

Failure to Fix the Period of Credit

Question: A person sold his land to a buyer with the agreement that the buyer pays half the amount in cash and the balance once the land is declared uncultivable by the government. No one can determine how long it will take before the government does this. However, the buyer has since not paid the half and the land has not yet been declared uncultivable. Will the seller be sinful if he now cancels the transaction?

Answer: While selling of credit is permissible, the transaction will be invalid if the period of payment is not specified. The transaction in question is invalid because the period for paying the half had not been specified.

The question does not specify whether the property is in the possession of the buyer or the seller. If it is in the possession of the seller, both the buyer and seller have the option of cancelling the transaction according to Imaam Abu Haneefah RAH. and Imaam Abu Yusuf RAH. Because the transaction is invalid, the seller will not be sinful if he cancels it. The same will apply if it is in the possession of the buyer on condition that he has not planted or built anything on the land. The seller must, however, inform the buyer of his intentions. And Allaah knows best what is most correct.

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