever. Otherwise, all other lands are the same, so there would be no reason to single out the Haram of Makkah by mentioning it specifically. That excludes the Haram of Madinah, therefore it is like all other lands in terms of the ruling on lost property, as was stated clearly by ad-Daarimi and ar-Rooyaani. But the author of al-Intisaar suggested that it is like the Haram of Makkah, as in the case of the prohibition on game hunting, and this view was shared by al-Bulqeeni, because of the report of Abu Dawood concerning Madinah, which has a saheeh isnaad, “Its lost property is not to be picked up except by one who will announce it” – meaning that he will raise his voice in announcing it.

End quote from Asna al-Mataalib by Shaykh Zakariyya al-Ansaari (2/494)

Al-Khateeb ash-Sharbeeni said:

Mentioning the Haram of Makkah means that the Haram of Madinah is excluded – may the best of blessings and peace be upon its inhabitant – for it is not like the Haram of Makkah; rather it is like all other lands, as was stated by the majority of scholars.

End quote from al-Iqnaa‘ (2/375). See also: Mughni al-Muhtaaj (3/569)

This view was favoured by Shaykh Ibn ‘Uthaymeen (may Allah have mercy on him), as it says in Fataawa Noor ‘ala ad-Darb (245/8), and by Shaykh Saalih al-Fawzaan:

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See also the answer to question no. 4050.

Based on that, whoever finds lost property in the Haram of Madinah must announce it for one year before taking possession of it or disposing of it. Three days is not sufficient; you must either protect it and announce it for an entire year, or hand it over to the department that deals with such matters in Madinah, and they can keep it and take care of it as a trust, especially since there are some scholars who are of the view that it is not permissible for the one who finds lost property in Madinah to keep it for himself, even after one year.

See also the answers to questions no. 5049 and 4046.

And Allah knows best.