



Buying and Selling System at the Honesty Canteen in Banjarmasin City from the Syafi'i Madzhab Perspective

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ABSTRACT

Some schools in Banjarmasin, like SMP 7, use the honest canteen as a government and school strategy to promote honesty among all pupils. Without ever having to interact with the vendor in person, customers of a "honesty canteen" can select the food and drink items they desire and leave payment in an envelope labeled with the total price. Qualitative field research is employed for this study. As long as there is no gharar in the sale and purchase, the findings suggest that the buying and selling system in the honesty canteen is permitted from the perspective of Syafi'i school. The contracting party, the *ijab qabul*, and the subject matter of the contract are the three pillars of commerce according to the Syafi'i School. The conditions for both buyers and sellers have been met by the contract holders in the honesty canteen. Meanwhile, according to the Syafi'i school, the *ijab qabul* issue must be resolved before any sale or purchase can be considered legal in the honesty canteen. The Syafi'i school accepts 'urf or tradition, such as what occurred in the honesty canteen of *ijab qabul* using rehearsing, namely the existence of a price list for each item and the purpose of buyers and sellers to make buying and selling, so honesty canteens that do not use *ijab qabul* directly are still valid. The items at issue in the agreement are not prohibited from being bought and sold, so the transaction can move forward.

Keywords: *Buying and Selling System, Honesty Canteen, Syafi'i School.*

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INTRODUCTION

The government has an important role towards the people or society, especially towards the youth as the next generation in the future (Ju, 2019). The government has carried out various efforts, activities and motivations to prepare young people as the next generation and future leaders of the nation (Ahmed, 2019). One of the efforts of the government in Banjarmasin City is to instill honesty in young people (Chew, 2021). The

government collaborates with schools to instill honesty in young people, especially students (Dwivedi, 2021). Efforts made to make this happen are by establishing an honesty canteen in the school. One of the schools that has an honesty canteen is SMP 7. The honesty canteen is a canteen that provides various foods, drinks and various school equipment without anyone looking after it. The honesty canteen only provides a box to store money in and provides a price list for each item sold. Buying and selling is carried out independently by the buyer (Kumar, 2021). The buying and selling system in the honesty canteen is different from buying and selling in general (Dong, 2021). The difference is that in buying and selling, there are generally people transacting in one place, so that all the terms and conditions of buying and selling are fulfilled (Mahmood, 2020). However, in the honesty canteen, only buyers are present, while there are no sellers, so this results in the lack of harmony in buying and selling, namely *consent and qabul*. This is very interesting to know about how buying and selling is done.

Several studies that have the same theme, namely the honesty canteen, are like the journal written by Arrahim with the title Development of Character Education through the Honesty Canteen with the result that there is still fraud in the transaction process in the honesty canteen, some students who owe money first but forget to pay it back and There is no change which makes it difficult for buyers if the money is more than the price paid (Mikalef, 2021). The next research is a journal written by Khoirul Anam and Iis Devi Sakiyati with the title Honesty Canteen as an Effort in Character Building with the result that honesty is very important in the concept of an honesty canteen, but in its implementation the honesty canteen is less structured and is often late in providing the goods sold and the canteen Honesty has the aim of fostering an anti-corruption spirit in students (Gegr, 2020). The next research is an essay written by Bayu Pratama with the title Juridical Review of the Principles of Trust in Buying and Selling in the Honesty Canteen at the Islamic University of Malang Perspective of Civil Code and Islamic Law with the result that the seller can demand cancellation of the purchase against buyers who do not make payments in accordance with Articles 1266 and 1267 Civil Code and the sale and purchase carried out have fulfilled the purchase and sale requirements as appropriate.

The various studies that have been described previously with the theme of honesty canteens are different from the research that the author conducted, where this research focuses on the system of buying and selling honesty canteens by narrowing the legal review, namely only to the Syafi'i Madzhab (Ding, 2020). The purpose of this research is how to review the honesty canteen buying and selling system to find out whether it is in accordance with the Shafi'i madzhab or not, providing lessons and understanding to every Banjar community in particular and the general public regarding buying and selling which is in accordance with the Syafi'i madzhab because in Indonesia, especially Banjarmasin, the majority adheres to the Shafi'i madzhab, and is the legal basis and reference for various buying and selling that uses a system similar to the honesty canteen.

The argument used in this research is that the buying and selling system in the honesty canteen is completely legal and permissible according to the Shafi'i school of thought (Peng, 2020). To achieve this, it is necessary to examine one by one starting from the buying and selling system, the pillars of buying and selling according to the Shafi'i school of thought along with the conditions for buying and selling. In this way (Mason, 2022), the laws of buying and selling in the honesty canteen can be known and understood properly and correctly and of course in accordance with the rules of Islamic law, especially for adherents of the Shafi'i school of thought.

RESEARCH METHODOLOGY

The research method used in this research is literature study or what is usually called normative (Shi, 2019). Normative research is used to explore existing data from various literature in the form of books, scientific papers and various other sources (Zhang, 2021). The approach used in this research is to combine data obtained from how the honesty canteen buying and selling system is analyzed with the theory of buying and selling according to the Shafi'i school of thought. This aims to review, provide a more specific understanding and explanation of the laws of buying and selling in the honesty canteen according to the Shafi'i school of thought (Feng, 2019). After the data is collected, the data will be analyzed using theories that are appropriate to the research. In this research, the theory used is buying and selling according to the Shafi'i school of thought (Chen, 2020). After all stages have been carried out, data interpretation needs to be carried out by collecting data about the honesty canteen buying and selling system which is then developed with a theory that is appropriate to the research object so that after that it will produce a conclusion to answer the existing problems (Lev, 2019). Apart from that, there needs to be recommendations for solving these problems, in the form of suggestions and so on.

The author conducted research on the honesty canteen in order to prevent anyone from misunderstanding the buying and selling system implemented by the honesty canteen so that it does not cause new problems because the system used in the honesty canteen is not the same as the general buying and selling system used by the community. general.

RESULT AND DISCUSSION

Buying and Selling Perspectives of the Syafi'i Madzhab

Buying and selling in fiqh is known as *al-ba'i* which means selling, changing and exchanging something for something else (Gil-González, 2019). Lafazd *al-ba'i* is sometimes also interpreted directly as buying and selling (Cisneros-Montemayor, 2021). The words exchange or transfer of ownership mean that efforts to transfer ownership have a reciprocal impact on the basis of a mutual will and desire to do so. Apart from *al-ba'i*, buying and selling is also known as *al-syira'*. These two words have opposite meanings (Fathoni, 2013). In terms of terms, what is meant by buying and selling is exchanging goods or goods for money by handing over ownership from one person to

another on a mutually willing basis (Baryshnikova, 2021). According to Hasbi ash-Shiddieqy, he explains that buying and selling is a contract that involves exchanging assets for other assets, and permanent ownership rights occur (MS, 2014). According to Sayyid Sabiq, buying and selling is a process of exchanging property for property based on the principle of mutual consent (Khurana, 2021). Ibn Qudamah defines buying and selling as a process of exchanging assets on the basis that they are mutually owned by each other (Zhao, 2022). So buying and selling has the aim of mutual ownership where the buyer has the desired item and the seller has the money he made from selling the item to the seller (Lev, 2019). Apart from that, buying and selling can also be defined as follows:

"Mutual exchange of wealth, mutual acceptance, can be managed (tasharruf) with consent and qabulm in a way that is in accordance with sharia'." (Suhendi, 2016)

The legal basis for buying and selling is the Al-Qur'an which is mentioned in Surah Al-Baqarah verse 275 as follows:

"People who eat (take) usury cannot stand but stand like those who have been possessed by the devil because of (the pressure of) insanity. Their situation is like that, because they say (opinion), actually buying and selling is the same as usury, even though Allah has permitted buying and selling and forbidden usury. Those who have received a prohibition from their Lord, and then continue to stop (from taking usury), will have for them what they have taken previously (before the prohibition came); and its affairs are (up to) Allah. Those who return (take usury), then those people are the inhabitants of hell; they will abide therein. "

Buying and selling on the basis of mutual consent is also regulated in Surah An-Nisaa verse 29 as follows:

"O you who believe, do not devour each other's wealth in a false way, except by means of business that is carried out mutually between you. And do not kill yourselves; Verily Allah is Most Merciful to you. "

The legal basis for buying and selling which comes from the Hadith is as follows:

"From Rif'ah ibn Rafi, the Prophet Muhammad SAW was asked what is the best business? The Prophet answered: a person's efforts with his own hands and every sale and purchase that is prosperous."

Based on the explanation of the basic law of buying and selling above, it can be concluded that buying and selling is permitted in Islam as long as it does not conflict with the texts of the Sharia. This is in accordance with the rules:

"As long as muamalah is permissible until there is an argument that shows that muamalah is forbidden."

By *consensus*, the ulama have agreed that buying and selling is permitted in Islam, as is *qiyas* as long as it does not violate the rules of sharia' (Li, 2020). This is

because humans really need to carry out buying and selling transactions in everyday life (Salim, 2017).

The terms of harmony and conditions of sale and purchase according to the Shafi'i madzhab are as follows:

This is different from the Hanafiyah which states that the person making the contract, the object being purchased, and the exchange value of the item are included in the terms of buying and selling, not rukun (Petraglia, 2020). According to the Syafi'i Madzhab, there are three pillars in buying and selling, namely the people making the contract, the objects or items being bought and sold (*ma'kud 'alaihi*), and the contract (ijab and kabul).

1. Conditions for people who enter into a sale and purchase agreement
 - a. As a person who enters into a contract, you must be legally competent in the sense of being of sound mind so that when making a transaction it is not easy for the other party to cheat (Frapin, 2019). As for small children, crazy people, and stupid people because they are unable to control their wealth.
 - b. Muslim.
2. Conditions for objects or items being traded (*ma'kud 'alaihi*)
 - a. It is holy or sanctified, so you cannot sell unclean goods or things such as dogs, pigs and so on.
 - b. The goods sold can provide benefits according to sharia.
 - c. It must not be attached or hung to something else.
 - d. There is no time limit.
 - e. These objects can be delivered quickly or slowly.
 - f. Goods are your own property.
 - g. The item can be known in terms of weight, quantity, measure and scale, along with its size so that it does not cause any loss to any of the contracting parties.

3. Conditions of the contract (consent and acceptance)

The contract is one of the most important things in buying and selling transactions (Skute, 2019). There is no contract, so there is also no sale and purchase because the contract collects handovers from both parties to the contract which affects the willingness of both parties (Shollichah, 2021). A contract is a bond between contracting parties, whether the seller or the buyer. Buying and selling is said to be valid if all parties are willing to respect each other (Suhendi, 2016). The existence of willingness is related to the heart, but can be known by the signs of its birth through speech (Tran, 2019). This is emphasized by the Syafi'iyah Ulama regarding consent and acceptance as follows:

لَا يَنْعَقِدُ الْبَيْعُ إِلَّا بِالصَّفَةِ الْكَلَامِيَّةِ

“A sale and purchase agreement is not valid unless a shigat (obligation) is said.

Based on this, it is clear that the Shafi'i school of thought requires that people who enter into a contract in terms of buying and selling must express consent and consent clearly for the validity of the sale and purchase.

Buying and selling, apart from harmony and conditions, of course has principles which serve as the basis for carrying out the sale and purchase transaction. Some principles of buying and selling are as follows:

1. There are no gharar elements.
2. There is no element of usury.
3. There is no element of gambling.
4. There is no element of hoarding of goods.
5. There must be cooperation for mutual benefit between the contracting parties.
6. Muamalah is carried out in order to help each other in piety and goodness.
7. Fulfill each other's needs on the basis of responsibility and bring benefits.

Analysis of the Buying and Selling System in the Honesty Canteen from the Syafi'i Madzhab Perspective

The formation of the character of honesty in school students can be done in various ways, one of which is by having an honesty canteen built at SMP 7 (Pustovarenko, 2020). The honesty canteen is one of the government's encouragements for schools to implement it as a way of instilling the character of honesty in all of his students.

The system used in the honesty canteen is to use the principles of trust and honesty (Hekkert, 2020). Buying and selling transactions carried out in the honesty canteen are not the same as buying and selling transactions in general. In honest canteen buying and selling transactions, the contract actors do not meet in one place. The buying and selling transaction carried out is that the buyer comes directly to the honesty canteen and takes the goods he wants to buy and then pays for the goods according to the price stated there. Apart from that, the buyer also does not meet the seller and does not enter into a *qabul agreement* using lafaz.

Buying and selling in this canteen of honesty can be called buying and selling using the *Al-Mu'athah system* , namely buying and selling which is only by handing over and accepting without any consent or acceptance or any words but only from one party where the fiqh scholars indicate regarding the sale and purchase. specifically mutual giving (Rohmaniyah & Anas, 2021). In this buying and selling, the parties carrying out the transaction do not enter into an agreement using words or even signs or writing, but directly by showing their actions with the intention to buy and sell their merchandise (Rohmaniyah & Anas, 2021).

Buying and selling in Islam, especially in the Shafi'i madhhab, is in accordance with the initial rule that buying and selling is permitted as long as there are no arguments for its haraam, as well as the *consensus of* the ulama that permits such

buying and selling (Neves, 2020). In the honest canteen buying and selling system in SMP 7 there must be good faith in its implementation for both buyers and sellers as well as the school (Dwivedi, 2021) . The principle of good faith must exist in every muamalah, especially in buying and selling transactions. All actions must be based on good intentions, as in the Hadith of the Prophet Muhammad SAW which says that all good deeds depend on the intention.

Buying and selling according to the Shafi'i school of thought has 3 pillars and their respective conditions, namely the person entering into the contract, the object or thing being bought and sold and the consent granted .

The first pillar is that there are parties who carry out a sale and purchase agreement. Examining the buying and selling in the honesty canteen at SMP 7 in the city of Banjarmasin, there are parties who carry out contracts. The buyers are the school community there, especially school students (Martín, 2020). If you look at the first pillar, buying and selling has been achieved in the first stage (Hua, 2021). Buyers are required to be mature and Islamic and have met the criteria for buyers in the honesty canteen at SMP 7 Banjarmasin City.

The second pillar is the object or item that is the object of buying and selling in the honesty canteen. The objects or goods sold in the SMP 7 Honesty Canteen are food such as cakes and so on as well as various drinks and school equipment such as pens, pencils, drawing books and so on (Montezuma, 2019). If you look at this, then actually harmony and the second condition for buying and selling in the honesty canteen has been fulfilled because the objects or goods being sold do not conflict with the conditions for objects or goods that may be bought and sold as explained previously.

The third pillar is the contract or consent and kabul. In the buying and selling system in the honesty canteen, the parties to the contract do not meet in the sense that when the buying and selling transaction takes place, the only party to the contract is the buyer there, while the seller is not there (Schor, 2021). This system is what differentiates buying and selling from buying and selling in general in society (Genovese, 2021). This is what causes the third pillar in buying and selling according to the Shafi'i school of thought to be not fulfilled, namely the absence of consent and acceptance by the contracting parties. Meanwhile, the madhhab really emphasizes that consent and acceptance must be said with lafadz, namely *"The sale and purchase contract is not valid unless the shigat (ijab qabul) is said"*. Referring to the obligation to say the consent and acceptance in the Shafi'i school of thought, buying and selling carried out in the canteen of honesty is contrary to this because there is no consent and acceptance in its implementation which makes the third pillar of buying and selling not fulfilled (Uduji, 2019). This was also emphasized by Syafi'i that the contract is not valid through actions because this is not strong enough to show that the contract process occurred due to the pleasure of something abstract, so lafaz is the one who can show it.

In today's developments with various sophistications and various innovations in buying and selling transactions, there are several Shafi'iyah scholars such as Imam Nawawi, Baghawi, and Mutawalli who allow buying and selling in the honesty canteen

even without using a contract or consent and acceptance. They allow this because it is based on existing customs or '*urf*' (Indrawati & Hanifuddin, 2021). This is also very relevant in this day and age if every sale and purchase must use absolute lafaz to make the sale and purchase valid. Currently, developments are so fast that various laws are changing, such as in buying and selling where willingness is no longer judged by words of consent and acceptance.

Urf is a habit and can be interpreted as something that is good and accepted by common sense (Kurer, 2020). If it is based on terms then *urf* is a habit. *Urf* can be called habits and behavior that have become a habit of society in their daily lives so that they have become customs and regeneration to this day, whether in the form of words or utterances. According to Wahbah Zuhaili '*urf*' is a human action continuously so that this action becomes popular among them (Wandi, 2018).

Some *urf* rules are as follows:

العادة محكمة

Customs become law.

لا ينكر تغير الاحكام بتغير الزمان

It cannot be denied that legal changes are due to changes in time and place.

استعمال الناس حجة يجي

The work of (many) people is a proof that must be put into practice.

المعروف بين التجار

Something that exists between fellow traders as (has become) a condition between them)

Some of the rules above can be used as a reference in applying *urf* as a legal argument for something for which there is no law that currently stipulates it.

The classification of '*urf*' in terms of objects is as follows (Sarjana & Kamaluddin Suratman, 2018):

1. '*Urf lafziy* or *qauliy* , namely expressions or sentences used to show a certain meaning so that it can be understood by other people.
2. '*Urf 'amaly*, namely a habit that is carried out continuously so that it has become a habit that has been passed down from generation to generation.

The classification of '*urf*' in terms of coverage is as follows (Sarjana & Kamaluddin Suratman, 2018):

1. '*Urf 'amm*, namely habits that apply throughout the wider community and various regions.
2. '*Urf Typical*, namely customs that apply only to one place.

The existence of *qawl qadim* and *Jadid* was influential in the establishment of *urf* as a legal basis by the *Shafi'iyah fuqaha*. Many problems have been solved by using *urf*, such as the arrival of menstruation, reaching puberty, postpartum, and so on (Muhammad Harun, 2014).

The Shafi'i Madzhab accepts *urf* as long as it does not contradict the texts of either the Qur'an or Hadith and there are no instructions from the texts regarding this issue (Wandi, 2018). In the case of buying and selling carried out in the canteen, honesty can use *urf* as a legal basis for the absence of lafaz in the contract or consent. This is also okay because *the urf* used does not conflict with the text because there is no text that states or makes it a condition for buying and selling using certain pronunciations, so everything again refers to the *urf*. Consent and consent in the canteen of honesty are more about using *dilalah* or instructions accompanied by the actions of buyers who want to buy merchandise and sellers who want to sell their merchandise even though those who are making the agreement do not meet in person. Apart from that, even though there is no meeting in the sale and purchase transaction between the contracting parties, either the seller or the buyer, they still have to establish business ethics in Islam. These ethics should contain the values of *siddiq*, *amanah*, *tabligh*, and *fathanah*.

CONCLUSION

Based on the results of the discussion above, the buying and selling system at the honesty canteen in Banjarmasin is different from the buying and selling system in general. This difference can be seen in the third pillar of buying and selling, namely the contract or consent and kabul. Buying and selling carried out in the honesty canteen where the contract actors, both buyers and sellers, do not meet in person is permitted. The buying and selling system carried out by the honesty canteen is permissible even though the Shafi'i madhhab requires that there be a statement of consent and acceptance in buying and selling. However, as time progressed, there were several Shafi'iyah scholars who allowed buying and selling without the pronunciation of consent and acceptance based on custom or '*urf*'. The permissibility of *urf* as a legal basis in Syafi'i does not conflict with the text, thus buying and selling in the honesty canteen will remain legal if carried out in accordance with the sharia. If there are elements of cheating, gharar or theft in the buying and selling at the honesty canteen then the buying and selling will be damaged and void.

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