350624 - She lives with her mother and her sister. Is it okay for her brothers to come in at any time on the grounds that this is the house of their deceased father?

the question

We live in a rented house, me, my sister and my mother. My father has passed away and I have married brothers who live in rented houses and they work, as well as four sisters who are married. We have a monthly income of approximately 8 thousand from rents, and we are paying off my father’s debt. We will not divide the estate until the debt is paid off. My question is: do my married brothers have the right to come in the house where we live, me, my mother and my sister? Because they say that it is their father’s house and they have a right to it, so they come at any time they want, and behave freely in the house without paying attention to my privacy or my sister’s privacy. My sister, my mother and I have nothing that we can claim as ours. Please note that my father (may Allah have mercy on him) did not fall short with my brothers, as he bought them furniture and cars, while my mother, my sister and I do not have a car to do our errands, and if we need to go out we have to ask their permission, and that depends on their free time. They are enjoying their privacy at home, but we have no privacy in our home. I hope you can clarify this matter.

Detailed answer

Praise be to Allah.

Firstly:

When a person dies, what he owns passes to his heirs. If they all agree not to divide the estate, there is nothing wrong with that, and they are joint owners of it until it is divided.

Secondly:

If the house where you live is rented by you, your brothers have no right to it, but if there are other furniture and items in the house that belonged to your father, they do have a share in it. So they should either donate it to you, or it should be divided among you, or it should be evaluated so that the value of the share of each of you will be known, then you can keep it and give your brothers cash to the value of their share, or it may remain joint property.

If joint ownership leads to what you have mentioned of them not respecting your privacy on the grounds that the house was your father's house, then we advise you to end the joint ownership of these goods by sharing them out among the heirs, or evaluating them and giving your brothers their share in cash, unless they give it to you for free.

Thirdly:

Assuming that joint ownership of the house continues, and even if we assume that the brother is living in the house, he should not enter the rooms of his mother or sisters without permission.

In *al-Muwatta'*, in the chapter on seeking permission to enter, Maalik narrated from 'Ata' ibn Yasaar that a man asked the Messenger of Allah (blessings and peace of Allah be upon him): O Messenger of Allah, should I ask permission to enter my mother's room? He said: "Yes." The man said: But I live with her in the same house. The Messenger of Allah (blessings and peace of Allah be upon him) said: "Ask permission to enter her room." The man said: But I look after her. The Messenger of Allah (blessings and peace of Allah be upon him) said: "Ask permission to enter her room. Would you like to see her naked?" He said: No. He said: "Then ask permission to enter her room."

The one who is asked permission has the right either to give permission or refuse.

In *al-Mawsoo'ah al-Fiqhiyyah* (3/146) it says: If one of his mahrams lives in the house, such as his mother, his sister and the like, whom it is not right for him to see naked, whether it is a man or a woman, then it is not permissible for him to enter their room without asking permission, according to the Hanafis and Maalikis. According to their view, asking permission to enter in this case is obligatory, and it is not permissible to omit doing so. In fact, the Maalikis said: Whoever denies

that it is obligatory to ask permission to enter is a disbeliever, because this is something that is well established and widely known to be part of the teachings of Islam.

The fact that it is obligatory to ask permission to enter is proven in the Qur'an, the Sunnah, the reports of the Sahaabah and the basic principles of Islamic teaching.

With regard to the Qur'an, it is mentioned in the verse in which Allah, may He be exalted, says (interpretation of the meaning): *"And when the children among you reach puberty, let them ask permission [at all times]" [an-Noor 24:59]*.

With regard to the Sunnah, it is mentioned in the report narrated by Imam Maalik from 'Ata' ibn Yasaar…

With regard to the reports of the Sahaabah, there are many such reports, of which we may mention the report narrated by at-Tabaraani from 'Abdullah ibn Mas'ood (may Allah be pleased with him): "You must ask permission to enter the rooms of your mothers and sisters."

And al-Jassaas narrated that 'Ata' said: I asked Ibn 'Abbaas: Should I ask permission to enter my sister's room? He said: Yes. I said: She lives with me in the same house, and I spend on her. He said: Ask permission to enter her room.

Al-Kaasaani narrated from Hudhayfah ibn al-Yamaan that a man asked him: Should I ask permission to enter my sister's room? He said: If you do not ask permission, you will see something that upsets you…

If the house is not his, and he wants to enter the house, he must ask permission, and it is not permissible to enter the house before permission is given, according to scholarly consensus, regardless of whether the door of the house is open or closed, and regardless of whether any of the residents are there or not, because Allah, may He be exalted, says (interpretation of the meaning): *"O you who have believed, do not enter houses other than your own houses until you ascertain welcome" [an-Noor 24:27]*.

Moreover, houses have their own sanctity, so it is not permissible to violate that sanctity. Asking

permission to enter is not only for the sake of the residents themselves; rather it is for their sake and for the sake of their wealth and property, because just as a person acquires a house to cover himself, he acquires it to cover his wealth and property, and just as he dislikes people to see him in his private life, he also dislikes them to see his wealth and property. End quote.

Conclusion:

Your married brothers do not have the right to invade your privacy in the house where you live, whether they have a share in ownership of it or not. Rather what they must do is respect your privacy and respect the times when you want to rest and times when the occupants of the house may be in a state of undress. So they should not violate any of that privacy, especially as they have other houses in which they live. They do not have the right to bother you in your home and invade your privacy by living there, if the situation is as you describe.

If the fact that your father's estate has still not been divided, or the fact that some of his furniture is still in the house, are factors that are giving them an excuse to do that, then we advise you to divide what has not yet been divided, and leave them with no excuse to annoy you and claim that they have a share in the house.

For more information, please see the answer to question no. 307722 .

And Allah knows best.