



Protection of the purchaser in contract of sale of building under construction

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Abstract

The present study aims to identify the meaning of the contract of sale of building under construction. It also aims to identify the characteristics of the contract of sale of building under construction. It also aims to identify the legal nature of the latter contract. It also aims to identify the way in which the purchaser of a building under construction is protected under the latter contract before and after concluding the contract. It also aims to identify the rules of law that ensure the protection of the latter purchaser under the Jordanian legislations.

It was found that the Jordanian legislator didn't set special legislations that include provisions and rules governing the latter contract. It was found that the Jordanian legislator didn't set a definition for the latter contract. However, the French and Emirati legislators enacted legislations that govern this contract. For instance, the Emirati legislator provided such legislations through act No. (9) of 2009. The latter code is the modified version of act No. (13) of 2008. The latter act deals with the regulation of the Interim real estate register. In France, the French legislator provided the purchaser of a building under construction with much protection regardless of the goal sought from building. In France, the latter contract is

considered a nominate contract and is governed by special rules. The French legislator listed these rules in several acts. Such acts include the act issued in (1967). The contract of sale of building under construction is a distinct type of contract which nature is special. Thus, it's difficult to attach it to any other contract. It's a distinguished type of contract which should be governed by special rules and provisions. These rules and provisions shall constitute the legal legislations that govern it.

The researcher recommends enacting special legislations that govern the contract of sale of building under construction. The latter legislations should include all the special details that concern this contract. They should also include the rules and provisions that govern this contract. The researcher believes that the Jordanian legislator should address the issues related to this contract seriously. She also believes that the Jordanian legislator should enact special legislations that deal with the latter contract as a distinct type of contract. The latter legislations should ensure that the elements of this contract are interconnected. The provisions of the latter legislations should ensure that the parties of this contract shall enjoy their free will. The Jordanian legislator should benefit from the French legislator's experience when setting the latter legislations. The researcher believes that there must be a special administrative public agency that enjoy the power of issuing building permits for the ones requesting to launch a residential project. However, such building permits must be granted under special controls set by the concerned agency. Such a building permit must be granted after making sure that the seller (i.e. the owner of the residential project) possesses adequate expertise and is qualified to launch such a project. Selling housing units by the ones who do not hold such a building permit should be prohibited. The latter administrative public agency must carry out its tasks professionally. It mustn't show any act of negligence in terms of issuing building permits. That should be done to avoid having any consequences affecting the interests of the ones intending to purchase buildings negatively. The researcher believes that the ones who were condemned due to a breach of trust offense should be prohibited from

selling buildings under construction. The researcher believes that the latter administrative public agency should enjoy the power of controlling the sale of buildings under construction. She also believes that the latter administrative public agency should enjoy the power of enforcing punishments upon the ones who violate the contract of sale of building under construction.