

Question 788) - Does setting preconditions make the transaction Fasid?

A: Yes, it is Fasid unless the condition is such which is needed for the transaction to reasonably take effect; it is suitable and there is a benefit for one party or the goods, or it is a condition he is entitled to, or it is known in the custom of the people, and if the Shari'ah has not forbidden these conditions.*

* Thus conditions like the seller will keep the goods until the buyer pays do not make the transaction Fasid or condition established by Shari'ah like Khiyarush Shart. Or conditions well known in that society e.g. the seller will keep the fruits of a sold tree.

~al-Quduri ~