

BUYING AND SELLING FROM THE PERSPECTIVE OF THE QURAN AND HADITH

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Abstrak: Buying and selling in Islam is not only an economic transaction, but also has a spiritual and ethical dimension that distinguishes it from other economic systems. This study aims to examine the interpretation of verses and hadith ahkam on buying and selling, to understand the principles and ethics underlying economic transactions in Islam. This study uses a qualitative approach with a literature study method. The primary data sources are the Qur'an and hadith, while secondary data sources include tafsir books, hadith explanations, fiqh books, and relevant journal articles. The results of the study indicate that buying and selling in Islam must be based on principles such as willingness, justice, honesty, and transparency. In addition, there are ethics that must be considered, such as avoiding usury, gharar (uncertainty), and fraud. This study is expected to provide a better understanding of buying and selling in Islam, so that Muslims can carry out their economic activities in accordance with religious guidance and achieve blessings in every transaction.

Keywords : Buying and Selling; Al Qur'an; Hadith

INTRODUCTION

Buying and selling is an essential muamalah activity in human life. As a mechanism for exchanging goods and services, buying and selling has existed since early civilization and continues to develop to this day. Islam, as a perfect religion, provides comprehensive guidance on buying and selling through the Qur'an and the hadith of the Prophet Muhammad. The principles contained therein aim to realize fair, transparent, and blessed transactions.

The main problem in this study is the interpretation of verses and hadiths related to buying and selling. Along with this problem, the formulation of the problem proposed in this study is how to interpret verses and hadiths related to buying and selling. The purpose of this study is to discuss the interpretation of verses and hadiths related to buying and selling. A scientific study generally has both theoretical and practical benefits. Theoretically, this study aims to deepen understanding of the verses of the Qur'an and the hadiths of the Prophet related to buying and selling, as well as to be a reference for further studies that discuss the theme of buying and selling from an Islamic perspective. Practically, this study is expected to provide benefits and uses in increasing the understanding of Muslims regarding the principles of buying and selling in accordance with Islam, as well as providing guidance for Muslims in carrying out buying and selling activities in accordance with the instructions of the Qur'an and hadith.

Several previous studies on buying and selling from the perspective of the Qur'an and hadith have been conducted by various researchers. One of them is a study conducted by Burhanuddin Robbani and Achmad Fageh (2023) entitled "Buying and Selling in the Perspective of the Qur'an and Hadith" published by UIN Sunan Ampel Surabaya. This study attempts to examine the concept of buying and selling in the Qur'an and

hadith, which is based on the fact that buying and selling is a routine activity carried out by humans in everyday life. However, the practice of buying and selling among Muslims has not been carried out optimally. In fact, there are some Muslims who do not understand how to buy and sell in accordance with Islamic law. This study uses a qualitative descriptive approach with a library research method. The results of the study show that Islam has provided comprehensive guidance on buying and selling through the Qur'an and hadith. The guidelines aim to ensure that buying and selling practices are conducted fairly, honestly and mutually beneficially.¹

The theoretical basis in this research uses the theory interpretation of verses from the Koran and hadiths of the Prophet as the main source of Islamic law, including in muamalah matters such as buying and selling. Al-Mawardi said: "The basic principles in justifying buying and selling are: the Book of Allah (Al-Qur'an), the sunnah of His Prophet, and the ijma' (consensus) of the people."² This research is based on the belief that the Al-Qur'an and hadith are revelations from Allah SWT which contain absolute truth and provide guidance for life for mankind. A complete understanding of the principles of buying and selling in Islam will guide Muslims in practicing charity in a manner correct and avoid prohibited practices, such as usury, gharar, and fraud. This research is based on the belief that the Al-Qur'an and hadith are revelations from Allah SWT which contain true truth and provide guidance for life for mankind.

Buying and selling in Islam is not only aimed at fulfilling material needs, but must also be in line with the goals of sharia, namely protecting religion, soul, mind, descendants and property.³ This study will examine how the interpretation of verses and Hadith ahkam about buying and selling can realize welfare and prevent damage.

METODOLOGI

This study uses a qualitative approach with a literature study method. Literature study was chosen because the data needed in this study comes from text studies, such as tafsir books, hadith commentary, fiqh books and journal articles related to verses of the Qur'an, and hadith about buying and selling. Qualitative research with a literature study approach provides an opportunity for researchers to conduct in-depth research and data searches related to social issues in certain individuals or groups (Mufida et al., 2020). In this study, the main focus is on the concept of buying and selling in Islam which is based on the Qur'an and hadith. Therefore, the data collected and analyzed come from written sources that are relevant to the topic. The research process includes collecting data from various sources, analyzing data to identify key themes, and drawing conclusions based on interpretations of existing data.

RESULTS AND DISCUSSION

1. Definition of Buying and Selling

Bai' (buying and selling) linguistically means "exchanging something for something else", while according to sharia, bai' is "exchanging property for other property in a certain way".

هو لغة :مقابلة شيء بشيء .وشرعا :مقابلة مال بمال على وجه مخصوص.⁴

¹Burhanuddin Robbani, Achmad Fageh, Buying and Selling in the Perspective of the Qur'an and Hadith, (Scientific Journal of Islamic Economics, 2023), 1.

²Al-Mawardi, Al-Hawi Al-Kabir Fi Fiqh Madzhab Al-Imam Ash-Syafi'i Wa Huwa Syarh Mukhtashar Al-Muzani. Beirut (Daar-Al-Kutub Al-Ilmiah, 2009), 5:3.

³Al-Syatibi, Ibrahim ibn Musa. Al-Muwafaqat fi Usul al-Shariah. (Beirut: Dar al-Ma'rifah, 1997), 2:25

⁴Abdul Aziz al-Malibari, Zainuddin ibn, Fathul-Mu'in bi Syarhi Quratul-'Aini (Beirut: Dar Ibn Hazm, n.d.), 317.

The legal basis for buying and selling before an ijmak (agreement) occurs is in the verses of the Qur'an, such as Surah Al-Baqarah verse 275:

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ ۚ ذَٰلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا ۚ وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا ۚ فَمَنْ جَاءَهُ مَوْعِظَةٌ مِنْ رَبِّهِ فَانْتَهَىٰ فَلَهُ مَا سَلَفَ وَأَمْرُهُ إِلَى اللَّهِ ۚ وَمَنْ عَادَ فَأُولَٰئِكَ أَصْحَابُ النَّارِ ۖ هُمْ فِيهَا خَالِدُونَ

"People who engage in usury cannot stand except like people who are possessed by Satan due to the disturbance of insanity. Their condition is like that because they think that buying and selling is the same as usury, whereas Allah has permitted buying and selling and forbidden usury. For those who accept the prohibition from their Lord and stop from usury, then what they have earned previously (before the prohibition came) remains theirs, and their affairs are left to Allah. However, for those who return to engaging in usury, they are the inhabitants of Hell and will abide therein forever."⁵

Explanation of interpretation:

Definition of usury: usury in language *الزيادة* // addition⁶. In this context, it is understood as any form of unauthorized increase or addition in financial transactions, especially in debts and receivables. During the period of ignorance, people used to increase their debt burden if the party in debt could not pay on time. This addition is usury which is prohibited by Allah. Behavior of usury experts on the Day of Judgment: in this verse, it is described that people who consume usury in the world will be resurrected on the Day of Judgment in an abnormal state, as if they were possessed by Satan.

Term *"يتخبطه الشيطان من المس"* used in this verse is interpreted as people who are disturbed or attacked by demons, so that they experience conditions similar to people who are insane or possessed. These disturbances are caused by their usury behavior while in the world. Some commentators, such as Mujahid and Ibn Abbas, interpret that people who consume usury will be resurrected in a terrible state on the Day of Resurrection, such as people who are mentally disturbed or possessed by demons. This interpretation also explains that the act of usury in the era of ignorance involved increasing debt if payments were late.

The prohibition of usury is aggravated: Allah warns that the act of usury, whether consuming it, giving it, or witnessing its transaction, is all forbidden. The hadith of the Messenger of Allah ﷺ which states that "Allah curses the one who consumes usury, the one who gives it, the one who records it, and the one who witnesses it if they know" shows how severe the prohibition of usury is in Islam. The difference between trading and usury: people who practiced usury in the days of ignorance thought that there was no difference between trading and usury, because both involve increasing wealth. However, Allah refutes this claim by stating that trading is permissible and usury is forbidden. The increase obtained from trading is permissible because it is based on the exchange of goods or services, while the increase obtained from usury is injustice because it only prolongs the time for paying off the debt. This verse emphasizes the terrible consequences of usury, both in this world and in the hereafter, with a stern warning that those involved in usury will be resurrected in a state of physical and mental disturbance, as a recompense for their unjust actions.⁷, and in the hadith of the Prophet SAW.

عَنْ رِفَاعَةَ بْنِ رَافِعٍ - رَضِيَ اللَّهُ عَنْهُ - أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ. (سُئِلَ: أَيُّ الْكَسْبِ أَطْيَبُ؟ قَالَ: عَمَلُ الرَّجُلِ بِيَدِهِ، وَكُلُّ بَيْعٍ مَذْرُورٍ - (رَوَاهُ الْبُزَّارُ، وَصَحَّحَهُ الْحَاكِمُ).

⁵Al-Quran and Translation.(Jakarta: Ministry of Religion of the Republic of Indonesia, 2002)

⁶Abu Abdullah Muhammad ibn Ahmad al-Ansari al-Qurthubi,*The Holy Quran*(Cairo: Dar al-Hadis, 2010), vol. 2, 299.

⁷ Abu Ja'far Muhammad Bin Jarir Ath-Thabari, Tafsir Ath-Thabari Al-Musamma Jamiu'al-Bayan 'an Ta'wil Ai Al-Qur'an(Cairo : Dar al-Hadis, 2002) ,3,6.

From Rifa'ah Ibnu Rafi', that the Prophet sallallaahu 'alaihi wa Sallam was once asked what the best job was. He answered, "A person's work with his hands and every honest purchase and sale." This hadith was narrated by al-Bazzar and was considered authentic by Hakim⁸.

The meaning of this hadith is buying and selling without elements of fraud or betrayal⁹. As for the Prophet's deeds (in terms of buying and selling), from the buying and selling that he himself did, they were very many and innumerable. However, what was narrated from him was only buying and selling that had special laws that could be taken advantage of. Among them is what was narrated by Abu Zubair:

اشْتَرَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ رَجُلٍ مِنَ الْأَعْرَابِ جَمَلًا حَبِطًا، فَلَمَّا وَجِبَ الْبَيْعُ، قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - : " اخْتَرْ " قَالَ الْأَعْرَابِيُّ: عَمْرًا بَيْعًا

"Rasulullah SAW bought a pregnant camel from a Bedouin Arab. When the sale and purchase had taken place, Rasulullah SAW said, 'Choose (which camel you want)'. The Bedouin Arab said, 'May Allah bless your sale and purchase'. "¹⁰

2. Terms and Conditions of Sale and Purchase

a. Acceptance and Acceptance

A sale and purchase is considered valid with the presence of an ijab (declaration of sale) from the seller, even if it is done in a joking atmosphere. Ijab is an expression that shows clear ownership, such as, "I sell this item to you for such and such a price," "This item is for you for such and such a price," or "I own this item and give it to you for such and such a price." Likewise with expressions such as, "I make this item for you for such and such a price," if it is intended as a sale and purchase. In addition, a sale and purchase is also valid with a kabul (declaration of purchase) from the buyer, even if it is done in a joking atmosphere. Kabul is an expression that shows clear acceptance of ownership rights, for example, "I buy this item for such and such a price," or "I accept/agree to own this item for such and such a price." Ijab and kabul like this are needed to perfect the shighat (form of transaction) which is a condition for the validity of the transaction, in accordance with the words of the Prophet SAW: "A sale and purchase is valid only if both parties consent," because that consent is not directly apparent, so it is measured through speech as evidence.

يصح البيع بإيجاب من البائع ولو هزلا وهو ما دل على التملك دلالة ظاهرة : كبيعك ذا بكذا أو هو لك بكذا وملكتك أو وهبتك ذا بكذا وكذا جعلته لك بكذا إن نوى به البيع . وقبول من المشتري ولو هزلا وهو ما دل على التملك كذلك : كاشتريت هذا بكذا وقبلت أو رضيت أو أخذت أو تملكك هذا بكذا¹¹

Transactions that contain elements of coercion, fraud or injustice are not permitted in Islam as stated in QS. An-Nisa verse 29:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُم بَيْنَكُم بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ بَحَارَةً عَنْ تَرَاضٍ مِّنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا "

⁸Asqolani, Ibn Hajar, Bulughul Maram min Adillatil Ahkam (Surabaya: Dar Al-Ilmi, n.d.), 165.

⁹Abdul Aziz al-Malibari, Zainuddin bin, Fathul-Mu'in bi Syarhi Quratul-'Aini, 317.

¹⁰Al-Mawardi, 5:4

¹¹Abdul Aziz al-Malibari, Zainuddin bin, 317.

“O you who believe, do not consume one another’s wealth unlawfully, except through trade with mutual consent. And do not kill yourselves. Indeed, Allah is Most Merciful to you.”

Explanation of the verses of the Koran that contain the word "بِالْبَاطِلِ" (in a false way), has three interpretations¹²:

1. **First interpretation:** That what is meant by "in a false way" is investing or spending wealth in a way that is forbidden.
2. **Second interpretation:** That what is meant by "in a wrong way" is taking other people's property by means of robbery, robbing, or committing acts of violence as was commonly done during the time of ignorance.
3. **Third interpretation:** That what is meant by "in a false manner" is carrying out corrupt and illegitimate trade transactions, as was common during the time of ignorance (for example usury, fraud, gambling, etc.).

These three interpretations complement each other and provide a comprehensive understanding of the meaning. "بِالْبَاطِلِ" in the verse. In essence, Allah SWT forbids Muslims from taking or spending wealth in unlawful ways, whether through unlawful acts, robbery, or invalid transactions.

Likewise, it is found in the Hadith of the Prophet:

حَدَّثَنَا الْعَبَّاسُ بْنُ الْوَلِيدِ الدِّمَشْقِيُّ حَدَّثَنَا مَرْوَانُ بْنُ مُحَمَّدٍ حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ عَنْ دَاوُدَ بْنِ صَالِحٍ الْمَدِينِيِّ عَنْ أَبِيهِ قَالَ سَمِعْتُ أَبَا سَعِيدٍ الْخُدْرِيَّ يَقُولُ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِنَّمَا الْبَيْعُ عَنْ تَرَاضٍ

“It has informed us [Al Abbas bin Al Walid Ad Dimasyqi], who said, has informed us [Marwan bin Muhammad], who said, has informed us [Abdul Aziz bin Muhammad] from [Dawud bin Salih Al Madini] from [His father], who said that he heard [Abu Sa'id] say, "The Messenger of Allah sallallaahu 'alaihi wasallam said: 'Indeed, buying and selling is only valid with mutual pleased."”¹³

This hadith emphasizes that the validity of a sale and purchase depends on the agreement of both parties involved. The seller and buyer must transact voluntarily, without any element of coercion or fraud. This shows that the sale of a person who is forced is not allowed because there is no willingness.

Acceptance must be done without any separation between the two, such as prolonged silence. In addition, it is not permissible to insert other words besides ijab and acceptance, and both statements must have the same meaning, although not necessarily in the same wording. Therefore, if the seller says, “I sell you this item for a thousand,” and then the buyer (in his acceptance) changes the price or adds to it, or if the seller says, “I sell you for a thousand cash,” and the buyer changes it, or if the seller says, “With a term of one month,” and the buyer extends the term, then the sale is considered invalid because there is a difference in meaning.

Ijab and kabul must also be free from dependency (t'aliq). Therefore, if the sale and purchase agreement is dependent on something, then it is not valid. For example, "If my father has passed away, then I will sell this item to you," or if it is limited by time, such as, "I will sell it to you for one month."

¹²Al-Mawardi, 5:6.

¹³Sahih Ibn Majah Number 2176.

ويشترط أيضا أن يتوافق معنى لا لفظا فلو قال بعثك بألف فزاد أو نقص أو بألف حالة فأجل أو عكسه أو مؤجلة بشهر فزاد لم يصح للمخالفة . وبلا تعليق فلا يصح معه كإن مات أبي فقد بعثك هذا ولا تأقيت كبعثك هذا شهرا¹⁴.

- b. 'Aqid, both sellers and buyers
 - a) The parties involved in the transaction, both the seller and the buyer, must have mukallaf status. Therefore, transactions carried out by children or insane people are not valid. Likewise, transactions carried out by people who are forced without a valid reason are considered invalid.¹⁵
 - c. *May Allah be pleased with him*, which can be in the form of goods or money, with the following provisions:
 - 1) The goods owned by the seller and the money (used as the price) belong to the buyer. Therefore, a fudhuli sale (where the seller and the buyer do not have the right to ma'qud alaihi) is invalid.

وشرط في معقود عليه مئنا كان أو ثمنا ملك له أي للعائد عليه فلا يصح بيع فضولي .

Based on the hadith of the Prophet:

مسند أحمد ١٤٧٧٣ : حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ حَدَّثَنَا شُعْبَةُ عَنْ أَبِي بَشِيرٍ عَنْ يُونُسَ بْنِ مَاهَكٍ يُحَدِّثُ عَنْ حَكِيمِ بْنِ حَزَامٍ قَالَ بَايَعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَى أَنْ لَا أَخِرَّ إِلَّا قَائِمًا قَالَ قُلْتُ يَا رَسُولَ اللَّهِ الرَّجُلُ يَسْأَلُنِي الْبَيْعَ وَلَيْسَ عِنْدِي أَفَأَبِيعُهُ قَالَ لَا تَبِعْ مَا لَيْسَ عِنْدَكَ

Musnad Ahmad 14773: Has told us [Muhammad bin Ja'far], who told us [Syu'bah] from [Abu Bisyr] from [Yusuf bin Mahak], who heard from [Hakim bin Hizam] said: I pledge allegiance to The Prophet sallallahu 'alaihi wa sallam did not die unless he was upholding Islam. [Hakim bin Hizam Radliyallahu'anhu] said: "O Rasulallah, someone asked me to sell something that is not mine, should I sell it?" The Prophet sallallahu 'alaihi wa sallam said: "Do not sell things that do not belong to you!"

- 2) The object of the transaction must be sacred or able to be purified
So it is not permissible to buy and sell unclean goods as stated in the Hadith of the Prophet:

عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ - رَضِيَ اللَّهُ عَنْهُمَا - أَنَّهُ سَمِعَ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ عَامَ الْفَتْحِ، وَهُوَ بِمَكَّةَ «إِنَّ اللَّهَ حَرَّمَ بَيْعَ الْخَمْرِ، وَالْمَيْتَةِ، وَالْخِنْزِيرِ، وَالْأَصْنَامِ فَقِيلَ: يَا رَسُولَ اللَّهِ أَرَأَيْتَ شُحُومَ الْمَيْتَةِ، فَإِنَّهَا تُطْلَى بِهَا السُّفُنُ، وَتَذْهَبُ بِهَا الْجُلُودُ، وَيَسْتَنْصَبُ بِهَا النَّاسُ؟ فَقَالَ: لَا، هُوَ حَرَامٌ ثُمَّ قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عِنْدَ ذَلِكَ قَاتَلَ اللَّهُ الْيَهُودَ، إِنَّ اللَّهَ تَعَالَى لَمَّا حَرَّمَ عَلَيْهِمْ شُحُومَهَا جَمَلُوهُ ثُمَّ بَاعُوهُ فَأَكَلُوا مِمَّنْهُ». مُتَّفَقٌ عَلَيْهِ

725 From Jabir bin Abdullah Radiyallahu Anhu, he said that on the day of the conquest of the city of Mecca, he heard the Messenger of Allah Sallallahu Alaihi wa Sallam say, "Indeed, Allah and His Messenger have forbidden the buying and selling of liquor, carcasses, pigs and statues." Then someone asked, "O Messenger of Allah, what about carrion fat, because it can be used to paint boats, oil skin, and people use it to light lamps?" Rasulallah Sallallahu Alaihi wa Sallam answered, "No, it is haram." After that, he said, "May Allah fight the Jews. Allah has forbidden carrion fat to them, but they melt it, then sell it and eat the results." (Muttafaq Alaih) [saheeh, Al-Bukhari (2236) and Muslim (1581)]¹⁶

¹⁴Abdul Aziz al-Malibari, 318.

¹⁵Abdul Aziz al-Malibari, 319.

¹⁶Asqolani, Ibn Hajar, 166.

3) Transaction objects must be visible¹⁷

The provisions regarding ma'qud 'Alaih, can be found in several Hadith of the Prophet, including:

وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ، وَيَحْيَى بْنُ سَعِيدٍ، وَأَبُو أُسَامَةَ عَنْ عَبْدِ اللَّهِ، ح وَحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ، وَاللَّفْظُ لَهُ حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ عَبْدِ اللَّهِ، حَدَّثَنِي أَبُو الزِّنَادِ، عَنْ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: "كُفِيَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعِ الْخِصَاةِ وَعَنْ بَيْعِ الْغَرَرِ"¹⁸.

Meaning: From Abu Hurairah radhiyallahu 'anhu, he narrated that the Messenger of Allah shallallahu 'alaihi wa sallam forbade the practice of buying and selling which was done by throwing pebbles as a sign of agreement, which is known as unclear or uncertain buying and selling. In addition, he also forbade buying and selling which contained elements of gharar, namely uncertainty or doubt which could harm one of the parties in the transaction. This prohibition aims to prevent unfair buying and selling practices or those which harm the parties involved.

This hadith emphasizes the prohibition of buying and selling by throwing pebbles (bay' al-hasat) and buying and selling that contains gharar (uncertainty). This prohibition includes various forms of transactions that are unclear or contain speculation.

Buying and selling with pebbles has several interpretations:

First: The seller determines the item for sale based on where the pebble stops after being thrown.

Second: The seller gives the buyer the option until the pebble is thrown.

Third: Throwing pebbles is used as a sign of the validity of a sale and purchase agreement.

Gharar sale is a sale that contains uncertainty and speculation, which in many cases is considered void because it risks causing losses. Examples include: Selling goods that do not yet exist, are unknown, or cannot be delivered. Selling goods that are not yet owned by the seller. Selling fish that are still in the water, or selling milk that is still in the animal's pouch.

This prohibition includes transactions that do not provide certainty to the buyer, which may lead to injustice. However, in some cases, minor gharar is permitted if there is an urgent need or it is difficult to avoid, such as selling a house whose foundation is not visible or selling a pregnant sheep. The scholars also agree that minor gharar that does not pose a major risk, such as renting a house or clothes for one month, remains valid.

Transactions such as buying and selling by throwing pebbles, buying and selling by touching (bay' al-mulamasah), and buying and selling by throwing (bay' al-munabadhah) are also prohibited because they are common practices in the time of ignorance that contain gharar, so that the prohibition is emphasized in the Hadiths of the Prophet Muhammad SAW. This explanation emphasizes the importance of clarity and certainty in buying and selling transactions in Islam, as well as preventing any elements of speculation or uncertainty that can cause losses and injustice.¹⁹ This hadith emphasizes the prohibition of buying and selling by throwing pebbles (bay' al-hasat) and buying and selling that contains gharar (uncertainty). This prohibition includes various forms of transactions that are unclear or contain speculation.

CONCLUSIONS

Buying and selling in Islam is a form of muamalah which is strictly regulated to comply with sharia principles originating from the Al-Qur'an and the hadith of the Prophet Muhammad SAW. Based on a literature study using a qualitative approach, there are several important points that can be concluded:

¹⁷Abdul Aziz al-Malibari,320.

¹⁸ *Shahih Muslim bi Syarhi An-nawawi* (Kairo: Dar al-Hadis, 2001),2, 415.

¹⁹*Syarah Muslim bi Syarhi An-Nawawi*, (Kairo: Dar al-Hadis, 2001)Jilid 2, 416,

Definition of Buying and Selling: Buying and selling (bai') is the exchange of assets for other assets through certain methods, which are regulated by the Al-Qur'an and the hadith of the Prophet Muhammad SAW. Allah SWT permits buying and selling and prohibits usury, as stated in the QS. Al-Baqarah verse 275. Pillars of Sale and Purchase: There are four main pillars in buying and selling, namely the seller, the buyer, the goods (ma'qud 'alaihi), and shighah (ijab and kabul). The existence of all these pillars is very important to ensure that the transaction is considered valid. Terms of Sale and Purchase: The conditions that must be met in a sale and purchase transaction include the willingness of both parties, clarity of the goods being traded, and ownership of the goods by the seller. In addition, the object of the transaction must be pure and visible so that it does not contain elements of gharar (uncertainty). Ethics in Transactions: A good sale and purchase is a sale and purchase that is free from fraud and coercion, as explained in the Hadith of the Prophet which states that every clean sale and purchase is good. Prohibitions on Buying and Selling: Transactions involving haram or unclear goods are also prohibited in Islam. For example, buying and selling unclean goods or goods that are not owned by the seller. By understanding the pillars and terms of buying and selling, Muslims are expected to be able to carry out economic transactions that are fair and in accordance with the principles of Islamic law, thereby creating justice and prosperity in society.

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