



REVIEW OF ISLAMIC LAW ON THE BUYING AND BUYING OF FOOD BY STREET VENDORS

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Abstract:

Buying and selling is an exchange of ownership of objects with the exchange, according to the form permitted by sharia. The application of buying and selling ethics in Islam must be applied in all aspects of the economy, including consumer knowledge regarding the halalness of the products they will consume. The beginning of this research is determining the Islamic law review of buying and selling food at street vendors in the Sadabuan complex. This research method uses descriptive qualitative methods, and the type of use is field data research. Data collection techniques include data reduction, data integration and conclusion. These results and research. The majority of street vendors in the Sadabuan complex still need to get a reviewed business license. According to Islamic law, humans are allowed to carry out any business or buying and selling transactions to fulfil their daily needs. Meanwhile, ownership of a business license is not legally obligatory because it is not a condition for buying and selling transactions in the Islamic context.

Keywords: Buying, Selling, Islamic law

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INTRODUCTION

Buying and selling is an agreement to exchange objects or exchange ownership by means of exchange according to the form permitted by sharia. What is meant by share is buying and selling that meets the requirements and other matters relating to buying and selling. (Hasibuan & Arzuna, 2022) . Apart from buying and selling, Islam also regulates the buying and selling of food consumed by its people. In order to fulfil their daily needs, humans must eat food that is halal and good for their bodies, both in substance and in the method of obtaining it (Setiawan, 2020).

The ability to buy and sell must take into account five elements, namely seller, buyer, goods sold, consent and likes. (Lestari, 2023) . This element shows the conditions for the sale and purchase transaction; if the element is not met, then the sale and purchase is invalid. However, due to the development of science and information technology along with the times, the values of the five elements mentioned can change. They must undergo changes, which can result in developments in each element of buying and selling. (Siregar, 2019) . One of them is the implementation of a business license in carrying out trade (Saputra, 2018).

Judging from the current situation, there are many buying and selling activities with various variations ranging from traditional buying and selling to modern buying and selling using online models, labelling models and others. (Samngani, 2018) . One phenomenon that is often encountered is the buying and selling model carried out by sellers by opening their sales stalls on the sides of the road, known as street vendors. (Samngani, 2018) . These street vendors are included in the informal sector businesses, which are currently spread in various places, one of which is in the Sadabuan complex area.

Based on the background that has been described, the formulation of the problem in this research is as follows:

How does draft sell buy in Islam? How do you practice selling and buying food from street vendors in the complex Sadabuan? How to review law Islam to practice selling and buying food from street vendors in the complex Sadabuan?

METHOD

This research uses descriptive qualitative methods. In order to achieve the objectives of the research, a deeper review of the research is really needed. To find out the practices of buying and selling food from street vendors in the Sadabuan complex, a descriptive qualitative method is needed because the researcher can conserve the data carefully and go directly to the field by knowing the facts. Existing facts will later be adjusted by paying direct attention to the food buying and selling practices of street vendors. This will make it easier to construct data analysis techniques to conclude.

RESULTS AND DISCUSSION

The Concept of Buying and Selling in Islam

Buying and selling is an agreement to exchange goods or goods that have value voluntarily between two parties, one of whom receives the objects. The other party receives them in accordance with the agreement or conditions that have been approved by the sharia and agreed upon. (Midisen & Handayani, 2021) . Buying and selling is a means used by humans to fulfil their daily needs. With the existence of buying and selling, Allah SWT makes it easy for His faithful servants to carry out buying and selling transactions. With buying and selling, a good relationship will be established between the seller and the buyer with the aim of meeting their needs (Susanto & Hadijah, 2022).

Every Muslim who carries out buying and selling must know the terms and conditions of buying and selling based on the Qur'an and Hadith because if they do not comply with the terms and conditions, then the buying and selling transaction is considered invalid. Apart from having to fulfil harmony and conditions, the parties must also know the ethics of buying and selling so that they will not fall into prohibited buying and selling and will not harm each other. (Arifin, 2020) .

This definition also contains the value that buying and selling is a permanent process of *al-taghayyur al-milki* (change of ownership) from the seller to the buyer. Therefore, *syar'i* buying and selling is buying and selling freely or not tied to certain conditions, such as selling within one month, one year, etc., or selling goods with the condition that the buyer must resell the goods to the first seller on the time they have determined (Suyudi, 2019).

Buying and selling is permissible or permissible, but according to *Asy Syatibi*, buying and selling law can be obligatory and can be haram, such as when an effort occurs, that is, there is hoarding of goods so that supplies and prices soar. One of the buying and selling things that Islam forbids is the buying and selling of haram goods. Even things that come from haram processes also produce haram things. The conditions for goods being bought and sold must be that the goods are clean, can be used, and belong to the person doing it. *Aqad*, among other things, is capable of handing over knowledge, and the items being agreed upon are in hand. *Street Vendors' Food Buying and Selling Practices in the Sadabuan Complex* (SARI, 2019).

As time progresses, more and more street vendors appear, including traders selling food or drinks. In this buying and selling practice, it has become a habit of traders that they pay little attention to quality and quantity, both in food production and food presentation (Permatasari et al., 2021).

There are quite a lot of street vendors in the Sadabuan Complex because this place sells various kinds of food and drinks. Based on the results of the author's observations, they found that there were cake traders, batagor traders, siomay traders, indomie level traders, tela-tela traders, rolled noodle traders, and rice traders. Hawaiian corn and many other traders. In this case, the author found that many food ingredients did not meet health standards when selling their wares, such as using cooking oil several times, sometimes even until the color of the cooking oil turned dark brown, so it became used cooking oil. (Kahar & Rappe, 2020) .

The quality of used cooking oil is usually far below the SNI (Indonesian et al.) requirements for cooking oil provided. An easy way to differentiate cooking oil is if you smell the typical smell of cooking oil, then the result is declared "normal", and if you smell something other than the typical smell of cooking oil, then the result is declared "not normal" (Mansur & Elfita, nd). Not only in the use of cooking oil, you must also pay attention to the use of water in street trading. Judging from the practice of washing food ingredients or trading equipment carried out by street vendors in the Sadabuan complex, it fails to meet health requirements because the water used does not come from flowing water or can be said to be water that is transferred into a container. Hence, its cleanliness still needs to be guaranteed. Street vendors use two or more buckets, one bucket for washing and the other bucket for rinsing. When the water in the bucket was changed, it was already cloudy, so bacterial contamination in the water for washing the sales equipment was very large.

So far, street vendors operate permanently on the side of the road or sidewalk along the Sadabuan complex road, selling their wares with carts and tents. Traffic jams, decline in the beauty of the area, illegal use of facilities, lack of security and order, and low levels of discipline among street vendors who are considered to be breaking the law by being there have had several consequences. This can be seen from the traffic disruption caused by the sidewalks being blocked by street vendors so that students' facilities for using the sidewalks are disrupted, especially on Fridays. This is due to the exit schedule of each school at the same time, plus the large number of street vendors circulating in the area. The edges of the road often cause traffic jams, so it is not uncommon for motorists to riot on the road (AL-DZARI'AH, 2023).

Despite the many riots that occurred, the community or students still did not object to sales carried out by street vendors or carried out resistance behaviour. Based on the author's observations, this is influenced by the high consumption interest of students in the food offered, where the majority of consumers of street food vendors are students at elementary, middle school/MTS and SMA/SMK/MA levels. At their current age, the cleanliness of food is less of a priority if the quantity of food and price of food are more profitable for them, such as larger portions accompanied by lower prices. (NURSIFATINI, 2020) .

A Review of Islamic Law on the Practice of Buying and Selling Food by Street Traders in the Sadabuan Complex

Islam allows all muamalah activities, one of which is buying and selling activities aimed at the common good. However, this ability may change if it is different from Sharia law. Prohibited buying and selling can be viewed from several aspects, namely in terms of the subject and terms of the object. In Islamic law, it is regulated in such a way as to create the benefit of the ummah; if there is a product that can cause harm to many people, then Islam prohibits the use of that product. (Fajrianti, 2020) .

If the product can be dangerous, then Islam recommends abandoning it. Therefore, there is a prohibition on using plastic bags, especially black ones, to contain food because they can be dangerous for health and plastic waste can cause environmental damage. Every business actor should pay attention to the materials used to wrap their products, especially food, because, in Islam, food is closely related to halal. This is to protect the interests of every human being in obtaining food that is healthy and not contaminated by dangerous substances that can damage human health (Rosha & Khaidir, 2019).

The results of the author's analysis show that the use of plastic bags by street vendors to wrap their food is not good for health because the material contained in plastic bags is very dangerous, especially if used for hot food that has just been drained. For this reason, traders must consider the use of plastic bags and also pay attention to the level of cleanliness of food ingredients and cooking utensils used in the production or serving process. (Aristina et al., 2021) .

Judging from Islamic law, the use of plastic bags containing dangerous substances is not in accordance with Islamic rules, especially Islamic law, which is based on the principle of benefiting the community. Apart from that, the use of plastic also violates the normative principles of buying and selling ethics, namely that plastic can damage the environment because it cannot be decomposed and requires waiting for a long time. Therefore, Islamic law really cares about the benefit of its ummah, so it strictly prohibits dangerous products from being used for food packaging if they are used for food

packaging, which has a bad impact on human life. For this reason, traders must use other alternatives to wrap their food in materials that meet the requirements for use as packaging or use paper specifically for food.

Islam also pays great attention to the cleanliness of a product; in this case, the author sees that the level of cleanliness of food sold by street vendors is still relatively low. For this reason, traders must pay attention to cleanliness, both in terms of the manufacturing process, presentation and the area where the trader sells. Traders can use special gloves during the manufacturing and serving process to ensure hygiene. Apart from that, traders can provide special trash cans to dispose of leftover food products and dispose of the water used to wash food products and equipment in special places to avoid standing water in the sales area so that the cleanliness of the area can be guaranteed.

CONCLUSION

Based on the analysis of the results from the discussion study, the concept of buying and selling in Islam that is permitted must be in accordance with the propositions of the Qur'an and As-Sunnah so that the buying and selling transaction is legal. Suppose the sale and purchase do not meet the provisions. In that case, the sale and purchase transaction will be invalid and will even cause prohibition. Buying and selling carried out by street vendors in the Sadabuan Complex still use black plastic bags to package their food. This is very contrary to Islamic principles, which prioritize welfare because of the dangerous substances contained in plastic materials. The low quality of cleanliness implemented by street vendors greatly influences the level of hygiene of the food produced, so if you look at it from Islamic law, cleanliness is prioritized to avoid things that seriously disturb human mental health, such as attacks from viruses or bad bacteria. The implementation of buying and selling according to Islamic concepts carried out by street vendors in the Sadabuan Complex is still relatively low because there are still many things that need to be paid attention to, which they consider these things to be trivial. However, in Islam, it is very important to pay attention, such as handling food without special gloves, using cooking oil and repeated use of water in washing food and cooking utensils.

Islam allows all muamalah activities, one of which is buying and selling activities aimed at the common good. However, this ability may change if it is different from Sharia law. Islam has regulated it in such a way as to create the benefit of the ummah; if there is a product that can cause harm to many people, then Islam prohibits the use of that product. Sharia buying and selling is buying and selling freely or not tied to certain conditions, such as selling within one month, one year, etc., or selling goods with the condition that the buyer must resell the goods to the first seller at the time they have agreed. Determine. The conditions for goods being bought and sold must be that the goods are clean, can be used, belong to the person doing the *aqad*, among other things, are able to hand over the knowledge, and the goods being contracted for are in their hands. Traffic jams, decline in the beauty of the area, illegal use of facilities, lack of security and order, and low levels of discipline among street vendors who are considered to be breaking the law by being there have had several consequences. So, from an Islamic perspective, this is not recommended. However, due to the low level of public and student awareness, this cannot be avoided because of their high-interest influences in consuming food offered by street vendors. To guarantee that a sale and purchase agreement is in accordance with Islamic concepts, self-awareness is required for both the seller and the buyer.

REFERENCES

- al-Dzari'ah, Ps (2023). Buying And Buying Activities Of Street Vendors Along Road Gajah Mada Dalam.
- Alistina, Ad, Ehasari, Rk, & Hayudanti, D. (2021). Feasibility Of Providing Food In A Restaurant Based On Physical And Laboratory Tests: Food Organization Of The Dining House Based On Physical And Laboratory Tests. *Journal Of Nutrition And Health*, 13 (2), 43–56.
- Arifin, M. (2020). Validity Of Sales And Purchase Transaction Agreements Using The Dropshipping System In An Islamic Economic Perspective. *Lisyabab: Journal Of Islamic And Social Studies*, 1 (2), 279–290.
- Fajrianti, S. (2020). Community Response To Food Products Without Halal Labels In Kec. Mattiro

- Sompe Pinrang Regency (Analysis Of Islamic Economic Law). Iain Parepare.
- Hasibuan, A., & Arzuna, P. (2022). A Review Of Islamic Law On The Practice Of Buying And Buying Used Clothing In The Market Of Perumnas Aurduri 1, Penstingat Low District, Telanai Pura District, Jambi City. *Wasatiyah: Legal Journal* , 3 (2), 58–69.
- Kahar, Anfbk, & Rappe, E. (2020). Analysis Of The Heavy Metal Content Of Lead (Pb) In Fried Snacks In Makassar City. *Sulolipu: Communication Media For Academics And Society*, 20 (1), 135–143.
- Lestari, D. (2023). Islamic Law Review Of The Practice Of Buying And Selling Clove Trees Using An Annual System In Gedang Kluthuk Hamlet, Sawahan Village, Sawahan District, Nganjuk Regency. Iain Kediri.
- Mansur, U., & Elfita, L. (Nd). Test The Quality Of Cooking Oil At Fried Food Traders Around The Uin Syarif Hidayatullah Jakarta Campus.
- Midisen, K., & Handayani, S. (2021). Non-Cash Buying And Selling Of Gold Is Reviewed According To Islamic Jurisprudence. *Pelita Bangsa Sharia Economic Journal* , 6 (01), 10–19.
- Nursifatini, P. (2020). Integrated Midwifery Care For Pregnant, Particular, Public, Bbl Ny Women. R With Kek, An Intervention Was Carried Out By Providing Additional Solid And Liquid Food At The Garuda Health Center.
- Permatasari, I., Handajani, S., Sulandjari, S., & Faidah, M. (2021). Factors Of Food Sanitation Hygiene Behaviour Among Street Vendor Food Handlers. *Journal Of Culinary Management*, 10 (2), 223–233.
- Rosha, Z., & Khaidir, A. (2019). Consumer Protection Against The Use Of Dangerous Plastics As Food Packaging In An Effort To Increase Purchase Interest. *Bung Hatta University Management Journal*, 14 (1), 28–36.
- Samngani, A. (2018). Review Of Islamic Law On The Practices Of Selling And Buying By Street Vendors In Areas Where Selling Is Prohibited By The Regional Government Of Banyumas District (Case Study On Jalan Jenderal Soedirman Purwokerto) Thesis Submitted To The Sharia Faculty Of Iain Purwokerto To Fulfill One Of The Requirements For Obtaining A Bachelor Of Laws Degree By Ahmad Samngani Nim. 102322030. Iain.
- Saputra, E. (2018). Performance Of The Integrated Licensing And Investment Services Agency (Bpptpm) In Services For Producing Trade Business Licenses (Siup) In Bengkulu City. *Journal Of Governance And Public Administration*, 2 (1), 32–40.
- Sari, Ap (2019). Review Of Islamic Law Concerning The Prohibition Of Returning Goods That Have Been Purchased (Case Study At The Push Pin Shop Jl. P. Antasari Bandar Lampung). Uin Raden Intan Lampung.
- Setiawan, H. (2020). Characteristics Of Thayyiban Halal Food In The Qur'an. *Halalan Thayyiban: Journal Of Halal Management, Sharia Tourism And Hospitality Studies* , 3 (2), 40–54.
- Siregar, Pas (2019). The Validity Of Buying And Selling Agreements Via The Internet Judging From Islamic Law. *Edutech: Journal Of Educational And Social Sciences*, 5 (1).
- Susanto, H., & Hadijah, M. (2022). Madam: Banjar Urang Culture Migrants For A Better Life. *Journal Of Education And Counseling (Jpdk)*, 4 (3), 1700–1963.
- Suyudi, Mm (2019). Analysis Of Buying And Selling Live Mentok Feathers In The Perspective Of Islamic Business Ethics (Case Study Of Sumengko Village, Sukomoro District, Nganjuk Regency). Iain Kediri.



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