

ISLAMIC LAW REVIEW ON WEIGHING PRACTICES IN PALM OIL TRADING (STUDY ON WEIGHING PRACTICES IN PALM OIL SALES AND PURCHASES IN PEMATANG RAHIM VILLAGE)

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Abstract: In the practice of weighing the sale and purchase of palm oil, it must be done consensual, honest, fair and open, trusting each other, avoiding elements of fraud, ambiguity and harm from one side. This attitude can be done by perfecting the measurements and scales at the time of weighing practice, in the sale and purchase of palm oil in Pematang Rahim Village, the process of weighing palm oil in determining the results of the scales is determined only by one side determined by the buyer, without going through a mutual agreement with the owner. selling palm oil. This causes a compulsion to accept the results of the weighing practice in buying and selling palm oil. So in this case there is compulsion so that the seller must accept the system that has been set by the buyer of palm oil. The thing that wants to be examined is how the practice of weighing in buying and selling palm oil in Pematang Rahim village is. Review of Islamic Law on the practice of weighing in the sale and purchase of palm oil. The method used is a qualitative method with the type of research used in this research is field research. The review of Islamic law on the practice of weighing in the sale and purchase of palm oil in Pematang Rahim contradicts the letter Al-Isra 'verse 35 because the party who benefits is the buyer of palm oil while the seller is harmed.

Keywords: Islamic Law, Practice, Buying and Selling, Cheating, Weighing

INTRODUCTION

The Essence who created the law as a rule of human life is an absolute Essence, whose existence is not determined or dependent on others. Thus, the One who creates truth and establishes what is "self-righteous" is Al-Hakim. The truth that does not need the legality of the truth made by His creatures. Judges or God who raised humans to become prophets and apostles who received His treatises and words contained in the holy book whose originality was guarded and maintained directly by the law maker himself. Laws are not created and present by themselves, but through certain processes related to the nature of nature and humanity. Law which is a natural system is called the nature of law (natural law). The laws of

nature run according to their nature. The most basic nature in the laws of nature is change and replacement. Nothing remains in it, everything fades away, and after that it dies. However, death is only a change in another form that will not exist without having existed before. In this life, of course there is someone who regulates it, by how humans must live and maintain their lives.¹

Islamic law is a set of religious rules that regulate the behavior of the lives of Muslims in all aspects. The law under it covers all issues that apply to all Muslim individuals who are mukallaf in public life. This is important, because humans as social beings cannot be separated from the human relationship with God and the relationship between humans. This human relationship is better known as muamalah, muamalah itself is all religious rules that regulate relations between fellow human beings both religious and non-religious which can be found in Islamic law regarding marriage, guardianship, inheritance, wills, grants, trade, labor, cooperatives, leases, lending and borrowing, constitutional law, law between nations and between groups, and so on.²

The purpose of muamalah itself is to create a comfortable life, which is not overshadowed by hunger and worry, the realization of justice and security, infiltrating the spirit of mutual cooperation, brotherhood, exchanging benefits, no more monopoly ways and ways that make assets rotate among the rich. Sale and purchase is an agreement to exchange objects or goods that have value, voluntarily between the two parties in accordance with the agreed agreement or conditions that have been stipulated by the provisions of the law.³

One aspect of muamalah that is regulated in its implementation is buying and selling. According to the term what is meant by buying and selling, one of them is exchanging goods for goods or goods for money, by releasing property rights from one to another on the basis of mutual acceptance. The balance is a symbol of justice and truth, as in the Qur'an which commands to measure and weigh honestly using the correct measure and the correct balance.⁴

¹ Beni Ahmad Saebani, *Filsafat Hukum Islam*, (Bandung, Alfabeta, 2008), p. 5

² Masjfuk Zuhdi, *Studi Islam (Jilid III Muamalah)* (Jakarta: Raja Grafindo Persada, 1993), p. 2.

³ Hendi Suhendi, *Fiqh Muamalah*, (Jakarta: Raja Grafindo, 2002), p. 69

⁴ Fachruddin, *Ensiklopedia al-Qur'an*, (Jakarta: Rineka Cipta, 1992), p. 229.

One type of scale that is used in buying and selling palm oil is a hanging scale. The function of this tool is to measure the weight of an object. The procedure is to hang it on the scales provided by the owner who wants to be weighed or the place is provided by the buyer who is brought by the weigher. If the buyer provides for the help of the weighing tool, the tool is in the form of wood or iron which is designed like a workbench. The basket is attached to a hanging scale. The function is as a receptacle so that it can accommodate large quantities of palm oil, so that it is easier for buyers or sellers to make it easier and does not take a long time.

In the sale and purchase transaction of palm oil, oil palm farmers sell their harvests to buyers, using a price that has been determined by the buyer following the market price of course with the calculation of costs in the implementation of weighing. The practice of weighing itself is not necessarily in place. Sometimes in oil palm plantations by smallholders, sometimes they are taken directly to the buyer's palm oil shelter. Weighing is carried out by the buyer's own workers, even if the seller is present or not at the palm oil weighing location.

In general, oil palm farmers in one harvest reach 10 quintals or often called 1 ton. Due to the number of 10 quintals of fruit, there were 10 weighings carried out by the buyer at each weighing. In this weighing practice, the hanging scales sometimes exceed the weight of 110 Kg to the detriment of the seller. Because what every weighing is because he wants to be fast in its implementation, the weigher, which should have not been aligned, still rises on the scales, then the weigher lowers the scales. The seller may lose 1-5 kg each time the weighing is carried out. If this happens ten times, imagine how much loss the seller or farmer will lose.

This problem is very concerning for the behavior that often occurs in each of these palm oil weighing practices. Honesty is no longer upheld, weighing only thinking about quickly completing the implementation without paying attention to the seller's rights and thinking about moral responsibility. This is the reason why this research was conducted by highlighting various weighing practices in the sale and purchase of oil palm according to Islamic law in Pematang Rahim village.

DISCUSSION

In the practice of using palm oil trading scales in Pematang Rahim village, there is no certainty about the weight of the goods being traded.

During the sale and purchase, the weighing process is carried out at the seller's garden area and witnessed directly by the seller. But most buyers do not immediately weigh it in front of the seller.

Thus the weighing is carried out at the buyer's palm oil shelter which is located far from the reach of the seller. So that at the time of weighing, the seller does not witness the weighing process. Not only that, in fact there is a reduction in the scales made by the buyer on the weighing results, and this is not through a mutual agreement between the seller and the buyer.

The reduction in the weight of the oil palm is quite a lot. Based on the statement from the palm oil token as the buyer, the scale reduction is carried out according to the type of weighing scale used, which is 5 kg or 10 kg, and there are other reductions in services for buyers, both palm cutting services, transportation services, and buyer benefits. Meanwhile, the price for per kilo of palm oil follows the standard price set by PT Palm Oil. After the researchers conducted the research, the reduction was carried out on the grounds of the buyer for reducing the basket and anticipating if the palm oil experienced shrinkage, because before being sold to PT to be processed into oil, the palm was first collected in Token's shelter.

In the practice of weighing palm oil that is carried out while being a buyer, various types of behavior are found from the seller of palm oil, sometimes the seller feels objections, because the palm fruit harvested by farmers is not feasible to be weighed because it is still in a state of balance, the condition is still 50% if we weigh it later at the palm oil mill it will not be accepted so we experience a loss, one side is sorry to see farmers who only expect a few kilos from the results of the farmer's harvest, as long as we carry out weighing practices Alhamdulillah farmers are still consensual in the practice of weighing oil palm this, but we always inform the palm oil seller about the appropriateness of the palm fruit to be weighed so that there is no misunderstanding between the weighing workers and the seller, we are still in accordance with the conditions at the factory if the fruit at the factory the fruit sorting is strict we also tighten the sorting on the farmers' harvest but before doing pan We have warned farmers about the very strict sorting of fruit at the factory. We always apply the practice of weighing according to Islamic law because we also expect pleasure in this buying and selling practice.⁵

⁵ Wawancara pak Jumadi Ali token sawit, Kamis 8 Juli 2021.

Even in the practice of weighing oil palm, we cut according to the practice of weighing in general, cutting 5 kg per 1 withdrawal because it is for cutting from the basket. In this weighing practice, 110 kg is pulled, so less than 5 kg, so the net weight is only 105 kg, the fraud is done by farmers from the sales or yields, sometimes farmers include tangkos or fruit that has been sorted in the weighing practice, this fraud it is done in an invisible state because it is put in a sack sometimes we remind the farmer but sometimes we still do it again.⁶

The practice of weighing palm oil that I do to farmers who sell their harvests sometimes waits for confirmation from the farmers who have released their palm oil harvests, sometimes we weigh the farmers' harvests, the farmers don't see them, sometimes the farmers also watch, because it is determined by the tides of the water so we are waiting for the farmers to deliver the crops to the palm port for weighing, in every weighing we use a hanging scale and are assisted with an iron that is shaped as a support or as a tool for weighing scales and baskets to put the farmers' fruit, if the problem of cutting depends on the basket if the basket made of iron cutting every practice weighing 12 Kg if the basket is made of rattan cutting according to the weight of the basket 5 kg. In weighing, we always remind farmers to maintain the quality of their harvests so that they are not detrimental to the seller and buyer of palm oil.⁷

In the practice of weighing palm oil, we as workers who weigh only follow instructions from buyers of palm oil, if the buyer of palm oil orders us to cut 5 kg, we cut 5 Kg, if ordered to cut 10 Kg, we cut 10 Kg.⁸ This is done on the basis of the consideration that they are only subordinates or people who work with Toke who have their own authority and regulations. Although it is known that this is not necessarily justified or not.

Even though Allah SWT has ordered every Muslim to perfect the measure and scales, as in Surah Al-Isra 'verse 35 below:⁹

Artinya: "Dan sempurnakanlah takaran apabila kamu menakar, dan timbanglah dengan neraca yang benar. Itulah yang lebih utama (bagimu) dan lebih baik akibatnya". (Al-Isra': 35).

⁶ Wawancara toke sawit bang Amat, Kamis 8 Juli 2021.

⁷ Wawancara Muhammad Angga Saputra toke sawit, Jum'at 9 Juli 2021.

⁸ Vicky Penimbang Sawit Wawancara, Sabtu 10 Juli 2021

⁹ Departemen Agama RI, *Al-Quran*, p. 286

The practice of weighing palm oil carried out by the buyer is clearly contrary to the paragraph above because the actual cutting is not clear and is not witnessed by the seller and every cutting of the scale is rounded up without regard to the actual weight of the weighing aid basket. Even though the weight of the basket is not known for certain by the seller. However, the seller determines the weight of the basket directly without weighing the basket in front of the seller. In this context, it may be possible for there to be fraud between the buyer or toke that is not open or transparent in terms of weighing.

In the sale and purchase of oil palm in Pematang Rahim Village, according to the researcher's analysis, oil palm farmers have entrusted their harvest to the buyer to be weighed by the buyer himself without being witnessed directly by the farmer as the seller. But on the other hand, according to researchers, even though farmers have entrusted their harvests to buyers, if the results of weighing the palm oil have been valued, the buyer should inform the farmers that the results of the scales are so and the price is so before reducing the scales. Thus, if the farmer does not agree, the farmer has the right to get the *khiyār* right to continue the sale and purchase transaction or not.

Sellers and buyers in buying and selling should be honest, frank and tell the truth, so don't lie and don't swear a lie, because oaths and lies take away the blessings of buying and selling. If there is a difference of opinion between the seller and the buyer regarding an object being traded, then what is justified is the words that have the goods, if there are no witnesses and other evidence between the two. As the Messenger of Allah said:

Artinya: "Apabila penjual dan pembeli berselisih, sedangkan diantara keduanya tak ada bukti, maka yang diterima adalah apa yang dikatakan oleh pemilik barang atau keduanya saling meninggalkan".(Riwayat Abu Dawud).¹⁰

We as palm oil sellers can't do much to see the cuts made by the buyer because of the debt to the buyer of the palm oil, sometimes we are also not there during the weighing practice because the buyer does the weighing practice at night when we finish harvesting we go home to rest at home and sometimes workers who weigh palm oil in this practice weigh

¹⁰Abi Abdillah Muhammad, *Shahih Bukhari Juz III*, (Beirut: Dar Al-Kutub Al-Ilmiyah, 1992), p. 25.

their palm too much in favor of the buyer by way of the scales being tilted up too much and not parallel as it should be weighing.¹¹

As in the case of scales, during the reign of the Prophet Muhammad, a number of standardizations of scales and measurements were carried out and prohibited the use of standard scales and measurements that could not be used as benchmarks. The practice of cheating by reducing the scales and measurements is an act that robs the rights of others in the form of fraud for inaccuracies in the scales and measurements, so it is strictly prohibited.¹²

Whereas Allah Almighty has ordered every Muslim to be an enforcer of justice for Allah and to be a just witness, as in the following Surah Al-Ma'idah verse 8:

*Artinya: Wahai orang-orang yang beriman! Jadilah kamu sebagai penegak keadilan karena Allah, (ketika) menjadi saksi dengan adil. Dan janganlah kebencianmu terhadap suatu kaum mendorong kamu untuk berlaku tidak adil. Berlaku adillah. Karena (adil) itu lebih dekat kepada takwa. Dan bertakwalah kepada Allah, sungguh, Allah Mahateliti terhadap apa yang kamu kerjakan.*¹³

It is important for us to further understand the rules in dealing with weighing, especially in buying and selling transactions. In simple terms, the transaction is defined as the transfer of rights and ownership from one hand to another. This is one way of acquiring property apart from acquiring it yourself before it becomes someone's property and it is the most common way of obtaining rights. Transactions in general in the Qur'an are defined by *tijarah*.¹⁴

As for the way the *tijarah* takes place in accordance with God's will, it is according to the principle of consensual, open free from fraudulent elements to get something that has benefits in social life in the world. These principles are taken from the general instructions mentioned in the Qur'an and the guidelines given in the *sunnah* of the Prophet.¹⁵

Buying and selling is a contract that is most often used by the community, because in fulfilling their needs, people cannot escape and

¹¹Wawancara Hengky Darmawan Penjual Sawit, Jum'at 9 Juli 2021.

¹²Anton Ramdan, *Etika Bisnis Dalam Islam*, (Jakarta: Bee Media Indonesia, 2013), p. 135-136.

¹³Departemen Agama RI, *Al-Quran*, p. 300

¹⁴ Amir Syarifuddin, *Garis-garis Besar Fiqh*, (Jakarta: Kencana Prenada Media Group, 2010), p. 189.

¹⁵ Ibid, p. 205

leave this contract. Buying and selling (al-bai') according to language means selling, replacing and exchanging something for something else. The word al-bai' is a word that includes the meaning of its opposite, namely ash-syira '(buy). Thus the word al-bai' in addition to meaning the word sell as well as the word buy.¹⁶

It is common knowledge that the practice in the field of buying and selling transactions is filled with various elements of deception and injustice. Therefore, every Muslim is obliged to pay attention to the legal conditions in buying and selling, so that they can do it according to the laws of the Shari'a and not fall into things that are forbidden. The reality in the practice of buying and selling, the perpetrators do not really care about the limitations of the Shari'a. Neglect of religious teachings, and a lack of fear of Allah SWT are factors that encourage cheating. In fact, various efforts are made, the important thing is to get abundant profits. Therefore, non-halal practices must be avoided by every business person by studying the fiqh of buying and selling in order to be able to distinguish between halal and haram, so that the income they earn becomes a blessing.

Islamic buying and selling is buying and selling based on values sourced from a religion that upholds honesty and justice, does not oppress or be wronged. Thus, all forms of transactions that cause injustice that result in a tendency to increase the price of goods or harm one party unjustly are strictly prohibited by Islam.

It is clear that reducing measures and scales is prohibited in Islam. A person who violates this just provision means that he has plunged himself into the threat of destruction. However, until now, this practice is still carried out in buying and selling which goes through a weighing process and a dosing process. However, in terms of rounding the numbers on the scales, the buyer does not want to be harmed. So that the rounding of numbers is in favor of the buyer, in the sense that the rounding of numbers is detrimental to the farmer as the seller. In this palm oil sale and purchase transaction, the buyer becomes the party who always benefits in every condition because it determines the weighing system unilaterally.

In order for buying and selling transactions to be categorized as legitimate buying and selling, essentially, everyone who makes a contract must fulfill all of his contracts, because Islamic law has provided basic rules

¹⁶ Ru'fah Abdulah, *Fikih Muamalah*, (Bogor: Ghalia Indonesia, 2011), p. 65.

or provisions in conducting a good buying and selling relationship. Universally, the goal is to stay away from conflict between humans, protect the benefit of people who are in contract, avoid buying and selling gharar (there is an element of fraud), if one of these pillars is neglected or avoided, the sale and purchase transaction is invalid.

Buying and selling transactions in Islamic law are also inseparable from the importance of a contract. Akad is a word bond between the seller and the buyer, buying and selling cannot be said to be valid if there is no such thing as consent and qabul that shows willingness. In essence, consent and qabul are carried out verbally, but if it is not possible, such as for example, people who are mute or others, ijab and qabul with correspondence containing the intent of ijab and qabul.

In Islam, understanding how the practice of buying and selling transactions stipulated by the Shari'a gets attention, such as the fulfillment or achievement of the pillars or conditions and paying more attention to the principles and conditions that should apply in buying and selling transactions so that both parties get the benefits, wisdom and benefits of the sale transaction. purchases that have been made. However, the weighing system or method in the sale and purchase of oil palm fruit carried out in Bulu Mario Village resulted in incompatibility in fulfilling the pillars and conditions of the sale and purchase and it could be said that the sale and purchase transaction was not legal according to Islamic sharia rules and caused ambiguity in carrying out the sale transaction. buy it.

CONCLUSION

Completion of the discussion above, shows several conclusions, namely; first, the weighing practice carried out by the Palm Oil Buyer in Pematang Rahim village, namely by cutting the gross results of the scales on the grounds of cutting the weight of the basket, the number of palm fruit scales of 5 -10 Kg should be by agreement because in making the decision it was mutually agreed. most of the sellers do not directly see the process of weighing their palm products. Second, the weighing and subtraction process is carried out unilaterally by the buyer, both in reducing the weight of the weighing basket, services and profits of the buyer. So the seller does not know for sure the weight of the weighing result before the reduction. Meanwhile, in rounding the scales, the buyer determines it himself without prior agreement with the seller, and the seller becomes the aggrieved party

in the sale and purchase of palm oil. The practice of weighing palm oil by buyers is clearly contrary to the verse of the Qur'an (Al-Isra': 35)

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