

BUYING AND SELLING FRUIT USING THE CUTTING SYSTEM FROM THE PERSPECTIVE OF SHARIA ECONOMIC LAW IN TOSARAN VILLAGE

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ABSTRAK: *Jual beli dengan sistem tebasan sudah ada sejak zaman dahulu. Sistem jual beli dengan cara tebasan ini biasanya digunakan untuk mempermudah jual beli buah-buahan atau biji-bijian yang tidak dapat diperkirakan jumlahnya, atau yang belum dipanen. Namun dalam jual beli dengan sistem tebasan ini terdapat suatu permasalahan yaitu barang yang diperjualbelikan masih ghaib atau belum terlihat. Harga yang ditentukan dalam jual beli dengan sistem tebasan ini masih berupa perkiraan dan hasil panennya juga hanya perkiraan saja. Padahal jual beli dengan sistem tebasan ini sudah dilakukan sejak lama oleh masyarakat di desa Tosaran. Dalam penelitian ini, peneliti ingin mengetahui hukum jual beli dengan sistem tebasan dalam perspektif Islam dan faktor-faktor apa saja yang mempengaruhi banyaknya jual beli buah dengan sistem tebasan di desa Tosaran. Metode penelitian menggunakan jenis penelitian kualitatif dengan pendekatan deskriptif analitik. Sumber data utama berasal dari hasil observasi dan wawancara. Penelitian ini menyimpulkan bahwa dalam praktiknya, sistem tebasan dilakukan oleh pihak pemborong dengan cara membeli buah sebelum masa panen. Praktik jual beli semacam ini mengandung gharar yang menyebabkan transaksi jual beli menjadi tidak sah. Alasannya karena tanpa adanya takaran yang sempurna, dan ketidakpastian jumlah barang yang diperjualbelikan dapat menimbulkan kerugian pada salah satu pihak yang melakukan akad. Namun demikian, ada tokoh struktural NU yang membolehkan jual beli dengan sistem tebasan karena praktik tebasan yang sudah ada dan dilakukan sejak dulu. Lalu ada beberapa faktor yang mempengaruhi masih banyaknya jual beli dengan sistem tebasan di desa Tosaran adalah lebih praktis, hemat waktu dan hemat tenaga.*

Kata kunci: *tebasan, jual dan beli, dan ekonomi.*

ABSTRACT: *Buying and selling with system slash already exists; there has been since long ago. System sell buy with method slash This usually used For make it easier sell buy fruits or grains are not can estimated the amount, or not harvested . However, in sell-buy with system slash, there is a problem that goods are being traded that are still unseen or not yet seen. Determined price in sell-buy with system slash This still form estimates and results the harvest is also only an estimation. Whereas sell buy with system slash This has already been done for a long time by the people in the village of Tosaran. In this research, the researcher wants to know the law sell buy with system slash from an Islamic perspective and factors That's the only thing that influences it; many sell fruit with system slash in the village of Tosaran. Research methods use type study qualitative with an approach descriptive analytics. Primary data sources originate from results observation and interviews. Study This concludes that in practice, the slash system is carried out by the party contractor with the method of buying fruit before harvest time. Practice sell-buy sort of This contains gharar that causes transactions to sell or buy to become invalid. The reason is that without a perfect measure and a not-for-sure amount of goods sold, it can give rise to a loss to the party doing the contract. However, there is a figure the NU structure allows it to sell and buy with a slash system because practice slashing has already been there and done since then. Then there are a number of factors affecting it. Still, many people buy with a slashing system in the village of Tosaran because it is more practical, economical, and saves power.*

Keywords: *slash , buying and selling, and economy.*

1. INTRODUCTION

Buy and sell, according to etymology, means to exchange goods or transfer treasure. Whereas according to terminology, selling buy is an incident exchange influencing the significance of ownership of goods with other goods. Selling in Arabic is Al-Bai, which means swapping something with something else, or the party selling it. Then there is a name that has the opposite meaning from al-bai, namely al-syira, which means accept or become the buyer (Rahayu et al., 2023).

Buying and selling inside Islam has harmony and conditions for selling. There are three get-alongs: the first is the convening party contract (which includes seller and buyer), the second is shighat (consent granted), and the third is the object being sold (al-ma'qud' alaih). Then there is the condition sell, buy, that is, goods must be holy; get it taken. The benefits belong to the person who makes the contract, is capable of or can deliver the goods, and is known to both sellers and buyers (Zuhaili, 2010).

According to Hanafiyah scholars, buying and selling in terms of whether it is legal or not is divided into three forms, namely:

a. Buy and sell *sahih*

Buy and sell said authentic if sell buy That required, fulfilled harmony and specified conditions, right someone else's, no depends on rights khiyar again.

b. Buy and sell *batil*

A cancelled sale and purchase is if one or all over he bowed No fulfillment or sell-buy; that's its basis and nature, not prescribed. Types: sell, buy the batil one (Nasrun Haroen, 2007):

- 1) Buy and sell something that doesn't exist.
- 2) Sell stuff that can't be handed over to the buyer, such as loose bird from the cage.
- 3) Buying and selling that contains element fraud, which in its birth is ok, but inside it turns out there is elements fraud.
- 4) Buy and sell things that are unclean.
- 5) Buying and selling al-' Urbun

c. Buy and sell *fasid*

Damage to sale that concerning price goods and may be fixed, then sell buy that named fasid(Nurul Inayah, 2018).

Legal basis sell buy found in the Qur'an as well hadith among them is as following (Kholifah, 2020):

a. Al-Qur'an

In QS. Al-Baqarah verse 275, which means "Allah has justified selling, buying and forbidding usury".

Then in QS. An-Nisa verse 29 which means " O you who believe don't eat wealth between you and false path, except with road commerce on base each other willing among you".

b. Hadith

From Rifa'ah Ibn Rafi' that the Prophet sallallaahu ' alaihi wa Sallam ever asked: Job what is the best? He said: " Work somebody with his hands and every clean buying and selling." (HR. Al-Bazzar. Hadith sahih according to the Judge).

Buy and sell is usual activities done by all humans do in every time. Buying and selling buying and selling with method slash already There is since time immemorial.

System sell buy with method slash This is usually used to make it easier to sell fruits or grains that have not been estimated or harvested (Cahyani, 2017).

The breadth-yard house in the village of Tosaran Lots is utilized for planting fruit-bearing trees. This is done because, besides fruit that can be eaten yourself, fruit can also be sold and can become extra money for daily use. The two types of trees commonly planted are manga and rambutan trees. Buyer or slasher fruit will look around the middle tree fruitful, and sometimes slasher has his own customer, but still every one of the tree bear fruit certain will sell to slasher fruit. After slashing to find which tree will be cut down, they will estimate how many lots of manga or rambutan will be harvested, counted, and sold.

Buy and sell according to Islamic law is a transaction like the same, according to a specified way, Sharia. Intent of will aria, which is all over a contract entered into by two parties or more, is not considered legitimate if it is not in line with will Islamic law, such as a contract for transaction usury, defrauding others, or robbery. But on sale: buy with system Slash This there is thing that becomes problem, that is goods sold buy it keep it up unseen or Not yet seen. Determined price in the sell-buy system: Slash This still estimates and results in a harvest of only approximately. Whereas the system sells, buy slash This has already been done, first by the people in the village of Tosaran.

Based on the description above, the researcher will discuss how the law sells fruit with a slash system and what factors are affecting selling fruit with a slash system. This lot was carried out in the village of Tosaran.

2. RESEARCH METHODOLOGY

2.1 Types of research

Study This is study qualitative with type study studies case. Research approach This is a purposeful qualitative study to understand as well as explore who sells and buys fruit with system slash in the village of Tosaran.

2.2 Data source

The source of the data comes from results, observations, and interviews with appropriate topics and a title study. This is sell buy fruit with system slash in perspective law sharia economics in society village Tosaran.

2.3 Data collection methods

The method used by the by the researcher in data collection was an interview with a resource person in the village of Tosaran who practices selling speckle fruit with system slash.

2.4 Data analysis technique

Study this method uses data analysis in the form of a systematic review, namely research conducted step by step with the data obtained from interviews conducted with people in the village of Tosaran who practice selling speckle fruit with system slash.

3 RESULTS AND DISCUSSION

Implementation of Buying and Selling with System Slashing in Tosaran Village

Usually, there are a number of methods for its implementation. That is, slasher/buyer do transaction sell buy with owner tree whose fruit is not yet ripe or still small, so that buyer must wait until the fruit is ripe or ready to harvest for taken from the tree. After the second party agrees to do sell, buy with a slash system with a count amount of a tree that will be harvested when it bears fruit that is ripe. Then the price will be provided by buyers, and sellers also consider understanding that the buyer will take it after fruit is

ripe or ready to harvest without or with speech by the buyer at the time of the transaction. This matter usually happens because it has already become a habit or tradition in the region, so both parties agree or not, resulting in misunderstandings as well as disappointment or loss for one party doing the transaction.

Then there is also another way, namely, when both parties agree on a on a set price, the slasher or buyer will give more money, formerly as a down payment. And if later the slasher finishes harvesting, the fruit is ripe, so the slasher will pay off the remainder of the lack of down payment that has been given at the beginning that has been given to the owner of the tree fruit. The amount of down payment given also depends on the owner's tree fruit. However, there are also direct slashers who pay full at the start time so that when it is harvest time, slash only will direct take the fruit from the tree.

Law of Buying and Selling Fruit with System Slash

Buy and sell is something agreement swap swap object or items that have mark swap each other volunteer between second split party, which one party One accept and party other accept with agreement or provisions that have been justified by sharia 'and agreed upon (Aprilia, 2020).

Selling law buy slash according to NU structural figure: the party that held it contract must be someone who has puberty or is an adult, as well as someone who has no experience of disturbance in the in the soul and reason, shigat (consent and qabul), a second split party willing, pleased, or like the same like and know will risk from the sell-buy-slash. If you do not know the law from sell-buy, that is haram or not valid. Then the thing becomes an object contract must be goods personal, and terms goods sold buy it must holy, useful, belonging personal sellers and goods can known to both parties (Kholifah, 2020).

Selling law buy slash according to NU and cultural figures: parties who held it contract No require element puberty the most important thing is fulfilled slasher offer price to owner trees that bear fruit and so on suitable between both of them so happen agreement price and not problem If seller No know market price for the fruit moment that. Sighat with agreement oral just already enough without agreement written because of this system Already common and possible for forget that a little. Then the thing becomes object contract is goods owned by personal However with a slash system with method wait mature fruit will potential usury. And conditions goods being traded is owned by individual who can for sale to Who just provided the goods Not yet someone bought it (Kholifah, 2020).

In the Islamic law, activities sell buy fruit is permitted activities done. However, inside transaction sell buy fruit the must be fulfil get along well as well as condition sell buy that already determined by law syara ' to sell buy fruit the become valid or not harm to both sides party.

A number of rule law muamalah contemporary are (Burhani & Anis, 2020): first, law origin muamalah is can that is opinion many scholars, there is a history that mentions there is ijma' within matter This. However the existence of this ijma' refuted because great opinion from group zhairiyah disagree rule this.

Second, the law origin condition in muamalah is can. In accordance with the word of Allah swt. In QS Al-Isra' verse 34 which asks for keep promise. Order For keep promise this also includes for fulfil condition. The most important is terms of the contract determined before contract, that is after second split party agreed condition. Requirements are also possible determined at the time of the contract.

Then the next one, three, no There is an element injustice. Zalim obeyed bah, which means to put something not in place in a way beyond the limit. Whereas, according to the term, unjust means a prohibition and abandonment order.

That is to four that is No contain element gharar (no explanation) is appropriate with HR. Imam-Buhari which means " That Rasulullah SAW. Forbid us from selling fruits before ripe ".

The fifth is not an element usury. Usury is linguistically meaningful additional, whereas according to the term, exaggerate something certain with compensation certain too. Usury is divided into two categories, namely usury fadhil, which means, according to the language, addition or advantages, while according to the term, usury fadhil It means the addition or advantage of one good, which is paid in cash. Then there is usury nasi'ah, who obeyed the term by suspending handing over one from the second goods ribawi united by one 'illat with usury fadhil (i.e., you're welcome as a price or mark exchange) (Khalid Bin Ali Al-Musyaiqih, 2012).

Next on six, no contain element gambling. In Arabic, gambling is taken from the word al-yasaar, and then the word al-maisir means convenience and wealth. Al-butir also means obligations, while according to the term, al-butir (gambling) is every transaction carried out by someone who is pregnant with the with the possibility he will get profit or loss.

And the seven must be honest and trustworthy. According to language, the word ash-shidiq (honesty) indicates power over something, i.e., harmony of law with reality. Meanwhile, the word 'trust', according to the language, means calm, be careful, obey promise, and justify. Understanding the term second, the meaning of this word is No go out of the meaning of the language. So shidiq (honesty) is deep muamalah. It means suitability of words perpetrator muamalah with reality, and he does not disagree with his words. Whereas trustworthy attitude within muamalah means to perfect and fulfill a contract that has been made agreed in muamalah, that as well as no difference.

In the sell-buy process, one matter becomes very important: the contract. Especially inside activity transactions on sale buy with a slashing system.

Terms, validity, and contract, including: Consent, consent, and acceptance must be achieved in a way free of coercion. If consent and acceptance are achieved based on coercion, then his consent is considered fasid. Submission object contract No can contain gharar (samar) that makes a contract contain harm that will happen considered fasid. Condition Nor do certain objects contain gharar. And temporary object contracts that can be transacted must be free from fraud, and contracts that are not charged can contain usury.

As has been explained above, the law muamalah is yes; however, there are several selling systems that are prohibited. If you sell, buy the no in accordance with the applicable sharia law. Like in the in the case of selling and buying fruit with a slashing system in the village of Tosaran, who is pregnant, gharar, uncertain, or faint in circumstances, fruit and quantity scales the fruit. There is gharar. This can be wrong if the party doing it sells, buys, even though the slashing system is used on a basis like the same. However, however element gharar no can be avoided in the process of selling, buys. This matter disappears momentarily. Already, each other is willing or pleased. However, one party feels deceived, and his pleasure is lost, so the agreement is cancelled. For example, a seller or owner feels tricked because they are harmed by the buyer, and as a result, more lots from the conjecture beginning.

Factors that Influence the Buying and Selling of Fruit with System Slashing is still carried out in Tosaran Village

Several influencing factors that sell fruit with a slashing system in the village of Tosaran are as follows:

Practical, with sell buy fruit with system slash owner tree only need wait slasher come and bid results tree those who bear fruit without need to bother offering fruit to seller in the market. With the practicality that can be obtained from this, society is more likely to choose slash trees from those who bear fruit compared to picking them alone.

Save time. Selling fruit with a slash system will save time for the owner because he doesn't need to bother harvesting the fruit. The time it should be used by sellers or owner trees can be used for other things.

Save energy, slash sellers results the tree bears fruit will more Lots save power Because results the tree harvested by slashers without seller down hand or follow mix in the process of harvesting it so that the power it should have issued for harvest so can used for other things.

4 CONCLUSION

From the results of research conducted by researchers to sell fruit with a slash system from the perspective of law and economy in Sharia in the village of Toasaran, the compiler concludes as follows: Yes, there are a number of methods in selling and buying with system slashers, that is, slashers will pay results harvest after harvest the fruit. There are also degan slashers who pay money up front as "panjer" and pay off the rest. When it's done, it's finished harvesting, and there are also ways slasher who pays off the money in the beginning moment happen contract with the owner tree that will sell the fruit.

Reviewed from Islamic law, sell and buy fruit with a slashing system carried out by the community village Tosaran still contains element gharar, or uncertainty, on the results harvested fruit slasher, so that opportunity happens, no willing or not happy at the moment harvest by one party can cause it's cancelled contract. However, according to view NU cultural figures, the selling system of buying fruit with a slash system can be done without terms certain because of the slashing system already done since Formerly with key sell buy slash the second split transaction parties already agreed on price and do sell buy with a slash system so provision or other conditions of sale buy No make something sell buy the No legitimate or cancelled.

Causing factors Still, many people in the village of Tosaran use a slashing system in sell-buy. This practicality was obtained by the owner of the fruit. With using a slash system make owner fruit save time as well as power for harvest fruit on the tree surroundings house they.

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