

## PRACTICE OF SELLING AND BUYING GOODS PAID DEFINITELY WITH GOLD ASSURANCE IN PERSPECTIVE LAW ISLAMIC ECONOMY

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### ABSTRACT

This research is motivated by the practice of accounts payable for goods carried out by sellers to buyers. Seller owe the goods by asking for guarantees from the buyer and paying off the debt within the specified time for five months. As for the goods requested to be guaranteed in the form of gold and if the buyer does not pay off by the specified time limit, the buyer must give the gold to the seller as collateral, and the gold is held by the seller until the buyer pays it off, but the buyer must add costs as a fine due to the delay in paying the debt. as much as five percent with a period of five months must also be paid off. This type of research uses a type of library research (*library research*) that uses qualitative research methods. The approach method used in this study is a normative approach that refers to the norms or rules contained in the teachings of Islam. Based on the results of the study, it can be concluded that the practice of buying and selling goods paid for due with gold as collateral in Kupak Rebung Hamlet, Ratu Sepudak Village, Galing District, has fulfilled the pillars and conditions of the contract, the pillars and conditions of sale and purchase, the pillars and terms of accounts payable and the pillars and terms of the guarantee. However, the practice of buying and selling goods involves additional costs when due so that it contains elements of riba nasi'ah.

**Keywords:** Buying and Selling, Paid Definitely, Gold Collateral, Sharia Economic Law.

### INTRODUCTION

Islam is a religion of mercy to the whole world, from the principles of the values of His teachings, it highly upholds the principle of the benefit of the people. Islam regulates various aspects of human life as social beings both in terms of worship (human relations with His God) and muamalah (human-human relations). The form of muamalah that is often encountered in everyday life is buying and selling, because almost all people in this world carry out this transaction ( Fera Dwi Astuti, 2017).

Buying and selling is an interaction between the seller and the buyer where both exchange goods for other goods in a certain way. Included in this are services and also the use of exchange tools such as money ( A. Khumedi Ja'far , 2015). Allah has said in QS. Al-Baqarah verse 275:

وَالرِّبَا وَحْرَمَ الْبَيْعَ اللَّهُ وَأَحَلَّ

Translation: And Allah has justified buying and selling and forbidding usury .

This verse explains that Islam has taught buying and selling that can provide benefits between the seller and the buyer without anyone being harmed. Because buying and selling is also a means of helping fellow human beings.

Accounts payable is the activity of borrowing money or goods between people in need ( *debtors* ) and people who have money or goods then lend them ( *creditors* ) and at a later date the money or goods will be returned in the same amount or goods. This debt-receipt activity is a commendable act because there is an element of mutual assistance between humans ( Chairuman P. and Suhrawardi KL, 1994).

However, in the development of the times and the increasing complexity of human problems in meeting their needs, discrepancies often occur between norms and human behavior. (Andita Yuni Santoso, 2005). Along with changes in society, the practice of muamalah also changes so that new problems emerge. As is the case with the practice of buying and selling goods paid for due with gold as collateral in Kupak Rebung Hamlet, Ratu Sepudak Village, Galing District. Kupak Rebung Hamlet, Ratu Sepudak Village, is a village in the Galing District, only 17.2 km from the Sambas Regency Center. The majority of the livelihood of the residents of Ratu Sepudak Village are farmers and traders.

One of the residents who works as a trader is Mrs. Jalima (Interview, 2022) who is a resident of Kupak Rebung Hamlet, Ratu Sepudak Village, Galing District. Muad is a trader who since 2015 has started selling goods in the form of curtains, clothes and rugs. selling goods by offering door to door. The seller offers his wares with the *cash system* and accounts payable to other people. However, what makes it interesting is the practice of payables for goods carried out by Muad to buyers where the seller owes the goods by asking for guarantees from the buyer and paying off the debt within a specified time of five months. As for the goods requested to be pledged as collateral in the form of gold and if the buyer does not pay off by the specified time limit the buyer must give the gold to the seller as collateral, and the gold is held by the seller until the buyer pays it off, but the buyer must add costs as a fine due to the delay in paying the debt as much as five percent with a period of five months must also be paid off.

Based on the problems above, the researcher is interested in research entitled "The Practice of Buying and Selling Goods Paid Definitely with a Guarantee of Gold in the Perspective of Islamic Economic Law".

## RESEARCH METHODS

This type of research uses a type of library research ( *library research* ) that uses qualitative research methods. The approach method used in this study is a normative approach that refers to the norms or rules contained in the teachings of Islam.

## DISCUSSION

### **The Practice of Buying and Selling Goods Paid for due with Gold Collateral in Kupak Rebung Hamlet, Ratu Sepudak Village, Galing District**

Based on the population data of Ratu Sepudak Village, Galing District, Sambas Regency in Semester 2 of 2020 it stated that Ratu Sepudak Village had a population of 2,115 people with details of 1,082 males and 1,033 females. Of the 2,115 people in Ratu Sepudak Village, most of them work as farmers, a few as traders. Seeing the people of Ratu Sepudak Village who work as traders consist of clothing traders, basic food traders, home accessories traders, middlemen traders and food traders while the profession as farmers are rice, rubber, sahang, oil palm and vegetable farmers ( Directorate General of Population and Civil Registration , Ministry of Home Affairs of the Republic of Indonesia, 2022).

In Kupak Rebung Hamlet, there are several traders who work as traders, one of which is Muad who is a clothing seller, home accessories in the form of curtains and rugs, but there are also other traders. The buying and selling carried out by Muad is different from other traders because the buying and selling system used is buying and selling of goods paid for on time with gold as collateral, while others are not on collateral but only paid on time (interview, 2022).

In the practice of buying and selling goods, sellers trade their wares by lending goods since 2015 until now. In lending goods, the seller aims to help and relieve the local community in meeting their primary needs. The seller offers his wares to almost everyone in Kupak Rebung Hamlet, Ratu Sepudak Village, Galing District by offering from house to house. The seller sells his merchandise with a *cash* system and accounts payable, the seller also gives conditions to the buyer where the buyer must pay off his debt for six months and if the buyer does not pay off his debt within the specified time the seller asks for collateral in the form of gold but the gold that is guaranteed is not sold but gold returned on condition that the buyer is given another five month maturity and there is an additional fee in the form of a fine of 5% of the amount owed, for each payment of the debt the seller also includes proof of payment to the buyer in the form of a note of the day, date and month and year of payment (interview, 2022).

In the practice of buying and selling, there is also an agreement between the seller and the buyer where the agreement is made verbally. This buying and selling practice in every debt and credit transaction there is an element of agreement between the seller and the buyer. In the practice of buying and selling, when the seller is offering goods to the buyer, he always explains, reminds and convinces the buyer not to cause problems in the future and according to the seller, in the practice of buying and selling which is carried out in the transaction of buying and selling goods by being paid at this time, it is in accordance with Islamic law because there is no element of compulsion but mutual consent between the two parties (seller and buyer), both parties fulfill the conditions in conducting the contract, the goods being sold are not prohibited by religion, the goods being sold can be handed over, the object of the transaction is clear, and the price of the object is also clear on at the time of the transaction (interview, 2022).

In conducting interviews with the seller, the researcher saw that the seller really felt confident with the buying and selling practices he was doing and there was no problem in the Islamic view because the buying and selling that was done already covered the pillars and conditions of buying and selling. The seller also feels confident in the buyer that the buyer will not protest and complain about the buying and selling he is doing, because the price of the goods offered is not expensive and the method of payment is very convenient for the local community.

However, in accordance with the results of the interviews that in carrying out sale and purchase transactions of goods with accounts payable to creditors starting in 2016, the reason they carried out accounts payable was because the price offered by the seller was not much different from the market price, the seller only made a profit of only 10% of the price. In fact, the seller doesn't even set the number of installments to be paid each week (Abdul Aziz Muhammad Azzam, 2010).

The accounts payable system offered by the seller to everyone is the same, there is no difference, he offers his wares by visiting people from house to house, he also explains the price of his wares one by one to each buyer and every purchase of merchandise can be paid with the cash and debt *system* . receivables. For payments for those who are indebted, it is due for five months and if the buyer does not pay off the debt during the allotted time, the seller asks the buyer for collateral in the form of goods, namely gold, but the buyer must pay it again within another five months on condition that there is an additional fee referred to as a fine of 5% of the buyer's debt but the guaranteed gold will be returned after the debt is paid off. If the buyer wants to repay the

debt, the seller provides good evidence in the form of day, date, month, year and the amount of money paid. In carrying out debt transactions, there is no witness called a witness, but there are other people who sometimes come to see the goods offered by the seller.

In accordance with what was seen in the field, the researcher could conclude that the informants really did not mind what the seller had provided, both from the price offer, the agreement and certain conditions that were charged to the buyer, it was not a problem for them. Because, for each informant, every price offer, both the agreement and the conditions given, are very beneficial for the seller so that the seller does not experience a loss where they know that the capital used to sell the goods sold by the seller requires very large capital.

Whereas there were differences expressed by other informants stating that he had carried out debt and credit transactions since 2017, the reason he carried out accounts payable was because the price offered by the seller was not much different from the market price, the seller only made a profit of only 10% of the actual price. and the seller also does not set the number of installments that must be paid every week.

The accounts payable system offered by Muad to everyone is the same, he offers his wares by going to people from house to house and explaining the price of his wares one by one to each buyer and every purchase of his merchandise can be paid using the cash and accounts payable *system*. For payments for those who owe are due for five months and if the buyer does not pay off the debt during the allotted time, Muad asks the buyer for collateral in the form of goods, namely gold, but the buyer must pay it again within another five months on condition that there is an additional fee referred to as a fine. 5% of the buyer's debt but the guaranteed gold will be returned after the debt is paid off (interview, 2022). If the buyer wants to repay the debt, the seller provides good evidence in the form of day, date, month, year and the amount of money paid. In carrying out debt transactions, there is no witness called a witness, but there are other people who sometimes come to see the goods offered by the seller.

Based on the results of the interviews, there were also informants who objected to the additional cost because for them it was enough to guarantee gold but there was no additional cost in the form of fines and if they wanted additional costs there should be no more goods to be pledged. However, as long as they carry out their debts, they never pay debts beyond the due date set by the seller.

## **Review of Islamic Law on the Practice of Buying and Selling Goods Paid Definitely with Guaranteed Gold in Kupak Rebung Hamlet, Ratu Sepudak Village, Galing District**

Judging from the presentation of the practice of buying and selling paid for due to the guarantee of gold in Kupak Rebung Hamlet, Ratu Sepudak Village, it has fulfilled the pillars and terms of the contract, while the pillars and conditions of the contract are the subject and object of the contract and the consent qabul. While the pillars of buying and selling such as contracts, there are sellers and buyers, and the object of the contract and the terms of sale and purchase such as the terms of the contract, namely reason, and without coercion from others, there are also conditions related to consent and qabul, namely the person who says he has reached puberty, qabul in accordance with Ijab and ijab and qabul are carried out in one assembly and the terms that are traded are that the goods exist, are useful, belong to someone, can be handed over at the time the contract takes place and the terms of the exchange rate are the prices agreed by both parties, can be delivered at the time of the contract, and the goods selling halal.

The practice of buying and selling goods is paid for due to the guarantee of gold in Kupak Rebung Hamlet, Ratu Sepudak Village, Galing District, based on the law as the Qur'an as follows:

a. Surah An-Nisa verse 29

أَن إِلَّا بِالْبَطْلِ بَيْنَكُمْ أَمْوَالُكُمْ تَأْكُلُوا لَا إِمْنُوا أَلَّذِينَ يَتَأْمِنُونَ  
كَانَ اللَّهُ إِنَّمَا أَنفُسَكُمْ تَقْتُلُوا وَلَا مِنْكُمْ تَرَاضٍ عَنْ حِجَرَةٍ تَكُونُ  
رَحِيمًا بِكُمْ



The translation : O you who believe, do not eat each other's wealth in a vanity way, except by way of trade that applies with mutual consent between you. and do not kill yourselves. Verily Allah is Most Merciful to you.  
<sup>1</sup>(QS An-Nisa: 29)

b. Fatwa DSN. No. 19 regarding Al-Qard

Provisions for *Al-qardh financing* have been regulated in the DSN fatwa No. 19/DSN-MUI/IX/2000. In this fatwa, the provisions of *qardh* are as follows:

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<sup>1</sup> Ministry of Religion of the Republic of Indonesia, *Al-Hikmah* ..., page 48.

- 1) *Qardh* , namely loans given to customers ( *muqtaridh* ) who need it.
- 2) *qardh* customer is obliged to return the principal amount received which has been mutually agreed upon.
- 3) Administrative fees are charged to customers.
- 4) Banks can request guarantees from customers if deemed necessary. *Qardh* customers can voluntarily give (donations) to the bank as long as it is not agreed upon in *the contract* .

Accounts Payable is one of muamalah activities. *Qardh* is permissible in Islam as long as it does not conflict with syara' as the word of Allah SWT:

كَثِيرَةً أَضْعَافًا لَهُ فَيُضَعِّفُهُ حَسَنًا قَرَضًا اللَّهُ يُقْرِضُ الَّذِي ذَا مَنْ

تُرْجَعُونَ وَإِلَيْهِ وَيَبْصُطُ يَقْبِضُ وَاللَّهُ

Translation: who wants to give a loan to Allah, a good loan (spending his wealth in the way of Allah), Allah will multiply the payment to him with many times over. and Allah narrows and expands (provision) and to Him you will be returned.  
^ (QS Al-Baqarah: 245)

In carrying out accounts payable there are pillars and conditions, namely there are sellers and buyers, there are goods that are traded as well as agreements and qabul. The legal terms and conditions of accounts payable are as follows:

- 1) *Qardh* must be certain in measure, weight or amount.
- 2) The criteria for nature or size are clear, and if it's an animal, it's within the age limit.
- 3) *Qardh* must be done by people who are allowed to manage assets ( *jaiz tashoruf* ), so *qardh* cannot be made from people who are detained from managing their assets ( *mahjuur* ) or from small children or people who do not own these items.
- 4) Do not take advantage of *the qardh* paid.
- 5) Cannot be combined in *qardh* , other *contracts such as* buying and selling *contracts and others* .

The practice of buying and selling in Kupak Rebung Hamlet, Ratu Sepudak Village, Galing District is also related to guarantees, this guarantee is a burden given to other people and in guarantees there are pillars and guarantee conditions, namely there is a subject and an object, there are conditions, have reached puberty, have intelligence , consent and acceptance. The practice of buying and selling in Kupak Rebung Hamlet, Ratu Sepudak Village, although it is permissible, of course, must also understand the rules in dealing with muamalah. One of them is a contract, because mistakes in making muamalah transactions often refer to contracts between two or more parties.

In the implementation of buying and selling there must be an agreement so that there is no misunderstanding between the seller and the buyer. If the practice of buying and selling goods already has an agreement that meets the pillars and conditions and no party is harmed, then the law is permissible according to syara'. Such buying and selling is legal and in accordance with sharia.

The foundation in the Al-Qur'an Surah Al-Baqarah: 275 is as follows:

يَتَخَبَّطُهُ الَّذِي يَقُومُ كَمَا إِلَّا يَقُومُونَ لَا أَرْبَوْا يَأْكُلُونَ الَّذِينَ  
وَأَحَلَّ أَرْبَوْا مِثْلُ الْبَيْعِ إِنَّمَا قَاتُلُوا بِأَنَّهُمْ ذَلِكَ الْمَسْنُ مِنَ الشَّيْطَنِ  
مَا فَلَهُ فَأَنْتَهَى رَبِّهِ مِنْ مَوْعِظَةٍ جَاءَهُ فَمَنْ أَرْبَوْا وَحَرَمَ الْبَيْعَ اللَّهُ  
فِيهَا هُمُ الْنَّارِ أَصْحَابُ فَأُولَئِكَ عَادَ وَمَنْ<sup>ص</sup> اللَّهُ إِلَى وَأَمْرُهُ سَلَفَ

خَلِدُونَ

Translation: Those who eat (take) usury cannot stand but are like the standing of a person who has been possessed by a demon because he is mad. That is because they say that buying and selling is the same as usury. Whereas Allah has justified buying and selling and forbidding usury. Whoever gets a warning from his Lord, then he stops, then what he got before will be his and his business (up to) to Allah. Whoever repeats, then they are residents of hell, eternal in it. <sup>3</sup>(QS. Al Baqarah: 275)

Judging from the presentation of the practice of buying and selling paid for due to the guarantee of gold in Kupak Rebung Hamlet, Ratu Sepudak Village, Galing District, it has fulfilled the pillars and conditions of the contract, the pillars and conditions of sale and purchase, the pillars and terms of accounts payable and the pillars and terms of the guarantee. However, the practice of buying and selling that is carried out has additional costs so that the practice of buying and selling carried out by sellers contains usury, where usury is setting interest or exaggerating the total price when paying debts based on a certain percentage of the amount owed to the buyer. As for usury that is contained in the practice of buying and selling that is carried out is usury nasi'ah, namely the suspension of the delivery or recipient of ribawi goods with other types of ribawi goods.

## CONCLUSION

The practice of buying and selling goods paid for due to gold as collateral in Kupak Rebung Hamlet, Ratu Sepudak Village, Galing Subdistrict, is carried out by offering from house to house with a payment system of *cash* and accounts payable. The seller provides terms within a period of five months and if payment has passed the specified time limit, the seller asks for collateral in the form of gold, but the requested gold will be returned if the buyer pays off his debt on condition that the buyer must add another payment which is referred to as a fine to be paid in a period of five more months and every seller's debt payment transaction includes proof of payment to the buyer in the form of a record of the day, date, month, and year of payment. Buying and selling carried out by the seller is not an element of compulsion between the seller and the buyer.

Review of sharia economic law on the practice of buying and selling goods paid for due with gold as collateral in Kupak Rebung Hamlet, Ratu Sepudak Village, Galing Subdistrict, in the practice of buying and selling has fulfilled the pillars and terms of the contract, the pillars and conditions of sale and purchase, the pillars and terms of accounts payable and the pillars and conditions guarantee. A review of Islamic law on the practice of buying and selling is paid for on time with gold as collateral in Kupak Rebung Hamlet, Ratu Sepudak Village, Galing District, which is carried out by sellers containing usury (additional) when payments are made within the specified time past maturity. Riba contained in the practice of buying and selling is usury nasi'ah, namely the suspension of the delivery or recipient of a type of ribawi item with another type of ribawi item.

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