

34590 - If a person is hired to do a job, it is permissible for him to hire someone else to do it

the question

Is it permissible to sell projects or jobs, such as when a person takes on a job in his own name from an institution for 300 million, for example, and he gives it to a subcontractor to do it for 250 million?.

Detailed answer

There is nothing wrong with selling jobs or contracts. This is like when a person is hired to do some construction work or the like; there is nothing wrong with him hiring someone else to do the actual work, but that is subject to two conditions:

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The institution should not have stipulated in its contract that the person hired must do the work himself and must not sell it to a third party, because the Prophet (peace and blessings of Allaah be upon him) said: "The Muslims are bound by their conditions." Narrated by Abu Dawood, 359; classed as saheeh by al-Albaani in Saheeh Abi Dawood.

The Standing Committee was asked about someone who rented a building for 100,000 and sublet it for 150,000 – is that permissible?

They replied:

Whoever rents a building may sublet it to someone else for the same price as that for which he rented it, or for more or less than that, and for the same time period as that agreed upon or less, not for more that may cause harm, because he has the right to make use of the thing that he has rented. Therefore it is permissible for him to make use of it himself or let someone else make use of it, unless the owner has stipulated that the renter may not transfer it to someone else, or

he may not rent it to those who practice certain professions or occupations, in which case they are both bound by the conditions that they have agreed upon.

Shaykh Ibn ‘Uthaymeen (may Allaah have mercy on him) said:

Question: If a person is hired to do a certain job, such as if it is said, ‘We want you to clean this house every day, and we will give you one hundred riyals each month,’ then he hires someone to clean the house each month but for fifty riyals, is that permissible or not?

Answer: Yes, that is permissible. This is like saying that it is permissible to rent what’s left of a lease for more than what one has paid in rent. This is what people do nowadays, for example we see that the government has an agreement with a company to clean the mosques, so each mosque is cleaned in return for a certain amount of money, then this company gives the workers who do the work agreed upon in the contract less than one-quarter of what the company has agreed upon with the government. ...

For example: I hired a man to copy Zaad al-Mustaqni’ (a book of fiqh) for me, and I knew that this man’s handwriting was excellent and that he makes few mistakes, then he hired a man to write it for less than I had hired him, and the handwriting of the man who was hired by the one whom I had hired was beautiful. But the scholars say that this is not permissible.

Al-Sharh al-Mumti’, 4/327

That is because what matters when it comes to copying books is not that the handwriting should be beautiful, rather what matters is both beautiful handwriting and attention to the rules of spelling and placement of diacritical marks, etc.

And Allaah knows best.