72831 - Should he give the policeman a bribe so that he won’t charge him a fine for speaking on the cell phone in the car?

the question

In our country if you speak on a cell phone whilst driving, the traffic policeman will charge you a fine of 500 dinars. If you give him a bribe he will let you off, if you have money with you, and if you do not have money with you, he will put you in jail. What should I do?.

Detailed answer

Praise be to Allah.

Islam came to protect the five basic essentials: religion, reason, life, wealth and honour. There is no doubt that adhering to traffic laws plays a role in protecting people’s lives and wealth. Hence Islam requires the Muslims to adhere to these rules and regulations, especially when there is nothing in them that goes against sharee’ah; rather they are aimed at preserving people’s lives and property.

Going against these rules and regulations does not only bring harm to the driver himself, rather that affects other people too. The accidents that happen on the road as the result of going against these rules and regulations usually affect other parties too, which makes the transgressor more responsible and he will be burdened with numerous rulings such as diyah (blood money), fasting, paying compensation for damage done, and so on.

Punishing transgressors by making them pay fines is permissible according to sharee’ah. This is the view of Ishaaq ibn Raahayawh, Abu Yoosuf the companion of Abu Haneefah, Ibn Farhoon (who was a Maaliki), Shaykh al-Islam Ibn Taymiyah and Ibn al-Qayyim. In his book al-Turuq al-Hukmiyyah Ibn al-Qayyim quoted a great deal of evidence that it is permissible to impose fines, and he quoted the words of Ibn Taymiyah concerning the matter, and refuted those who said it is abrogated.

In Haashiyat ‘ala Tahdheeb Sunan Abi Dawood (4/319) it says:

With regard to the permissibility of imposing financial penalties, there are a number of ahaadeeth from the Prophet (peace and blessings of Allaah be upon him), and there is no proof that they have been abrogated, and the khulafa’ (caliphs) after him acted upon them. End quote.

The penalty should be reasonable, so that the intended purpose will be served, which is to deter people from breaking these rules. There is nothing wrong with making the fines high, based on the nature of the infraction and the effect it has on the person and on others.

This issue has also been discussed in the answer to question no. 21900.

There is no doubt that using the cell phone whilst driving can cause accidents which may lead to deaths, let alone loss of property.

Wise people in all parts of the world have pointed out the necessity of imposing stern punishments in order to prevent people from using cell phones whilst driving. Field research has been conducted in Britain which demonstrates that the negative effects of using cell phones supercede the effects of drinking on a person’s driving ability!

This research proves that a driver who uses a cell phone whilst driving is 30% less in control of his vehicle than one who drives when drunk. In comparison to a normal person, the one who uses a cell phone when driving is 50% less in control of his vehicle.

Some experts say that using cell phones when driving, even when using headphones, increases the possibility of getting into an accident by 400%.

For more details please see the Qatari al-Watan newspaper, Wednesday 10/7/2005.

Conclusion: using a cell phone whilst driving is a major cause of accidents, so the punishment for this infraction, whether it is a fine or imprisonment, is justifiable. Based on this, it is not permissible for you to give a bribe to the policeman in order to avoid this penalty, because you are the one who is in the wrong. But if the policeman is wronging you by charging you with something

that you have not done, then there is no sin in this case, if you cannot rid yourself of his wrongdoing except by paying a bribe to him or to someone else. For more information on that, please see the answer to question no. 72268.

And Allaah knows best.