

FATAWA ON TIME-SHARING

SUBJECT:

From: scitech@islam-online.net

Date: 9/12/00

Dear Br. Azzam

Al Salamu Alaikum, WA Rahmatu Allah WA Barakatuh,

your question is about time-sharing and about advising you to buy it in Spain as you have a good offer

My Answer:

Al Hamdu li Allah WA al Salatu WA al Salam ala Rasuli Allah,

This question came in more that one meeting of Fuqaha and Islamic economists. The idea is that the Shari'ah has something that comes very close to time sharing. It is as follows: one may purchase a common (Musha') share in an indivisible (or even divisible with an agreement of all owners to keep it undivided) property, say 2/52 of a resort villa or apartment, the use of this property is then divided between the owners of the property, villa or apartment, in proportion to their shares, this is called in Shari'ah "al Muhaya'ah." Does the contract of buying a time share give you the right to own , say 2/52 of that property or is it called simply you buy a time share? And is the legal interpretation of this kind of ownership, in Spanish law, is such that you own 2/52 of the property? Is it considered a real state ownership? If the answer is yes to these questions, then it is permissible to buy and own, say, 2/52 of such a property. It seems that the American laws treat this ownership the same as real estate.

As for the Association agreement and fees and the substitutability of this share with others in other areas in a given year, even with substitution fees, all these are permissible as long as there are no other things in the contract that are incompatible with the Shari'ah

WA al Salam

Monzer Kahf
