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Sharia Ekonomi Law : Buying and Selling Estimate

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ABSTRACT

The estimated sale and purchase system is a sale and purchase conducted by traders when they take their goods without measuring or weighing them first, so that the quantity of goods taken is not clearly known because they only make estimates when taking measured goods. Clearly, this causes problems because it can harm the buyer or seller, as shown in a case study at the Malonda Inpres Market in Donggala Regency. The author summarizes the research questions in this study as follows:
1. How is the practice of estimated buying and selling carried out at Malonda Inpres Market? 2. How does Sharia Economic Law view the practice of estimated buying and selling?
The author used a qualitative method, where the author was directly involved and actively participated in collecting information and data, starting from observation, seeing and analyzing things related to the required data, especially regarding Sharia Economic Law on the practice of buying and selling chili peppers using the estimation system at the Inpres Malonda Market in Donggala Regency.

1. Introduction

Buying and selling is a contract commonly used by the community, because in fulfilling their needs, people cannot do without this contract. To obtain food and drink, for example, sometimes they are unable to fulfill these needs by themselves but need to interact with other people (Abdul Rahman Ghazali, 2012). However, in this case, buying and selling refers to an estimation system whose legal source is unclear.

Buying and selling is the exchange of something for something else. Islam permits buying and selling provided that it fulfills the conditions and requirements determined by Sharia in accordance with the words of Allah SWT in Q.S Al-Baqarah (2):257. Allah SWT forbids His believing servants from consuming the wealth of others through unjust means and methods of seeking profit that are unlawful and violate Sharia law, such as usury, gambling, and similar forms of deception that appear to be in accordance with Sharia law. Allah exempts from this prohibition the pursuit of wealth through trade conducted on the basis of mutual consent by both parties concerned.

Various types of sales transactions carried out by traders at Malonda Inpres Market include estimation. Estimation itself is a form of sale and purchase where a person buys an item by having the seller take the merchandise directly without measuring or weighing it first, so that the buyer does not know whether the measurement is in accordance with the price requested or not.

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2. Literature Review

According to the Big Indonesian Dictionary (KBBI), the word estimate comes from the word taksir, which means approximately. Taksiran buying and selling refers to an estimate in purchasing a commodity. So, taksiran buying and selling refers to the act of purchasing a commodity using an estimate, without measuring or weighing it first.

In Arabic, the term for estimation is Jizaf (Estimation or Guesswork), which is defined as buying and selling something without measuring, weighing, or calculating it by unit, but only guessing or estimating after seeing the object of the transaction. This type of sale and purchase was known to the companions of the Prophet Muhammad (peace be upon him). In this model, both parties enter into an agreement on an item, but the exact amount is not known, except by estimation and appraisal by those with experience.

The legal basis for estimated sales and purchases is found in the Sunnah, where there are several Hadiths that indicate the permissibility of estimated sales and purchases (jizaf). Among them: Narrated by Muslim and Nasa'i from Jabir, may Allah be pleased with him, who said, “The Messenger of Allah prohibited the sale of shubrah (a collection of food without weights or measures) of dates whose measure is unknown in exchange for dates whose measure is clearly known.” This Hadith indicates that estimated sales (jizaf) in the name of dates are permissible, provided that the price paid for the dates is not for a similar item (meaning exchanged for dates). If the dates are paid for with similar dates, then it is haram. This is because there is a potential difference in quantity between the two. And this is closer to riba fadhl. If it is exchanged for money, and the exchange is done through estimated sale and purchase, then it is permissible.

The pillars of estimated sale and purchase (jizaf) are the same as those of sale and purchase in general. Sale and purchase are considered valid if the pillars and conditions are fulfilled. The pillars of sale and purchase according to the majority of scholars include: 1. Ba'I (Seller) 2. Mustari (Buyer) 3. Sighat (Ijab and Qabul) 4. Ma'qu 'alaih (Object or goods). The requirements for the seller and buyer include: 1. Being of sound mind (Mumayyiz) 2. Being of legal age or an adult 3. Ijab and Qabul must be done in one meeting.

This is explained in the Compilation of Sharia Economic Law in Article 77 that buying and selling can be done for: 1. Goods that are measured by portion, quantity, weight, or length, either in units or in whole 2. Goods that are measured or weighed according to a specified amount, even if the capacity of the measure and scale is unknown 3. Individual components of goods that have been separated from other components that are being sold.

3. Methodology

The method used by the author is qualitative, whereby the author is directly involved and actively participates in the collection of information and data, starting from observation, viewing, and analyzing matters related to the required data, particularly regarding Sharia Economic Law on the practice of buying and selling chili peppers using an estimated price system at the Inpres Malonda Market in Donggala Regency.

4. Results and Discussion

Humans are economic actors with all kinds and forms of fulfillment of their needs in life. Therefore, in order to fulfill their needs, humans need to have relationships with other humans in terms of muamalah, such as buying and selling at the Malonda Inpres Market in Donggala Regency. There are three methods of buying and selling chili peppers at the Malonda Inpres Market: by the kilo, by the liter, and by estimation. These three types of buying and selling have become customary practices used by chili traders at the Malonda Inpres Market in Donggala Regency. Estimated buying and selling is the buying and selling of chili using estimates or speculation in selecting merchandise.

There are four conditions for estimated sales and purchases, namely: 1. Conditions for the occurrence of a contract 2. Conditions for the validity of sales and purchases 3. Conditions for the continuity of sales and purchases 4. Conditions for binding. As found in the opinions of the madhhab scholars, the condition referred to is that the object of the transaction must be visible to the naked eye when the contract is being made or beforehand. The scholars of the Shafi'i, Hanafi, and Hanbali schools of thought agree on this condition.

This is also in accordance with Article 62 of the Compilation of Sharia Economic Law, which states that the seller and buyer must agree on the value of the object of sale and purchase as reflected in the price. Article 63 of the Compilation of Sharia Economic Law states that the seller must deliver the object of sale and purchase at the agreed price and the buyer must deliver money or objects of equivalent value to the object of sale and purchase.

5. Conclusion

The practice of estimated buying and selling at Malonda Inpres Market in Donggala Regency involves buying and selling goods based on estimates or speculation, without first measuring or weighing them. This practice is carried out by chili sellers who measure more than the specified amount and with the consent of both parties, so that the transaction is considered valid because it fulfills the conditions and requirements of buying and selling.

The Sharia Economic Law review of the practice of buying and selling chili peppers using the estimated system at the Malonda Inpres Market is considered valid or permissible. The exact amount is unknown, but in this buying and selling practice, chili pepper traders always exceed the specified amount and there is mutual consent between the traders and buyers. This is based on Article 77 of the Compilation of Sharia Economic Law, which regulates that weighing in buying and selling can be done for goods that are measured or weighed according to the specified amount, even if the capacity of the measurement and weighing is unknown. Article 62 of the Compilation of Sharia Economic Law explains that the seller and buyer must agree on the value of the object of sale and purchase, which is reflected in the price. Article 63 of the Compilation of Sharia Economic Law states that the seller must deliver the object of sale and purchase at the agreed price, and the buyer must deliver money or objects of equivalent value to the object of sale and purchase.

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