91435 - Should he accept compensation from the insurance company?

the question

I was in a traffic accident when I was riding in a taxi, which rolled over several times. My spine was broken which led to me becoming a paraplegic, with permanent paralysis of the legs. As is customary in Algeria, the insurance company that covers taxis pays a set amount of money to those injured as compensation for the injury suffered. It is divided into two parts, one for the one who was injured and one for the person who is to help him and push his wheelchair. What is the ruling on this compensation? What is the ruling on the second part of the compensation that is given to the helper? What is the ruling on my monthly salary that I get from this insurance company – because I have been given long-term sick leave and the company is obliged to pay the monthly salary that I used to receive when I was a professor? Is it permissible for me to pay my legal fees – as I hired a lawyer to help me with administrative matters before I became aware of the shar'i ruling – from this compensation?.

Detailed answer

Praise be to Allah.

Firstly:

All commercial insurance contracts are haraam contracts, as they involve gambling and gharar (ambiguity). We have discussed the fact that it is haraam to subscribe to them voluntarily in the answers to questions no. 8889 and 39474.

Secondly:

The basic principle is that the one who causes the accident is the one who should pay for any injury or damage that results from it, and he should pay the compensation. If he has a contract with an insurance company to pay the costs of any damages, there is nothing wrong with the one who is entitled to compensation taking his rights and compensation in full from the insurance

company. The one who is entitled to that has nothing to do with the prohibition on the dealings between the one who caused the accident and the insurance company. He can take his rights from anyone who has an obligation to pay it, and the insurance company is obliged to give him this right.

In the answer to question no. 70318 we have quoted the fatwa of Shaykh Ibn Jibreen which says that this is permissible.

Based on this, there is nothing wrong with you accepting compensation– even if it is paid monthly – from the insurance company. The same applies to the salary of your companion and helper.

We ask Allaah to heal you and to reward you for your calamity, and to reward you in the Hereafter.

And Allaah knows best.