

Practice analysis of buy and sell of chicken meat in Mojorejo village's market Kebonsari district Madiun Regency reviewed from islamic law perspection

Subkhan Alimuddin ^{a,1,*}

^a Institut Studi Islam Muhammadiyah Pacitan, Jl. Gajah Mada No. 20 Baleharjo, Pacitan 63511, Indonesia

¹ subhan.alimuddin@gmail.com*

* corresponding author

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ABSTRACT

The purpose of the study was to determine the review of Islamic law on the sale and purchase contract of chicken meat which includes 'aqid, object (chicken slaughter process), sighth. And how to weigh chicken meat at the market in Mojorejo Village, Kebonsari District, Madiun Regency. This research uses field research using a qualitative approach, with the aim of understanding what data is needed in research and data analysis activities including data reduction, data display and conclusions. The data is processed by the author by using editing, organizing, and research findings. The theory used is slaughter, buying and selling, and weighing. The results of the study concluded that the sale and purchase contracts were carried out by several legitimate traders in accordance with the terms and pillars of sale and purchase, while two of them did not meet the requirements and pillars of sale and purchase so that the sale and purchase contract was invalid. Weighing of chicken meat is also carried out honestly and legally according to Islamic law, as well as in the object of the sale and purchase, namely the practice of slaughtering chickens carried out by Mr. Setu and Mr. Anto in accordance with the terms and pillars of slaughter, while that which is carried out by Mr. Heri is not appropriate because of the slaughter wound. only on the skin and the presence of dead chickens being slaughtered. while what was done by Mr. Heri is not legal according to Islamic law because there is an element of fraud so that from both parties there are losses.

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1. Introduction

Study of Islamic law from time to time continues to develop, including in terms of muamalah, such as buying and selling which has experienced many developments both in terms of ways, forms, models and goods traded [16]. This happens because development of times, science, technology and human needs which always increase from time to time following situation and conditions [6].

Not a few Muslims who neglect to study mu'amalah, they neglect this aspect, so they don't care if they eat haram goods [7], even though their business is increasing day by day and the profits are



increasing. This kind of attitude is big mistake that must be prevented so everyone who enters this world can distinguish between what is permissible and what is not and as far as possible stay away from everything shubhat [19].

According to Ahmad Mustafa, there are signs of benefits: First, the basis of halal commerce is mutual pleasure between buyers and sellers. Fraud, lying and forgery are things forbidden. Second, everything in the world is form of commerce and what stored in its meaning, such as falsehood impermanent, should not neglect intelligent people to prepare themselves for better and eternal afterlife. Third, it implies that most types of commerce have the meaning consuming wealth with vanity. Because, limiting value of something and making price according to its size based on straight balance, is almost impossible. Therefore, here applies tolerance if one of the two substitute objects are greater than the other, or if the cause increase in price is merchant's skill in decorating merchandise, and selling it with beautiful words without forgery and fraud [14].

Along with times, the way of buying and selling become various [21]. One of them is sale and purchase of chicken meat. In transaction of buying and selling chicken meat, what is being traded must have halalan tayyiban requirements. In addition to the condition of chicken to be slaughtered, it must be healthy, method of slaughter must also be in accordance with Islamic law, so it is halal for consumption. Eating the slaughter of non-Muslims if they are people of the book, then slaughter is lawful to eat provided that animal being slaughtered is an animal lawful to eat according to Islamic law [4].

Some time ago, media reported about parrots and chickens injected with water so the chicken weight was heavier. Injecting chickens with water is detrimental to consumers because in addition endangering consumers' health, chickens will rot faster than chickens that are not injected. Meanwhile, from results of initial observations made by author on the sale and purchase chicken meat at Mojorejo market on October 12, 2012 there were some chicken meat indicated not according to Islamic law, because some of them had slaughter scars only on the skin chicken neck and chicken neck veins is completely unbroken which results in doubts about its halalness, besides that the scales also given weight so the weight of chicken meat is reduced and buyer being harmed. Besides that, there is blistered and very large chicken meat marked by presence of injection marks on chicken skin meat so it weighs increases and it is indicated that there is an element of fraud in the sale and purchase. Also, there are 3 chickens look bluish like carcasses placed among other chicken meat. In practice of buying and selling transactions, there are some sellers who do not give buyer right to choose. Based on results of the initial data survey, author questioned practice of buying and selling chicken meat at Mojorejo Village market because there were doubts in practice of buying and selling whether it was in accordance with Islamic law or not, especially in process of slaughtering it was still unclear and not so clear the halalness, initial contract was not very clear between the two parties. And also, the reduction of the scales without buyer's knowledge.

2. Method

In this case type of research is field research, there is research whose data is taken or collected from field where the case is located, including data from observations, and interviews with related parties.

The research approach uses qualitative approach, an approach aims to understand the meaning of phenomena occur in society as well as Islamic practitioners and institutions, both understanding what it is (as social process) and understanding by comparing with religious norms that they believe in, including understanding the application slaughtering practices, buying and selling transactions, and weighing chicken meat sold in the Mojorejo market.

Data collection methods used by authors in this study are:

The interview method, is form of communication between two people involves person who wants to obtain information from another person by asking questions with specific purpose. In this study authors interviewed chicken meat sellers in Mojorejo Village market, buyers and other traders who were around the chicken meat sellers in Mojorejo Village market. Observation method, through systematic observation and recording of phenomena studied. In this study authors made observations

by coming directly to the market in Mojorejo Village, Kebonsari District, Madiun Regency, and at the chicken slaughterhouse.

Research location/area was carried out at the Mojorejo Village Market, Kebonsari District, Madiun Regency, with consideration that the market was close to Islamic boarding schools, but in this market the practice of buying and selling transactions, especially in sale and purchase of chicken meat, slaughtering process and weighing method carried out by number of traders Chicken meat that is not in accordance with fiqh, including market which is crowded with people from Mojorejo Village in particular, is also visited by people from other surrounding villages.

The presence of researchers in this study acted as full observers as well as data collectors. Research data sources consist of primary data and secondary data. Primary data source in this study is information that author obtained through observation and interviews with parties who know about sale and purchase of chicken meat at Mojorejo Village market, Kebonsari, Madiun district. In this study there were several parties who were interviewed including: Chicken meat seller. Buyers of chicken meat located near the market. Other traders who are around the chicken meat seller. Secondary data sources are data obtained from sources that do not directly provide information. Sources of secondary data related to this field research include the literature related to this research [2] [10] [17] [3].

Qualitative data analysis is the process of systematically searching and compiling data obtained from interviews, field notes and other materials, so it can be easily understood and the findings can be informed to others [20]. Data analysis is carried out by organizing the data, breaking it down into units, synthesize, arrange into pattern, choose what is important and what will be studied and make conclusions that can be told to others. Activities in data analysis, including data reduction, data display and data conclusion.

3. Findings and Discussion

Research results on contracts in the practice of buying and selling chicken meat in Mojorejo market, Kebonsari District, Madiun Regency, show that there are three terms and pillars of buying and selling which are form of agreement contains *ijab* (offer) and *qabul* (acceptance) [11] between one party and another party contains rights and obligations of each party in accordance with sharia principles [18], there are:

3.1. Reviewed from 'Aqid

Judging from the 'aqid (the parties to the contract). The parties involved sale and purchase of chicken meat have partially met the requirements to enter into contract, but there are also other chicken meat sellers who have not met the requirements to enter into contract, this is because the seller of chicken meat does not give *khiyar* rights to buyer, as well as the meat. The chicken that is sold looks watery, so there is an element of fraud in the sale and purchase transaction, in Islamic law such buying and selling contracts are legal but the practice of buying and selling includes buying and selling *gharar* because in sale there is an element of fraud [12]. For sellers and buyers who have fulfilled the requirements to enter into contract, are adults, able to act on the law, not in state of loss of mind (drunk or crazy), not in state of coercion (of their own volition), giving right to vote person who performs 'aqid (*khiyar*) and done on voluntary basis. In Islamic law, the requirement of 'aqid in general is have ability to perform contract or be able to substitute for another person if he becomes representative.

Furthermore, sale and purchase contract of chicken meat carried out by Mr. Setu to buyer at Mojorejo market, Kebonsari District, Madiun Regency according to Islamic law is valid, because it is carried out by both parties, there is Mr. Setu as seller and buyer who has met the requirements, there are adults, contract carried out on voluntary basis and both parties are able to enforce the law. Meanwhile, from the contract of buying and selling chicken meat carried out by Mr. Anto, after being reviewed in terms of the subject or 'aqid under Islamic law, the contract is valid but the sale and purchase includes buying and selling *gharar*, because there is an element of fraud in sale and purchase contract. Meanwhile, what was done by Mr. Heri according to Islamic law is not valid because it does not fulfill one of the conditions for validity of sale and purchase transaction contract, is the right to vote (*khiyar*).

3.2. Reviewed from Object

Object of buying and selling chicken meat at Mojorejo Village market is the chicken itself. The object of buying and selling chicken meat at Mojorejo Village market is partly considered legal according to Islamic law, because it has fulfilled the requirements for buying and selling. Chicken meat is the property of legitimate chicken meat seller, halal objects can be used, can be known, and can be handed over [13]. However, there are several other sellers whose objects of sale and purchase are fasid, and in Islamic law such objects are not allowed to be traded, because the object being traded is a dead chicken and then slaughtered (carcass).

From the reality occurs in field related to practice of slaughtering chickens carried out by several chicken meat sellers before chicken meat is sold at Mojorejo market, author argues that practice of slaughtering chickens carried out by Mr. Setu and Mr. Anto is legal according to Islamic law. Meanwhile, the method of slaughter carried out by Mr. Heri is not valid according to Islamic law, because it does not meet the requirements and pillars of legality slaughtered animal.

3.3. Sighat: Consent and Acceptance

The sighat spoken in sale and purchase of chicken meat at Mojorejo market is carried out in direct way, there is orally. As author explained in previous chapter, sale and purchase contract begins with the seller's words, for example "Madam I sell this chicken to you" and is accompanied by acceptance by the buyer, "Yes sir, I bought your chicken meat". After the Ijab and Qabul are completed, then buyer chooses the chicken meat before being weighed, which then seller weighs it. Then the buyer is given payment receipt by the seller and chicken is paid for by giving money from the buyer. However, there are some chicken meat sellers who in their sale and purchase contracts prohibit the buyer from choosing chicken meat to buy, and the buyer must accept the seller's decision if they want to buy chicken meat from him.

From some of the information author describes, author considers that sighat in sale and purchase of chicken meat from chicken meat sellers who have met these requirements is legal, there is sighat which is used in direct way [15], there is verbally and also in sighat it has been explained in detail between buyer to seller. This is in accordance with Islamic law where there is an agreement shows the willingness both parties without any coercion [8]. Both are mutually willing to buy and sell chicken meat. However, for the seller who in the sale and purchase contract prohibits the buyer from choosing the chicken meat to be purchased according to Islamic law, it is not valid, because in the sale and purchase transaction there is no *khiyar* right for the buyer, which results in not fulfilling one or all of the pillars and conditions of the sale and purchase [1].

Starting from the buyer who came to the seller of chicken meat, Mr. Setu, to ask the price, then the buyer chose the chicken before weighing it, then the seller weighed it, then the buyer handed over some money to the seller. It can be seen that both sides are pleased with each other. And there is no element of fraud or obscurity (*gharar*) from the practice of buying and selling. Because it meets the requirements and pillars of the sale and purchase, the sale and purchase is valid. Meanwhile, buyers who come to Mr. Heri and Mr. Anto are not allowed to choose the chicken meat to buy, and must accept the seller's decision if they want to buy chicken meat from him, actually the buyer feels heavy but because there is no choice, the buyer finally accepts the decision. Thus, the sale and purchase carried out by Mr. Heri and Mr. Anto according to Islamic law is not valid, because the sale and purchase transaction does not meet the pillars or conditions for the validity of the sale and purchase, the absence of the right to choose for the buyer and the sale and purchase transaction contains an element of fraud [9].

The results of the research on weighing practices indicate that the implementation of buying and selling chicken meat in the Mojorejo market is carried out by weighing the chicken meat first by the seller before being brought home by the buyer. In buying and selling objects that must be measured or weighed, *fiqh* stipulates that there should be no fraud in the size, the scales must be appropriate and not to be reduced [5]. Regarding the sale and purchase of weighed chicken, Mr. Anto should weigh the chicken he sells by showing that the empty weight of the scales is the same between the right and left before the weights are placed in place so that the size is exactly the same in front of the buyer, as did Mr. Setu and Mr. Heri. It is not permissible to insert a magnet under the scale with a black plastic cover on the side so that it is not noticed by the buyer.

From the reality that occurs in the field related to the practice of slaughtering chickens in the sale and purchase of chicken meat in the Mojorejo market, the author argues that the slaughtering practices carried out by Mr. Setu and Mr. Anto are legal according to Islamic law, while the practice of slaughtering by Mr. Heri according to Islamic law is not legal, because it does not meet the pillars and legal requirements of the slaughter.

Then the practice of buying and selling contract transactions carried out by Mr. Setu according to Islamic law is appropriate, because it meets the pillars and conditions of buying and selling so that there is no element of fraud in the sale and purchase transaction. Meanwhile, the practice of buying and selling contract transactions by Mr. Heri and Mr. Anto is not legal according to Islamic law. Because it does not meet one or all of the pillars of the terms of sale and purchase, so that it contains an element of fraud in the sale and purchase transaction.

Basically, commerce or trade aims to make profit. Whoever is not lucky in his trade, then it is because he did not do a good business in choosing merchandise or in muamalah with other people. However, if the profit is obtained in a prohibited way, then the law is haram. Islam teaches all muamalah activities are carried out on basis of mutual assistance. This means that in searching for wealth for the necessities of life, it should not be carried out in vanity ways such as deception, reducing the scales that can harm others and engaging in mu'amalah with an element of gharar [22].

4. Conclusion

Based on research results and discussion, several conclusions can be drawn. First, the sale and purchase contract of chicken meat at Mojorejo Village market, Kebonsari District, Madiun Regency by Mr. Setu, both from the aspect of 'aqid, object, khiyar rights and ijab qabul sale and purchase have met the requirements. So, the sale and purchase contract is valid according to Islamic law. Furthermore, the sale and purchase contract carried out by Mr. Anto contained an element of fraud, the chicken being sold was injected with water and there was no khiyar right in sale and purchase, so the sale and purchase contract included buying and selling gharar. While sale and purchase contract carried out by Mr. Setu contained blisters due to soaking and illegal slaughter accompanied by the mixing of dead chickens being slaughtered, and there was no khiyar right for the buyer. So that the sale and purchase contract is not valid according to Islamic law.

Second, regarding practice of slaughtering chickens carried out by Mr. Setu and Mr. Anto on object of buying and selling chicken meat at Mojorejo Village market, Kebonsari District, Madiun Regency, it is legal according to Islamic law. Both from the actions of person who slaughters, method and body parts are slaughtered have met the requirements and pillars of legality slaughtered animal. Meanwhile, the practice of slaughtering by Mr. Heri is not legal according to Islamic law, because only part of the body slaughtered is skin.

Third, weighing practices on the sale and purchase of chicken meat at the market in Mojorejo Village, Kebonsari District, Madiun Regency by Mr. Setu and Mr. Anto are legal according to Islamic law, because the weighing is right, there is no reduction in scales, so that it meets the requirements and the pillars of buying and selling and between the two parties no one harmed. Then the weighing by Mr. Heri is considered invalid according to Islamic law, because there is a reduction in the scales, namely by the presence of a magnet under the scales, so that it does not meet the requirements and pillars of buying and selling and between the two parties there is loss.

REFERENCES

- [1] Abdullah, F.A., Borilova, G., & Steinhäuserová, I. 2019. Halal criteria versus conventional slaughter technology. *Animals (Basel)*, 9 (8). 530. <https://doi.org/10.3390%2Fani9080530>
- [2] AdDuwaisy, A.B.A. (2006). *Fatwa-fatwa jual beli, terj. M. Abdul Ghoffar*. Jakarta: Pustaka Imam Syafi'i
- [3] AlGharyani, A.A. (2004). *Fatwa-fatwa muamalah kontemporer*. Surabaya: Pustaka Progresif
- [4] Amin, M.R., Solihin, K.H.N. (2004). *Waspada! makanan haram di sekitar kita: panduan meraih hidup sehat, berkah dan selamat*. Jakarta: Almarwardi Prima

- [5] Astuti, D. (2018). Persepsi masyarakat terhadap akad jual beli online perspektif ekonomi Syariah. *Syarikat: Jurnal Rumpun Ekonomi Syariah*, 1 (1). 13-26. [https://doi.org/10.25299/syarikat.2018.vol1\(1\).2625](https://doi.org/10.25299/syarikat.2018.vol1(1).2625)
- [6] Ba'asyir, A. & Anhmad. (2000). *Azaz-Azaz Hukum Muamalah dan Hukum Perdata Islam*. Yogyakarta: UII Press
- [7] Chotimah, C. (2019). Jual beli online bentuk muamalah di masa modern. *LABATILA: Jurnal Ilmu Ekonomi Islam*, 1 (2), 70-79. <http://ejournal.iainu-kebumen.ac.id/index.php/lab/article/view/80>
- [8] Fasya, F. 2018. Tinjauan hukum islam terhadap jual beli tanpa sighthat akad. *Al-Muamalat: Jurnal Hukum dan Ekonomi Syariah*, 3 (11). 101-118. <https://doi.org/10.32505/muamalat.v3i11.705>
- [9] Fuseini, A., & Knowles, T.G. 2020. The ethics of halal meat consumption: preferences of consumers in England according to the method of slaughter. *British Veterinary Association*, 186 (19). 644-644. <https://doi.org/10.1136/vr.105287>
- [10] Hadi, A.S.M.A. (1997). *Hukum makanan dan sembelihan dalam pandangan islam*. Bandung: Trigenda Karya
- [11] Johari, E. (2019). Jual beli online dalam perspektif hukum islam. *Jurnal Hukum Sehasen*, 2 (1). 1-13. <https://jurnal.unived.ac.id/index.php/jhs/article/view/762>
- [12] Kumalasari, I. 2022. Implementation of law number 8 of 1999 concerning consumer protection: the relationship of beauty care products in the City of Parepare. *Sighthat: Jurnal Hukum Ekonomi Syariah*, 1 (1), 81-92. https://ejournal.iainpare.ac.id/index.php/shighthat_hes/article/view/3392
- [13] Ma'rifat, T.N. 2017. Perception on halal traceability on chicken meat supply chain. *Agroindustrial Technology Journal*, 1(1). 33-41. <http://dx.doi.org/10.21111/atj.v1i1.1838>
- [14] Maraghi, A.M. (1986). *Terjemah Tafsir Al Maraghi 5 / Ahmad Mustafa al Maraghi; diterjemahkan Hery Nur Aly dan Bahrin Abubakar*. Semarang: Toha Putra
- [15] Nugroho, A.J.S., Andadari, R.K., & Ariwibowo, E.K. 2018. Supply chain and purchasing behavior of halal chicken meat. *Share Jurnal Ekonomi dan Keuangan Islam*, 7 (2). 1-12. <http://dx.doi.org/10.22373/share.v7i2.3493>
- [16] Panggabean, S.A., & Tanjung, A. 2022. Jual beli online dalam perspektif hukum islam dan hukum negara. *JESYA: Jurnal Ekonomi dan Ekonomi Syariah*, 5 (2). 1504-1511. <https://doi.org/10.36778/jesy.v5i2.758>
- [17] Qardhawi, M.Y. (2003). *Halal dan haram, terj. Muammal Hamidy*. Surabaya: PT Bina Ilmu
- [18] Rohman, H. (2020). *Hukum jual beli online*. Pamekasan: Duta Media Publishing
- [19] Sabiq, S. (1998). *Fiqh Sunnah Jilid XII, Terj. Kamaludin A. Marzuki*. Bandung: AlMa'arif
- [20] Sugiyono. (2013). *Metode Penelitian Pendidikan Pendekatan Kuantitatif, Kualitatif, dan R&D*. Bandung: Alfabeta
- [21] Supardin, M., Muslimin, J.M., & Jahar, A.S. (2020). Buying and Selling Transaction in Honesty Canteen According to Islamic Law. *Conference: Proceedings of the 2nd International Colloquium on Interdisciplinary Islamic Studies (ICIIS) in Conjunction with the 3rd International Conference on Quran and Hadith Studies (ICONQUHAS)*. <http://dx.doi.org/10.4108/eai.7-11-2019.2294544>
- [22] Wahyuni, H.C., Vanany, I., & Ciptomulyo, U. 2018. Food safety and halal food risk in Indonesian chicken meat products: an explanatory study. *International Conference on Industrial Engineering and Engineering Management (IEEE)*, 1(1), 1-12 <https://doi.org/10.1109/IEEM.2018.8607528>