118154 - Renting out dry-cleaning equipment to the worker for a monthly rent

the question

Can I rent out dry-cleaning equipment for a fixed monthly rate of 6000 riyals; in other words, the worker puts in his effort and experience and the owner puts in the equipment, on the basis that the worker will get whatever he earns over 6000 riyals? Please reply with evidence.

Detailed answer

Praise be to Allah.

There is nothing wrong with renting out a dry-cleaning shop or renting out the equipment only, or renting out both together, to the worker for this amount of money (6000 riyals) per month, or more or less according to whatever they agree to, because this is a kind of renting that is permissible according to sharia. The equipment remains the property of the owner and goes back to him when the rental agreement comes to an end, and he is responsible for its maintenance throughout that period, because he is the owner and it is a trust in the hand of the worker, who is not liable for anything that goes wrong with it unless he is responsible for some transgression or negligence, such as loading the machines with more than they can bear or some shortcoming in maintenance.

The worker has to pay the rent whether he works or not, and whether he makes a profit or loss. This rental is the same as any other, such as if he rented a house or a car or digging equipment or harvesting equipment and so on.

But this operation may be shared between the two parties (the owner of the dry cleaners and the worker), in which case they come under the rulings on partnerships and not the rulings on rentals. What determines that is the nature of the agreement between the two parties. We have given our answer on the assumption that it is a rental, based on what the questioner said. If the questioner

wants to send us the details of the contract so that we may examine it and see whether it is a partnership or a rental, that is up to him.

And Allaah knows best.