

Answer to Question:

Two Contracts in a Single Contract

To: Abdülaziz Marouany

(Translated)

Question:

Assalamu Alaikum, I am a young Muslim man from Tunisia who wants to buy a car the Halal way, and someone directed me to companies which offer long-term car rental with the possibility of ownership of the car after the lease contract ends, which means there are two separate contracts ... Is this allowed?

Wa Assalamu Alaikum wa Rahmatullahi wa Barakatuh.

Answer:

Wa Alaikum Assalam wa Rahmatullahi wa Barakatuh,

Contracts in Islam are clear and simplified, one contract does not blend with another, so its implementation does not depend on the implementation of another contract, instead the contract is valid by the conditions of concluding and the conditions of its validity, and therefore the implementation is easy and simplified. It does not involve complications and does not result in problems, as in the man-made laws, whether capitalism or socialism or other...

The Messenger of Allah (saw) has prohibited two contracts in one contract, like if someone says: I sell to you this house of mine on condition that I sell to you another house of mine for so much, or on condition that you sell me your house, or on condition that you marry your daughter to me. This is not valid because his saying I sold you my house, this is "one contract", and his saying on condition that you sell me your house is a "second contract", and they gathered in a single contract, so this is not permitted. For it was narrated by Ahmad Abdul Rahman bin Abdullah bin Masood, from his father, he said: «نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ صَفَقَتَيْنِ فِي صَفَقَةٍ وَاحِدَةٍ» **“Messenger of Allah (saw) has forbidden two contracts in one contract”** Which means the presence of two contracts in a single contract.

Therefore, what you asked about is two agreements in a single agreement, for it is a contract of lease to a certain period of time, for example ten years, then after that it becomes a contract of sale. These two agreements, i.e. lease and sales in a single contract contracted by the owner of the car with the tenant are in one contract. And this, based on the above mentioned Hadith is not permitted.

If you want a solution to this issue, you can agree with a seller to buy from him a car in installments, so that you pay an initial down payment and then monthly installments until you complete the amount payment you agreed upon at the beginning of the contract, and in this case, the car is yours according to the contract of sale agreeable at the beginning. This contract is a contract of sale on installments which is permissible and nothing wrong in it, on the condition that **the sale price is specified in cash or in installments at the beginning of the contract, and the sale is contracted on what the two contractors mutually agreed upon**. So if they both agree over a specific price, and the seller sells to the buyer for the immediate price and the buyer accepts, or he sells for the deferred price and the buyer accept, then this is valid, as it is bargaining over the sale price, and is not a sale. And bargaining is permitted, because the Prophet (saw) bargained. Anas bin Malik, narrated that the Messenger of Allah (saw) sold a blanket (for a horse or camel) and a drinking bowl, and said: «مَنْ يَشْتَرِي هَذَا الْحِلْسَ وَالْقَدْحَ»، فَقَالَ رَجُلٌ: أَحَدْتُهُمَا بِدِرْهَمٍ، فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَنْ يَزِيدُ عَلَيَّ دِرْهَمٍ، مَنْ»

«فَبَاعَهُمَا مِنْهُ» **“Who will buy a drinking bowl and blanket?”**. A man said: "I will take them for a Dirham." So the Prophet (saw) said: **“Who will give more than a Dirham? Who will give more than a Dirham?”** A man agreed to give him two Dirham, **so he (saw) sold them to him.**

Imam Tirmidhi said: This is a Hasan Hadith, and the sell of an auction is bargaining on which price the sale settles.

It was narrated by Ibn Majah in his Sunan from Suwaid bin Qais said: جَلَبْتُ أَنَا وَمَحْرَفَةُ الْعَدِيِّ بَرًّا مِنْ هَجَرَ، فَجَاءَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَسَاوَمَنَا سَرَاوِيلَ، وَعِنْدَنَا وَرَّانٌ يَزُنُّ بِالْأَجْرِ، فَقَالَ لَهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «يَا وَرَّانُ زِنْ وَأَرْجِحْ» "Makhrafah Al' Abdi and I brought linens from Hajar. The Messenger of Allah (saw) came to us to bargain with us with some trousers. There was someone with me who weighed (the goods) in exchange for a wage. So the Prophet (saw) said to the one weighing: **“Weigh and add more.”**" (Authenticated by Al-Albani)

Thus, the sale on installment is permitted because it is bargaining over which of the two prices for sell. This is if there was a bargain over the price of the good whether immediately or deferred, then the contract occurred over one of the two specifically and individually. The majority of the Fuqaha have stated that it is allowed to sell something for greater than its daily price due to deferment, ie. due to delaying the payment of the price. It is narrated that Tawoos, Al-Hakam and Hammad they said that there is no harm if it is said: I sell to you in cash for so much and in credit for so much, so he goes for one of the two. Imam Ali (r.a) said: **“Whoever barigians for two prices, the first immediate and the other delayed, then let him name one of the two before the contract”**

Accordingly, the solution is to rent a car or buy it in installments as outlined above. Someone may say what is the difference between buying it in installments and leasing it and then purchasing it in a single contract, and the answer is: the difference is as huge as the difference between Halal and Haram, and Allah (swt) knows what benefits people and what harms them, and what amends them and what corrupts them,

﴿أَلَا يَعْلَمُ مَنْ خَلَقَ وَهُوَ اللَّطِيفُ الْخَبِيرُ﴾

“Should He not know, He that created? and He is the One that understands the finest mysteries (and) is well-acquainted (with them).” [Al-Mulk: 14].

And the truth is more deserving of being followed, and Allah is the Guide to the Straight Path.

Your brother,

Ata Bin Khalil Abu Al-Rashtah

17th Rabii' Al-Awwal 1438 AH

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The link to the answer from the Ameer's Facebook page:

<https://web.facebook.com/AmeerhtAtabinKhalil/photos/pb.122848424578904.-2207520000.1482254910./563112397219169/?type=3&theater>

The link to the answer from the Ameer's Google Plus page:

<https://plus.google.com/u/0/b/100431756357007517653/100431756357007517653/posts/14oQvYCGb7f>

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