



Postgraduate

Journal of Islamic Economics, Finance and Accounting Studies

ANALYSIS OF UNDERSTANDING AND APPLICATION OF FIQH MUAMALAH (BAI') AT TANAH ABANG MARKET TRADERS BLOCK B WITH PHENOMENOLOGY APPROACH

*Abdian Fredy Wijaya, Erwandi Tarmidzi, Achmad Firdaus
Insitut Agama Islam Tazkia, Indonesia
abdianwijaya@gmail.com*

ABSTRACT

Purpose – To analyze the understanding and application of fiqh muamalah at Tanah Abang Market Traders Block B.

Design/methodology/approach – The method in this research is Qualitative research methods with a phenomenological approach with nine respondents.

Findings – The results of the research in this study are 88% do not understand but apply and 11% understand and apply in the pillars of bai, 83% understand and apply 17% do not understand and do not apply to the theme of valid bai requirements, 100% do not understand and apply to the qadbh theme, 66% understand and apply 33% do not understand and do not apply to the theme of khiar, 94% understand and do not apply 6% do not understand and do not apply to the theme of usury, 81% understand and do not apply 19% do not understand and do not apply to the theme of gharar, 100% understand and do not apply to the theme of dzalim

Research limitations/implications – The scope used in the study only covers places that are not too large and broad in scope, and this study only uses 2 variables. The pandemic conditions hampered the research process, so that when the interview process the results were not optimal.

Originality/value – The results of the research can be used as a basis for reference for educational institutions to actively provide socialization to traders, as well as religious institutions to be able to provide scientific studies on fiqh muamalah to market traders at Tanah Abang Block B.

Keywords Fiqh Muamalah, Qualitative Research Bai', Phenomenology Approach

INTRODUCTION

Buying and selling is an activity that is not foreign to the community. Almost every time every human being does this activity. Because in every fulfillment of the needs of daily life, people cannot leave this activity and with this buying and selling activity, humans can complement each other by exchanging goods or services in accordance with the agreement. The procedure for buying and selling is also regulated in Islam, such as contracts, the object of the transaction is regulated in order to determine the type of goods or objects that are prohibited for sale and purchase. Problems related to buying and selling are so complex, coupled with the rapid development of the era very quickly along with technological developments, even buying and selling procedures do not want to

be left behind, it is proven that there is a shift in the current buying and selling process.

Tanah Abang Market is the largest wholesale center in Southeast Asia. Buyers who come to Tanah Abang Market from all corners of the country to foreign countries such as Malaysia. Since its establishment until now, Tanah Abang Market has undergone many building and design changes. In the current condition of buying and selling at Tanah Abang Market, it is different from the conditions of buying and selling in the past, where buyers who come to Tanah Abang Market do not all make direct sale and purchase transactions, but they come only to survey good goods and then resell them. third parties without purchasing the goods first. Some came and took photos of the goods and resold them on social media. Many traders also use social media to market their products. Buying and selling in the Tanah Abang market are also many who make payment transactions by credit. The conditions of buying and selling in the market today are always changing by following the times, and if traders do not understand the science of trade, they are afraid that they will fall into things that are haram. Umar bin Khattab once warned people who did not understand the principle of muamalah not to trade in the market. 'Umar radhiyallahu 'anhu said in Mughnil Muhtaj, 6/310: "Let no one trade in our market until he understands well about the ins and outs of usury" and in this study aims to determine the understanding and application of fiqh muamalah (Bai') on land market traders Brother Block B.

In this study, referring to several studies, namely the first research from Rodrigue Fontaine, 2019 entitled Perception of Riba Among the Muslims in Malaysia: In this study to develop how much people understand and apply Riba, previous research aimed to determine the perception of the Muslim community towards Riba or Riba. ban. The second reference in this study is the research conducted by Malianur in 2016 entitled Understanding and Application of Contracts in Buying and Selling Transactions in Traditional Markets (Study of Clothing Traders at Mentaya Shopping Center, Sampit City). This study develops previous research but in different locations and adds to the variance of the variables studied. The variables studied in this study were more than in previous studies

LITERATURE REVIEW

Understanding and Aplication

Understanding is the ability of a person to capture a meaning or meaning of the material that has been studied and can explain the contents of the material that has been studied (Sudaryono, 2012). Application is: an action that is carried out either individually or in groups with a view to achieving the goals that have been formulated (Moloeng, 2009). According to Notoatmodjo (2012) knowledge has six levels, namely:

a. Knowing

Knowing is the lowest level. Knowing can also be interpreted as someone recalling a material that has been studied or given previously

b. Understand

Is a person's ability to be able to explain what is known correctly. Someone who has understood something will be able to answer, mention, explain, and conclude something correctly

c. Application

Is the ability of a person who has understood a material thing then he applies to the actual condition. For example, someone who has understood how

to make a presentation properly and correctly when he has understood it then he will apply how to present a good and correct presentation.

d. Analysis

It is the ability of a person to describe the material or theme into the components contained in a problem and related to one another

e. Synthesis

It is the ability of a person to put or connect parts of a certain object into other parts or it can also be called by compiling a new part from the parts that previously existed.

f. Evaluation

It is the ability of a person to make an assessment of a particular material or theme

Phenomenology

The study of phenomenology is an approach that is so essential, it is related to the experiences experienced by a person during his life, besides that phenomenology also provides an overview of the phenomena that have been studied by researchers from the data obtained (Polit and Beck, 2004)

Fiqh Muamalah

Fiqh Muamalah is the study of the rules or laws of Allah Subhanahu wa ta'ala. That we must obey and the knowledge that regulates the relationship between human beings in relation to property in the form of conventional, modern, or contemporary transactions (Khoerudin, 2019). Muamalah comes from the word amala yu'amilu which means to act, do each other, and practice each other. Meanwhile, according to the term Muamalah is the exchange of goods or something that provides benefits in a specified way (Syafei, 2001).

Buying and selling (al-bai') according to language means selling, replacing and exchanging something for something else. The word al bai' is a word that includes the meaning of its opposite, namely alsyira '(buy). Thus, the word al bai 'in addition to the meaning of the word sell as well as the word buy. The definition of buying and selling according to the term (terminology) is the exchange of goods or goods for money which is carried out by releasing property rights from one to another on the basis of mutual consent (Abdulah, 2001). Mubah is the original law of bai', but in other situations or conditions this permissible law can become obligatory, sunnah, makruh and even unlawful based on the principle of benefit. Bai' has three pillars:

1. The perpetrators of the transaction, namely: the seller and the buyer.
2. The object of the transaction, namely: price and goods.
3. Contract (transaction), namely: all actions taken by both parties which shows they are conducting a transaction, whether the action is in the form of words or deeds.

Forbidden Things

Zhalim comes from Arabic, namely Zhulm which means to put something not in its place. In Indonesian, it is usually translated by doing wrong. According to the term zhalim means doing the prohibition and leaving God's commandments, then any action that exceeds the provisions of the Shari'a is an unlawful act which is forbidden, either by adding or by subtracting. The opposite of zhulm is adl. Adl in Indonesian means to do justice. (Erwandi, 2017).

Gharar comes from the Arabic language which means risk, deceit and fall or treasure to the abyss of destruction. According to the terms of the fiqh experts,

gharar means: buying and selling that has no clear end. Some scholars define it by buying and selling the consequences between the existence and not

Riba in Arabic means to increase, to grow. Be a lot. So anything that adds up is linguistically called Riba. According to Islamic terms, Riba is adding a burden to one of the debtors (Riba Dayn), besides that Riba is also known as adding a measure when making a sale and purchase transaction or exchanging six usury commodities (gold, silver, wheat, poetry, dates, salt). The law of Riba is haram based on the Qur'an, hadith and ijma. Riba is one of the major sins and seven sins that destroy.

DATA AND METHODOLOGY

The research method used in this study is a qualitative method. The qualitative approach used is a descriptive phenomenological approach. In this study, the research subjects were traders at Tanah Abang Market who had understood and applied Fiqh muamalah in their buying and selling activities. The population in this study are traders in Tanah Abang Market block B who already understand and apply Fiqh muamalah in their buying and selling activities. The analytical method used in this study is the Colaizzi method cited by Strubert and Carpenter (1990)

RESULTS AND DISCUSSION

On the theme of the pillars of Bai', the respondents who said they did not understand but applied were eight people, based on the results of the research respondents said they did not understand about the pillars of bai' because they did not know about the terms of the pillars of bai', namely actors, objects and contracts. But in practice, they apply it. On the theme of valid bai' requirements which consists of five sub themes. There is one sub-theme that the respondent does not understand but applies, namely in the sub-theme of the respondent's understanding and application of the contract actors are people who are allowed to carry out the contract (people who are mature, reasonable and understand) on the grounds that the respondent does not know whether the sale and purchase contract is valid, if any. A child who was asked by his parents to buy things.

On the theme of qadbh, all respondents have understood and applied about qadbh in buying and selling transactions by moving or giving goods that have been purchased. In the khi'ar theme which consists of three sub-themes, there is one sub-theme that respondents do not understand and do not apply, namely the sub-theme of understanding and application of traders at khi'ar, both parties have the right to determine khi'ar requirements within a certain period of time and are mutually willing on the grounds that respondents do not know about this.

In the Riba theme which consists of four sub-themes there is one sub-theme that does not understand and does not apply a number of two respondents (22%) namely in the sub-theme using pawns from buyers whose credit includes usury, the reason is because respondents do not know the term pawn and respondents also have never made/received a pledge or guarantee. In the gharar theme which consists of three sub-themes, there is one sub-theme that they do not understand and do not apply, namely the sub-theme of selling goods that are not owned, including gharar as many as four respondents (44%). The respondent's reason is because according to the respondent's knowledge, gharar is only limited to goods that are clear in their form but in ownership they do not know that in buying and selling goods must be owned first, otherwise it is called gharar. The theme of

zhalim is that all respondents understand and do not apply it in their buying and selling transactions. The results of this study are the same as previous research conducted by M. Alianur (2016) whose research results contained two respondents from contract variables who stated they did not understand but applied.

Table 1. Research Theme

Theme	Indicator	Question
Pillar of Bai'	Three pillars of Bai'	Do the respondents understand three pillars of Bai' and apply it in their buying and selling transactions?
Legal terms of Bai'	- Mutual pleasure between seller and buyer - Contract actors are people who are allowed to perform the contract (baligh, intelligent and understand) - The object of the transaction is a <i>halal</i> item - The object of the transaction is known by both parties at the time of the contract - Prices must be clear at the time of transaction	- Do the respondents understand that the terms of a valid bai' between the buyer and seller must be mutually pleased and do they apply it in their buying and selling transactions? - Do the respondents understand that the terms of a valid bai' between the buyer and seller must be mutually pleased and do they apply it in their buying and selling transactions? - Do the respondents understand that in terms of legality, the object of the transaction is a <i>halal</i> item and does it apply to the sale and purchase transaction? - Do the respondents understand that in terms of validity, the object of the transaction is known by both parties at the time of the contract and does it apply to the sale and purchase transaction? - Do the respondents understand that in terms of validity, the price of the goods must be clear at the time of the transaction and does it apply in the sale and purchase transaction?
<i>Qabdh</i> (Receipt of Goods)	Understanding and application of <i>qabdh</i>	Do the respondents understand the meaning of <i>qabdh</i> and do they apply it in their buying and selling transactions?
<i>Khi'ar</i>	- Understand the meaning of <i>khi'ar</i> - Both parties have the right to determine the terms of <i>khi'ar</i> within a certain period of time and are mutually pleased - The seller has the right to explain the goods if there is a defect in the goods, otherwise the buyer has the right to return the goods or ask for a loss if he knows there is a defect in the goods	- Do the respondents understand the meaning of <i>khi'ar</i> and do they apply it in their buying and selling transactions? - Do the respondents understand that in <i>khi'ar</i> both parties have the right to determine a certain time and are mutually pleased with each other and do the respondents apply it in their buying and selling transactions? - Do the respondents understand that in <i>khi'ar</i> the seller has the right to explain the goods if there is a defect in the goods, otherwise the buyer has the right to return the goods or ask for a loss if they know there is a defect in the goods and do the respondents apply it?
<i>Riba</i>	- Understand the meaning of <i>Riba</i> - Buying and selling credits pay with different types of currencies - Do not use pawned goods / guarantees from buyers who are on credit - Don't give a fine to the buyer if you are late in paying the payment	- Do the respondents understand the meaning of <i>riba</i> and do the respondents apply it? - Do the respondents understand when in credit transactions if the payment is in a different currency, then the payment is based on the exchange rate at the time of payment and do respondents apply it? - Do the respondents understand that in usury we do not use pawned goods/guarantees from buyers who are on credit and do the respondents apply it? - Do the respondents understand that in usury we do not give a fine to the buyer if the payment is late and whether the respondent applies it?

<i>Gharar</i>	• Understand the meaning of <i>Gharar</i> • Don't sell items that you don't own • Do not sell goods online with unclear specifications	• Do the respondents understand the meaning of <i>gharar</i> and do the respondents apply it in their buying and selling transactions? • Do the respondents understand that in <i>gharar</i> it is not permissible to sell goods that they do not own and do the respondents apply it in their buying and selling transactions? • Do the respondents understand in <i>gharar</i> not to sell goods online with unclear specifications and do the respondents apply it in their buying and selling transactions?
<i>Dzalim</i>	• Understand the meaning of <i>dzalim</i> • Don't mix good stuff with bad stuff • Don't lie in marketing/advertising the product • Does not reduce the scale, specifications or product quality	• Do the respondents understand the meaning of <i>dzalim</i> and do the respondents apply it in their buying and selling transactions? • Do the respondents understand that in <i>dzalim</i> it is not permissible to mix good goods with defective goods and do the respondents apply it in their buying and selling transactions? • Do the respondents understand that in <i>dzalim</i> they should not lie in marketing/advertising products, do the respondents apply it in their buying and selling transactions? • Do the respondents understand in <i>gharar</i> not to sell goods online with unclear specifications and do the respondents apply it in their buying and selling transactions?

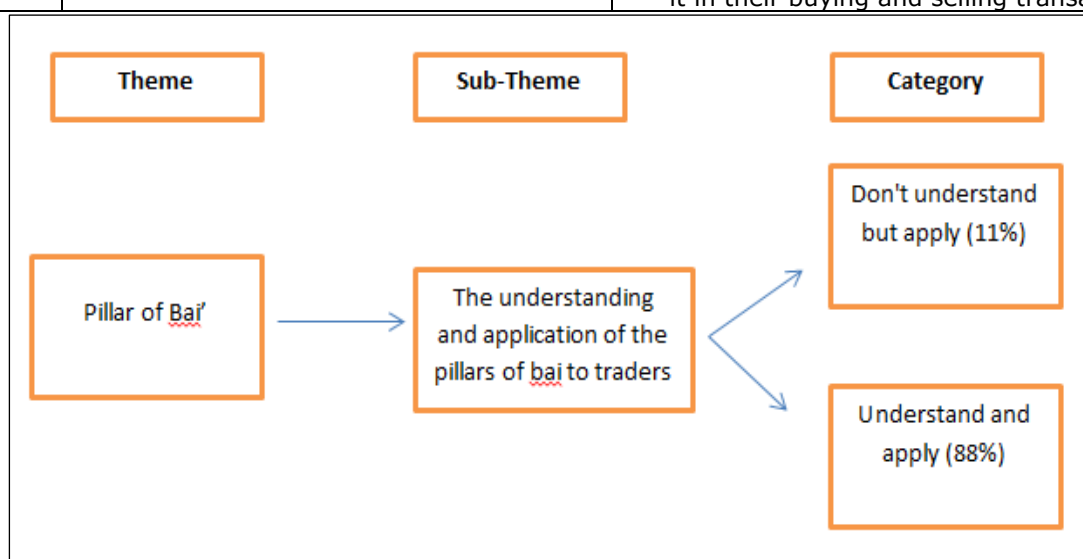


Figure 1. Bai' Scheme

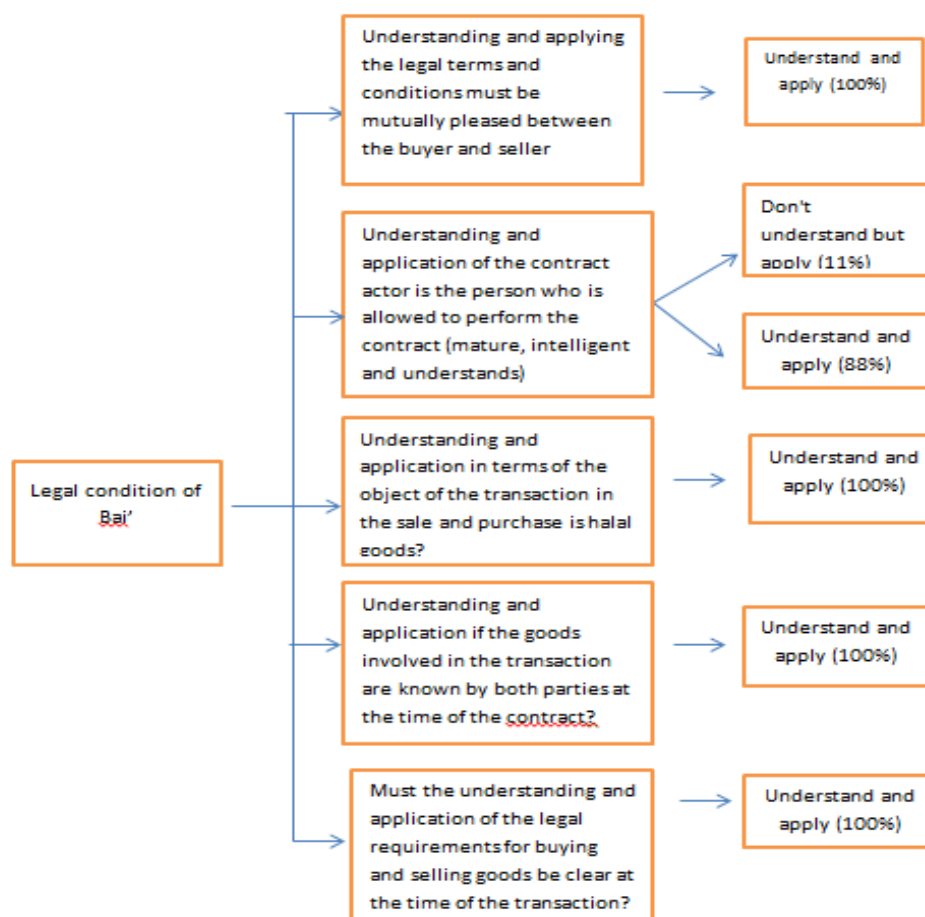


Figure 2. Legal Bai' Term

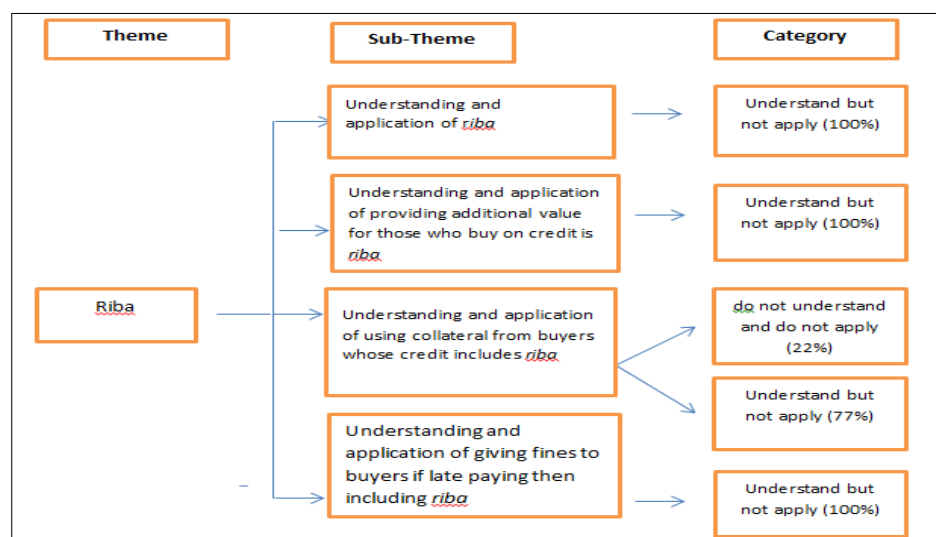


Figure 3. Riba Screme

CONCLUSION

In this research, there are three sub-themes resulting from respondents stating that they do not understand but apply, namely the sub-theme of understanding and application of respondents about three pillars of ba'i as much as 11% or one respondent, sub-themes of understanding and application Contract

actors are people who are allowed to perform contracts (mature, intelligent and understand) as much as 11% or one respondent, sub-theme understanding and application of qadbh (receipt of goods) as much as 100% or eight respondents. The results of this study are not in accordance with the theory of knowledge proposed by Notoatmodjo (2012) that the level of knowledge is the understanding before application. Generally, people who have applied or implemented an activity, they already understand the theory or meaning of the activity. Meanwhile, in this study, it was found that the respondents did not know about a theory but they had applied it. And the suggestion from this research is for educational institutions to be able to provide socialization or a place for students to provide socialization about fiqh muamalah for market traders, however knowledge must be possessed before trading so that they fall from riba.

LIMITATION

This study has limitations that can be taken into consideration for future researchers in order to get better research results. These limitations include: The scope used in the study only covers a place whose scope is not too large and broad, and this study only uses 2 variables. The pandemic conditions hampered the research process, so that when the interview process the results were not optimal.

REFERENCES

- Dauda, S. Y., & Lee, J. (2016). Quality Of Service And Customer Satisfaction: A Conjoint Analysis For The Nigerian Bank Customers. *International Journal of Bank Marketing*, 34(6), 842–867.
- Ladhari, R., Ladhari, I., & Morales, M. (2011). Bank service quality: comparing Canadian and Tunisian customer perceptions. *International Journal of Bank Marketing*, 29(3), 224–246.
- Othman, A., & Owen, L. (n.d.). Adopting And Measuring Customer Service Quality (Sq) In Islamic Banks: A Case Study In Kuwait Finance House. *International Journal of Islamic Financial Services*, 3(1).
- Al Mubarakfury, Shafiyyurrahman. 2018. *Sirah Nabawiyah Perjalanan Hidup Rasul Yang Agung Muhammad Dari Kelahiran Hingga Detik – Detik Terakhir*. Yogyakarta. Darul Haq
- Budiarti, Astrida. 2010. *Studi Fenomenologi : Pengalaman Seksualitas Perempuan Selama Masa Kehamilan Di Surabaya*. Depok. Library UI
- Dewi, Asih. 2005. *Fenomenologi Huserl: Sebuah Cara Kembali ke Fenomena*. Jurnal Keperawatan Indonesia. Jakarta. FIK UI.
- Djunaidi Mahbud. 1982. *Seratus Tokoh yang Paling Berpengaruh dalam Sejarah* Michael H. Hart, 1978. Jakarta. Dunia Pustaka Jaya
- Kartajaya, H., & Sula, M. S. (2006). Sy Abdullah, M. (2001). *Pluralisme Agama dan Kerukunan dalam Keagamaan*. Jakarta: Penerbit Buku Kompas.
- Khoerudin, Koko & Hariman Surya Siregar. 2019. *Fikih Muamalah Teori dan Implementasi*. Bandung. Rosda.
- Lexy. J. Moleong. 2000. *Metodologi Penelitian Kualitatif*. Bandung. PT Remaja Rosdakarya
- Lexy. J. Moleong. 2004. *Metodologi Penelitian Kualitatif*. Bandung. PT Remaja Rosdakarya
- Nasir, M. 1999. *Metode Penelitian Hukum*. Jakarta. PT Rineka Cipta

- Notoatmodjo. 2012. Metode Penelitian Kesehatan. Jakarta : Rineka Cipta
- Polit & Beck, P. (2004). Essential of Nursing Research : methods, apraisal, and utilization (Sixth Edition ed). Philadephia : Lippincot Williams &Wilkins
- Sabian Utsman. 2009. Dasar-Dasar Sosiologi Hukum Makna Dialog Antara Hukum dan Masyarakat Dilengkapi Proposal Penelitian Hukum. Yogyakarta. Pustaka Pelajar
- Saifuddin, Azwar. 1998. Metode Penelitian. Yogyakarta. Pustaka Pelajar
- Somantri, G. R. (2005). Memahami metode kualitatif. Makara, Sosial Humaniora
- Sudaryono. 2012. Dasar-dasar Evaluasi Pembelajaran. Yogyakarta: Graha Ilmu.
- Sugiyono. 2006. Metode Penelitian Pendidikan, Pendekatan Kuantitatif dan Kualitatif dan R&D. Bandung. Alfabeta
- Suhendi Hendi.2011. Fiqih Muamalah. Jakarta. Rajawali Prees
- Syafei Rachmad.2001. Fiqh Muamalah. Bandung. Pustaka Setia
- Tarmidzi, Erwandi & ETA. 2017. Modul Fiqh Muamalah Maaliyah. Bogor. ETAariah Marketing. Bandung: Mizan.