



## The Study of Review of Halal Buying and Selling Transactions

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**ABSTRACT:** *The study of review of halal buying and selling transactions is the study of literature which analyzes about Islamic view related to today's economic transactions having a lot of variety which occurs in society. The study restricts the main issue at either credit sale and purchase or buying and selling online transactions which recently expand. In Islam, economic transaction is a part of regulation and it becomes a significant thing to apply because the failure of doing economic transaction will give an effect of poverty, fraud as well as the occurrence of various social problems. In Al-Quran, Allah has emphasized that humans spend their property in the right way in sharia, as in Surah Al-Baqarah verse 195. In the greatest sense, the meaning of the verse is spending wealth means doing economic activity in fulfilling the needs of life which certainly involving human with the other one (muamalah), one of the activities is transaction of buying and selling. In Islamic law, the allowable economic transaction have characteristics such as, there must be contract or agreement, trade is conducted which based on like between seller and buyer, there is no fraud, there is an existence of recording and clarity from transaction. In credit sale and purchase transaction, there are two surahs in Al-Qur'an namely Surah Al-Baqarah verse 212 and 275 then Surah An-Nisa verse 29 that can be theorem of halal in credit sale and purchase. It is not particularly given in Al-Quran because there is no verse which explains specifically about law of this transaction, but the argument can make Muslims calm because of the general and universal meaning. For selling online transaction, if something that is traded is an item that is not required to be handover in cash of transaction as all kinds of goods except gold, silver and currency, so transaction can be done by internet. The law is derived (takhrij) form case of sale and purchase through correspondence. According to Majma' Al Fiqh Al Islami (Division of Fiqh OKI) decision No. 52 (3/6) 1990 - in Journal Majma' Al Fiqh Al Islami edition VI volume II page 785 that ijab and qabul to each parties who transact will remain valid in spite of through telephone and internet as though in one place. Disputes among scholars still occur in terms of physical status of the goods being traded which can't be witnessed directly by the buyer, but only the forms of images and specifications.*

**KEYWORDS:** *Halal Buying and Selling Transactions, Credit Sale and Purchase, Buying and Selling Online*

### I. INTRODUCTION

In fulfilling their life needs as social beings, humans cannot be separated from consumption activities. Consumption carried out by humans includes goods and services. To obtain goods and services, humans can produce the products themselves or obtain it from other parties. The party who buys the goods will submit a sum of money to obtain goods or services. So between one human and another will need each other. In Islamic religion, human relations in social interactions that result in the emergence of rights and obligations known as Muamalah and Fiqh Scholars generally interpret Muamalah as sharia law or Muamalah legislation, in language it means mutual exchange. From this understanding, in Muamalah must comply with the provisions of Islamic law and legislation, in which both can not be separated. In making many transactions that occurs among humans, credit sale and purchase transactions are one of the most human transactions in fulfilling the needs or distributing goods. The system of buying and selling credit is a way that has happened in the community. Therefore, it becomes a very effective way to capture the market because for the buyer who does not have enough money can get the desired and needed goods, although the price sometimes becomes two times greater than when buying in cash.



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The growing development of information technology which begins with the emergence of communication networks that connect one electronic media with another one known as interconnection-networking (internet) makes almost all aspects of work in our daily lives rely on the internet. All problems can be found a solution by relying on the internet. A lot of information can be searched through the internet, from news, food recipes, and even now buying and selling goods and services using internet devices. Internet sales like that are known as online sales, namely buying and selling activities where sellers and buyers do not have to meet to negotiate and transact because communication is used by sellers and buyers through communication tools such as chat, telephone, sms and others. Today, there are more people doing online shopping because when it is compared with buying and selling in stores or malls, it will save more time and transportation costs. There are 12 sites or online sales sites in Indonesia, such as Bukalapak, Toko pedia, Blili, Zalora Indonesia, etc. The emergence of sites or online shopping places really provides convenience for the public but besides the convenience obtained, online sales also have weaknesses, among others, buyers are often disappointed because the goods received are not the same as advertised, not even a few people take advantage of the opportunity to cheat where the goods that have been ordered and paid are not accepted by the buyer. But among the advantages and disadvantages of online buying and selling, in fact the phenomenon that occurs in the community is that more people doing online buying and selling transactions.

## II. LITERATURE REVIEW

### A. Definition and Classification of Buying and Selling in Islam

In the world of trade, buying and selling are done with the aim of seeking profit. Sales are the most powerful transactions in the world of commerce and in general are the most important part of business activities. Etymologically, the act of buying and selling means exchanging property with assets. Selling and buying are two words that contradict each other, in which buying and selling transactions will involve the seller with the buyer. According to Prof. Dr. Abdullah al-Mushlih & Prof. Dr. Shalah ash-Shawi (2018) buying and selling are classified in many divisions with different viewpoints. These classifications include the following:

1. From the Side of Merchandise Objects  
Viewed from this side, buying and selling are divided into three types: First: General buying and selling, namely exchanging money with goods. Second: Buying and selling ash-sharf or Money Changer, namely exchanging money with money. Third: Buying and selling muqayadhah or *barter*, namely exchanging goods with goods.
2. From the side of how to standardize prices
  - a) Buying and selling bargainal (bargaining). It is the act of buying and selling where the seller does not tell the capital of the goods he or she sells.
  - b). Trust buy and sell. It is the act of buying and selling where the seller tells the price of the selling capital. With the basis of this sale and purchase, the types of buying and selling are divided into three other types, namely: 1) Murabahah buying and selling, namely buying and selling with known capital and profit, 2) Buying and selling wadhi"ah, namely selling at prices below the capital and the amount of losses known, 3) Buying and selling tauliyah. It is buying and selling by selling goods in the price of capital, without profit and loss.

Some jurisprudence experts added another type of buying and selling, namely buying and selling of isk and mustarsal. Isyrak is selling a portion of goods with a portion of payment. Being buying and selling mustarsal is buying and selling at market prices. Mustarsil is an innocent person who does not understand prices and bargains.

- c) Sale and purchase of muzayadah (auction). It is the act of buying and selling in which the seller offers his merchandise, first the buyers bid each other by increasing the



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amount of payment from the previous buyer, then the seller will sell at the highest price of the buyers. That is, the buyer offers to buy goods with certain criteria, thus the sellers compete to offer their trade, finally the buyer will buy with the cheapest price they offer.

3. Based on Payment Method
  - a) Buying and selling with delivering goods and payment directly.
  - b) Buying and selling with delaying payments.
  - c) Buying and selling with delaying delivery of goods.
  - d) Buying and selling with delivering goods and payments are equally delayed.

## **B. Terms and Conditions of Sale and Purchase**

According to Imam Al-Rafi'I as quoted by Syekh Zakaria Al-Anshory in the book Fathul Wahâb, the legitimate conditions of buying and selling include:

1. There are two people who transact with each other (muta'âqidain), which consists seller and buyer.
2. The existence of shighat / lafadh which shows a statement of sale and purchase, including lafadh ijab and lafadh qabul. This is the main requirement.
3. Goods are transacted (ma'qud 'alaih). This element of al-ma'qud 'alaih consists of 'price (thaman) and 'valued goods' (muthman).

## **C. Credit Sale and Purchase of Goods**

According to Hasan Alwi (2012) in his book Big Indonesian Dictionary, credit sales are a way of selling goods with non-cash payments (payments deferred or paid in installments). Murtagla Muthahhari (1995) says that credit transactions are essentially taking advantage of the state of urgency. Whereas what is meant by credit purchase is a purchase made of an item for payment of the price of the goods carried out gradually in accordance with the stages of payment agreed by both parties (buyer and seller). The types of buying and selling of credit that are often practiced today are housing loans, vehicle loans, household equipment loans, etc.

The Indonesian Accountants Association defines credit as a loan of money or a bill that can be equated based on agreement or loan agreement between the bank and other parties that require the borrowing party to repay the debt after a certain period of time with the amount of interest, compensation, or profit sharing. Matters included in terms of loans are loans in the context of joint financing, credit in restructuring, and purchase of customer securities supplemented with Note Purchase Agreement (NPA).

The Syafiiyah cleric, Hanafiyah, Al-Muayyid billah, and the majority of other scholars argue that the act of buying and selling credit is permissible. This is based on a number of things, such as:

1. It is not permissible to trade usury items.

The first requirement is not to make usury goods transactions. Usury goods are goods which are traded or exchanged not according to religious law, so it leads to usury transactions. Items including usury are Money, Silver or Gold, Jewels, Dates, Wheat, Salt, and the kind of them. The above items must be traded in cash or cash. This is based on the hadith narrated from Ubadah bin Ash Shomit rodhiallohu 'anhu, he said, Rasulullah-sallallaahu'alaihi wa sallam said:

*"Gold with gold, silver with silver, wheat with wheat, millet with millet, dates with dates and salt with salt, no matter if with the same dose, and the same weight and cash. If the type is different, then sell it as you want as long as it is in cash and immediately hand over the receipt."* (H.R. Muslim)

2. The goods sold are owned by themselves.

A seller must sell the goods he owns himself. It is not permitted the seller to credit goods that are not his rights. For example dropshipping. This is actually controversy. You sell items that you don't know about the condition. The shipment was also made



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through the first seller. You are only an intermediary. It can cause shipping problems, either late or may be lost. Thing that harm is the buyer can cause sin.

3. Handover of goods must be done on time

Usually in the credit system, goods are given to the buyer when the down payment is made. This must be done on time, may not be delayed. Because after all the buyers have already had the right to the item. Unless there is a certain agreement.

4. The time of payment must be clear

In the credit system, the most important is the agreement and record of the transaction procedure. Including the time of payment must also be clear. Thus there will be no conflict.

5. If it's too late, there shouldn't be a system of adding interest.

In trading the credit system, don't let you apply additional interest when the buyer is late in paying. This can make you fall into usury which is a big sin.

## D. Buying and Selling On line Goods

The act of buying and selling online is a buying and selling activity where sellers and buyers do not have to meet to negotiate and transaction and communication that can be used by sellers and buyers through communication tools such as chat, telephone, sms and so on. To make buying and selling online is provided a forum or online buying and selling sites that have provided various items for sale. It is called online sales or e commerce. Until now there is still a legal vacuum in Indonesia, because it has not accommodated the legal requirements of a specific electronic contract, so the basic principle of the implementation of a contract in Indonesia refers to article 1320 of the Civil Code, so that it can also be applied to electronic contracts.

## III. METHODOLOGY

The method used in this paper is a qualitative method, namely the author uses the study of literature, by collecting material from several literature such as Al Qur'an, Hadith, books and journals that are in accordance with the issues discussed, as well as websites or internet site. The technique of data collection done by the author is by reading all the literature related to the subject matter being studied and providing solutions related to these problems

## IV. RESULTS & DISCUSSION

The results of the study of halal transactions will be divided as follows:

1. Credit Sale and Purchase of Goods

Transactions to be discussed here are general buying and selling transactions, namely buying and selling involving goods with money. The arguments that said that the credit sale and purchase transactions are halal are as follows:

a. Al Qur'an includes in the surah:

- 1). Al Baqarah: 212 "*O you who believe, if you do not do it in cash for a specified time, let you write it.*"
- 2). Al Baqarah: 275 "*And Allah allows to buy and sell and forbid the usury*"
- 3). An Nisa ': 29 "*O you who believe, do not eat each other's treasures with the path of the heart, except by the way of commerce that applies with feeling of like in transaction between both of you.*"

b. Hadiths, are as follows:

- 1). From Abdullah bin Abbas said: "Rasulallah SAW came to the city of Medina, and at that time, the residents of Medina bought and sold fruits by *as salam* in one or two years, he said: "*Whoever buy and sell as salam, then let it be in the measure, the scales and the clear time.*" (Muttafaqun 'alaih)
- 2). Hadith Abdullah bin' Amer bin Al 'Ash radhiallahu'anhu said: "Rasulullah shallallahu 'alaihi wa sallam ordered me to prepare an army while we do



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not have a mount, the Prophet ordered Abdullah bin Amer bin Al 'Ash to buy a mount with payment postponed until the time to withdraw zakat. So Abdullah bin Amer ibn Al 'Ashpun follow the obey of Rasulallah sallallaahu' alaihi wa sallam to buy every camel at the price of two camels to be paid when the time for zakat was arrived. The history of Ahmad, Abu Dawud, Ad Daraquthni and was celebrated by Al Albani.

c. Opinion of Scholars that justifies buying and selling credit without interest

- 1). Imam Al-Khathabi in Syarh Mukhtashar Khalil (IV / 375)
- 2). Syeikhul Islam Ibnu Taimiyah in Majmu'ah Fatawa (XXIX / 498-500)
- 3). Imam Syaukani in Nailul Authar (V / 249-250)
- 4). Ibn Qudamah in Al-Mughni by quoting the opinion of Thawus, Hakam and Hammad
- 5). Syaikh Yusuf Qardhawi and Bin Baz
- 6). Syekh Abdul Wahhab Khallaf as published in the magazine Liwa'ul Islam, no. 11: 122.

d. Islamic Conference Fatwa

In the first Islamic Conference, namely al-Mashraf al-Islami in Dubai which was attended by 59 international scholars, the fatwa of the Directorate General of Research, Da'wah and Ifta 'and the Kuwait Fatwa Commission for Islamic Affairs and Religion all agreed that there were no restrictions on sellers to determine the credit price higher than the cash price provisions. Sellers may take advantage of sales on credit with clear terms and calculations.

e. The Ijma arguments from Mazhab are as follows:

- 1). Hanafi Mahzab, that the price of credit sales can be increased due to time delays. Cash sales with credit cannot be equated. Because what is available at this time is more valuable than what does not yet exist. (Badai' ush 'Shana'i 5/187)
- 2). Malikiyah Mazhab, said Imam Syathibi: "Delay of one medium of exchange can cause price increases." (Al Muwafaqat 4/41)
- 3). Hambali Mazhab, Ibn Taimiyah said: "Round time does have a price ration." (Majmu' Fatawa 19/449)
- 4). Syafi'i Mazhab, Imam Shirazi said: " If someone buys something with delayed payment, there is no need to be told the cash price, because delay payments do have their own value. "(See Al Majmu An Nawawi 13/16)

f. Qiyas Theorem

According to qiyas argument, the sale and purchase of credit can be explained by the sale and purchase of greetings where Rasulallah explicitly allows it because there are similarities, which are equally delayed. It's just buying and selling *as salam* which are delayed, while the credit is delayed. In the sale and purchase of *as salam* are also not the same as cash prices such as credit, but also the difference between cheaper greetings while the credit is more expensive.

2. Online sale and purchase transactions

Some legal basis for halal buying and selling online are as follows:

a. Al Qur'an includes in the surah:

- 1). Al Baqarah: 275 "*And Allah allows to buy and sell and forbid the usury*"
- 2). An Nisa ': 29 "*O you who believe, do not eat each other's treasures with the path of the heart, except by the way of commerce that applies with feeling of like in transaction between both of you.*"

b. Hadiths, are as follows:

- 1). From Abdullah bin Abbas said: "Rasulallah SAW came to the city of Medina, and at that time, the residents of Medina bought and sold fruits by *as salam* in one or two years, he said:" *Whoever buy and sell as salam, then let it be in the measure, the scales and the clear time.*" (Muttafaqun 'alaih)



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2). Hadith Abdullah bin' Amer bin Al 'Ash radhiallahu'anhu said:" Rasulullah *shallallahu 'alaihi wa sallam* ordered me to prepare an army while we do not have a mount, the Prophet ordered Abdullah bin Amer bin Al 'Ash to buy a mount with payment postponed until the time to withdraw zakat. So Abdullah bin Amer ibn Al 'Ashpun follow the obey of Rasulullah *sallallahu 'alaihi wa sallam* to buy every camel at the price of two camels to be paid when the time for zakat was arrived. The history of Ahmad, Abu Dawud, Ad Daraquthni and was celebrated by Al Albani.

## c. Ijma Ulema

As decided by Majma 'Al Fiqh Al Islami (Fiqh Division OKI) decision no. 52 (3/6) in 1990, which sounds "If a contract occurs between two people who are far apart are not in one assembly and the perpetrator of the transaction, one with another does not see each other, does not listen to each other, and the media between them is writing, letter or someone who orders, this can be applied to facsimile, telex, and computer screens (internet). Then the contract took place with the arrival of consent and qabul to each party who transacted. If the transaction takes place at one time while the two parties are in a far distance, this can be applied to transactions by telephone or cell phone, thus the consent and qabul that occur are immediately as if both are in one place.

## V. DISCUSSION

As the theoretical basis and results described above are based on law from Al Qur'an, hadith, the results of the conference, ijma and qiyas scholars, the act of buying and selling credit is a halal sale and purchase transaction. In Al Qur'an, it is not specifically explained but the word of Allah in the surah Al Baqarah verses 212 and 275 is quite a legal basis for the transaction of buying and selling credit. Likewise with the hadith of the Prophet who said that whoever buys and sells *as salam*, let it be in the measure, the scales and the clear time. "(Muttafaqu'n'alaih). As salam purchases are purchases by way of orders and payments being delayed for some time. Regarding the delay in payment can be used as a basis for halal buying and selling of credit. How is it with the sale and purchase of credit that has a price difference between the cash price and the price of credit? Based on the word of Allah in An Nisa ': 29: "*O you who believe, do not eat each other's treasures in a wicked way, except with the prevailing trade way with feeling of likes in transaction between both of you.*" The generality of this paragraph includes the sale and purchase of cash and credit, so this argument can be used as a foundation for the halal buying and selling of credit while buying and selling credit is done by the feeling of likes despite price differences. Likewise with the opinions of all Mahzab, scholars of ijma and qiyas, all agreed to state that the act of buying and selling with differences in prices is halal.

But there are still some scholars who say that the act of buying and selling credit with price differences is unlawful, including Imam Al-Khathabi, Sheikhu Islam Ibnu Taymiyyah, Imam Syaokani, Ibnu Qudamah in Al-Mughni by quoting the opinions of Thawus, Hakam and Hammad, Sheikh Yusuf Qardhawi and Bin Baz, and Sheikh Abdul Wahhab. Among those who think so from among contemporary scholars is Al Albani which he lists in many of his books, including the genealogy of Ahadits Ash Shohihah, Shaykh Salim Al Hilali in the book Mausuh Al Manahi Asy Syar'iyah and also others. They argue that the act of buying and selling on credit is included in the sale and purchase ban because of two transactions in one transaction as mentioned in the hadith. They interpreted the hadith "Two buying and selling transactions in one transaction" are like the words of a seller or buyer: "This item if cash is priced as much as this while if the credit is the price of that way." The statement was interpreted as selling credit.

Regarding the case with buying and selling online, in Al Qur'an surah An Nisa: 29 "*O you who believe, do not eat each other's treasures with the path of the heart, except by the way*



*of commerce that applies with the feel of like in transaction between both of you". It can be used as a legal basis for halalness, if the act of online buying and selling is done with the feel of like. It is also when Rasulallah talked about *bay'salam* contract. In terminology, scholars of Fiqh defines it: "selling an item whose delivery is postponed, or selling an item whose characteristics are evident with the payment of capital at the beginning, while the goods are delivered later". From the explanation above, it is enough to give meaning from the contract, that the greeting contract is an order contract by paying in advance and the goods are handed over later which resemble the online transaction that we know but the characteristics of the item must be clear in nature. There are many more opinions expressed by thinkers on this issue that are almost the same as the views expressed above. So, transactions like this (online buying and selling) the majority of the scholars justify it as long as there is no element of *gharar* or obscurity, by providing specifications in the form of images, types, colors, shapes, models and that affect the price of goods.*

The problem here is that the act of online buying and selling which is currently prevalent in the community is that the seller markets the goods on the site owned by other parties, so it means the buyer will transact with parties who are not goods owners. In this condition, the scholars agree that the online sale and purchase is not legal or illegal. The reason is because at the time of the contract, the seller has not been able to ascertain whether or not the ordered goods are in the criminal or not.

As said by the Prophet sallallaahu 'alaihi wa sallam narrated by Hakim bin Hizam, he said, "O Rasulallah, someone came to me to buy an item, incidentally I did not have the item, can I sell it and then buy the desired item from the market? Then Rasulallah replied, "Do not sell goods that you have not had." (Narrated by Abu Daud). Someone is allowed to make transactions on goods that are not his property provided that the owner gives permission or pleasure for what he does, because the benchmark in muamalah case is the owner's permission. (Fiqh wa Fatawal Buyu 'p. 24). This was shown by the approval of the Prophet sallallaahu 'alaihi wa sallam against the actions of Urwah when he ordered him to buy a goat for him. (Narrated by Bukhari chapter 28 number 3642)

## VI. CONCLUSION & SUGGESTION

### A. CONCLUSION

From the above discussion of the conclusions to be drawn as follows:

1. Based on the evidence from the Qur'an, the Hadith, the Prophet, with the consensus of scholars from all sects and also the results of qiyas stated that selling credit is halal in the context of selling us a greeting
2. There are some scholars who argued that selling the credits is not halal or haram because of the difference between the price of goods in cash by credit.
3. Buy and sell online also described as halal transactions by postulating Qur'an, surah An Nisa: 29, when selling online is done with like and like. The majority of scholars also state that this online buying and selling halal refers to selling us Greetings over there are no elements of *gharar* or uncertainty, by giving good specifications in the form of images, type, color, shape, model and affect the price of goods as well as transactions done by the owner of the goods and not the intermediary (the owner of the online site)

### B. SUGGESTION

Suggestion that can be given from the results of this discussion is to appeal the sellers who do business online especially those who are Muslim should know the terms and conditions of buying and selling according to Islamic law so as not to fall into illicit transactions.

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