

The Islamic Legal Analysis of Mixed Rice Buying and Selling Transactions in Traditional Markets

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Abstrak

Transaksi jual beli menurut perspektif fiqh merupakan perjanjian jual beli mengenai suatu barang tertentu, dimana penjual secara jelas menyebutkan barang yang akan diperjualbelikan, termasuk harga dan kualitas barang kepada pembeli, dan pada saat yang sama menetapkan sejumlah laba tertentu. Sedangkan dalam kasus disejumlah pasar tradisional, khususnya penjualan beras campuran, penjual ataupun pembeli tidak menyebutkan bagaimana proses pencampuran beras tersebut sehingga menghasilkan beras dengan berbagai varian kualitas. Penelitian ini bertujuan untuk menggali praktik jual beli beras campuran dari perspektif Hukum Islam di Pasar Tradisional. Jenis penelitian yang digunakan adalah penelitian kualitatif deskriptif dengan penerapan teknik analisis berdasarkan pendekatan induktif. Berdasarkan temuan penelitian, dapat disarikan bahwa tinjauan Hukum Islam terhadap praktek penjualan beras campuran di pasar tradisional melibatkan berbagai jenis varian beras berdasarkan kualitasnya. Kualitas beras ditentukan berdasarkan sejauh mana beras berkualitas tinggi dicampur dengan beras berkualitas rendah. Berdasarkan perspektif Hukum Islam, transaksi jual beli beras campuran dinyatakan haram karena dianggap mengandung unsur penipuan yang dapat merugikan salah satu pihak. Praktek penipuan ini, yang dapat berupa pengecaman/tadlis dan ketidakpastian/gharar mengenai kualitas dalam transaksi jual beli beras campuran, dianggap merugikan masyarakat secara umum. Oleh karena itu, pemasaran beras campuran termasuk dalam kategori pemasaran beras yang diharamkan menurut prinsip-prinsip syariat.

Kata Kunci: Hukum Islam, Jual Beli, Beras Campuran, Pasar Tradisional.

Abstract

The transaction of buying and selling according to the perspective of fiqh constitutes a contractual agreement regarding a specific item, wherein the seller explicitly mentions the item to be sold, including its price and quality, to the buyer, while simultaneously establishing a certain amount of profit. Meanwhile, in the case of certain traditional markets, particularly in the sale of mixed rice, neither the seller nor the buyer specifies the process of mixing the rice, thus resulting in rice with various quality variations. This study aims to delve into the practice of buying and selling mixed rice from the perspective of Islamic Law in Traditional Markets. The research method employed is descriptive qualitative research with the application of analytical techniques based on an inductive approach. Based on the research findings, it can be inferred that the Islamic legal scrutiny of the practice of selling mixed rice in traditional markets involves various types of rice variations based on their quality. The quality of the rice is determined by the extent to which high-quality rice is mixed with low-quality rice. According to the perspective of Islamic Law, the transaction of buying and selling mixed rice is deemed prohibited (haram) as it is considered to involve deceptive elements that can harm one of the parties. This deceitful practice, which could encompass

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misrepresentation (*tadlis*) and uncertainty (*gharar*) regarding the quality in the transaction of buying and selling mixed rice, is deemed detrimental to the general public. Therefore, the marketing of mixed rice falls under the category of rice marketing that is prohibited according to the principles of Sharia.

Keywords: Islamic Law, Buying and Selling, Mixed Rice, Traditional Market

Introduction

Traditional markets play a crucial role in the economic life of communities (Jasri, Fauzan, et al., 2023), particularly in countries with abundant cultural heritage, such as Indonesia. Within these traditional markets, various buying and selling transactions take place every day (Muhtadi et al., 2023), encompassing a wide range of merchandise, including staple food items like rice. One phenomenon that has garnered the attention of researchers and the public is the practice of selling mixed rice in traditional markets.

Rice is the staple food for the majority of the Indonesian population (Hariyanto & Halilah, 2020). In some cases, in specific traditional markets, the practice of selling mixed rice has become common. In this practice, rice of varying qualities is mixed together and then sold to consumers. Although the sale of mixed rice has become a part of market routine, it is important to apply an Islamic legal perspective to understand such practices.

The Islamic legal perspective plays a crucial role in regulating economic transactions for Muslim communities (Basyariah et al., 2023). The practice of buying and selling mixed rice can raise questions about the relevant legal aspects within Islam. Are transactions like these in line with the principles of justice, impartiality, and transparency upheld by Islamic law? Are there elements of deception or uncertainty in such practices that may conflict with Islamic teachings?

Previous research has revealed that the practice of buying and selling mixed rice has met the pillars and conditions, but the condition of the object being traded has not been fulfilled or does not comply with Sharia provisions (Umayanti, 2015). Similarly, in Hanifah's study (Hanifah, 2019), it was stated that mixed transactions that blend high-quality and low-quality goods do not conform to Islamic Sharia provisions. Even in the research by Hariyanto & Halilah (2020) and Aprillia (2022), it is affirmed that such transactions are prohibited.

Therefore, the purpose of this research is to evaluate the Islamic legal aspects related to the mixed rice buying and selling transactions in the Sungguminasa Gowa

Terminal Market. By investigating the Islamic legal perspective and teachings concerning this practice, this study aims to provide a deeper understanding of the compliance of mixed rice transactions with Sharia values. The findings of this research are also expected to offer guidance to traders, buyers, and authorities in conducting economic transactions that align with Islamic principles in the traditional market environment.

Literature Review

Traditional Market

Traditional markets are markets where the activities of sellers and buyers are carried out directly in the form of retail. This market is managed by the local or regional government, and there is a bargaining system. The goods sold are diverse, mainly staples of daily needs (Ilahiah, 2020). In a similar definition, traditional markets are markets established and managed by various parties, such as the Government, Regional Governments, Private Sector, State-Owned Enterprises, and Regional-Owned Enterprises, including cooperation with the private sector. Business premises in traditional markets are in the form of shops, kiosks, los, and tents owned or managed by small, medium, self-help, or cooperative traders. Traditional markets have small-scale businesses, small capital, and the process of buying and selling merchandise through bargaining (Perpres No.112, 2007).

Traditional markets also play an important role in the social, cultural and political life of a society. The role of women in traditional markets is also quite significant. In traditional markets, there are many sellers or producers of goods and services, as well as consumers or buyers of these goods (Tanjung, 2019). Although traditional markets are under the supervision of the government, there are no standardised rules that regulate in detail every transaction activity in them. In particular, aspects relating to the suitability of transactions with Islamic law carried out by each actor in the market. This raises concerns for some people, especially those who pay attention to the religious aspects of transactions. Therefore, it is necessary to regulate and supervise transaction activities in traditional markets so that they are in accordance with Islamic law and can provide a sense of security for the community.

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Legal Basis of Sale and Purchase

Selling is basically halal in Islam, but buying and selling can become haram if the transaction process contains elements that are prohibited by Islamic law (Sarwat, 2021; Sutrisni, 2023). In Islam, buying and selling must be done honestly and the object of buying and selling must be halal, not violate the rules that have been set, and not belong to someone else (Shobirin, 2016). Buying and selling must also fulfil the conditions and pillars that have been determined to be valid (Wahyuddin et al., 2023). The main sources of Islamic law are the Qur'an and Hadith, and there are a number of verses and traditions that explain buying and selling, including in QS. Al-Baqarah/2: 275:

.... وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا ۖ

“.... In fact, Allah has legalised buying and selling and forbidden usury....” (Al-Qur'an Kemenag Online, 2023)

The above verse explains that the permissibility of buying and selling by Allah SWT includes two possible meanings, the first of which is that Allah permits every sale and purchase that is commonly transacted by humans with mutual willingness. This is the strongest meaning. Secondly, Allah permits buying and selling what is not prohibited by the Prophet Muhammad as an explanation from Allah about the meaning he wants. Thus, buying and selling is a mujmal law that has been determined by Allah in his book and explained the procedure through the mouth of his Prophet or including a general law that is intended to apply specifically, or the Prophet SAW explained what was meant by its permissibility and what was forbidden. In another verse Allah Swt says QS. An-Nisa/4: 29:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ ۚ وَلَا تَقْتُلُوا أَنْفُسَكُمْ ۚ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

“O you who have believed, do not eat your neighbour's wealth by unlawful means, except in the form of consensual trade between you. Do not kill yourselves. Verily, Allah is Most Merciful to you” (Al-Qur'an Kemenag Online, 2023).

Allah has forbidden consuming other people's wealth unlawfully, i.e. without compensation and grants. This is considered invalid based on the consensus of the people and includes all types of corrupt contracts that are not permissible according to sharee'ah, whether this is because of usury, ignorance, or because the

compensation is corrupt, such as alcohol, pork, and so on (Shobirin, 2016). However, if what is being contracted is trade property, then it is permissible, because the exception in the verse is broken, because trade property is not among the assets that cannot be traded.

Methods

In this study, a descriptive approach was employed using a qualitative research method. Data sources included both primary and secondary data. Primary data were obtained through in-depth observation and interviews with research subjects. Meanwhile, secondary data encompassed relevant supporting information for this research, such as related literature. The data analysis technique followed the Miles and Huberman approach, which involves data collection, data reduction, data presentation, and drawing/verifying conclusions

Discussion

The Implementation of Mixed Rice Sales Transactions in Traditional Markets

Village is an area where the majority of its residents are engaged in agriculture, with extensive rice fields. This situation has a distinct impact on the execution of buying and selling transactions within the community. This phenomenon is reflected in the various flourishing trading practices, including one of them, which is the sale of goods involving mixing. One such mixing practice occurs in the Traditional Terminal Market of Sungguminasa Gowa. Rice is one of the objects that are mixed. This mixing is carried out by combining high-quality rice with low-quality rice.

Basically, the rice variants recognized by the community can be simply categorized into three variants: super quality rice, good quality rice, and low or poor quality rice. These variants are based on the quality of the rice. The price of each rice variant also varies based on its quality. Super quality rice is sold at a price of Rp10,000 per liter, good quality rice is sold at a price of Rp9,000 per liter, while low or poor quality rice is sold at a price of Rp7,500 to Rp8,000 per liter.

The rice mixing process often practiced by some rice traders involves blending super-quality rice with poor-quality rice. The same findings, as mentioned by Hariyanto & Halilah (2020) and Aprillia (2022), indicate that the rice mixing process

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is carried out by combining high-quality rice with low-quality rice. The resulting mixture is claimed to be super-quality rice, and it is priced at Rp10,000. The rice resulting from this mixing process is not transparently disclosed to consumers. Consequently, consumers seeking super-quality rice may purchase the mixed rice under the assumption that they are buying super-quality rice.

One of the reasons why the price of mixed rice is set high in comparison to high-quality rice is that the mixed rice has been blended with super-quality rice. Another reason why some traders undertake this effort is to make the rice more appealing to consumers. This way, they can generate higher income with relatively lower costs.

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As members of society engaged in economic activities, humans are expected to meet their livelihood needs. In order to achieve this, they engage in activities such as farming, hunting, fishing, and trade. With the changing dynamics of human lifestyle over time, there is a desire to possess the belongings of others. Practices that were once considered "primitive" and cruel have been abandoned, replaced by muamalah principles aimed at mutual benefit without harming others (Khoiron, 2018). Therefore, the principles of Sharia (Jasri et al., 2022) in buying and selling are applied as the foundation for conducting economic transactions. The concept of doing business in accordance with Islamic Sharia principles involves more than just conducting buying and selling transactions (Mustamin et al., 2022). It also encompasses attention to aspects such as the permissibility of the products, ethical trading, the types of products being sold, agreements, and the worship dimension in entrepreneurship efforts. In the book "Kifâyatul Akhyar," Sheikh Taqiyuddin Al Husny outlines the meaning of buying and selling transactions in Islam as follows:

نوذأملا مجولا لء لوبقو باحباب فرصتلل نلباق لامبل ام تلباقم عرشلأ ي فو ءي ش تلباقم ي ف ءي ش عاطعل تغللا ي ف عيبلا

ءيف

“In terminology, buying and selling refers to the exchange of one object for another (barter), as understood in the language. From a Sharia perspective, a buying and selling transaction refers to the exchange of wealth with wealth for the purpose of ownership or tasharruf, as confirmed by the declaration of *ijab* and *qabul* in accordance with the stipulated conditions (valid).” (Al-Hushny, 1993).

Consider this understanding of buying and selling from a Sharia perspective, which means that buying and selling is, in a specific sense, a form of exchange (Achmad Zurohman & Eka Rahayu, 2019). By interpreting this definition, we can understand that there are three fundamental elements in a buying and selling transaction. Imam Al-Rafi'i does not identify these three as core components but rather refers to them as conditions that must be met to make a buying and selling transaction valid, including among them (Khulwah, 2019):

1. There are two entities involved in the transaction, namely the seller and the buyer.
2. It has shigat or wording that represents the record of the buying and selling transaction, including the wordings of *ijab* and *qabul*.
3. The merchandise is the object of the transaction (*ma'qud 'alaih*). Elements of *ma'qud 'alaih* include "price" (*thaman*) and "commodity value" (*muthman*).

These provisions are implemented to prevent conflicts among individuals and safeguard the well-being of the parties involved in the agreement, eliminating elements of *gharar* (uncertainty) (Baihaqqi & Nuzula, 2022), as well as *tadlis*. However, in the rice trading activities that take place at the traditional Sungguminasa Gowa Terminal Market by mixing super-quality rice with poor-quality rice and then claiming it as super-quality rice, this situation clearly contradicts Islamic teachings because it contains elements of *gharar* or *tadlis* in the transaction. The buyer does not provide detailed information about the mixed rice to the consumers. There is also a lack of transparency in this mixed rice buying and selling. Furthermore, mixing high-quality rice with low-quality rice and then claiming it as high-quality rice is an act of transaction that involves fraudulent elements. As a result, consumers in this situation have experienced injustice due to the seller's actions.

On the other hand, transactions allowed by Sharia must bring benefit to both parties involved. This benefit is realized when the transaction leaves both parties satisfied with what has been transacted. If Sharia is implemented in the conducted transactions, it will undoubtedly bring the consent of both (Jasri, Mustamin, et al., 2023) Allah Almighty states in Surah An-Nisa: 29:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

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“O you who believe, do not consume one another's wealth unjustly or unfairly, except through a trade conducted by mutual consent. And do not kill the soul which Allah has forbidden, except by right. Indeed, Allah is ever Compassionate to you.” (Al-Qur'an Kemenag Online, 2023).

In the above verse, Allah SWT explicitly prohibits deceitful or unjust trade. Scholars have elaborated on the concept of "batil" in this context, including (Tim Humas, 2021) transactions that are forbidden, such as theft, usury, gambling, *tadlis*, and *gharar*. Furthermore, the verse also has important implications regarding the necessity of maintaining mutual consent in buying and selling transactions. However, *tadlis* and *gharar* undermine this element of mutual consent, as they have the potential to create parties that feel disadvantaged (Wahab, 2019). This occurs in mixed rice buying and selling transactions, where consumers do not receive clear information about the actual condition of the rice. Therefore, in this situation, the seller has treated the consumer unfairly. As a result, buying and selling transactions in traditional markets like this can be considered inconsistent with Sharia values due to the presence of *tadlis*. Umayanti's findings (Umayanti, 2015) also state that such selling practices violate Sharia principles.

The *tadlis* that occurs in the rice mixing is the *tadlis* in the quality of the goods being sold. This refers to the act where the seller conceals defects or provides low-quality goods that do not align with the agreement made between the seller and the buyer (Fatimah, 2016). In the Sungguminasa Gowa Traditional Terminal Market, when rice is mixed, sellers do not inform consumers about the actual condition of the rice. At the same time, consumers assume that the rice they are buying is of super quality. Therefore, in this case, the transaction clearly does not comply with Sharia. In a hadith, the Prophet Muhammad (peace be upon him) said:

لَهُ بَيْنَهُ ۖ إِلَّا عَيْبٌ فِيهِ بَيَّعَا أَخِيهِ مِنْ بَاعَ لِمُسْلِمٍ جُلُوسِي وَلَا الْمُسْلِمُ أَخُو الْمُسْلِمِ ۖ قَالَ وَسَلَّمَ عَلَيْهِ اللَّهُ صَلَّى النَّبِيُّ أَنَّ

“The Prophet Muhammad (peace be upon him) has conveyed: "A Muslim is a brother to another Muslim, and it is not permissible/halal for a Muslim to sell his merchandise to another Muslim if it has a defect, but he must inform him." (Reported by Ahmad, Ibn Majah, Ad-Daraquthni, Al-Hakim, and Ath-Thabrani)” (Fariadi, 2020b).

The hadith above explicitly states that it is not permissible to sell a defective item without informing the consumer about the defect of the item being sold. The

emphasis on "not permissible" here means that it is prohibited (haram). In another hadith, the Prophet Muhammad (peace be upon him) said:

وَالْمُنَابَذَةُ وَالْمَلَامَسَةُ وَالْمُخَاضَرَةُ الْمُخَافَلَةُ عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لِيُحَرِّمَ اللَّهُ رَضِيَ اللَّهُ عَنْهُ مَا لَيْكَ بْنِ أَنَسٍ عَنْ
البخاري رواه – وَالْمُرَابَّاتَةُ

“Anas bin Malik (may Allah be pleased with him) narrated that the Prophet Muhammad (peace be upon him) prohibited the practice of muhaqalah (i.e., selling fruits that are still on the tree), muhadharah (transactions involving unripe or unclear quality fruits), raba (i.e., selling without knowing the measurement, type, or quality of the goods), as well as lempar (throwing goods to finalize a sale) and muzabanah (a type of sale without prior examination). (Narrated by Al-Bukhari)” (Fariadi, 2020a).

The essence of this hadith pertains to various activities conducted openly and involving a multitude of uncertainties. It is evident that such practices or commercial activities are not limited to a specific era but can be found in all ages and generations. One common form of buying and selling that occurs in society today, bearing many similarities to the prohibited acts of trading as explained in the above hadith, is the sale of mixed rice. Therefore, the practice of selling mixed rice in traditional markets without providing clear information about the actual condition of the rice to consumers is a violation of Islamic legal teachings

Conclusion

In traditional markets, the practice of selling mixed rice is carried out by combining super-quality rice with low-quality rice. Subsequently, this mixture is considered as super-quality rice, and the price set for this mixed rice is equivalent to that of super-quality rice. From an Islamic legal perspective, when analyzed, the practice of selling mixed rice in traditional markets lacks transparency, thereby contradicting Islamic legal principles.

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