

ETHIC OF TRADER IN THE QUR'AN
(Thematical Study on the Qur'anic Verses)



THESIS

Submitted in Partial Fulfillment of the Requirements
for the Degree of S-1 of Islamic Theology
on Tafsir and Hadiths Department

Written by:

MUHAMMAD ABD.ROHMAN CHOLILULLAH
NIM: 114211026

**SPECIAL PROGRAM OF
USHULUDDIN AND HUMANIORA FACULTY
ISLAMIC STATE UNIVERSITY (UIN) WALISONGO
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2018**

DECLARATION

I state that this final project is definitely my own work, I am completely responsible for content of this final project. Other writer's opinions or findings included in the thesis are quoted or cited in accordance with ethical standards.

Semarang, May 24, 2017



Researcher,

M. Abd. Rohman Cholilullah

NIM. 114211026

ADVISOR APPROVAL

Dear sir,

Dean of Ushuluddin Faculty

State Islamic University

(UIN) Walisongo Semarang

Assalamu 'alaikum Wr. Wb.

After correcting it to whatever extent necessary, we state that this final project belongs to a student as bellow:

Name : M. Abd. Rohman Cholilullah

NIM : 114211026

Department : Tafsir Hadits (TH)

Title : Ethic of Trader in The Qur'an

(Thematical Study on The Qur'anic Verses)

Is ready to be submitted in joining in the last examination.

Wassalamu Alaikum Wr.Wb.

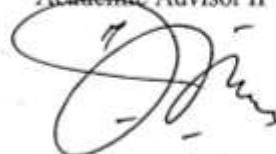
Academic Advisor I



Dr. H. Safii, M. Ag
NIP. 19650506 199403 1002

May 24, 2017

Academic Advisor II



Muhtarom, M. Ag
NIP. 19690602 199703 1 002

RATIFICATION

Thesis of M. Abd. Rohman Cholilullah (114211026) has been examined by Two Expert Thesis Examiner of Ushuluddin and Humaniora Faculty for Islamic State University (UIN) Walisongo Semarang on: July 20, 2017 and has been accepted and validated as one requirements for fulfilling Undergraduate Degree in Islamic Theology.

Dean of Ushuluddin and Humaniora Faculty /



Chairman of Meeting

Dr. Ahmad Musvafiq, M.Ag
NIP. 19720709 199903 1 002

Academic Advisor I

Dr. H. Safii, M. Ag
NIP. 19650506 199403 1 002

Academic Advisor II

Muhtarom, M. Ag
NIP. 19690602 199703 1 002

Examiner I

Muhaammad Masrur, M. ag
NIP. 19720809 200003 1 002

Examiner II

Dr. Machrus, M. Ag
NIP. 196301051990011002

Secretary of Meeting

Hj. Sri Purwaningsih, M. Ag
NIP. 197005241998032002

MOTTO

يَتَأْتِيهَا الَّذِينَ ءَامَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ
تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا ﴿٢٩﴾

O ye who believe, do not eat each other neighbor's property by way of
vanity, except by way of commerce Applicable with the same love-
love between you. And do not kill yourselves; Surely Allah is
Merciful to you.

----- Q.S. AL-Nisa (4): 29 -----

DEDICATION

*The final project is dedicated to:
My lovely parents: H. Mustaqim and Hj. Safuah
love and respect always for you.
thank you for the hard efforts in making my education success.*

□

*All of my beloved teachers who taught me and inspired me
to always study and be better.*

□

*My classmates, the great and funny genuine of FUPK 7,
We have made a new experience.*

□

A big family of FUPK, it is an honor to be part of you.

□

All of my friends thanks for lovely friendship.

TRANSLITERATION GUIDELINESS¹

ا/ء	a/`
ب	b
ت	t
ث	ts
ج	j
ح	<u>h</u>
خ	kh

د	d
ذ	dz
ر	r
ز	z
س	s
ش	sy
ص	sh

ض	dh
ط	th
ظ	zh
ع	`
غ	gh
ف	f
ق	q

ك	k
ل	l
م	m
ن	n
و	w
ه	h
ي	y

اَ.....	â
اِ.....	î
اُ.....	û

All of translations of Quranic verses in this mini-thesis are taken from application “Quran in Word 1.3 (English version)” using Translation “English Yusuf Ali”.

¹ Ahmad Hatta, *Tafsir Qur'an Per Kata*, Maghfirah Pustaka, Jakarta, 2010.

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Last but not least, I would like to thank to my friends from all cohorts of FUPK, especially to FUPK 7, who support me to keep my spirit in finishing this work and always inspire me to do better. And not forget to all friends in HMJ TH who gave me experience in organization although only one period.

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ABSTRACT

The Qur'ân has been a greatest miracle that given to Prophet Muhammad since 14 centuries ago. Inside the Qur'ân, there are many sciences, laws, morality values, etc. One of them is ethics of trader/seller, which useful in daily life, especially to build economics in society. This ethics should be important as often as it's using in human being civilization.

Focus of this final project is the ethic of trader, i.e. the ethic of trader or seller in the Qur'ân and the implications of its ethical principles to trade context now. The kind of this research is qualitative research and using the method of library research. The primary data of this research are the Qur'ân and the books of interpretation (*Kitâb Tafssîr*). Whereas, the secondary data are the books and other sources which related to the ethic of trader. Data analysis used by researcher is thematic study (*maudlû'i*). It means collecting verses of the Qur'ân which have some contents by means those verses talk about the ethic of trader and arranging them based on *Asbâb An-Nuzûl* (reason of revealing), and then researcher gives some elaboration. Finally, researcher concludes what has been elucidated.

The Qur'ânic verses told and explained about the ethics of trader in many occasions, unless 11 times as in this research. All of them could be divided to three dimensions, pre-trading, in-trading, and post-trading. First, the ethics pre-trading includes the prohibition of misusing property each other and property owned by a weak person. This ethics implication is to get the best condition and build the health economics in the society, using the awareness of caring each other. Second, ethics in-trading includes the command of maintaining the justice, prohibition of alleviating and corrupting the measure, and command to give perfectibility when measuring in order to please each other. This ethics implication is to give the best result (for the consumer; buyer), strengthen believe and erase curiosity between traders/sellers. Third, ethics post-trading includes three functions; reminder (as an inspiration; positive; could be followed), attention (negative, could be a lesson and not be followed), and threat (extreme condition, unforgiving person/group). The implication of its ethics is

to remember and be carefully when doing trade using the stories and lessons learned from the Qur'anic verses.

Keyword: Ethics of trader, Economics, pre-/ in-/ post-trading.

CHAPTER I

Introduction

A. Background

The Qur'ân is the greatest miracle of the Prophet Muhammad. Among the miracles of the Qur'ân is *fashâhah* and *balâghah* (the beauty of the arrangement and style in Arabic language) that is unmatched¹. The messenger was delivering the Qur'an to his companions, so they could understand it with their instincts. When they experienced a lack of clarity in understanding a verse, they clarified it to the messenger of Allâh.²

The Qur'ân is the first *tasyrî'* (Islamic law source) of Muhammad's followers and their happiness depends on understanding its meaning, its secrets, and the experience what is contained in it.³ The Qur'ân has a function as guidance for mankind to the path that is blessed by God (*hudan li An-Nâs*). The ideal function of the Qur'ân that in reality can not only be applied directly, but it requires deep thought and analysis. It must be admitted, not all of the certain verses of the Qur'ân can be ready to use directly. Many verses are still global and *musytarok* (ambiguous), so surely require thought and specifically analysis if we will implement it.⁴

¹ Miftah Farid, *Pokok-Pokok Ajaran Islam*, Pustaka Salman, Bandung, p. 9.

² Mannâ' Khalil Al-Qathan, *Studi Ilmu-Ilmu Al-Qur'ân* trans. Mudzakir AS, Pustaka Litera Antar Nusa, Bogor, 2009, p. 1.

³ *Ibid*, p. 455.

⁴ M. Al-fatih Suryadilaga etc, *Metodologi Ilmu Tafsir*, Teras, Yogyakarta, 2010, p. 25-26.

Many verses which are global in meaning cannot cripple the role of the Qur'ân as the main source of Islamic law, but instead they make the Qur'ân universal in meaning. This makes the Islamic law as a perfect rule, or can place in various situation and include all aspects of life; which are balanced and harmonious between the temporal (*duniawy*) and otherworldly (*ukhrowy*), between the individual and society; and also dynamic namely capable of evolving and can be applied at all times.⁵

Essentially, the Qur'ân discusses 2 basic things namely worship and *mu'âmalah*. In term of worship, it explains the relationship of man with God (*mu'âmalah ma'a Allâh*), while in term of *mu'âmalah*, it describes relationship between humans (*mu'âmalah ma'a An-Nâs*) and the human relationship with nature (*mu'âmalah ma'a 'Âlam*). *Mu'âmalah* here concerns many things and many aspects that are related to the activities of daily life.

Trade is one of *mu'âmalah* forms that is the most frequent done by human. So the Qur'ân discusses it in the verses about the ethic of trade, which in the ethic of trade should be committed between the seller and the buyer basically like each other, or in other word trade with pleasure between both sides (sellers and buyers). This ethic obligated by God Almighty, even forbidden to harm one self, so described by God (ولا تقتلوا انفسكم) as stated in Sûrah An-Nisâ' 29.⁶ As follow:

⁵ *Ibid*, p. 25.

⁶ Abu Fidâ' Ismâ'il Bin Umar Bin Katsir Ad Damsyaqi, *Tafsir Ibnu Katsir*, Juz 2, Dârul Kutub Al-Ilmiyyah, Beirut, 2006, p. 234-236.

يَأْتِيهَا الَّذِينَ ءَامَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ
تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ
رَحِيمًا

O YOU who have attained to faith! Do not devour one another's possessions wrongfully – not even by way of trade based on mutual agreement - and do not destroy one another: for, behold, God is indeed a dispenser of grace unto you!⁷

In a variety of prophet sayings, he often stressed the importance of trade in human life. In a Hadith narrated by Imâm Bayhaqî as follows:

وَفِيمَا رَوَى بَقِيَّةُ بِنِ الْوَلِيدِ، عَنْ ثَوْرِ بْنِ يَزِيدَ، عَنْ خَالِدِ بْنِ مَعْدَانَ، عَنْ
مُعَاذِ بْنِ جَبَلٍ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِنَّ أَطْيَبَ
الْكَسْبِ كَسْبُ التُّجَّارِ الَّذِينَ إِذَا حَدَّثُوا لَمْ يَكْذِبُوا، وَإِذَا اتُّمِنُوا لَمْ
يُخُونُوا، وَإِذَا وَعَدُوا لَمْ يُخْلِفُوا، وَإِذَا اشْتَرَوْا لَمْ يَدْمُوا، وَإِذَا بَاعُوا لَمْ يَظْرُوا،
وَإِذَا كَانَ عَلَيْهِمْ لَمْ يَمْطُلُوا، وَإِذَا كَانَ هُمْ لَمْ يُعَسِّرُوا». أَخْبَرَنَا أَبُو سَعْدِ
الْمَالِينِي، أَنَّ أَبَا أَحْمَدَ بْنَ عَدِيٍّ، حَدَّثَنَا الْحَارِثُ بْنُ مُحَمَّدِ بْنِ الْحَارِثِ
الضِّيَاءِ، حَدَّثَنَا هِشَامُ بْنُ عَبْدِ الْمَلِكِ أَبُو التَّيِّبِ، حَدَّثَنَا بَقِيَّةُ، حَدَّثَنِي ثَوْرُ
بِنِ يَزِيدَ، فَذَكَرَهُ.⁸

From Mu'âdz ibn Jabal, that the Messenger of Allâh said; "Surely the best effort is the trading business that when they speak no lie,

⁷ Muhammad Asad, *The Message of The Qur'an*, Dârul Andalus, Singapore, 2003, p. 164.

⁸ Ahmad Bin Husein Bin Ali Bin Mûsa Al-Khurasâny, *Al-Adab lil Baihaqîy*, Dârul Kutub Ats-Tsaqofiyah, Beirut, p. 318.

if promised not to violate, if not treasonous believed, if the purchase does not denounce the product, if not praise sell merchandise, if the debtor does not delay payment, if you have accounts receivable not be difficult" (H.R. Al-Bayhaqî and issued by As-Ashbahâni).

The words related to trading (buying and selling) in The Qur'ân are described in four words, that is the first word "تِجَارَةٌ", the second with the word "بَيْعٌ", and the third with the word "كَالٌ أَوْ" "الْوَزْنَ" and the last one with the word "أَوِ الْمِيزَانُ".

First, the word "تِجَارَةٌ", This word is *masdar* (مَصْدَرٌ) from the verb تَجَرَ which means selling and buying. This *tijârah* word is repeated 8 times in the Qur'ân and scattered in seven sûrah, such as. sûrah Al-Baqarah/2: 16 and 282, An-Nisâ': 29, At-Taubah: 24, An-Nûr: 37, Fâthir: 29, Shâf: 10 and Al-Jum'ah: 11.⁹ From many verses, there are only 3 verses which discuss about trader ethic in the Qur'ân, in sûrah Al-Jum'ah: 11 that describe how ethics should be done by Muslim traders when coming time for worship. While on sûrah An-Nûr: 37 tells us that we cannot be negligent in remembering our God. Furthermore, on sûrah At-Taubah: 24, explains that human being should not be exaggerated in trade until forget their obligation to God.

⁹ Muhammad Fu'âd Abdul Bâqi', *Mu'jam Mufahras li Al-Fâdzil Qur'an*, Dârul-Fikr, Beirut, 1981, p. 152.

The second word is "بَيْعٌ", which is the *masdar* of *bâ'a* (بَاعَ) that means selling, the word "bay'" is mentioned in the Qur'ân as much as 6 times in sûrah Al-Baqarah twice: 254 and 274), sûrah Ibrâhîm: 31, sûrah An-Nûr: 37, sûrah Al-Jum'ah: 9.¹⁰ From these words, there are only 2 verses that discusses the ethic of trader, i.e. on sûrah An-Nûr: 37 as explained in previous *tijârah* words, and in sûrah Al-Jum'ah: 9 which explains about the trade that needs to be left out when listening to the sound of *Adzân* on Friday.

The third word is the word "كَالٌ أَوْ إِكْتَالٌ أَوْ الْكَيْلُ أَوْ الْمِكْيَالُ". The word كَالٌ أَوْ إِكْتَالٌ are *fi'il mâdlî* (فِعْلٌ مَاضِيٌّ) that has the distinction of the words, for instance word كَالٌ is *fi'il mâdlî tsulâtsî mujarrad* and word إِكْتَالٌ is *fi'il mâdlî tsulâtsî mazîd*. Whereas the word الْكَيْلُ أَوْ الْمِكْيَالُ are *isim âlat* that means tools to mete out, at the words " كَالٌ أَوْ إِكْتَالٌ " mentioned in the Qur'ân only once that focus on trader ethic namely on sûrah Al-Muthaffifîn: 2-3. The word "الْكَيْلُ" is mentioned in the Qur'ân as much as 10 times in sûrah Al-An'âm: 149, sûrah Al-A'râf: 85, sûrah Yûsuf: 59, 60, 63, 65, and 88, sûrah Al-Isrâ': 35, and sûrah As-Syu'arâ': 181, while the word "الْمِكْيَالُ" is mentioned in the Qur'ân twice in sûrah hûd: 84 and 85.¹¹ The word of "الْكَيْلُ" that is

¹⁰ Wahbah Zuhaili, *Ensiklopedia Al-Qur'an* trans. Kuwais team, Gema Insani, Jakarta, 2007, p. 829.

¹¹ Muhammad Fu'âd Abdul Bâqi', *op.cit.*, p. 644.

mentioned 10 times in the Qur'ân, not all of them focus to discuss the ethic of trader that command to mete out perfectly, but also explain about giving meals to guests. The verses that focus explaining the trader ethic to mete out perfectly are in sûrah Al-An'âm: 152, sûrah Al-A'râf: 85, sûrah Al-Isrâ': 34, sûrah As-Syu'arâ ': 181. While the word "المِكْيَالُ" on sûrah Hûd: 84 and 85 are all focus discusses the ethic of trader that forbid to reduce the measurement and the scales.

While the last word is word "الْوَزْنَ أَوَالْمِيزَانُ". The word "الْوَزْنَ" is *isim alat* in *sharaf* science, while the word "المِيزَانُ" is *isim masdar*. These words are mentioned in the Qur'ân as much as 9 times.¹² In the sûrah Al-A'râf: 85, sûrah Al-An'âm: 149, sûrah Ash-Syûrâ: 17, sûrah Hûd: 84-85, sûrah Al-Hadîd: 25, sûrah Ar-Rahmân: 7-9. From many verses above that focus on trader ethic only 5 verses, i.e. sûrah Al-A'râf: 85, sûrah Al-An'âm: 152, sûrah Hûd: 84-85, and sûrah Ar-Rahmân: 9.

The verses about the ethic of trade have always been emphasized the responsibility as a servant of God (indicated by a few verses about the warning to leave the merchandise when he hears the *Adzân*), as well as human (shown by the *Ridhâ* command: agreed between seller and buyer in price and good, the ban to reduce scale, etc.). It aims to avoid disappointment or disadvantage that happens in one of the parties (seller or buyer).

¹² Wahbah Zuhaili, *op.cit.*, p. 925.

Whereas in reality, still going on various cases of irregularity to the seller parties.

Among the irregularities mode often performed by seller are corruption of quality, reducing the quantity, and tossing the price. How hardly the seller to avoid the three matters, so they could not be separated from black business practices which are not commendable.

For example for reducing the quality in the practice of sale: the seller says the item is the number one quality, but in reality a quality is below. It is certainly advantageous materially for sellers, but adverse morally. In this case obviously buyer is harmed materially, whereas the buyer that actually should be protected. On the Islamic perspective, the acquisition of property that is not honest (that the Qur'ân is emphasized by the word of *bâthil*) will eliminate the blessed (*barâkah*) because it is won by a sinner which is not honorable in front of humans generally, moreover before God especially, Who is The Fairest.¹³

Likewise in relation with aspect of quantity (weight-size), which usually plunges the sellers to the valley of amoral, so the perpetrators rewarded by Almighty God with the hell. In the Qur'ân, it is said in weighing the goods certainly should be fair (*bil qisth*), even the corruptor of scale is described in the Qur'ân: when he sells something, reduced the scales, conversely, if he buys it, harms others. In term of reducing the scale, most sellers

¹³ Muhammad Djakfar, *Etika Bisnis*, Penebar Plus*, Jakarta, 2012, p. 160.

do the new practices, as world developed toward the modernization, so that many developments also in the practice of irregularity. As a large number of sellers of *gelonggong* beef, *gelonggong* chicken,¹⁴ etc. it would be harmed to other parties, due to out of his proper ethical orbital which actually need to high respect by all parties.

Then next, most frequent action and practiced by the principals of trade (sellers) is to inflate the price which potentially inflicts a financial loss of the consumer or purchaser. In this case, the seller dares to raise the price in the height, so that it is not balanced between the price which the buyer must pay with the quality and quantity of goods that are purchased or consumed. For example that was going on at the moment is the skyrocketing price of beef. The beef was supposed to cost about 70-thousand, it sold into 120-thousand. This is subterfuge of seller how can they profit much, whereas the stock of cattle in Indonesia is still a lot and it is not reasonable.¹⁵ Of course this kind of practice is not different with two previous modes, namely is to profit instantly, but at the same time also the culprit has sacrificed the blessing and *falah* not only in world, but also in the afterlife later.

¹⁴Gelonggong beef is cow given to the water so much that increased her weight. After it, cow is slaughtered and cut. While the chicken Gelonggong is a chicken that has been slaughtered and cut then soaked in water for hours, so that add does it weigh.

¹⁵<http://metrotvnews.com/jateng/bisnis/MkMYB7wk-pedagang-pesimistis-harga-daging-sentuh-rp80-ribu> at 9:18 in 28-09-2016.

Look at the number of irregularities happen nowadays, and this problem from the Qur'ân. It is because in addition to Scripture, the Qur'ân also contains ethical rules against human beings so as not to harm others and oneself. Therefore, researcher wants to discuss about the "ethic trader in the Qur'ân (Thematic Studies about the verses of the Qur'ân)".

B. Research Question

Based on the problem above, so there are matters questioned. With the aim of focusing the discussion on the research topic today. Those are:

1. What is the Ethic of trader or seller in the Qur'ân?
2. What is implication of ethic of trader to trade in the nowadays?

C. Aim and Significance of Research

The aim of this research is:

1. To know the ethic of trader or seller based on the Qur'ân.
2. To know the implication of its ethical principles to trade context now.

While the benefits are:

1. To donate the corpus of Islamic thought on thematic studies especially for Tafsîr and Hadîts majors of Theology and Humanity Faculty with a view to develop knowledge of Islam in the future.
2. This research can be used as a reference or source of the understanding about the ethic of trader in the Qur'ân.

D. Prior Research

This research is not the first research about the ethic of trade. The author has been reading some references such as books, theses, or more about themes that almost similar to the author's research now.

In a review of this literature, the author will describe some of the research that is relevance to the title of the author thesis , as follows:

1. Thesis of Yenisa Destrihani (09380079) Strata 1 Faculty of *syari'ah* and the law of the State Islamic University Sunan Kalijaga Yogyakarta 2013 with the title : “*Pemberlakuan Member Card Dalam Transaksi Jual Beli Ditinjau Dari Sudut Etika Bisnis Islam*”. This Thesis used field research methods and descriptive. The result of this Thesis is:
 - a. The enactment of the member card is accordance in the business ethics of Islam, because there is willingness among both sides of the seller & buyer. There are not elements that inflict the buyer or consumer. This happens in *Mirota Campus Simanjuntak*.
 - b. Enactment of the member card is accordance in *Good Corporate Governance*¹⁶ and *Corporate Social Responsibility*¹⁷ in the science of the economy.¹⁸

¹⁶ *Good Corporate Governance* is A system (input, process the output) and a set of rules that regulates the relations between the various parties that stakeholders especially in the narrow meaning the relationship between the shareholders, board of commissioners and board of directors to achieving the purpose of the company.

2. The book entitled "*Etika Bisnis Islami*" that is written by Johan Arifin. It talks about the sense of ethic in descriptive and normative, business sense, and then it discussed the surrounding of Islamic economy. It is explained also about the Islamic business and discussed about reinstatement of Islamic business ethics according to the Qur'ân and hadîts that is observed by business ideals of the Prophet Muhammad.¹⁹
3. Thesis of Hamidatul Husnah (068910314) Strata 1 of Tafsir Hadith and Ushuluddin Faculty of the State Islamic University Sunan Ampel 1994 entitled "*Perekonomian Menurut Al-Qur'an*".²⁰ This Thesis used library research and descriptive in her methods. The result of this Thesis is:
 - a. The Islamic economy basically is a way that is done to achieve the human requirement, whether individually or community accordance in tutoring of The Qur'an and Hadith.

¹⁷ *Corporate Social Responsibility* is A concept or action that is done by the company as a sense of corporate responsibility toward social and environment where the company is located, such as performing an activity that can improve the welfare of the community around and keep the environment, providing scholarships for children in the area, funds for the maintenance of public facilities, donations to build villages/community facilities that are social and useful for many people, especially the people around the company is.

¹⁸ Yenisa Destrihani, "*Pemberlakuan Member Card dalam Transaksi Jual Beli Ditinjau dari Sudut Etika Bisnis Islam*", Thesis, (Yogyakarta: UIN Sunan Kalijaga, 2013).

¹⁹ Johan Arifin, *Etika Bisnis Islami*, Walisongo Press, Semarang, 2009.

²⁰ Hamidatul Husnah, "*Perekonomian Menurut Al-Qur'an*", Skripsi (Surabaya: IAIN Sunan Ampel, 1994).

- b. The economy of capitalism is an economy that accentuates the private property rights, while the economical Communist is communal property rights or the Commons. While the economy according to The Qur'an is an economy that creates the balance of individual importance and the importance of the community.
4. The book, entitled the "*Tafsir Ayat Ekonomi*", that is written by Prof. Dr. Muhammad Amin Suma, sh., MA., MM. It discusses about the verses about the Earth and the human position as Caliph; *Al-Amwâl*, job world, Business Economics, and earthly life; Natural resources, production, distribution, and consumption; verses about Commerce, buying and selling and usury (*Riba*), also the verses of zakat, infaq, and others.²¹
5. The book, entitled "*Etika Bisnis*" that is written by Prof. Dr. Muhammad Djakfar. In this book discusses business ethics according to philosophical perspective, normative perspective, and portrait business in reality. According to the perspective of philosophic discusses about the relationship of religion and ethics; Religion, Moral, and ethic according to Dialectic perspective and its implication in economics. According to the normative perspective discusses the work ethic in Islam, ownership in Islam, Modal Development in Islam, the

²¹ Muhammad Amin Suma, *Tafsir Ayat Ekonomi*, AMZAH, Jakarta, 2013.

treatment to Consumer, the treatment of advertising, Ethic of technological Information, the treatment to the environment, and CSR (Corporate Social Responsibility). Next in the portrait Business Behavior in reality discusses the ethos of ethnic Madurese in the business, religious and business conduct, and business ethos of ethnic Chinese.²²

From that books and theses overviews only describe 1 to 2 verses of The Qur'ân and its explanation. But there are still other verses that discuss ethical trade. So this research is different from previous research. This research focuses on the ethic of trader in the perspective of the Qur'ân (thematical study).

E. The Research Methodology

1. This research is kind of qualitative research with the method library research. It has researcher to write, edit, classify, redraw, and serve data.²³ The data is taken from various written source. That could be a book, article, journal, and documentation material, etc. The data will be combined to analyze the discourse in getting the ethic of trade in the Qur'an. Moreover, the qualitative data will be source or reference to help researcher for serving it in thematic frame (method of *maudhû'i*).
2. While the data sources in this research is the primary Data Source:

²² Muhammad Djakfar, *Etika Bisnis*, Penebar Plus, Jakarta, 2012.

²³ Hadari Nawawi, *Metodologi Penelitian Sosial*, Gajah Mada, Yogyakarta, 1991, p. 30.

- a. The Qur'ân Al-karîm
- b. The books of Tafsîr as *Tafsîr Al-Misbâh* in the category of Indonesian tafsîr, *Tafsîr Ibnu Katsîr* in the classic tafsîr category, and *Tafsîr fî Zhilâlil Qur'ân* in the category of modern tafsîr.

The Secondary Data Source

Secondary source is support data that was obtained from the books, journals, thesis, and articles related to ethic of trader in the Qur'ân. as follow;

- a. The book with title "*Fiqih Jual Beli*" by Enang Hidayat, M.Ag. that published by "*PT Remaja Rosdakarya Bandung*".²⁴
 - b. The book with title "*Fiqih Mu'âmalah Kontemporer*" by Imam Mustofa, S.H.I, M.SI, that published by "*PT RajaGrafindo Jakarta*".²⁵
 - c. "*The concept of Islamic Trade*", Strata 2 of Islamic banking paper written by Tuti Rosmalina.²⁶
 - d. Other books that discuss about trade, business, and ethical trade.
3. The Method to Collect the Data

The Collecting data is supported by some books, websites, journals, and papers that have relation to the topic. In this research, the author explores several previous findings

²⁴ Enang Hidayat, *Fiqih Jual Beli*, Remaja Rosdakarya, Bandung, 2015.

²⁵ Imam Mustofa, *Fiqih Mu'âmalah Kontemporer*, RajaGrafindo, Jakarta, 2016.

²⁶<http://toetiesblogs.blogspot.co.id/2011/05/konsep-perdagangan-islam.html>.

and research done by the experts who have discussed the same topic.

Those previous research have functions as raw data. Based on the data, it is necessary to look for outlines, fundamental structures and basic principles in detail and to ignore the irrelevant data.²⁷

The data which have been collected by the researcher is utilized and synchronized with the topic based on inductive method.²⁸ Researcher collected the verses about the ethic of trade in the Qur'ân that used thematical study.

4. Data Analysis Method

To analyze the data researcher uses the method of content analysis. The applied methodology is thematic method (*maudhû'i*). It means collecting verses of the Qur'ân which have some contents by means those verses talk about one problem and arranging them based on *Asbâb An-Nuzûl*, and then researcher gives some elaboration. Finally, researcher concludes what has been elucidated. According to Al-Farmawî, the steps of thematic method (*Maudhû'i*) can be explored as following:

- a. Choose and decide the topic of problem which is going to be explored by thematic method.
- b. Search and collect the verses which relate to the topic of problem, either it is *Makkiyah* or it is *Madaniyah*.

²⁷ Anton Baker and Charis Zubair, *Metodologi Filsafat*, kanisius, yogyakarta, p.125

²⁸ Inductive method is based on particular fact and concrete evidence then from the fact and the evidence are concluded as a generalization. See Sutrisno Hadi, *Metodologi Research*, Yogyakarta, Andi Offset, 1995, p.42.

- c. Arrange the verses based on the chronology of revelation time supporting with the knowledge of cause of revelation (*Asbâb An-Nuzûl*).
- d. Know and understand the correlation (*Munâsabah*) of the verses in each chapter.
- e. Arrange the topic of research in good, systematic, and complete framework.
- f. Complete the explanation of problem with hadith if need, so that it will be perfect and clear.
- g. Learn the verses thematically and comprehensively by collecting all similar verses; compromising the aim of verses between ‘*Âm* and *Khâsh*, and *Muthlâq* and *Muqayyâd*; synchronizing the contradictive verses; explaining the verses *Nâsikh* and *Mansûkh*. Thereby, all verses will have one meaning sense without any contradiction and forcefulness action to inappropriate meaning.²⁹

F. Writing Order

To give easy way in understanding this mini thesis, researcher arranged it systematically as following:

First chapter is preface. Researcher will describe the contents and the problem limitations in general. Hopefully, it will give easy way to understand the thought of main problem. This chapter consists of background (casual reason of topic choice), research question, aim of research, significant of research, prior of

²⁹ Al-Farmawî, *Metode Tafsir Maudhu'i Sebuah Pengantar*, PT. RajaGrafindo Persada, Jakarta, 1996, p. 46.

research, theoretical framework, method of research, and systematical writing.

Second chapter is basic theories of the ethical trader. In this chapter explained about the definition of ethic, trader definition, urgency of trade, pillar and requirement of trade, and Ethic of Islamic Trade.

Third chapter is thematic study about the ethic of trader in the Qur'ân. In this chapter explains verses and the interpretation that is related to the ethic of trader.

Fourth chapter is Data Analysis about the ethic of trader in the Qur'ân and its implication for the world trade.

Fifth chapter is closing and the conclusion of previous chapter.

CHAPTER II

Basic Theories of Ethical Trader

A. Definition of Ethic

The term of ethic means a standard of conduct, which leads a person to make a decision. The traders are highly expected to do their activity ethically in the society. They should have the ethics to use limited resources. They also should know what consequences of using the resource, and the process of production. Furthermore, executives are highly expected also to have a high level of ethical standard in society, because the traders deal with society directly which always invigilate the traders activity.

Substantively, the ethic that owned by each individual is the development of previous ethic. It is followed and pointed out to us by our parents, teachers, Islamic scholars, and environments entirely. Thus, the ethic used by the trader is not apart from the same sources.

Other terms of ethic are *Akhlâq*, temperament, character, moral, polite, culture, etc. The description of this term is adopted as an idea from DR. *Hamzah Ya'kub's* opinion in his book *Islamic Ethic* (1991: 11-15).

The word *Akhlâq* derives from Arabic, which means same as character, temperament, and attitude. The meaning *Akhlâq* is knowledge about words and deeds of human

outwardly and inwardly that draws the line between good and evil, between commendable and despicable.¹

In the book *Ethic of Business* by Prof. Muhammad Djakfar, it is explained that the term of ethic abstractly derives from Greek *ethos*, which in plural form (*ta etha*) means mores or habits.² In this term, the ethic is related to good living habits, either on someone or on a society or group society from someone to other people or one generation to other generations. These habits are expressed in repeated patterned behavior as a habit.³

The difference between ethic and moral i.e the ethic is branch of philosophy that starts from the mind, whereas *Akhlâq* is a science that teaches the line between good and evil, based on precepts of God and his Prophet.

Henceforth, the word *moral* derives from Latin *Mores* that means human action that accord with generally accepted measure. In the Indonesian is defined by decency, i.e. behavior accords with the views of the public, either natural or unnatural that includes social entity and a particular environment.

Thereby there is a similarity between ethic and moral, however there is also its disparity i.e. the ethic is more

¹ Bukhâri Alma, *Ajaran Islam dalam Bisnis*, ALFABETA, Bandung, 1993, p. 50.

² A. Sonny Keraf, *Etika Bisnis Tuntunan dan Relevansinya*, Penerbit Kanisius, Yogyakarta, 1998, p. 14.

³ *Ibid.*

theories, and moral is more practicals, the ethic is human behavioral generally (Universal) whereas the moral is local and more specific.⁴

B. Definition of Trader

In ministerial decree of industry and trade No. 23/MPP/kep/1/1998, it was explained that trade is sales activities of products or services which is done continually as a mean to transfer of products or services property rights with reward or compensation. Whereas trader is an individual or an institution which conducts trade activity continually as a mean to profit making.⁵ On the other side of it, the meaning of sales derives from Arabic (البَيْعُ) which shows meaning of selling and buying. Ibnu Mandzhûr⁶ said: البَيْعُ ضِدُّ الشَّرَاءِ (the word البَيْعُ that means selling, antonym from word الشَّرَاءِ that means buying). Etimologically, the word البَيْعُ is form of *Mashdar* of بَاعَ - يَبِيعُ - بَيْعًا - مَبِيعًا⁷ which has 3 meanings, as follows:

1. Exchange of an owned commodity for another (مُبَادَلَةٌ مَالٍ (بِمَالٍ).
2. Exchange of one item for another (مُقَابَلَةٌ شَيْئٍ بِشَيْئٍ).
3. Hand over replacement and expropriate something which is been its changer (دَفْعٌ عَوْضٍ وَأَخْذٌ مَا عُوِضَ عَنْهُ).

⁴ Bukhâri Alma, *op. cit.*, p. 5.

⁵ (SK MENPERINDAG No. 23/MPP/Kep/1/1998).

⁶ Ibnu Manzhûr, *Lisânul Arab*, Dârul Ma'ârif, Kairo, 2005, p. 427.

⁷ wazârah al-Auqâf wa al-syu'ûn al-islâmiyyah, *Al-Maushû'ah al-Fiqhiyyah*, Kuwait, 1987 M/1407 H, p. 5.

The word *الْبَيْعُ* is also implied in *أَسْمَاءُ الْأَضْدَادِ* (antonym nouns), like the word *الْفُرْءُ* is leaned to word *الْحَيْضُ* (menstruation) and *الطُّهُرُ* (pure).

The scholars *Fuqohâ'* used term *الْبَيْعُ* for meaning of ejected or exchanged something from its ownership at the price of certain, and term *الشَّرَاءُ* for meaning of entered its ownership with the way of received its ownership exchanging. Definition of the word *الشَّرَاءُ* to meaning of issued something based on the story of prophet Yûsuf, when his brothers sold him. It was explained in the Qur'ân sûrah Yûsuf: 20 as follow:

وَشَرَوْهُ بِثَمَنٍ بَخْسٍ دَرَاهِمَ مَعْدُودَةٍ وَكَانُوا فِيهِ مِنَ
الزَّاهِدِينَ

And they hid him with a view to selling him: but God had full knowledge of all that they were doing.⁸

That is the general term that is used by scholars of *Fiqh* for showing both of them.⁹ Whereas the word *الْبَيْعُ* means *الشَّرَاءُ* in hadith of Prophet Muhammad, as mentioned in hadith, those are:

⁸ Their hearts were not interest to Yûsuf, because he was adopted as son on the way. So they were afraid if the owner came for taking him. Because of it they bought quickly although at the price of cheap. (see: Muhammad Asad, *The Message of The Qur'an*, Dârul Andalus Limited, Singapore, 2003, p. 467)

⁹ 'Abd As-Samî' Ahmad Imâm, *Nazhârât fî Al-Ushûl Al-Buyû' Al-Mamnû'ah fî As-Syari'ah Al-Islâmiyyah*, Wazârah Al-Auqâf wa As-Syu'ûn Al-Islâmiyyah, Kuwait, 2012 M/1433 H, p. 24.

حَدَّثَنَا إِسْمَاعِيلُ، قَالَ: حَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: لَا يَبِيعُ بَعْضُكُمْ عَلَى بَيْعِ أَخِيهِ (رواه البخاري ومسلم عن عبد الله بن عمر رضي الله عنه)¹⁰.

Some of you should not buy what his brother is buying (his transaction).

On occasion of aforementioned hadith, Ibnu Manzhûr said: لَا يَبِيعُ بَعْضُكُمْ عَلَى بَيْعِ أَخِيهِ (doesn't he buy what his brother bought).¹¹ The prohibition of its hadith is for buyer (المُشْتَرِي) not for seller (البَّاع), because Arabian said: بِعْتُ الشَّيْءَ ، بِمَعْنَى: إِشْتَرَيْتُهُ (I sold something, means I bought something to him).¹²

Thereby, the word البَّاع and الشَّرَاء are basic words for mentioning the term of sales, because both of them are reason of this 'Akad on occasion of relationship both of them (seller and buyer). But then, the scholars of *Fuqahâ'* defining specifically the word البَّاع and المُشْتَرِي i.e someone that transfers his owned commodity (seller). Whereas the word الشَّرَاء and المُشْتَرِي i.e. someone that transfers the changer of its owned

¹⁰ Muhammad bin Ismâ'il Al-Bukhâriy, *Shahîh Bukhârî*, Dâru Tauqin najâh, Damaskus, 2005, vol. 3, p. 69.

¹¹ Ibnu Manzhûr, *Loc.cit.*

¹² Abd Al-Hafîzh Farâghiy Al-Qarniy, *Al-Buyû' fî Al-Islâm*, Kairo, 1987 M/1408 H, p. 15; Ramadhân Hafîzh Abdurrahmân, *Al-Buyû' al-Dharrât*, Dârussalâm, Kairo, 2006 M/1427 H, p. 11.

commodity (buyer). Or both of them are mentioned also with *المُشْتَرِي* and *المُبْتَاعُ*.¹³

However the definition of *البيع* in terminology is explained by scholars as follows:

According to Imam Syâfi'iy (767M-820M), sales is transaction (*'Akad*) of exchanging which is intent on transferring the owned or benefit of commodity immortally by condition of certain.¹⁴ For the Hanafiy (699M-767M), it means the exchange of an owned commodity (*Mâl*) for another in a specied manner; or the exchange of an owned commodity for another in a beneficial and special manner. This excludes unbeneficial exchanges (e.g. the exchange of one coin for an identical one), or the exchange of bads (i.e. items of no worth, e.g. dead animals, or dust).

Whereas An-Nawâwi (1233M-1277M) defined sales as “the exchange of an owned commodity for another with the exchange of ownership”. Ibnu Qudâmah (541H-629H) defined it similarly, emphasizing both the exchange of ownership, and taking possession by the new owner.

For the Hanafiy (699M-767M), a commodity defined as property (*Mâl*) must be desirable and possible to save for later use. The commodification and ownership of an object for them can be established by its satisfactory those requirements

¹³ Musthofâ Ahmad Az-Zarqâ', *Al-Fiqh Al-Islâmy fi Tsaubihî*, Dârul Qalâm, Damaskus, 1998 M/1418 H, p. 607.

¹⁴ Enang Hidayat, *Fiqih Jual Beli*, Remaja Rosdakarya, Bandung, 2015, p. 11.

for some or all of the people. Professor Az-Zarqâ' criticized this definition and replaced it with the following: "An owned commodity is any identifiable object with a material value for the people" Therefore, services and mere rights are not considered commodities for the Hanafiy (699M-767M). However, the majority of jurists (*Fuqahâ'*) consider them potentially owned commodities, because what is desirable in a physical object is its usufruct. According to some definitions above, a sale always means a contract consisting of an offer (*Îjâb*) and an acceptance (*Qabûl*).

C. Urgency of Trade

It has been *Sunnatullâh* that human should go into society, help each other, or help someone and another. As social creature, humans accept and give their contribution to other people. Life transacting (*Mu'âmalah*) is for meeting the need of life and covering ground in his life. It is explained by God in sûrah Al-Mâidah: 2 as follow:

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ ۖ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ

But rather help one another in furthering virtue and Godconsciousness, and do not help one another in furthering evil and enmity.¹⁵

Life transaction (*Mu'âmalah*) does not have another alternative to normal human, except adapted to rule of God

¹⁵ Muhammad Asad, *op. cit.*, p. 205.

and his messenger as his saying in the Qur'ân sûrah Al-Ahzâb: 36 as follow:

وَمَا كَانَ لِمُؤْمِنٍ وَلَا مُؤْمِنَةٍ إِذَا قَضَى اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ ۗ وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ فَقَدْ ضَلَّ ضَلَالًا مُّبِينًا

Now whenever God and His Apostle have decided a matter, it is not for a believing man or a believing woman to claim freedom of choice insofar as they themselves are concerned: for he who [thus] rebels against God and His Apostle has already, most obviously, gone astray.¹⁶

Furthermore to anyone who disobeys it, surely he will get sanction i.e setbacks, suffering, destitution, and great disaster of this life. It is explained by God in sûrah Âli Imrân: 112 as follow:

ضُرِبَتْ عَلَيْهِمُ الذَّلِيلَةُ أَيْنَ مَا تُقِفُوا إِلَّا أَنْ يَحْبِلَ مِنْ اللَّهِ وَحَبْلٍ مِّنَ النَّاسِ

Overshadowed by ignominy are they wherever they may be, save [when they bind themselves again] in a bond with God and a bond with men.¹⁷

Among the multitude of cooperation aspects and human relation, then sales of *Mu'âmalah* is included one of it. Even this aspect is very important of it's ascribe for upgrading the welfare of human life. Everyone will experience

¹⁶ Muhammad Asad, *op. cit.*, p. 875.

¹⁷ Muhammad Asad, *op. cit.*, p. 134.

difficultly to meet the need of his life if he is not in collusion with other persons.

For guaranteeing the harmony and the harmonism of world trade, it needs a rule or norm, i.e morality law of trade. Islam with its doctrine that is full of dynamics does not ignore these important aspects. In *Fiqih*, it was found in the classic book that explains the law of sales (*Bay'*) and a variety of its problems. Even at chapter of *Mu'âmalah*, the discussion about sales is the most focus discussion than other discussion of *Mu'âmalah*, e.g tenancy (*Ijârah*), fiduciary (*Rahn*), etc.¹⁸

Those problems cannot be divorced from transaction ('*Akad*), because of those transaction, both parties are bounded over (*Lâzim*) in the transacting, which in those practice is divided into 5 types as follows:

- 1) '*Akad Mu'âwadhah* is every transaction that covers the offer acceptance or mutual on both sides. E.g. '*Akad Al-Bay'* (sales), *Ijârah* (tenancy and wage system or labourage), and others.
- 2) '*Akad Tabarru'*, is every transaction that covers charity (gift) one side without substitute. E.g. *Hibah*, *Shadaqah*, and *Wasiat*.
- 3) '*Akad Irfâq* is every transaction that has purpose for giving benefit or helping, there is not exchanged each other. E.g. *Qirâdh* (debt), '*Âriyah* (loan), and others.

¹⁸ Hamzah Ya'qûb, *Kode Etik Dagang Menurut Islam*, CV. Diponegoro, Bandung, 1992 M/1413 H, press. II, p. 13-15.

- 4) *'Akad Tautsîq* is every transaction that has purpose for *corroberating* or strengthening right. E.g. *Rahn* (pawning), *Dhamân* or *Kafâlah* (burden), and marriage.
- 5) *'Akad Amânah* is *transaction* of belief basic. E.g. *Wadi'ah* (entrusted goods).¹⁹

'Akad of sales as mentioned in dividing *'Akad* is included in *'Akad Mu'âwadhah*, because in its *'Akad* is not apart from interrelationship or exchanged property between seller and buyer. This transaction is often done by all walks of life as early until now. *'Akad Mu'âwadhah* like sales and another is basic of trade and basic of *mu'âmalah* at now. Even Ibnu Taimiyyah (1263M-1328M) called it on term “generality of *Banî Âdam's Mu'âmalah*” (*Ghâlibu Mu'âmalah Banî Âdam*).

Among the majesty of Islamic laws, people like *'Akad Mu'âwadhah* by the trade's way. It is similar with sales and others as human needs, because generally in their life is not apart from it. Despitefully, it is also a pressing need of temporal (*Duniawiy*) and otherworldly (*Ukhrowiy*), because humans cannot live alone, but surely, they need someone's help. It will experience breakage, either on temporal (*Duniawiy*) and otherworldly (*Ukhrowiy*). Thereby, its benefit is not created except by *'Akad Mu'âwadhah*.²⁰

¹⁹ Muhammad bin Ibrâhîm bin Abdullâh At-Tuwaijiriy, *Al-Maushûah Al-Fiqh Al-Islâmiy*, t.p. 2009 M/ 1430 H, vol. III, press. I, p. 362.

²⁰ Sulthân bin Ibrâhîm al-Hâsyimiy, *Ahkâm Tasharrufât al-Wakîl fi al-Uqûd al-Mu'âwadhah al-Mâliyah*, Dârul Buhûts li Ad-Dirâsah Al-Islâmiyah wa Ihyâ al-Turâts, Dubai, 2002, p. 71-72.

'*Akad Mu'âwadhah* generally is divided into four types. *Firsly*, *Mu'âwadhah Mâl bi Mâl* (exchange of an owned commodity for another), i.e. its aim of two parties are exchange property like sales, etc.

Secondly, *Mu'âwadhah Mâl bi Manfa'ah Mâl* (exchange of an owned commodity for benefit of property), i.e. its aim of two parties are exchange of an owned commodity, or the aim of party is exchange of a commodity and other party used its benefit, because benefit takes possession of commodity. E.g. *Ijârah* (tenancy and wages), *Mudhârabah* (transaction of production sharing), *Musâqah* (transaction of pouring trees), *Muzâra'ah* (transaction of crop cultivation) and *Istisnâ'* (ordered transaction).

Both sides of these '*Akad Mu'âwadhah* (the first and second) are named by *Mu'âwadhah Mâliyah*, i.e. transaction that aims both parties is exchanged of a commodity like *Bay'* (sales), *Bay' Salâm* (ordered sales), dan *Musâqah* (transaction of pouring trees), etc. These trades, '*Akad Mu'âwadhah Mâliyah* are called by the majority of jurists (*Fuqohâ'*) with '*Akad Mu'âwadhah Mahdhah* (exchanged transaction of pure).

Thirdly, it is *Mu'âwadhah Mâl Bimâ Laisa Bimâl Walâ Manfa'ata Mâl* (exchanged of a commodity for another commodity thing and another benefit). e.g. *Khulu'* (diforce that is figured in a number of commodity as '*Twadh* (amends) which is given by wife to her husband for redeeming herself

in order to apart from wedlock), *Jizyah* (tax or tribute) and others.

Fourthly, it is *Mu'âwadhah Manfa'ah bi Manfa'ah* (exchanged of a benefit for another benefit). E.g. disporting benefit *Muhâyanah* way (agreement of giving benefit by rotation). It means that the joint commodities are benefitted by rotation. Both sides of these trades *Mu'âwadhah* (the third and the fourth) are called with *Mu'âwadhah Ghairu Mâliyah*. It means that is be device of it's exchanged, it is not the organized as commodity from both sides, or from one of party, and also not benefit from another party.

Among *Mu'âwadhah Mâliyah* and *Mu'âwadhah Ghairu Mâliyah* have differences. I.e. '*Akad Mu'âwadhah Mâliyah wa Lâzimah* ('*akad* that binds both sides) which accepted *fasakh* (cancelled transaction). Therefore, both sides can deal to cancel the transaction. Whereas '*Akad Mu'âwadhah Ghairu Mâliyah wa Lâzimah* does not accept *Fasakh*. Therefore, both sides are impossible to cancel transaction.²¹

Sales, other than '*Akad Mu'âwadhah* the commodity for other commodity, is also included into *Mu'âwadhah Mâliyah*, i.e. *Mu'âmalah* is good and chattel which is often practiced by society, not only for purely getting profit, but also be farther than it, i.e. getting blessed of God. Therefore,

²¹ *Ibid.*, p. 74-75.

in this matter, it needs to be cared about its manner which accords with the rule of *Syara'*.

In the practice, except this sales is included into *Mu'awadhah Mâdiyah*, and also it is not apart the role from the ethic or *Akhlâk*, which is called with *Mu'âmalah Adâbiyah*, i.e. *Mu'âmalah* that is observed from the subject (human as the agent). This *Mu'âmalah* is related to willingness between both sides that are transacting, e.g. *Îjâb Qabûl*, lie, honest, and others.²²

Besides problem of ethic or *Akhlâq*, which is not important to be cared, it is legitimating of sales based on Islamic law. Thus, things start from statement that thing which the earliest is related to our nearness (*Taqarrub*) to God almighty, i.e. obeys it. Among the persuances understand the commandment and prohibition of God, included into sales of *Mu'âmalah*.

Because of sales is included into livelihood of life and facilities of exchanged commodity, so it is needed to knowledge that is related to its laws, so some of scholars of *Salaf* said:

مَنْ لَمْ يَعْرِفِ الْحَلَالَ وَالْحَرَامَ مِنَ الْبَيْعِ فَلَا يَحِلُّ لَهُ مُرَاوَلَةُ الْبَيْعِ
وَالشَّرَاءِ

Whoever doesn't know halal and haram from sales problem, so it is not permitted to him to practice it (sales).

²² Rahmat Syafe'i, *Fiqh Mu'âmalah*, Pustaka Setia, Bandung, 2001, press I, p. 17.

Therefore, the scholars in their books elaborate discussion about law of sales, which agree to be allowed and forbidden. Despitefully, it is contained also sales that have form and specific situation which is allowed because there is exclusion of general theorems, also because reason of traditions ('*Urf*).

In the law books (*Fiqih*), sales discussion which are forbidden are more discussed than a variety of reasons, e.g. reason of *Gharâr* or *Jahâlah*, usury, detrimental, and containing deception, and *Haram* because of the essence and because of others. All of it is not apart from knowledge that should be understood by someone who will practice sales, in order to get blessed of his commodity that he got.²³

D. Pillar and Requirement of Trade

As one of transaction forms, there must be some requirements in sales transaction in order to the transaction is considered valid and bounded. These requirements are called as pillar.²⁴ For the Hanafis (699M-767M), the pillar of sales is one, i.e. *Îjâb* (expression of buying from buyer) and *Qabûl* (expression of buying from seller) or which indicates to *Îjâb* and *Qabûl*. According to them, those pillar of sales are only willingness both parties for doing transaction of sales. But because the element of willingness is considered difficult to

²³ Enang Hidayat, *op.cit.*, p. 7.

²⁴ Imâm Musthofâ, *op.cit.*, p. 25.

be seen and felt, so it needs the indication that indicates the willingness from both parties. It could be defined in *Îjâb* and *Qabûl* or mutual giving way of commodity and price of commodity (*Ta'âthî*). While for Mâlikiy (714M-800M), pillar of sales are three, as follows:

1. *Âqidain* (two people; who are transacting, i.e. seller and buyer).
2. *Ma'qûd 'alaih* (commodity that is be sold or bought and exchange rate of commodity replacement).
3. *Shighât* (*Îjâb* dan *Qabûl*). The majority of Syâfi'i's scholars also have same opinion with Mâliki's scholars above, while Hanbali's scholars have same opinion with Hanafi's scholars.²⁵

The majority of scholars decide four of sales pillars, i.e. the parties who are transacting (seller and buyer), *shighat* (words of *Îjâb* and *Qabûl*), commodity that be sold (selling and buying), and exchange rate of commodity replacement.²⁶

There are four kinds of sales' requirements. They are requirements of formed transaction (*syurûṭ al-in'iqâd*), requirements of implemented sales (*Syurûth An-Nafâdz*), lawful requirements (*Syurûth As-Sihhah*), and obligated requirements (*syurûth Al-Luzûm*). The existences of these

²⁵ Enang Hidayat, *op.cit.*, p. 17.

²⁶ Wahbah Az-Zuhailî, *Al-Fiqh Al-Islâmî wa Adillatuh*, Dârul Fikr, Beirut, 2005, press V, p. 6.

requirements are intended to ensure that the sales will be done, will give benefit to both sides and no one is harmed.

The first, it is requirements of formed transaction (*syurûth Al-In'iqâd*). These requirements should be fulfilled by every transaction of sales. These requirements are four, i.e. transactors, transaction, location of transaction, and object of transaction. The requirements of transactors are two, as follows:

1) The transactor should be 'Âqil (rational) or *Mumayyiz*²⁷.

With the existence of this requirement, the transaction of madman is not lawful. For Hanafi's scholars, this thing is not included into requirement; a little child transaction who was *Mumayyiz* is lawful.

2) The transactor should be more than one party, because the transaction is impossible if it is done by one party, where he is transferer and receiver.

Requirement that is related with transaction is only one, i.e. suitability between *Îjâb* and *Qabûl*. While about requirement of located transaction, the transaction must be done in one place. Then requirements of commodity of being object transaction are four, namely:

1) Its commodity of being object transaction is real. The transaction of unreal commodity is unlawful, e.g. embryo of animal.

²⁷ *Mumayyiz* is to have the prowess to tell which are good and which are bad, where the detriment and which are not.

- 2) Transaction object is valuable commodity, *Halâl*, be owned, be saved, and be benefitted as properly, and then it does not make damage.
- 3) Its commodity of being object transaction is legitimate owned, full owned. According to this requirement, so sales of sand in central desert; water in the sea, and solar thermal are unlawful, because nothing full ownership.
- 4) The object should be transferred when it is transacting. Based on this requirement, so sales of wild animal; fish in the sea; bird in the clouds are unlawful, because it can not be transferred to buyer.

While requirements of *Îjâb* and *Qabûl* are three, namely:

- 1) *Îjâb* and *Qabûl* should be done by master of law. Both parties should be '*Âqil* (rational), *Mumayyiz*, understanding of their right and obligation. Intrinsically this requirement is requirement of *Âqid* (who is transacting) and not requirement of *Shighât* transaction. Link to this requirement, so media transaction is writings or signals also should be from party who has criteria and filling the requirement.
- 2) Suitability between *Îjâb* and *Qabûl* either for quality or for quantity. Seller answers all phrased of buyer. If buyer party answers more than *Îjâb* that is phrased by seller, the transaction is even lawfull. Conversely, if buyer answers shorter than *Îjâb* that is said by seller, the

transaction is unlawful. This suitability is included in price and payment system.

- 3) *Îjâb* and *Qabûl* are done in one location, if perhaps the transactors are present in one location together, or they are in different location. However, both parties know each other. It means that difference of location can be regarded as one place or one location and time because a variety of reason. Based on Mâliki's scholars, the transaction (*Îjâb* and *Qabûl*) in different location is permitted. *Syâfi*'s and *Hanbali*'s scholars have opinion that the distance between *Îjâb* and *Qabûl* can not be overlong. As for transasction that is carried out with mail media is also lawful, although the parties transacting are not in one location, because there is a phrase that in fact represents the parties.

The second, there are two requirements of implemented sales (*syurûth An-Nafâdz*), as follows:

- 1) Ownership and its authority. This means that each of the parties involved in the transaction must be capable of law and and is the owner of the authority or the authority to make sales or purchase an item. This authority can be delegated to other people who should also be capable of law.²⁸

²⁸ Wahbah Az-Zuhailî, *op. cit.*, press V, p. 31.

- 2) The commodity that became the object of sales transactions is really legitimately belong to the seller, which means that is not associated with the ownership of another person.

The third, there are two lawful requirements (*syurûth As-Sihhah*), namely general requirements and special requirements. The general requirements were mentioned above and are added into four requirements, namely:

- 1) Item and price is known (real);
- 2) Sales cannot be temporary (*Mu'aqqad*), because sales are exchange transaction for transferring right forever.
- 3) Sales transaction must bring benefit, thereby the sales dirham for other dirhams are unlawful.
- 4) The absence of requirements that can damage the transaction like profitable requirements of one party. For example requirements that are not known in law and permitted traditionally or customly in society.²⁹

While special requirements are five, namely:

- 1) Transfer of item that is transaction object if perhaps the item can be transferred or unmovable goods and frightened be damage if not quicly transferred.
- 2) Known of beginning price for sales of *Murâbahah*, *Tauliyyah*, and *Wadî'ah*.
- 3) Item and price are same value.

²⁹ *Ibid.*, press V, p. 32.

- 4) Eligible of *Salâm*, such as transferring money as capital employed in sales of *Salâm*.
- 5) One of items that is exchanged is not debts.³⁰

Another above requirements, there are additional requirements that determine legality of a transaction after requirements of contract establishment are fulfilled. There are four kinds of additional requirements, namely:

- 1) Wish statement must be done independently; a statement of the will must be made freely, without coercion from any party.
- 2) Object transfer of sales is not cause significant harm.
- 3) Free of *Gharâr*.
- 4) Free of usury.

The lawful requirements determine legality of sales. If a transaction is ineligible even the pillars and requirements of the contract establishment were met, so this transaction is unlawful. Transaction of this kind is called *Fâsid* contract. According to scholars among Hanafiy, *Fâsid* contract is transaction which according to *Syara'* is valid in the principal, but illegal in the character. I.e. transaction was eligible the pillars and requirements of the establishment but was not eligible the lawful requirements yet.³¹

³⁰ *Ibid.*, cet. V, p. 43-44.

³¹ Ibnu Nujaim, *Al-Asybah wa An-Nazhâir*, Dârul Kutub Al-Ilmiyah, Beirut, 1985, p. 337.

The fourth, it is obligated requirements (*syurûth Al-Luzûm*) in contract of sales. A contract that already meets the pillars and various requirements as described above, not necessary made such transaction can be binding the parties who have made the transaction.³² There are requirements that made it bound the parties who have made the transaction of sales, namely:

- 1) Free of characters or requirements do not bind on the parties.
- 2) Free of *Khiyâr* (choice in sales), the transaction that still hanging with right of *Khiyâr* will bind when right of *khiyar* has ended, during *Khiyar* rights has not ended, then the contract is not binding.

Whatever the form of sales, whatever the manner and media of the transaction, it must be qualified the requirements and the pillars as described above.

E. Ethic of Islamic Trade

There must be ethics in a trade. They are:

1. *Shidîq* (honest)

A trader must be honest in the trade. Honesty means not lying, not selling smoke, not truded up the fact, not treasonable, and never broken faith, etc. A trader should be honest because a variety of untruthful action are clearly acts of sin, if it is common in the trade will also color and be

³² Wahbah al-Zuhailî, *op. cit.*, press V, p. 44-45.

negatively impact the personal and family lives of merchant itself. Even further, attitudes and actions such will color and affect social life.

In the Qur’ân, honesty in the trade was explained clearly and explicitly i.e. its honesty in some verses was related to the implementation of scales in sûrah Al-An’âm: 152, as God says:

وَلَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ يَبْلُغَ أَشُدَّهُ^ط
 وَأَوْفُوا الْكَيْلَ وَالْمِيزَانَ بِالْقِسْطِ^ط لَا نُكَلِّفُ نَفْسًا إِلَّا وُسْعَهَا^ط
 وَإِذَا قُلْتُمْ فَاعْدِلُوا وَلَوْ كَانَ ذَا قُرْبَىٰ^ط وَبِعَهْدِ اللَّهِ أَوْفُوا^ط ذَٰلِكُمْ
 وَصَنَّكُمْ بِهِ^ط لَعَلَّكُمْ تَذَكَّرُونَ

“And [in all your dealings] give full measure and weight, with equity: [however,]”³³

Simply by observing to the verse above, then we can conclude that; Allâh has advocated to all of humanity generally, and the traders must be honest in weighing, measuring and measuring merchandise. Deviation in weigh, measure and mete is a form of fraudulance in trade, although not so visible of loss and damage which is begotten it to mankind than a crime that greater, e.g. burglary, robbery, theft, corruption, manipulation, forgery and others, in fact still be forbidden by God and his messenger. Why? The answer is

³³ Muhammad Asad, *op. cit.*, p. 279.

caused of the habit in doing fraudulence when weighing, meting and measuring in world of trade, and will be the forerunner to the other crimes which much greater. So it visible also that the prohibition and the the ban of Islâm, is a reflection of the attitude and action which so wise, i.e. early prevention of any form of human wickedness which will harm the man himself.

In addition, the act of irregularities or fraud weigh is an act very nasty and deceitful, because the crime was hiding on trade law which was approved by the government and the public, or on behalf of buying and selling on the basis as they liked, which had been endorsed by religion.

If burglary, theft, extortion, robbery, is already clearly an action of eating other's property by way of vanity, which is done by overtly. But acts of irregularities or fraud in weighing, meting and measuring merchandise, is a crime which is conducted by stealth. So traders who conduct the fraud intrinsically are also thieves, robbers and aggressors or criminals, they just hide behind the emblem of justice i.e. scales, quantities and sizes who they use in trading. Thereby, it makes no difference! They are equally criminals. Then, how cruel their actions are! So it is natural, when Allâh and His Messenger forbid their acts and reasonable thing if the perpetrators are threatened God; will accept the doom and painful chastisement in the hereafter, as the Word of Allâh in the Qur'ân in sûrah Al-Muthaffifîn: 1-5, as follow:

وَيْلٌ لِّلْمُطَفِّفِينَ ﴿١﴾ الَّذِينَ إِذَا أَكْتَالُوا عَلَى النَّاسِ يَسْتَوْفُونَ ﴿٢﴾
 وَإِذَا كَالُوهُمْ أَوْ وَزَنُوهُمْ يُخْسِرُونَ ﴿٣﴾ أَلَا يَظُنُّ أُولَٰئِكَ أَنَّهُمْ
 مَبْعُوثُونَ ﴿٤﴾ لِيَوْمٍ عَظِيمٍ ﴿٥﴾

WOE UNTO THOSE who give short measure: (2) those who, when they are to receive their due from [other] people, demand that it be given in full (3) but when they have to measure or weigh whatever they owe to others, give less than what is due! (4) Do they not know that they are bound to be raised from the dead (5) [and called to account] on an awesome Day.³⁴

Besides the threat of the doom, the torment in the Hereafter for those people who do the various forms of irregularities, fraud in the measure, weigh and measure their merchandise, actually the Qur'ân said clearly and assertively the story of the *Madyan* people who are forced to accept the punishment of Allâh in world, because they rejected the warnings of the prophet Syu'aib.

The verse above should be a warning to us that in fact fraudulent act of weighing, measuring and measuring merchandise did not absolutely provide benefit, happiness for the perpetrators, even just induce the wrath of God. While the doom and torment and punishment for the perpetrators of these crimes, it's not always revealed by God Almighty in the Hereafter, but also is lowered the world. Therefore, the

³⁴ Muhammad Asad, *op. cit.*, p. 1266.

Prophet Muhammad in a lot of his hadiths often reminded the traders to be honest in trade.

وروى ابن ابي كثير عن ابي راشد عن عبد الرحمن بن شبل قال : قال رسول الله صلى الله عليه وسلم : « إِنَّ التَّجَارَهُمُ الْفَجَّارُ » قِيلَ : يَا رَسُولَ اللَّهِ أَلَيْسَ قَدْ أَحَلَّ اللَّهُ الْبَيْعَ ؟ قَالَ : « بَلَى , وَلَكِنَّهُمْ يُحَدِّثُونَ فَيَكْذِبُونَ وَيَخْلِفُونَ فَيَكْفُرُونَ »³⁵.

“Actually the traders are in state as criminals on the Day of Resurrection except who are godfearing, they do a good turn and they are honest in their trade”. (HR. Ahmad).

وَفِيْمَا رَوَى بَقِيَّةُ بِنِ الْوَلِيدِ، عَنْ ثَوْرِ بْنِ يَزِيدَ، عَنْ خَالِدِ بْنِ مَعْدَانَ، عَنْ مُعَاذِ بْنِ جَبَلٍ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِنَّ أَطْيَبَ الْكَسْبِ كَسْبُ التَّجَارِ الَّذِينَ إِذَا حَدَّثُوا لَمْ يَكْذِبُوا، وَإِذَا اتُّمِنُوا لَمْ يَخُونُوا، وَإِذَا وَعَدُوا لَمْ يَخْلِفُوا، وَإِذَا اشْتَرَوْا لَمْ يَذْمُوا، وَإِذَا بَاعُوا لَمْ يُطْرُوا، وَإِذَا كَانَ عَلَيْهِمْ لَمْ يَمْطُلُوا، وَإِذَا كَانَ لَهُمْ لَمْ يُعَسِّرُوا». أَخْبَرَنَا أَبُو سَعْدِ الْمَالِينِيُّ، أَنبَأَنَا أَبُو أَحْمَدَ بْنُ عَبْدِ عَدِيِّ، حَدَّثَنَا الْحَارِثُ بْنُ مُحَمَّدِ بْنِ الْحَارِثِ الضَّيَّاءِ، حَدَّثَنَا هِشَامُ بْنُ عَبْدِ الْمَلِكِ أَبُو التَّقِيِّ، حَدَّثَنَا بَقِيَّةُ، حَدَّثَنِي ثَوْرُ بْنُ يَزِيدَ، فَذَكَرَهُ³⁶.

"Actually the best business is the trading business which if they (the traders) speak are not lie, if promises are not violated, if they are believed not treasonous, if the purchase does not blame the product, if they sell not praise the

³⁵ Muhammad Nāshiruddīn Al-Albāny, *Silsilah as-Shohîhah*, Dârul Kutub al-Ilmiyyah, Beirut, vol. 1, P. 640.

³⁶ Ahmad Bin Husein Bin Alî Bin Mûsâ Al-Khurasâny, *Al-Adab lil baihaqiy*, Dârul Kutub ats-tsaqofiyah, Beirut, p.318

merchandise, if the debt does not slow down the payment, if they have receivables not complicated " (H.R.Baihaqi).

In other hadiths is also explained as follow:

حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ، حَدَّثَنَا شُعْبَةُ، عَنْ قَتَادَةَ، عَنْ صَالِحِ أَبِي
الْحَلِيلِ، عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ، رَفَعَهُ إِلَى حَكِيمِ بْنِ حِرَامٍ رَضِيَ اللَّهُ عَنْهُ،
قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: " الْبَيْعَانِ بِالْخِيَارِ مَا لَمْ يَتَفَرَّقَا،
- أَوْ قَالَ: حَتَّى يَتَفَرَّقَا - فَإِنْ صَدَقَا وَبَيَّنَّا بُورِكَ لَهُمَا فِي بَيْعِهِمَا، وَإِنْ
كَتَمَا وَكَذَبَا مُحِقَّتْ بَرَكَتُهُ بَيْعِهِمَا " (متفق عليه)³⁷.

"The Messenger of Allah said: "The two parties to a transaction have the choice so long as they have not separated. If they are honest and open, their transaction will be blessed, but if they tell lies and conceal anything, the blessing of their transaction will be lost."

Rasulullâh also confirmed that the honest merchant in fulfilling their sale and purchase, in the hereafter will be placed in glorious place. Once upon a time they will join the prophets and *Syuhadâ*³⁸. Once upon a time under the Throne, and when the others will be in a place that is not hindered him in a place that is not hindered him enter into heaven. As mentioned in hadiths of Prophet Muhammad, as follow:

التَّاجِرُ الصَّدُوقُ الْأَمِينُ مَعَ النَّبِيِّينَ وَالصِّدِّيقِينَ وَالشُّهَدَاءَ يَوْمَ الْقِيَامَةِ³⁹

³⁷ Abû Abdillâh Muhammad bin Ismâ'il Al-Jûfî, *Shahîh Bukhâri*, Dârul Kutub Tsaqofiyyah, Beirut, 2004, vol. 3, p. 58.

³⁸ *Syuhadâ*' is People who die in a State of martyrdom in the way of God.

³⁹ Muhammad bin Îsâ At-Turmudzî, *Jamî' Al-kabîr li Sunan Tirmidzi*, Dârul Kutub al-Ilmiyyah, Beirut, 2005, Vol. 2, p. 506.

“The truthful merchant will be assembled on the Day of Judgment with the prophets, highly righteous and martyrs ” (at-Tirmidhiyy).

أَخْبَرَنَا أَبُو الْحُسَيْنِ بْنُ بِشْرَانَ، قَالَ: أَنَا إِسْمَاعِيلُ بْنُ مُحَمَّدٍ الصَّفَّارُ، قَالَ: نَا أَحْمَدُ بْنُ مَنْصُورِ الرَّمَادِيِّ، قَالَ: نَا عَبْدُ الرَّزَّاقِ، قَالَ: أَنَا مَعْمَرٌ، عَنْ قَتَادَةَ، عَنْ سَلْمَانَ، قَالَ: " التَّاجِرُ الصَّدُوقُ مَعَ السَّبْعَةِ فِي ظِلِّ عَرْشِ اللَّهِ يَوْمَ الْقِيَامَةِ، وَالسَّبْعَةُ: إِمَامٌ عَادِلٌ، وَرَجُلٌ دَعَتْهُ امْرَأَةٌ ذَاتُ حُسْنٍ وَمِيسَمٍ إِلَيَّ نَفْسِهَا فَقَالَ: إِنِّي أَخَافُ اللَّهَ رَبَّ الْعَالَمِينَ، وَرَجُلٌ ذُكِرَ اللَّهُ عِنْدَهُ فَفَاضَتْ عَيْنَاهُ، وَرَجُلٌ مَعْلُقٌ بِالْمَسَاجِدِ مِنْ حُبِّهِ إِيَّاهَا، وَرَجُلٌ تَصَدَّقَ بِصَدَقَةٍ فَكَادَتْ يَمِينُهُ تُخْفِي مِنْ شِمَالِهِ، وَرَجُلٌ لَقِيَ أَخَاهُ فَقَالَ: إِنِّي أُحِبُّكَ فِي اللَّهِ، وَقَالَ الْآخَرُ: وَأَنَا أُحِبُّكَ فِي اللَّهِ حَتَّى تَصَادَرَا عَلَى ذَلِكَ، وَرَجُلٌ نَشَأَ فِي الْحَيْرِ مِنْ هُوَ عَلَامٌ " .⁴⁰

The good trader with the seven under the Throne of God on the day of Resurrection, the seven: Imam Adel, and a man called by a woman of goodwill and Mimesam to herself, said: I fear God, the Lord of the Worlds, and a man who has mentioned God, his eyes have overflowed, his heart is hanging in the mosques from his love, and a man who believes in charity has almost left his right hiding from the north, and a man who found his brother said: I love you in God, the other said: And I love you in God until they confiscate it, and a man grew up in goodness who is a boy.

Allah the Exalted says in the hadith Qudsi:

⁴⁰ Ahmad bin Husain Al-Khurasâny, *Syu'bul Īmân*, Maktabah ar-Rusydi, Riyadh, 2005, Vol. 11, p. 333.

حَدَّثَنَا مُحَمَّدُ بْنُ سُلَيْمَانَ الْمِصْبِصِيُّ، حَدَّثَنَا مُحَمَّدُ بْنُ الرَّبْرِقَانِ، عَنْ أَبِي حَيَّانَ التَّيْمِيِّ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، رَفَعَهُ قَالَ " إِنَّ اللَّهَ يَقُولُ أَنَا ثَالِثُ الشَّرِيكَيْنِ، مَا لَمْ يُخْنُ أَحَدُهُمَا صَاحِبَهُ فَإِذَا خَانَ خَرَجْتُ مِنْ بَيْنِهِمَا "٤١ .

The messenger of god having said: Allah, Most High, says: "I made a third with two partners as long as one of them does not cheat the other, but when he cheats him, I depart from them."

حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ قَالَ: حَدَّثَنَا وَهْبُ بْنُ جَرِيرٍ قَالَ: حَدَّثَنَا أَبِي قَالَ: سَمِعْتُ يَحْيَى بْنَ أَيُّوبَ، يُحَدِّثُ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ شُمَّاسَةَ، عَنْ عُقْبَةَ بْنِ عَامِرٍ، قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، يَقُولُ: «الْمُسْلِمُ أَخُو الْمُسْلِمِ، وَلَا يَحِلُّ لِمُسْلِمٍ بَاعَ مِنْ أَخِيهِ بَيْعًا فِيهِ عَيْبٌ إِلَّا بَيَّنَّهُ لَهُ»٤٢ .

It was narrated that 'Uqbah bin 'Amir said: "I heard the messenger of god say: 'The muslim is the brother of another muslim, and it is not permissible for a muslim to sell his brother goods in which there is a defect, without pointing that out to him.'"(Ibnu Majah).

2. Mandate (responsible)

Every trader should be responsible for the business, employment and occupation as a trader. The responsibility means that he wants and able to keep the responsibility (confidence) of society which is automatically burdened on him.

⁴¹ Abū Dāwud Sulaiman bin Al-Asy'ats, *Sunan Abī Dāwud*, Maktabah Al-'Ashriyah, Beirut, 2005 vol. 3, p. 256.

⁴² Abū Abdillāh Muhammad bin Yazīd al-Quzwiniy, *Sunan Ibnu Mājah*, Dār Ihyā' Al-Kutub, Arab, 2005, vol. 5, p. 755.

In Islâm's perspectives, every human's job is noble. Business and trade or sales are also a noble job, because the duties are filling the needs of all society members to the commodities or services for the benefit of life and livelihood. Thus, the obligations and responsibilities of the trader i.e. provided goods or services with proper price, sufficient amounts, and equal usefulness or benefits. Therefore, trader action of strictly forbidden by Islâm in connection with their duties, obligations and responsibilities hoard up the merchandise.

Hoarding merchandise in order to increase request at exorbitant prices as desired of goods hoarder is one of cheating form from the traffickers in order to obtain multiple advantage. Islâm forbids hoarding merchandise especially basic goods, because the action will only create anxiety in society. In its practice, a trader who hoards staple goods of society will make a variety of negative thing, e.g. the commodity price and it will be soaring out of control in market. Certain goods will be difficult to obtain, balance of demand and supply will be disrupted, the emergence of speculators who exploit the opportunity to seek advantage over the public misery and so forth.⁴³

⁴³ Johan Arifin, *Etika Bisnis Islami*, Walisongo Press, Semarang, 2009, p. 156-157.

There are many hadiths of the Prophet about the hoarding of merchandise either in the form of warnings, prohibitions and threats. They are as follows:

وعن عبد الله بن الشخير " بكسر الشين والخاء المشددة المعجمتين " رضي الله عنه، أنه قال: أتيت النبي ، صلى الله عليه وسلم، وهو يقرأ: {أَلْهَأَكُمُ التَّكَاثُرُ} قَالَ: " يَقُولُ ابْنُ آدَمَ مَا لِي مَالِي، وَهَلْ لَكَ يَا ابْنَ آدَمَ مِنْ مَالِكَ إِلَّا مَا أَكَلْتَ فَأَفْنَيْتَ، أَوْ لَبِئْتَ فَأَبْلَيْتَ، أَوْ تَصَدَّقْتَ فَأَمْضَيْتَ؟ !"
(رواه مسلم).⁴⁴

'Abdullah bin Ash-Shikhkhir (May Allah be pleased with him) reported: I came to the Prophet while he was reciting (Surat At-Takathur 102): "The mutual rivalry (for hoarding worldly things) preoccupy you. Until you visit the graves (i.e., till you die). Nay! You shall come to know! Again nay! You shall come to know! Nay! If you knew with a sure knowledge (the end result of hoarding, you would not have been occupied in worldly things). Verily, you shall see the blazing Fire (Hell)! And again, you shall see it with certainty of sight! Then (on that Day) you shall be asked about the delights (you indulged in, in this world)!" (102:1-8) (After reciting) he said, "Son of adam says: 'My wealth, my wealth.' Do you own of your wealth other than what you eat and consume, and what you wear and wear out, or what you give in Sadaqah (charity) (to those who deserve it), and that what you will have in stock for yourself."

3. Not deceiving

In a hadith, the worst of place is market. This is because the market or where the sale and purchase was

⁴⁴ Muslim bin Hajjâj Abul Hasan al-Qusyairi, *Shahîh Muslim*, Dâr Ihya' At-Turâts Al-Araby, Beirut, 2005, vol. 4, p. 2273.

regarded as a place in which is full of fraud, perjury, false promise, greed, dispute and ugliness doings of other humans.

Rasulullah said: “The better place is a Mosque, and the worst place is market”. (HR. Thabrani). “Whoever is lying, conning, he is not part of my tribe”. (HR. Bukhari)

Every oath that comes out of a person's mouth should be the name of God. If it had been the name of Allah, then it must be true and honest. If not true, then the result is fatal. Therefore, *Rasulullah* always warned the traders not to sell an appointment or promotion excessively, which tends to (invent), purely in order to merchandise are selling well, because if a trader can swear to counterfeit, the consequences that would befall him are only loss.

Rasulullah said: “Do not swear a vow but by the name of Allah. Whoemever did, he should be honest. Whoemever done, he should agree. If he did not agree, he certainly loose of Allah’s help” (HR. Ibnu Majaah dan Aththusi)

“There are three categories in the judgement day when Allah won’t say and see anything. He won’t purify them as well. There will be a poignant torment for them. Abu Dzarr said, “*Rasulullah* keep repeating his words and I was asking”who are they, ya Rasul” He replied, “those are whose clothes touch the land due to their arrogance, show off their gift,and sold their things with fake vow” (HR. Muslim)

“A vow with a purpose to sell the things fast is a blessing wiper” (HR. Bukhari dan Muslim) “Be careful, do not swear a vow in a trade.” (HR. Muslim)

Meanwhile, what we have experienced over the years, sale and purchase, trading or commercial in the current era, especially in the free markets are not many found who would pay attention to etiquette Islamic trade. Even almost everyone both sellers and buyers can no longer of distinguishing the goods which are allowed and forbidden, where the situation is already pointed out by the Prophet Muhammad will be happened, as stated in the following hadith:

From Abu Hurairah, from Nabi SAW, said: “there will be coming to people in the future someone who won’t see what he takes whether it is halal or haram” (HR. Bukhari)

It is unfortunate, why something like this should happen, while the Prophet Muhammad was not only once in giving admonition to traders to be honest, was not deceive in sales in order not to harm other person. As the statement of some hadith below:

From Abu Hurairah said, *Rasulullah* said: “Do not sell a thing which was bought by someone else”. (HR. *Bukhari*). From Ibnu ‘Umar: A man who told the prophet that he was conned in the trade and the prophet said: “if you are having a trade, no conning and no deceiving”. (HR. *Bukhari*).⁴⁵

⁴⁵ Johan Arifin, *op.cit.*, p. 157-159

4. Keeping promises

A trader either should keep his promise to buyer or among fellow traders, moreover should be able to keep her promise to God Almighty. The promise that must be kept by traders to buyers, for example; punctual delivery, deliver goods in accordance with the original agreement in the quality, quantity, color, size, specifications, provide after-sales service, warranty and so forth. While the promise must be kept to fellow traders for example: payment by amount and the right time.

While the promise must be kept by Muslim traders to their God is like prayer. As the Word of God in the Qur'ân sûrah Al-Jum'ah: 10-11 as follow:

فَإِذَا قُضِيَتِ الصَّلَاةُ فَانْتَشِرُوا فِي الْأَرْضِ وَابْتَغُوا مِنْ فَضْلِ اللَّهِ
وَأذْكُرُوا اللَّهَ كَثِيرًا لَعَلَّكُمْ تُفْلِحُونَ ﴿١٠﴾ وَإِذَا رَأَوْا تِجَارَةً أَوْ هَوْأً
أَنْفَضُوا إِلَيْهَا وَتَرَكُوكَ قَائِمًا ۗ قُلْ مَا عِنْدَ اللَّهِ خَيْرٌ مِّنَ اللَّهِو وَمِنَ
التَّجَارَةِ ۗ وَاللَّهُ خَيْرُ الرَّازِقِينَ ﴿١١﴾

10. And when the prayer is ended, disperse freely on earth and seek to obtain [something] of God's bounty; but remember God often, so that you might attain to a happy state! 11. Yet [it does happen that] when people become aware of [an occasion for] worldly gain or a passing delight, they rush headlong towards it, and leave thee standing [and preaching]" .⁴⁶

⁴⁶ Muhammad Asad, *op. cit.*, p. 1173.

Thereby, as busy as trade affairs, business affairs or the affairs of sale and purchase that is being handled as a Muslim trader does not ever leave the prayer. Because Allâh Almighty still provides an opportunity very broad for us to seek and obtain fortune after the prayer, Because Allâh Almighty still provides an opportunity very broad for us to seek and obtain fortune after the prayer, which is reflected through his command; scattered on earth by remembering of Allâh as much as possible in order to be lucky.⁴⁷

5. Generous

In a hadith, *Rasulullah* suggests people to be merciful in a trade. Being merciful means being kind, respectful, friendly, and full of responsibility.

Rasulullah said: “Allâh is compassionate to those who is merciful when he sells, buys, and demands for rights. (HR. Bukhâri)

“Allâh gives blessing for an easy trade”. (HR. Aththahâwi).⁴⁸

6. Not Forgetting Hereafter

Sale and purchase are world trade, whereas an obligation to implement Islamic law is trading of hereafter. Advantage of hereafter is better than profit of trade in the world. Muslim traders are never being too busy themselves purely to seek material benefits by leaving profits hereafter. So when it comes time to pray, they are obliged to implement

⁴⁷ Johan Arifin, *op.cit.*, p. 159-160.

⁴⁸ Johan Arifin, *op.cit.*, p. 160-161.

them before the expiry time of the prayer. It would be nice if they rushed together to pray in congregation, when the call to prayer had echoed. Similarly, with the implementation of the obligation to meet the other pillars of Islâm. Occasionally a Muslim trader should not neglect their religious obligations by reason flurry of trading.⁴⁹

Based on the book of the law of civil law rights and obligations of the seller in the transaction of buying and selling is as follows:

- a. The seller shall be required stating unequivocally what is he tying himself, promises that are not the light and can be given a variety of sense, must be interpreted to the disadvantage (article 1473).
- b. He has two principal obligations, namely, hand over the goods and paid (article 1474).
- c. The handing over of the goods at the place of sale/in accordance with the Treaty (article 1477).
- d. The seller is obliged to hand over the goods sold, as stated in the agreement, with changes as follows (article 1483).
- e. In the event that immobile objects are required to submit a number in accordance with the agreement between the seller and the buyer (article 1484).

⁴⁹Johan Arifin, *op.cit.*, p. 161-163.

- f. The seller is obliged to ensure that the goods are safe and peaceful as well as defects of the goods are hidden, and provide reasons in case of cancellation (article 1491).
- g. Although no deal/the promise, but by law the seller is obliged to keep the goods until handover to the buyer and the seller are prohibited from selling it to third parties (article 1492).
- h. The seller made a Pact not to take away the item, however all responsibility about the damage happened to the item and the agreement null and void (article 1494).
- i. If at the time of delivery of the goods damaged goods then it turns out that the seller is obliged to return the buyer's money as a whole (article 1497).
- j. If on delivery to any other price increases occurs, then the seller is obligated to provide the advantages of the price to the buyer (article 1498).
- k. The seller is obligated to refund to the buyer all the things that have been issued to repair/correction against the goods (article 1499).
- l. If the purchase is not cancelled and most of the goods had been sold to another party, then the seller shall be obliged to submit the compensation portion of the goods delivered (article 1500).
- m. The seller is obliged to bear the hidden defects of goods so as to reduce the use of such goods (article 1504).

- n. The seller is obliged to bear the hidden defect goods even though it is not known by the seller unless it has been exchanged (article 1506).
- o. If the seller knows the disabled-disabled goods then the required return the purchase price and replace the costs that have been incurred and loss, even if the seller does not know then just return the purchase price and costs incurred (article 1508 and 1509).⁵⁰

In addition, a few things related to Islam trade, namely:

- 1) Seller tries to provide the best service to consumers, so the consumer will feel that he shopped according to Islamic law, where consumer does not buy goods as desired but according to necessity.
- 2) Seller conducts the business honestly namely the quality of the goods sold is according to the price, and the buyer is not stimulated to buy goods as much as possible.
- 3) The best thing is not an issue of price that is set according to the market mechanism, but the *Halâl* status of the goods sold is more important. With the concept of sharia trade, consumer who mostly ordinary people will feel protected from the purchase of goods by unintentionally that contain haram element in it. Goods sold under the trade sharia are also be obtained by not violate the law of

⁵⁰<https://perpuskampus.com/defenisi-syarat-hak-dan-kewajiban-penjual-serta-pembeli/>

which is not contraband, licensed of SNI and others have label of *Halâl*.

- 4) Actually goods and commodities that are sold must be applicable on the open market, so the buyer has known the state of the market before making a purchase on a large scale. Seller is not allowed to take advantage of the ignorance of the buyer on the state of the market and the prevailing price.⁵¹

⁵¹<http://toetiesblogs.blogspot.co.id/2011/05/konsep-perdagangan-islam.html>

CHAPTER III

The Qur'an: Ethic of Trader

A. The verses that is related to the ethic of trader in the Qur'ân

In this chapter the researcher explains the verses relating to the ethics of traders which in the Scriptures is divided into four terms. The verses that be meant are *Tijârah*, *Bay'*, *Kâlâ* with similar words to it, and *Mizân* with similar words to it.

1. *Tijarah dan Bay'*

The word *Tijârah* is referred to as 8 times in the Qur'an spread in seven sûrah, namely sûrah Al-Baqarah [2]:16 and 282, sûrah An-Nisâ'[4]: 29, sûrah At-Taubah[9]: 24, sûrah An-Nûr[24]: 37, sûrah Fâthîr[35]: 29, sûrah Shâf[61]: 10 and sûrah Al-Jum'ah[62]: 11. On the sûrah Al-Baqarah is called twice, whereas in other sûrah is only called each one time.¹ Of the many verses, there are only 4 verses that use the word *Tijârah* and discuss ethics of trader in the Qur'ân, namely:

a. Sûrah An-Nisâ'[4]: 29

يَتَأْتِيهَا الَّذِينَ ءَامَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ
إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ ۚ وَلَا تَقْتُلُوا أَنْفُسَكُمْ
إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

¹ Muhammad Fu'âd Abdul Bâqi', *Mu'jam Mufahras li al-Fâdzil Qur'an*, Dârul-Fikr, Beirut, 1981, p.152

O YOU who have attained to faith! Do not devour one another's possessions wrongfully – not even by way of trade based on mutual agreement - and do not destroy one another: for, behold, God is indeed a dispenser of grace unto you!²

b. Sûrah Al-Jum'ah[62]: 11

وَإِذَا رَأَوْا تِجْرَةً أَوْ لَهْوًا أَنْفَضُوا إِلَيْهَا وَتَرَكَوْكَ قَائِمًا ۚ قُلْ مَا عِنْدَ
 اللَّهِ خَيْرٌ مِّنَ اللَّهِ وَمِنَ النَّجْعَةِ ۚ وَاللَّهُ خَيْرُ الرَّزِقِينَ

Yet [it does happen that] when people become aware of [an occasion for] worldly gain or a passing delight, they rush headlong towards it, and leave thee standing [and preaching]. Say: "That which is with God is far better than all passing delight and all gain! And God is the best of providers!"³

c. Sûrah At-Taubah[9]: 24

قُلْ إِنْ كَانَ ءَابَاؤُكُمْ وَأَبْنَاؤُكُمْ وَإِخْوَانُكُمْ وَأَزْوَاجُكُمْ
 وَعَشِيرَتُكُمْ وَأَمْوَالٌ اقْتَرَفْتُمُوهَا وَتِجْرَةٌ كَسَدَهَا
 وَمَسْكِنٌ تَرْضَوْنَهَا أَحَبَّ إِلَيْكُمْ مِّنَ اللَّهِ وَرَسُولِهِ وَجِهَادٍ
 فِي سَبِيلِهِ فَتَرَبَّصُوا حَتَّى يَأْتِيَ اللَّهُ بِأَمْرِهِ ۗ وَاللَّهُ لَا يَهْدِي الْقَوْمَ
 الْفَاسِقِينَ

Say: "If your fathers and your sons and your brothers and your spouses and your clan, and the worldly goods which

² Muhammad Asad, *The Message of The Qur'an*, Dârul Andâlûs, Singapore, 2003, p. 164.

³ Muhammad Asad, *op. cit.*, p. 1173.

you have acquired, and the commerce whereof you fear a decline, and the dwellings in which you take pleasure - [if all these] are dearer to you than God and His Apostle and the struggle in His cause, then wait until God makes manifest His will; and [know that] God does not grace iniquitous folk with His guidance."⁴

d. Sûrah An-Nûr[24]: 37

In this verse, the words *Tijârah* and *Bay'* are adjacent in one verse, namely:

رَجَالٌ لَا تُلْهِيمُهُمْ تِجَارَةً وَلَا بَيْعًا عَن ذِكْرِ اللَّهِ وَإِقَامِ الصَّلَاةِ وَإِيتَاءِ
الزَّكَاةِ يَتَخَفُونَ يَوْمًا تَتَقَلَّبُ فِيهِ الْقُلُوبُ وَالْأَبْصَارُ

People whom neither [worldly] commerce nor striving after gain can divert from the remembrance of God, and from constancy in prayer, and from charity: [people] who are filled with fear [at the thought] of the Day on which all hearts and eyes will be convulsed.⁵

The word *Bay'* is mentioned in the Qur'ân 6 times, i.e. in the sûrah Al-Baqarah[2] twice (verse of 254 and 275), in sûrah Ibrâhîm[14]: 31, sûrah An-Nûr[24]: 37 , sûrah Al-Jum'ah[62]: 9.⁶ From this word, there are only 2 verses that discuss the ethic of trader, i.e. on sûrah An-Nûr[24]: 37 which said *Bay'* is adjacent to The word *Tijârah* on one verse, and on sûrah Al-jum'ah[62]: 9 which reads:

⁴ Muhammad Asad, *op. cit.*, p. 359.

⁵ Muhammad Asad, *op. cit.*, p. 741.

⁶ Wahbah Zuhaili, *Ensiklopedia Al-qur'an*, Gema Insani, Jakarta, 2007, p. 829.

يَتَأْتِيهَا الَّذِينَ ءَامَنُوا إِذَا نُودِيَ لِلصَّلَاةِ مِنْ يَوْمِ الْجُمُعَةِ فَاسْعَوْا إِلَىٰ ذِكْرِ اللَّهِ وَذَرُوا الْبَيْعَ ۚ ذَٰلِكُمْ خَيْرٌ لَّكُمْ إِنْ كُنْتُمْ تَعْلَمُونَ

O YOU who have attained to faith! When the call to prayer is sounded on the day of congregation, hasten to the remembrance of God, and leave all worldly commerce: this is for your own good, if you but knew it.⁷

2. *Kâlâ* with similar words to it, and *Mîzân* with similar words to it

The word *Kâla* and *Iktâla* is mentioned in the Qur'ân only once which focuses on the ethic of trader namely on sûrah Al-Muthaffifîn[83]: 1-3. That reads:

وَيْلٌ لِّلْمُطَفِّفِينَ ۚ إِذَا أَكْتَالُوا عَلَى النَّاسِ يَسْتَوْفُونَ ﴿٨٣﴾ وَإِذَا كَالُوهُمْ أَوْ وَزَنُوهُمْ يُخْسِرُونَ ﴿٨٤﴾

WOE UNTO THOSE who give short measure: (2) those who, when they are to receive their due from [other] people, demand that it be given in full (3) but when they have to measure or weigh whatever they owe to others, give less than what is due!⁸

The word *Kayla* is mentioned in the Qur'ân as much as 10 times i.e. in sûrah Al-An'âm[6]: 152, sûrah Al-A'râf[7]: 85, sûrah Yûsuf[12]: 59; 60; 63; 65; 88, and sûrah Al-Isrâ[17]: 34, and sûrah As-Syu'arâ[26]: 181. But not all of them focus discusses the ethic

⁷ Muhammad Asad, *op. cit.*, p. 1173.

⁸ Muhammad Asad, *op. cit.*, p. 1266.

of trader, and the verse that focused to explain the ethic of trade is ordered to take measure and scales perfectly, namely:

a. Sûrah Al-An'âm[6]: 152

In this verse, said *Kayla* and said *Mizân* are adjacent in one verse, namely:

وَلَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ يَبْلُغَ أَشُدَّهُ^ط
 وَأَوْفُوا الْكَيْلَ وَالْمِيزَانَ بِالْقِسْطِ^ط لَا نُكَلِّفُ نَفْسًا إِلَّا وُسْعَهَا^ط
 وَإِذَا قُلْتُمْ فَاعْدِلُوا وَلَوْ كَانَ ذَا قُرْبَىٰ^ط وَبِعَهْدِ اللَّهِ أَوْفُوا^ج ذَٰلِكُمْ
 وَصَلِّكُمْ بِهِ^ط لَعَلَّكُمْ تَذَكَّرُونَ

And do not touch the substance of an orphan - save to improve it - before he comes of age." And [in all your dealings] give full measure and weight, with equity: [however,] We do not burden any human being with more than he is well able to bear; and when you voice an opinion, be just, even though it be [against] one near of kin. And [always] observe your bond with God: this has He enjoined upon you, so that you might keep it in mind.⁹

b. Sûrah Al-A'râf[7]: 85

In this verse, said *Kayla* and said *Mizân* are adjacent in one verse, namely:

وَالِىٰ مَدْيَنَ أَخَاهُمْ شُعَيْبًا^ط قَالَ يَنْقَوْمِ^ط أَعْبُدُوا اللَّهَ مَا لَكُمْ مِّنْ
 إِلَٰهِ غَيْرُهُ^ط قَدْ جَاءَتْكُمْ بَيِّنَةٌ^ط مِّن رَّبِّكُمْ^ط فَأَوْفُوا الْكَيْلَ

⁹ Muhammad Asad, *op. cit.*, p. 279.

وَالْمِيزَانَ وَلَا تَبْخُسُوا النَّاسَ أَشْيَاءَهُمْ وَلَا تُمْسِكُوا فِي
 الْأَرْضِ بَعْدَ إِصْلَاحِهَا ۚ ذَلِكُمْ خَيْرٌ لَّكُمْ إِن كُنْتُمْ مُؤْمِنِينَ

AND UNTO [the people of] Madyan [We sent] their brother Shu'ayb. He said: "O my people! Worship God alone: you have no deity other than Him. Clear evidence of the truth has now come unto you from your Sustainer. Give, therefore, full measure and weight [in all your dealings], and do not deprive people of what is rightfully theirs; and do not spread corruption on earth after it has been so well ordered: [all] this is for your own good, if you would but believe.¹⁰

c. **Sûrah Al-Isrâ'**[17]: 35

وَأَوْفُوا الْكَيْلَ إِذَا كَلَّمْتُمْ وَزِنُوا بِالْقِسْطَاسِ الْمُسْتَقِيمِ ۚ ذَلِكُمْ خَيْرٌ
 وَأَحْسَنُ تَأْوِيلًا

And never concern thyself with anything of which thou hast no knowledge: verily, [thy] hearing and sight and heart - all of them - will be called to account for it [on Judgment Day]!¹¹.

d. **Sûrah As-syurâ'**[26]: 181

✽ أَوْفُوا الْكَيْلَ وَلَا تَكُونُوا مِنَ الْمُخْسِرِينَ

"[Always] give full measure, and be not among those who [unjustly] cause loss [to others]¹².

¹⁰ Muhammad Asad, *op. cit.*, p. 301.

¹¹ Muhammad Asad, *op. cit.*, p. 582.

¹² Muhammad Asad, *op. cit.*, p. 779.

While the word *mikyâl* whose focus addresses the ethic of trader there is 2, and said *mikyâl* is adjacent in said *mîzân*, i.e. on Sûrah hûd[11]: 84-85 which reads:

وَالِى مَدِينٍ أَخَاهُمْ شُعَيْبًا ۖ قَالَ يَنْقَوْمِرِ اعْبُدُوا اللَّهَ مَا لَكُمْ مِّنْ إِلٰهٍ
غَيْرُهُ ۗ وَلَا تَنْقُصُوا الْمِكْيَالَ وَالْمِيزَانَ ۚ إِنَّى أَرٰكُمْ بِخَيْرٍ وَإِنى
أَخَافُ عَلَيْكُمْ عَذَابَ يَوْمٍ مُحِيطٍ ﴿٨٤﴾ وَيَنْقَوْمِرِ اَوْفُوا الْمِكْيَالَ
وَالْمِيزَانَ بِالْقِسْطِ ۗ وَلَا تَبْخَسُوا النَّاسَ اَشْيَاءَهُمْ وَلَا تَعَثُوا فِى
الْاَرْضِ مُمْسِدِينَ

(84) AND UNTO [the people of] Madyan [We sent] their brother Shu'ayb. He said: "O my people! Worship God [alone]: you have no deity other than Him; and do not give short measure and weight [in any of your dealings with men]. Behold, I see you [now] in a happy state; but, verily, I dread lest suffering befall you on a Day that will encompass [you with doom]! (85) Hence, O my people, [always] give full measure and weight, with equity, and do not deprive people of what is rightfully theirs, and do not act wickedly on earth by spreading corruption.¹³

The word *Al-Mîzân* is *Isim Âlat* in the science of *Sharaf*, while the word *Wazna* is *Isim Masdar*. These words are mentioned in the Qur'ân as much as 9 times.¹⁴ In sûrah Al-A'râf[7]: 85, sûrah Al-An'âm[55]: 152, sûrah As-syûra[55]: 17, sûrah Hûd[11]: 84-85, sûrah Al-hadîd [57]: 25, sûrah Ar-Rahmân[55]: 7-9. From the many verses above that focuses on ethic of trade only 5 verses. The

¹³ Muhammad Asad, *op. cit.*, p. 452.

¹⁴ Wahbah Zuhaili, *op. cit.*, p. 829.

said *Mizân*, there is adjacent to the word *Kayla* and there is also adjacent to the word *Mikyâl* as explained earlier, as for other verse that are not adjacent to a previous word, i.e. on sûrah Ar-Rahmân[55]: 9, which reads:

وَأَقِيمُوا الْوَزْنَ بِالْقِسْطِ وَلَا تُخْسِرُوا الْمِيزَانَ

Weigh, therefore, [your deed] with equity, and cut not the measure short!¹⁵

B. Interpretation of verses of ethic of trader in the Qur'an

Overall, the verses of the Qur'an that the author collected aggregate 15. However, after having classified of those contents generally (*Ijmâli*), they can be divided into three groups and will be explained as follows.

1. Discussion of the prohibitions of the Qur'an which relate to take other's property and being tricked by treasure

This ban is described in sûrah An-Nisâ'[4]: 29.

يَتَأْتِيهَا الَّذِينَ ءَامَنُوا لَا تَأْكُلُوا أَمْوَالِكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا
 أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ
 كَانَ بِكُمْ رَحِيمًا

O YOU who have attained to faith! Do not devour one another's possessions wrongfully – not even by way of trade based on mutual agreement - and do not destroy one another: for, behold, God is indeed a dispenser of grace unto you!¹⁶

¹⁵ Muhammad Asad, *op. cit.*, p. 1119.

¹⁶ Muhammad Asad, *op. cit.*, p. 164.

The meaning of word "*Amwâlakum*" is circulating treasure in society. It may be added here that, for the sake of personal private property, it should be felt and functioned as a social property; *Amwâlukum* (your property) is the evidence that treasure has social function. This editorial also invites cooperation and to not hurt each other, because "When my partner feels loss, I would lose out." Do not these treasures belong together? Therefore, in the business, assets should be illustrated in the middle among us. This is what implied by the paragraph above with the word *Bainakum* / among you. Among you mean something / treasure in the middle. In order to not break up and to attract each other, they actually need each other to give and receive. Even the best condition is when everyone feels pleased and happy with what they have learned. That is why God has established pair of scales and ordered to enforce "*Al-Qisth*" not "*Al-'Adl*", as described by Him in sûrah Ar-Rahmân[55]: 9.

Enforcing pair of scales with *qisth* makes both sides do not feel losses, even everyone gets what he has expected. Thabathaba'i (1892M-1981M) acquires another impression of the word *Bainakum*. According to him, this word has meaning of their assembled¹⁷ upon the treasure, and the treasure is in the middle of them. Well, the prohibition of taking other's treasure relates to word "*Bainakum*" giving the impression that to

¹⁷ M. Quraish Shihâb, *Tafsir Al-Misbah*, Lentera Hati, Jakarta, 2002, vol. 2, p. 498.

acquire prohibited treasure is to manage it between them as well as the displacement from one person to another. Thus, the prohibition of taking treasure in the middle of them with falsehood is as banning of transaction that does not make people successful, but driving them to depravity and destruction, such as usury, gambling, buying and selling that contains fraud, and others.

The above verse also emphasizes the need for them to heed the regulations that have been set out and did not do *Al-Bâtil* (falsehood), namely the infraction of the religious requirements which have been agreed by the scholars. In this context,¹⁸ the Prophet once said, "The Muslims are in accordance with the terms they agree for not justifying the unlawful or forbidding the lawful."¹⁹

Furthermore, the above verse also emphasizes the necessity of willingness from both the seller and buyer, which is termed '*An Tarâdhin Minkum*' by the Qur'ân. Although the willingness is something hidden in the heart, its indicators and signs can be seen with *Îjâb Qabûl*, or what is known in customary law as handover forms that used by law to show willingness.

¹⁸ *Ibid*, p. 499.

¹⁹ Rules of *Fiqh* to 23 which come from the *Hadîts* of the Prophet from *abû hurayrah* narrated in the book of *sunan abû Dâwud*, vol 3 p. 304. (see URsyamela.exe)

Harmonious interrelationship, among Islamic law, common regulation, and punishment that will be taken, are the three things that are always associated with the business. And top of those three things, are ethic that makes business not only demanding immediate material gain, but also transcendental gain as guided by the Qur'ân: "They put (someone else) on themselves. Even if they require (what they give it) "(sûrah Al-Hashr[59]: 9).²⁰

According to *Ibnu Katsîr* {*Illâ 'An Takûna Tijâratun 'An Tarâdhin Minkum*} Read: *Tijâratun in Rafa'* and *Nashab* , which is *Istitsnâ' Munqathi'*, as it says: Do not take on the prohibited grounds of acquiring funds, but legitimate shops, which are the consent of the seller and the buyer, do it and cause it to collect the money.²¹

According to Wahbah Zuhaili (1932M-2015M), he said that if a commercial transaction is conducted by mutual consent, then it is not included in the prohibition. The way that this is expressed in the Qur'ân suggests that there is an element of confusion that combines it with other dealings, described as the illegal devouring of other people's money. We can understand this better if we remind ourselves of the Qur'ânic verses which prohibit usury in sûrah Al-Baqarah. We commented on these verses at length in Volume I, p. 355-71.

²⁰ M. Quraish Shihâb, *Op. cit.*, vol. 2, p. 499.

²¹ Ismâ'îl bin Umar Ibnu Katsîr, *Tafsîr Al-Qur'an al-'Adzîm*, Dârul Kutub al-Ilmiyyah, Beirut, 2006, vol. 2, p. 268.

These verses quote usurers objecting to the prohibition of all usury, claiming that *“trade is just the same as usury”*. (sûrah Al-Baqarah: 275) God replies to them in the same verse, explaining: *“but God has made trade lawful and usury forbidden”*. In defense of their accursed system, usurers were guilty of deliberate misrepresentation by claiming that trade which results in a profit produces an increase of the trader’s money in the same way as usury, which also increases the usurer’s money. Hence their claim that it was wrong to outlaw usury while making trade lawful.

The fact is that a great gulf separates ordinary trade transactions and usurious dealings. There is also a great difference between the benefits trade generates to people and the destructive effects brought about by usury.

Trade is a useful medium that brings commodities to consumers. Thus, it is a marketing service providing the motivation to improve goods and commodities and to make them available to the consumer. It is a service to both producer and consumer, which results in a profit gained by the trader. Skill and effort are essential for the gain to be made. A trader runs the risk of loss as also the prospect of profit.

None of these benefits can be attributed to usury. Usury places a heavy burden on industry, in the shape of interest, which is added to the cost of commodities. It also burdens the trader and consumer with the payment of interest paid by producers. As occurred when the capitalist system managed to

gather strength, the usury system imposes a certain direction on industry and investment which does not take into account the interests of industry itself or of the consumers. The first priority is given to an increase in profits so that interest on loans can be paid. No objection is raised even when priority is given to the production of luxury goods, even though the majority of people cannot meet their basic needs. No objection is heard even when large investments are devoted to projects aiming at the illegal satisfaction of lust. The destructive effects of all this on society are not even considered. Additionally, there is the element of ever-continuing profit given to capital, which runs no risk of loss and does not rely on skill or effort which are necessary for trade. The indictment of the usurious system has many more elements, all of which demand the death sentence for this system. Islam issued this sentence long ago.

It is this type of confusion between usury and trade which necessitated this clarification to be made in the form of an exception, stated in the Qur'ânic verse as: *“Believers, do not devour each other’s wealth illegally, unless it be through trade which you conduct by mutual consent.”* (Verse 29).²²

Then, the next verse is Al-An'âm[6]: 152, which is the editor, more specially explains, about the prohibition of taking the treasure of orphans with unlawful.

²² Sayyid Quthb Ibrâhîm bin husein as-syârîby, *Tafsir fi Zhilalil Qur'an*, Dârus syurûq, Beirut, 2005, vol. 2, p. 639-640.

وَلَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ يَبْلُغَ أَشُدَّهُ ...

And do not touch the substance of an orphan - save to improve it - before he comes of age.....".²³

Anyone who is looking after an orphan must not touch that orphan's property except in a way which is certain to bring a good return to the orphan. He must protect that property and try to improve it until the orphan comes of age and becomes physically and mentally able to receive his property and make good use of it. Thus, the community adds to its ranks a useful member who obtains his full rights.

Scholars have different views concerning the stage when a person comes of age. According to `Abd al-Rahmân ibn Zayd and Imâm Mâlik, it signifies the attaining of puberty. According to Imâm Abû Hânîfah, a person comes of age when he is twenty five, while al-Suddî raises that higher to the age of thirty. Scholars of Madînah set two criteria for that stage: attaining puberty and showing maturity. No particular age is specified.²⁴

Other information, which in *Tafsîr Al-Misbâh* explained that the prohibition on property starts with a ban on approaching the treasures of the weak the orphans. It is very reasonable, because they cannot protect themselves from

²³ Muhammad Asad, *op. cit.*, p. 279.

²⁴ *Ibid*, vol. 3, p. 1232.

persecution. Because of that, this prohibition does not merely prohibit eating or using, but also approaching it.²⁵

In observation of a number of scholars of the Qur'ân, verses that use the word "do not approach", usually the ban approaching something that can stimulate the spirit or desire to do so. Thus, the prohibition of approaching a meaningful prohibition to not fall into the seduction something potentially usher to do this step. Sex as adultery or when the wife is menstruating, as well as the acquisition of property by vanity (cheating), has a very strong stimulus. So that the Qur'ân forbids approaching.²⁶ The explanation / interpretation of the continuation of this paragraph, the author will explain in the next sub-chapter in the discussion of measures and weights.

While the latter, regarding on the prohibition of the Qur'ân against those who fail to worship God (because I was busy taking care of merchandise / commerce). This is explained by sûrah Al-Jum'ah[62]: 9-10.

يَتَأْتِيهَا الَّذِينَ ءَامَنُوا إِذَا نُودِيَ لِلصَّلَاةِ مِنْ يَوْمِ الْجُمُعَةِ فَاسْعَوْا
إِلَىٰ ذِكْرِ اللَّهِ وَذَرُوا الْبَيْعَ ۗ ذَلِكُمْ خَيْرٌ لَّكُمْ إِن كُنْتُمْ تَعْلَمُونَ ﴿٦١﴾
فَإِذَا قُضِيَتِ الصَّلَاةُ فَانْتَشِرُوا فِي الْأَرْضِ وَابْتَغُوا مِنْ فَضْلِ اللَّهِ
وَاذْكُرُوا اللَّهَ كَثِيرًا لَّعَلَّكُمْ تُفْلِحُونَ ﴿٦٢﴾

²⁵ M. Quraish Shihâb, *Op. cit.*, vol. 3, p. 734.

²⁶ *Ibid*, p. 735-736.

(9) O YOU who have attained to faith! When the call to prayer is sounded on the day of congregation, hasten to the remembrance of God, and leave all worldly commerce: this is for your own good, if you but knew it. (10) And when the prayer is ended, disperse freely on earth¹¹ and seek to obtain [something] of God's bounty; but remember God often, so that you might attain to a happy state!.²⁷

Quraish Shihâb explained that the above verse states: O ye who believe, if you are called upon, is the call to prayer is echoed by anyone, to pray at midday of Friday, then hurry up to make strong determination and step. Do not lazy, moreover ignore it, remember God and attend Friday prayer and sermon, leave the selling, namely all kinds of interaction in any form and interest, even all things that diminish attention to the Friday ceremony. Thus, attending the event on Friday, which is if you know the kindness, you may heed this command.

To dispel the impression that this command is a full day of worshipping God, as required to the Jews on Saturday, the above verse goes on to assert: Then, when the prayer has been fulfilled,²⁸ then if you want, go spread on earth for any purpose that justified by God and seek earnestly portion of the gift of God, because the gift of God is very much, and you may not be able to take it entirely, and remember Allâh a lot, don't let your earnestness to seek His blessings divert you.

²⁷ Muhammad Asad, *op. cit.*, p. 1173.

²⁸ M. Quraish Shihâb, *Op. cit.*, vol. 14, p. 58.

The call to prayer above and halt of all activities is when the *Khâtib* steps into the pulpit. Because at the time of the Prophet, the call of prayer was once. Later in the time of khalifah Utsmân, when the Muslims increasingly spread throughout all of side of Arab Peninsula, he ordered them to do call of prayer twice.²⁹ The first *Adzân* serves to remind - especially those who are far away - that will begin Friday ceremony soon and in order that they prepared to stop their activities.

The word of *Dzikru Allâh* is meant that the prayer and the sermon. While the word of *Fas'au* is taken from *Sa'â* originally means walking quickly but not running. Of course, it is not the purpose here, moreover there is the command of the Prophet, in order to get to the mosque, and someone must walk with dignity. He said:

حَدَّثَنَا آدَمُ، قَالَ: حَدَّثَنَا ابْنُ أَبِي ذُئْبٍ، قَالَ: حَدَّثَنَا الزُّهْرِيُّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَعَنِ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «إِذَا سَمِعْتُمُ الْإِقَامَةَ، فَامْشُوا إِلَى الصَّلَاةِ وَعَلَيْكُمْ بِالسَّكِينَةِ وَالْوَقَارِ، وَلَا تُسْرِعُوا، فَمَا أَدْرَكْتُمْ فَصَلُّوا، وَمَا فَاتَكُمْ فَأْتِمُوا» (متفق عليه)

"When the prayer was soon to be implemented (*Iqamat*), do not get there by fast walking (*sa'i*) but attend with *Sakinah*

²⁹ Indeed, when Sayyidinâ Âli ruled and is in *Kûfah*, he doesn't do *Adzân* twice, but only once according the traditions of Prophet Muhammad, the Caliph Abû Bakr, and 'Umar. But during the reign of Hishâm bin Abdul Mâlik, *Adzân* was done twice as during the reign of Utsmân

(calmness and dignity). A part of prayer that you find, do and complete the left. "(HR. *Bukhari, Muslim*, and others from *Abu Hurayrah*).³⁰

There is also the understanding of the word in the sense of walking, and according to them is a suggestion not a requirement.³¹

As for the ban on buying and selling in this verse, is understood by Mâlik which means the cancellation and compulsion to cancel the sale and purchase, if it is done at the time of preaching and prayer. Imâm Syâfi'iy did not mean this, but insisted its prohibition. That's all what was quoted by Quraish Shihâb in *Al-Misbâh*.³²

While Sayyid Qutb (1906M-1966M) got different impression. According to him, in this verse, it is recommended that they leave all life activities in order to concentrate on the *Dzîkr* in this time (Friday prayer). It indicates that the real break away from the affairs of trade and life is in order to welcome the call of prayer and enjoy it, because there is continuously teaching and permanent education for the souls of those who believe in. Therefore, there should be certain periods in which the heart must disassociate from all business and activities of life, so that the soul is completely empty, concentrating for God, and remembering to Him. Also enjoying and feeling a

³⁰ The hadîts into *Shahîh Al-Bukhâri* in 636 vol. 1 (see URsyamela.exe).

³¹ M. Quraish Shihâb, *Op. cit.*, vol. 14, p. 59.

³² *Ibid*, p. 60.

special taste for purifying themselves and connecting to *Al-Malail A'lâ*, and filling your heart and chest with *Dzîkr* of Allâh (sûrah Al-Jum'ah: 9).³³

Next, the command to scatter on the earth and seek His part of bounty in the above verse is not obligated command. In rule of Islamic scholar state: "If a command is obligatory, followed by subsequent command, the latter hints permitted command. The verse of 9th commands the believers to attend a ceremony of Friday, the command is obligatory. Thus, the next command (scattered in the earth) is not a mandatory command, but permissible / allowed."³⁴

It also shows the balance of the Islamic *Manhâj* characteristic. Namely, the balance between the demands of world's life which consist work, fatigue, activity, effort, and the demands of spirit which isolate ego from the atmosphere of busy, accompanied by heart concentration and purifying in *Dzîkr*.³⁵

The next verse (Sûrah Al-Jum'ah: 11) explains the existence of a group of people who do not properly fulfill command to attend a ceremony of Friday (Sûrah Al-Jum'ah: 9). These verses criticize them and no longer steer the conversation to them, in order to indicate that they do not deserve the honor of dialogue with God. This verse is like stating: Such is Our

³³ Sayyid Quthb, *op. cit.*, Vol. 6, p. 3569.

³⁴ M. Quraish Shihâb, *op. cit.*, vol. 14, p. 61

³⁵ Sayyid Quthb, *op. cit.*, Vol. 6, p. 3569.

Command to the Muslim, but there are some of those who are less to heed. They still continue to perform other activities, and if they see or know of the presence of goods, commerce or even game, they flock and disperse quickly toward them and they leave you standing delivering the sermon. Say to them and anyone as a teaching and warning: What on God's side, in the form of reward and His grace in this world and Hereafter for those who are not tempted of worldly luxury, is better than the game and trade without remembering God, although both are easier and more to get money, and God is the best giver, because God is the source of sustenance, while others are only intermediary. He gives even against the rebellious, while humans are not.³⁶

Dzirkullâh or remembering God in life activity for looking for sustenance and livelihood, and feel God's presence in it, is diverting all activities of life to worship. However, they must also provide a special period of time and purely activity solely for *Dzikir*, as suggested by the two verses above.³⁷

While Ibnu Katsîr (1301M-1372M) in his commentary shows a history relating to the down of this verse. According to him, in this verse, Allâh denounced the act of leaving the sermon on Friday to take care of merchandise which comes to the city of Medina at that time. Then this verse of sûrah Al-jum'ah 11 revealed. The word of *Qâima* is standing in the pulpit

³⁶ M. Quraish Shihâb, *op. cit.*, Vol. 14, p. 58-62.

³⁷ *Ibid*, p. 276.

while someone delivering the sermon. Such is mentioned by the scholars of *Tâbi'in*, they are including Abul 'Âliyah, Al-Hasan, Zaid bin Aslam and Qatâdah. Imâm Ahmad narrates from Jâbir, he said, an entourage of commerce ever came to the city of Medina. When the Prophet was preaching then the people who heard the sermon went out, only 12 people left. Then the verse came down: and when they see a commerce or game they broke to get to it.... Among the 12 people who remained with the Messenger were Abû Bakr and 'Umar.³⁸

2. Discussion of the size and scale

The majority of the verses collected in this study, include sub-chapter of measure and weight. For the author, this suggests the impression that the Qur'an more emphasizes the technical aspects which concern the practice of buying and selling than the theoretical aspects. From here, the instruction of the Qur'ân to create civil society / orderly society and safely is so obvious, especially in the economic and social fields.

From the data collected and selected, at least 7 verses that discuss size and scale, include; sûrah Al-An'âm[6]: 152, sûrah Al-Arâf[7]: 85, sûrah Al-Isrâ'[17]: 35, sûrah Ar-Rahmân[55]: 9, sûrah As-Syu'arâ'[26]: 181, sûrah Hûd[11]: 84-85, sûrah Al-Muthaffifîn[83]: 1-3. As for the explanation, the authors will describe one by one as follows.

³⁸ Ibnu Katsîr, *op. cit.*, vol. 8, p. 149.

a. Sûrah Al-An'am[6]: 152

وَلَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ يَبْلُغَ أَشُدَّهُ^ط
 وَأَوْفُوا الْكَيْلَ وَالْمِيزَانَ بِالْقِسْطِ لَا تُكَلِّفُ نَفْسًا إِلَّا وُسْعَهَا^ط
 وَإِذَا قُلْتُمْ فَاعْدِلُوا وَلَوْ كَانَ ذَا قُرْبَىٰ^ط وَبِعَهْدِ اللَّهِ أَوْفُوا^ج
 ذَلِكُمْ وَصْنَكُمْ بِهِ لَعَلَّكُمْ تَذَكَّرُونَ

And do not touch the substance of an orphan - save to improve it - before he comes of age." And [in all your dealings] give full measure and weight, with equity: [however,] We do not burden any human being with more than he is well able to bear; and when you voice an opinion, be just, even though it be [against] one near of kin. And [always] observe your bond with God: this has He enjoined upon you, so that you might keep it in mind.³⁹

“*Aufû Al-Kayla wa Al-Mîzâna bi Al-Qisth*”(Verse 152) This clearly applies to commercial transactions and requires people to do their best to ensure that everyone gets what is due to them. The sûrah provides a direct link between these transactions and faith, because this is the Islamic attitude. It is God who gives this directive and who urges people to give just weight and full measure.

Commercial transactions thus have a very real link with the question of Godhead and servitude. They are mentioned here in a context which clarifies that faith has a direct relationship with all aspects of life. *Jâhiliyyah*

³⁹ Muhammad Asad, *op. cit.*, p. 279.

societies, past and present, separate faith and worship on the one side and laws and human dealings and transactions on the other. An example of this separation is related in the Qur'ân as it tells us about the Prophet Syu`aib's people who said to him: "*syu`aib, does your praying require you to demand of us that we give up all that our forefathers used to worship, or that we refrain from doing whatever we please with our property?*" (11: 87) Hence, the Qur'ân makes this link between the rules governing financial and commercial transactions on the one hand and faith on the other, in order to make it clear that Islam makes both faith and human dealings integral parts of it, firmly established within its constitution.⁴⁰

In *Tafsîr Ibnu katsîr*, said { *wa Aufû Al-kayla wa Al-Mîzâna bi Al-Qisth* } order the exalted administration of justice in the taking and giving, and to let him say in sûrah Al-Muthaffifîn: 1-6. Your family is a nation of nations who were losing the double standard and the balance.

In the book *Al- Jâmi' li Abî 'Isa Al-Tirmidhiy*, from the hadits of Husain bin Qais Abî Âli Rahbî, from Akrama, Ibnu Abbâs said: *Rasulullâh* said: "You have been an order in which the above nations have perished before you." He said: We do not know him except from the hadîts of Al-

⁴⁰ Sayyid Quthb, *op. cit.*, vol. 3, p. 1233.

Husein, who is weak in talking, and he has narrated a valid attribution of Ibnu Abbâs.

I said: The son of *Mardu'ye*, in his explanation, from a partner talk about the marvels, narrated by Salîm bin Abî al-Jaid, about Ibn Abbâs said: The Messenger of Allâh (peace and blessings of Allâh be upon him) said: "You are the loyal people, may Allâh bless you with two of them that have perished in the advanced centuries: *Al-Mîzân* and *Al-mikyâl*".⁴¹

While according to Quraish Shihâb, this verse uses the editorial of command word (not prohibited word) which concerns the size and scale (*Aufû Al-Kayla wa Al-Mîzân bi Al-Qisth*). This, as quoted in *Al-Misbâh*, according to Tâhir ibnu 'Âsyur, to indicate that they are obligated to fulfill in perfect size and scale, as understood from the word of *Aufû*, which means perfect, so that their attention is not only on effort to not reduce, but also on perfecting it. Especially, when the measuring tool is still very simple. This command contains encouragement to increase the generosity and philanthropy, which is one they recognize and are proud of as a merit. As if it says to them, "Where is your charity which you race to show it? Shouldn't you show a merit at

⁴¹ Ibnu katsîr, *op. cit.*, vol. 3, p. 364.

the time of measuring and scaling, so you exaggerate the scale than justice? Not just reduce and steal it?”⁴²

The word *Al-Qisth*, contains a sense of fun of both parties in transaction (seller and buyer). Therefore, it not just means fair, especially if a justice which cannot please either party. Who abuses would not be happy to accept, even if sanction is fair. *Qisth* is not only fair, but also to make both sides happy and willing. Scaling and Sizing should please both parties, so that the verse above not only orders to perfect size and scale, but also orders the improvement with *Al-Qisth* not with *bi Al- 'Adl*.⁴³

“*Wa Idzâ Qultum Fa'dilû Walau Kâna Dzâ Qurbâ.*”

(Verse 152) Here the Qur'ân elevates the human conscience, already refined through a sense of watching God, to the even higher level of being guided by belief in God and the need to fulfill His commandments. Within the context of blood relations there lies a human weakness. People tend to think that family relations dictate mutual support in all situations. A human being knows that he himself is weak and lives only a limited period of time. With his relatives he finds strength. The wider his relations extend, the more firmly established is his existence. It is through his relations that his presence in this world is extended to future generations. For all this, a man is weak when it comes to testifying for or against his

⁴² M. Quraish Shihâb, *op. cit.*, vol. 3, p. 736.

⁴³ *Ibid*, p.736

relatives or to making a judgment between them and other people. Hence, the Qur'ân provides the necessary support so that a Muslim's conscience prompts him to say words of truth and justice, thinking only of his relationship with God and watching Him alone. This gives him the strength which outweighs by far any support he may have from his relatives, as he places his obligation towards God above his duties to his relatives.⁴⁴

Command of saying by this verse is associated with the word of *Idzâ*: if. That is, if you say so do justice. The mention of "if" in this verse, indicates that there is ability in man to be quiet and not saying anything if he is afraid to say the truth. In other word, it is obligated to remain silent and not to say that the speech is not right and not fair. "Anyone who believes in Allah and the Hereafter let him say the good word or remain silent."(Muttafaq alâih)⁴⁵

Again this particular instruction seeks to remind people of their covenant with God: "*Wa Bi 'Ahdillâhi Aufû.*" (Verse 152) It is part of that covenant that people should speak the truth, even when it affects their relatives. This covenant also requires people to give just weight and full measure and that they do not come near the property of an orphan except to improve it, and to treat human life as sacred, killing no one except in the course of justice. But

⁴⁴ Sayyid Quthb, *op. cit.*, vol. 3, p. 1233.

⁴⁵ M. Quraisy Syihâb, *op. cit.*, vol. 3, p.738

before all this, the covenant which exists between human beings and God dictates that they must associate no partners with Him. This is a pledge made by them and is strongly impressed on their nature by its very constitution. It is God who has made human nature firmly related to its Creator, feeling His presence through the laws that cover its own existence and the existence of the universe.⁴⁶

b. Sûrah Al-A'râf[7]: 85 and sûrah Hûd[11]:84-85

The author synchronizes these two verses because, although both has the same contents in general (even in one story, namely the *Madyan*), but has some differences. The first verse is:

وَالِى مَدْيَنَ أَخَاهُمْ شُعَيْبًا ۗ قَالَ يَنْقُورِمِ اعْبُدُوا اللَّهَ مَا لَكُمْ
 مِّنْ إِلَهِ غَيْرُهُ ۗ قَدْ جَاءَتْكُمْ بَيِّنَةٌ مِّن رَّبِّكُمْ ۗ فَأَوْفُوا
 الْكَيْلَ وَالْمِيزَانَ ۗ وَلَا تَبْخَسُوا النَّاسَ أَشْيَاءَهُمْ وَلَا
 تُفْسِدُوا فِي الْأَرْضِ بَعْدَ إِصْلَاحِهَا ۗ ذَلِكُمْ خَيْرٌ لَّكُمْ إِن
 كُنتُمْ مُؤْمِنِينَ ۗ

AND UNTO [the people of] Madyan [We sent] their brother Shu'ayb. He said: "O my people! Worship God alone: you have no deity other than Him. Clear evidence of the truth has now come unto you from your Sustainer. Give, therefore, full measure and weight [in all your dealings], and do not deprive people of what is rightfully theirs; and do not spread

⁴⁶ Sayyid Quthb, *op. cit.*, vol. 3, p. 1233.

corruption on earth after it has been so well ordered: [all] this is for your own good, if you would but believe.⁴⁷

Quraish Shihâb wrote in *Al-Misbâh, Madyan* in the beginning was the name of the son of Prophet Ibrâhim, and his third wife named *Qathura*, which he married at the end of his age. *Madyan* married to the daughter of Prophet Lûth, then the word "*Madyan*" is understood in the sense of the tribe of *Madyan's* descendants. The tribe is located on the Red Sea coast of southeast desert⁴⁸ of *Sinai*, namely among *Hijâz*, precisely is *Tâbûk* in *Saudi Arabia* and the Gulf of *Aqâbah*. According to some historians, their population is about 25 thousand people. While scholars pointed to the village of *Al-Aikah* as the location for their extermination, and there is also an opinion that *Al-Aikah* is another name of *Tâbûk*. *Tâbûk* city had ever been the scene of war between the Prophet Muhammad and the polytheists in IX H / 630 M.

Syu'aib is the name used by the Qur'ân and is known in Arabic. In the Old Testament, he is named *Rehuel* (output 2:18) also *Yitro* (output 3: 1). He was parent in-law of Prophet Mûsâ.⁴⁹

Muhammad ibn Ishâq said: They are from the "*Madyan Bin Ibrâhîm*" dynasty. And Syu'aib is the son of *Mikel Ben Yesger*: He is called Syriac: "*Yatsrun*". *Madyan*

⁴⁷ Muhammad Asad, *op. cit.*, p. 301.

⁴⁸ M. Quraish Shihâb, *op. cit.*, vol. 4, p. 201.

⁴⁹ M. Quraish Shihâb, *op. cit.*, vol. 4, p. 202.

was from the tribe and to the city which is next to us from *Hijâz* Road, Allah Almighty said: And when the water of a *Madyan* found him a nation of people pouring [stories: 23] And they are the owners of the *Aikah*, as we will remind him, if God wills and with confidence he said “*Yâ Qâumi ’budû Allâha Mâ Lakum Min Ilâhin Ghairuh*”. This is the invitation of all the messengers. That is, God has established arguments and evidence to believe what I have come to you, and then preach them in treating people by completing in measuring and weighing and not underestimate people in their things, that is, don't betray people in their money and take it on the face of the understatement. It is a lack of measuring and weighing as the Almighty said in sûrah Al-Muthaffifîn: 1-6.⁵⁰

The word *Tabkhasû* /you reduce, derived from a word *Bakhs* which means deficiency due to fraud. Ibnu ‘Arabiyy (1165M-1240M), as quoted by Ibnu ‘Âsyur, defines this word in the sense of a reduction in the form of reproach, or worsen, unpopular, fraud in value, cheating in size and scale with exaggerating or diminishing.

From the verse above shows that the prophet Syu’aib emphasizing three main points –after oneness- which should be a concern of his people, *the first* is maintaining harmonious relation, particularly in economical and financial

⁵⁰ Ibnu Katsîr, *op. cit.*, vol. 3, p. 401.

interaction. *The second* is maintaining the system of society and the public welfare. *The third* is religious freedom.

Al-Biqâ'iy states "So it's better for you if you are believers" in the sense of believers are rewarded for their activities based on the faith and this makes it better for them. In the contrary, the unbelievers are not obtaining any little reward in the Hereafter. While Thabathaba'i understands the goodness of scaling improvement is a sense of security, peace and welfare of the community life.⁵¹ All this is achieved by harmonious relation among members of the community, which is everyone gives any excess of need and receives a well-balanced with the rights of each. This certainly requires a sense of security regarding measuring equipment, dose and scale. Who justifies himself defraud someone, it drove him to justify similar treatment to anyone, and it drove to the spread of fraud. When it happens, a sense of security will not be created.⁵²

The next verse, namely sûrah Hûd[11]: 84-85 states:

وَإِلَىٰ مَدْيَنَ أَخَاهُمْ شُعَيْبًا ۖ قَالَ يَنْقَوْمِ أَعْبُدُوا اللَّهَ مَا لَكُمْ مِنِّ
 إِلَهٍ غَيْرُهُ ۗ وَلَا تَنْقُصُوا الْمِكْيَالَ وَالْمِيزَانَ ۚ إِنِّي أَرَأَيْتُمْ بَخِيلٍ
 وَإِنِّي أَخَافُ عَلَيْكُمْ عَذَابَ يَوْمٍ مُّحِيطٍ ﴿٨٤﴾ وَيَنْقَوْمِ أَوْفُوا

⁵¹ M. Quraish Shihâb, *op. cit.*, vol. 4, p. 202.

⁵² *Ibid*, p. 203.

الْمِكْيَالَ وَالْمِيزَانَ بِالْقِسْطِ ۗ وَلَا تَبْخَسُوا النَّاسَ
 أَشْيَاءَهُمْ وَلَا تَعْتُوا فِي الْأَرْضِ مُفْسِدِينَ ﴿٨٥﴾

(84) AND UNTO [the people of] Madyan [We sent] their brother Shu'ayb. He said: "O my people! Worship God [alone]: you have no deity other than Him; and do not give short measure and weight [in any of your dealings with men]. Behold, I see you [now] in a happy state; but, verily, I dread lest suffering befall you on a Day that will encompass [you with doom]!" (85) Hence, O my people, [always] give full measure and weight, with equity, and do not deprive people of what is rightfully theirs, and do not act wickedly on earth by spreading corruption.⁵³

The main issue here is honesty and justice, which comes second only to the issue of faith and submission to God. In other words, it is the issue of the law which governs business dealings on the basis of faith. The people of *Madyan*, whose country was an enclave of land lying between *Hijâz* and *Syria*, used to give short measure and weight, thus wronging other people in respect of what was rightfully theirs. That is, they used to give other people less than the value of their goods. Their misconduct reflected badly on their integrity and honor and showed that they were far from clean both externally and at heart. Their geographical position meant that they were able to control the trade route of the caravans moving between the north

⁵³ Muhammad Asad, *op. cit.*, p. 452.

and the south of Arabia. This enabled them to dictate unfair terms on other peoples' trade.

Here we see the link between believing in God's oneness and submission to Him alone on the one hand, and honesty, fair trading, honorable transactions and combating all kinds of cheating and stealing, whether perpetrated by individuals or governments, on the other. This relationship appears to be a safeguard ensuring a better human life, justice and peace among people. It is the only safeguard based on fearing God and seeking His pleasure. Hence, it has a very solid foundation which cannot be influenced by special interests or personal desires.

In the Islamic view, business dealings, and morality generally, must have a solid basis which is not influenced by changeable factors. Thus Islam differs fundamentally with all other social and moral theories devised by human beings and governed by their differing bents of thought and their temporary interest.

When business dealings and morality have such a solid basis, they are not influenced by immediate or material interests or by differing environments with different factors and considerations. Hence, rules of morality and those that govern human dealings are not subject to whether people are nomadic, agrarian or industrialized. Such changeable factors lose their influence on the moral concepts of society or the moral values which govern business transactions when the

basis of legislation for all spheres of life is divine law. Then the essential basis of morality is to seek God's pleasure, hoping to win His reward and avoid His punishment. All that is advanced by human-made theories and doctrines about morality being the product of the economic situation and the social conditions prevailing in a particular society become meaningless in the light of Islamic moral theory.⁵⁴

The word of *Khaira* /well may be extended again in its meaning. So it is not just limited to the material, but also spiritual, in the sense of your healthy in mind and having the knowledge that should be used to serve God Almighty, and to build a world, not associating God, not also vandalizing. The meaning of the sayings of the Prophet Syu'aib which can also be accommodated by the sentence: actually, I see you in good condition, is I am looking at you with a positive outlook, in the sense that I try to always expect a favor for you, and therefore I advise you and guide you.

Muhith said *Ahâtha* drawn from the word which means covering. Something that must be covered by that enveloped controlled. And, if you say: the cover, everything was accommodated by the day-either the punishment or not-has been in power that enveloped him. Punishment in the hereafter can also occur in the world. Punishment in the world included anxiety and aggravation that causes discord

⁵⁴ Sayyid Quthb, *op. cit.*, vol. 4, p. 1917.

and hostility that includes everyone, that is when the moment of fraud has been rampant, both in the economic as well as other transactions.⁵⁵

With the improvement measures and weights, will create a sense of security, peace, and the welfare of society. All this is achieved through harmonious relations among members of the community, which among others; by the way each one gave any excess of its needs and receives a well-balanced with the rights. This of course requires a sense of security regarding measuring equipment, both dose and scales. He who justifies to himself defraud someone, it drove it to justify similar treatment to anyone. And this, in turn, disseminates fraud. When that happens, a sense of security will not be created.⁵⁶

Syu`aib repeats his advice positively after having expressed it in the form of a prohibition. “*Wa Yâ Qoumi Aufû Al-Mikyâla Wa Al-Mîzâna Bi Al-Qisth*” (Verse 85) To give full measure and weight is more expressive than not falling short on both of them. It is closer to giving others more than their due. Different forms of expression have different connotations and leave different effects. The effect of giving full measure and full weight is much more kindly than that of not falling short.

⁵⁵ M. Quraish Shihâb, *op. cit.*, vol. 5, p. 712

⁵⁶ *Ibid*, p. 715

“*Wa Lâ Tabkhasu An-Nâsa Ashyâ ahum.*” (Verse 85)

This is much more general than what is valued according to measure and weight. It stresses the fair evaluation of everything which belongs to others, whether this evaluation is in weight, measure, price or otherwise. It also includes material as well as moral evaluations. It may be said to further encompass actions and personal qualities. The Arabic term used here includes both the material and the abstract.

When people suffer maltreatment in respect of what rightfully belongs to them, this gives rise to bitterness, grudges and despair. Such feelings can only ruin society and destroy social links as they adversely affect consciences and hearts. They leave no room for anything good in life.

“*Wa Lâ Ta'tsau Fi Al-Ardli Muhsidîn .*” (Verse 85)

They must not willingly seek to spread corruption because it rebounds on them. Instead, their hearts should awaken to something far better and far more rewarding.⁵⁷

c. Sûrah Al-Isrâ'[17]: 35

وَأَوْفُوا الْكَيْلَ إِذَا كُلْتُمْ وَزِنُوا بِالْقِسْطَاسِ الْمُسْتَقِيمِ ۚ ذَٰلِكَ خَيْرٌ
وَأَحْسَنُ تَأْوِيلًا

And never concern thyself with anything of which thou hast no knowledge: verily, [thy] hearing and sight and heart - all

⁵⁷ Sayyid Quthb, *op. cit.*, vol. 4, p. 1918.

of them - will be called to account for it [on Judgment Day]!.⁵⁸

Said *Wa Aufû Al-Kayla Idzâ Kiltum* means without being greedy, *Wa Lâ Tabkhasu An-Nâsa Ashyâ ahum, Wazinû Bi Al-Qisthâsi*, it means *Mîzân*. And said *Mustaqîm* means that does not warp and no deviation or disturbance that is good for you in your salary and your refund.⁵⁹

And this balance, he said: And he mentioned to us that the Prophet (peace and blessings of Allah be upon him) used to say "no man can be *Harâm* and then let him have nothing but the fear of God, not to be replaced by God in his urgent life before the afterlife."⁶⁰

Said *Al-Qisthâs* or *Al-Qusthâs* there who understand in the sense of balance, there were also in the sense of fair. Both meaning it can be brought together, due to realize the manifestation of justice, you need benchmarks (definite balance / weight), and vice versa, if you use a balance is right and good, must justice will appear. It just that, if we conceive this verse was intended for Muslims, understand as the balance more precise and appropriate; while shall sûrah Al-An'âm, because he was sarcastic to freely (*Musyrikîn*), there is used the word *Qisth* in which means fair to

⁵⁸ Muhammad Asad, *op. cit.*, p. 582.

⁵⁹ Ibnu Katsîr, *op. cit.*, vol. 5, p. 68.

⁶⁰ *Ibid*, p. 69.

suggested that deal they do not be fair. According to Ibnu Âsyur.⁶¹

Consummation and correct balance the scales by verse above are expressed good and better as a result. This is because the measure or weight bore safety, convenience, and welfare public life. Everything can be achieved through harmony the relationship between people, who among others if each party makes no overgrowth of needs and receive balanced of their rights. It would require security for measuring instrument, good measure and weight. Who confirmed for this reduce the right one, led her justify similar treatment to anyone and it take to great cheating. If that happens, security will not be created and this is certainly not being good for individuals and the community.

The use of word *Idzâ Kiltum* (when you measure) is emphasis on the importance of the measure, not once but twice, but every measure, small or big, to friends or opponents. In the sûrah Al-An'âm: 152, words were not mentioned. This might because here order was preceded by the word *Idzâ*/when submit to a repetition of the occurrence of something. On the other hand, said was intended for the Muslims, while sûrah Al-An'âm is satire to freely (*Musyrikîn*). A Muslim in charge him to improve the rights

⁶¹ M. Quraish Shihâb, *op. cit.*, vol. 7, p.84.

of others, at any time, and just not underestimated truth is especially ignore it.⁶²

The relevance of fulfilling promises and giving fair and full measure and weight is readily apparent, both in meaning and expression. This makes the progress from one to the other easy and smooth. To be fair in transactions and to give full weight and measure are actions which mark honest dealing and good faith. Thus internal dealings within the community are set on the right footing which promotes trust and honesty, and ensures blessings all rounds: “*That is fair, and best in the end.*” (Verse 35) It is good in this life as it maintains fairness, and better in the hereafter as it ensures good reward.

The Prophet (peace be upon him) said: ‘Anyone who is able to secure unlawful gain yet abandons this for no reason other than fearing God will certainly receive from God what is better than such gain here in this life, before they receive their reward in the life to come.’”

Giving in to greed and stinginess in weight and measure betrays meanness and dishonesty which destroys trust within the community. It leads to poor trading, and a lack of blessings and trust in the community. This is bound to have repercussions on individuals who find themselves losers after they had thought to gain through selling people

⁶² *Ibid*, p. 85-86.

short. Whatever gain they may make is superficial and short-lived. Stagnation of trade, which is a by-product of such stinting, is certain to show its effects on individuals.

This is a fact, recognized by far-sighted business people. They maintain honesty as a business principle not because of any ethical, moral or religious motive, but because they see from practical experience that it deliver much better gain. Thus one person may be fair in business and give full weight and measure for practical and trade reasons while another does the same as part of implementing his religious convictions. The difference between the two is that the latter gets all the benefits received by the former in addition to maintaining a clear conscience and looking towards higher horizons. He benefits by a much broader vision of life. This clearly shows that Islam fulfils the objectives of practical life while building its wider concepts and happier environment.⁶³

d. Sûrah Ar-Rahmân[55]: 9

وَأَقِيمُوا الْوَزْنَ بِالْقِسْطِ وَلَا تُخْسِرُوا الْمِيزَانَ

Weigh, therefore, [your deed] with equity, and cut not the measure short!⁶⁴

Verse above are like stated: god has appointed system also control the circulation of the sun and moon and he who

⁶³ Sayyid Quthb, *op. cit.*, vol. 4, p. 2226.

⁶⁴ Muhammad Asad, *op. cit.*, p. 1119.

also has exalt to the skies after previously heaven and earth is one clots, and he put down in the balance of justice and balance, stretches of good thing that weighed and measured, and therefore it the set up is perfectly weight, namely the balance justice, in the all against all parties although against yourselves. Establish with justice so that benefit all parties and do not violate the balance with the form of a reduction anything to not diminished also the balance weight your deeds and admit in the hereafter.

The word *Mîzân* means instrument of weigh. This word commonly also had in the sense of justice, either in the sense of putting something in place or in the sense of balance. Thâhir ibnu Âsyur understands said *Mîzân* on this verse in the sense of justice. According to him, Allâh juxtaposed the word sky with scales (justice) to indicate how important and great the justice is by attributing it to the higher realms, which is also the realm of truth and virtue, and that justice descends from heaven to earth on the command of Allah. That is why, over and over the Qur'ân mentions justice (*Al-Haq*) coinciding with the creation of the heavens, among others, in sūrah Yûnus[10]: 5, sūrah Al-Hijr[15]: 85, and sūrah Ad-Dukhân[44]: 38-39.⁶⁵

It can also be understood in the sense of equilibrium set by God in the regulation of the system of the universe, so

⁶⁵ M. Quraish Shihâb, *op. cit.*, vol. 13, p. 283.

that each circulated equally according to the level set by Him. The balance placed by God is in the form of the forces of every celestial body, so that each circulated in a certain degree. The description of how vast the power and knowledge of God is, there are billions of heavenly bodies in the sky.

The word *Mîzân* in the three verses above, repeats in every verse, although the meaning of each is different. The verse '*Allâ Tathghau Fi Al-Mîzân*' is an interpretation of God's purpose of placing / lowering the mizan. If the *Mîzân* is understood in the sense of justice, then this verse means that Allâh decreases and establishes justice in order that man, in doing all his activities, is always based on justice, both to himself and others. If the *Mîzân* is understood as a balance, it means that man is led by God to do the balance in all his activities. A person's expenses must be balanced with income, the guest that he invites must be balanced with the capacity of the room and banquet, the planned child must be balanced with the ability and condition (prospective) parents.

The word *Aqîmû* is used as a command to execute something in continuous and complete compliance with the terms and recommendations-recommendations related to it. Hence, the word is always used in the command of prayer.

The word *Tathghau* acquired from the word *Thaghâ* which means "beyond the limits by deliberately and with the

attitude of understatement. Then, in the next sentence, *Fi Al-Mîzân* contains the meaning of the prohibition do the slightest deviation in terms of weighing and measuring. Because the word *Mîzân* here not only with regard to matters which weighed, but also measured the length, width, and so on.⁶⁶

The word *Qisth* could be interpreted fairly. In terms of weighing, doing business, even she should deal or interact in General, harmonious relationship is expected and it cannot be done unless all parties involved feel happy and contented.⁶⁷

e. Sûrah As-Syu'arâ[26]: 181

أَوْفُوا الْكَيْلَ وَلَا تَكُونُوا مِنَ الْمُخْسِرِينَ

"[Always] give full measure, and be not among those who [unjustly] cause loss [to others]⁶⁸.

This passage tells the story of the Prophet Syu`aib which, from a historical point of view, comes before that of Moses, but it is told here for the lessons involved in all the stories given in this sûrah. The dwellers of the 'wooded dales' were most probably the people of *Madyan*. It seems that *Madyan* was close to this wooded land, thick with trees,

⁶⁶ M. Quraish Shihâb, *op. cit.*, vol. 13, p. 284.

⁶⁷ M. Quraish Shihâb, *op. cit.*, vol. 13, p. 285.

⁶⁸ Muhammad Asad, *op. cit.*, p. 779.

as the Qur'ânic description implies. *Madyan* lies close to the Gulf of `Aqaba, in the area between the *Hijâz* province of Saudi Arabia and Palestine. Syu`aib began in the same way as other prophets calling on people, explaining to them the basic essentials of faith, and making it clear that he sought no gain in return for his advocacy. He then spoke to them about the ills that plagued their own society:

“Give full measure, and be not of those who give others less [than their due]; and weigh with even scales; and do not deprive others of what rightfully belongs to them; and do not act wickedly on earth spreading corruption.” (Verses 181-183)

As clearly mentioned in sūrah 7 and 11, The Heights and sūrah Hūd respectively, they used to give people short measure whenever they weighed things out for them. They also used their power to take more than what was rightly theirs, while they would give people less than what was due to them. They would buy things for less than their fair price, but would sell for higher prices. It appears that they lived close to the caravan trade routes, and this enabled them to dictate their terms. The messenger God sent them counseled them to pursue fairness in all such dealings. He preached the true faith which inevitably requires good treatment of others,

and which cannot overlook injustice in dealings and interactions between people.⁶⁹

This verse tells the story of a counsel who delivered Prophet Syu'aib to his people. At the moment after advice was delivered, they then ask the Prophet Syu'aib "what shall we do?" He said: "Just when you have to perform for others, as you have for yourselves, and ye shall not include one member of the group known as the people who harm themselves due to the detriment of others; and in addition, weigh for yourself and for others with proper scales as well as straight. And do not harm humans on his stuff, i.e. his rights, by reducing the levels of or the value and do not create evil on Earth by becoming a destroyer-destroyer in any form after the repair is done by God or man.

Tabkhasû/words you cut down fetched from the word *Bakhs* which means a shortage due to cheating. Ibn 'Arabi, as quoted by Ibn 'Âsyur, defines this word in the sense of the reduction in the form⁷⁰ of denouncing or worsen, so it is not acceptable, or fraud in the value, or cheating in the scales and measure with Add or reduce .

The word *Al-Qisth* or *Al-Quthâs* anyone understand it in the sense of balance there is also in the sense of the fair. This word is one of the foreign words, in this case the Roman language enter acculturated into the Treasury of

⁶⁹ Sayyid Quthb, *op. cit.*, vol. 5, p. 2615.

⁷⁰ M. Quraish Shihâb, *op. cit.*, vol. 9, p. 330.

Arabic used in the Qur'ân. So the opinion of Mujâhid found in *Sahîh Al-Bukhâri*.

The word *Ta'tsau* taken away from the word 'Atsa and 'Âtsa i.e. destruction or hasten to do destruction so that if it does not then hastened the destruction cannot be tolerated, but the intent is don't do the demolition by accident. The use of that Word suggests that hasten the consequence follow lust does not produce except damage.⁷¹

The Prophet Syu'aib led his family to avoid the many violations, starting from a specific offence which has taken them to do, namely reducing measure and scales, then followed with a ban that is broad and includes the prohibition, i.e. do not reduce/take the rights of others, whether in the form of reduced scales as well as stealing their property, or cheat, Rob, or reduce the rights which should be acceptable to someone.

The word *Al-Jibillah* se root with the word *Al-Jabal* i.e. mountain. On that basis, it was conceived by Al-Biqâ'i in the sense of the people or groups that are powerful and entrenched as the robustness of the *Al-Jabal* i.e. mountain. Thabathaba'i understand it in the sense of the people who have God plug it in themselves, the mentality of hate and evil instincts.⁷²

f. Sûrah Al-Muthaffifîn[83]: 1-3

⁷¹ M. Quraish Shihâb, *op. cit.*, vol. 9, p. 331.

⁷² M. Quraish Shihâb, *op. cit.*, vol. 9, p. 332.

وَيْلٌ لِّلْمُطَفِّفِينَ ﴿٦١﴾ الَّذِينَ إِذَا أَكْتَالُوا عَلَى النَّاسِ

يَسْتَوْفُونَ ﴿٦٢﴾ وَإِذَا كَالُوهُمْ أَوْ وَزَنُوهُمْ يُخْسِرُونَ ﴿٦٣﴾

(1) WOE UNTO THOSE who give short measure: (2) those who, when they are to receive their due from [other] people, demand that it be given in full (3) but when they have to measure or weigh whatever they owe to others, give less than what is due!⁷³

The word *Al-Muthaffifin* drawn from the word *Thaffa*/jumping – such as a fence or approaching or skip almost like glass is not full but is approaching and is almost full. Someone who had skipped a fence, for example, is a man who does not undertake a reasonable way. Likewise the no fill drinking glasses that it should be properly filled. The Word could also be drawn from the word *At-Thafaf*, i.e. a fight in measuring and weighing due to fraud, or from the word *Thafif*, i.e. something trifling, hinting that what is taken as a right that is not something that is simply applied a bit of quantity in the life of this world. Thus, among others, the meanings of the linguistic.⁷⁴

The sûrah opens with God's declaration of war against the stinters: "*Wailul Lil Muthaffifin*". The Arabic term, *way*, used for 'woe' implies destruction and ruin. The implication is the same whether we consider this verse as a statement of

⁷³ Muhammad Asad, *op. cit.*, p. 1266.

⁷⁴ M. Quraish Shihâb, *op. cit.*, vol. 15, p.141.

a future eventuality or a curse, for a curse made by God has the same effect as that of a statement about what is going to happen. The next two verses explain the meaning of the ‘stinters’ or defrauders as intended in the sūrah. They are those “*Al-Ladzîna Idzaktâlû ‘Ala An-Nâsi Yastaufûn , Wa Idzâ Kâlû hum Aw Wazanū hum Yukhsirûn.*” (Verses 2-3) They are those who want their merchandise complete and intact when they buy, but who do not give the right amount when they sell. The following three verses wonder at the defrauders, who behave as if they will not have to account for what they gain in this life. “*Do such people not think that they will be raised to life on a great day, the day when all mankind shall stand before the Lord of all the worlds?*”

The fact that the defrauders’ behaviour is tackled in this manner in a *Makkan* revelation is very interesting. *Makkan* sūrahs generally concentrate on the fundamentals, such as the assertion of God’s unity, the supremacy of His will and His dominion over the universe and mankind, and with assertions about the truth of revelation and prophethood, the truth of the Day of Judgment, reckoning and reward. The *Makkan* revelations also Endeavour to form and develop the moral sense and relate it to the fundamentals of faith. The tackling of a specific issue of morality, such as the stinting of weights and measures, or business dealings in general, is a later concern; it is more characteristic of *Madinan* revelations, which regulate the life of the

community in an Islamic state. The fact that this *Makkan* sūrah makes the issue of stinting its focal point therefore deserves careful consideration.

The first point to note is that in *Makkah* the nobility were very rich, but totally unscrupulous. They exercised a complete monopoly of trade in their business concerns. They organized the export and import trade using caravans which travelled to Yemen in winter and to Syria in summer. They had their seasonal trade fairs such as the '*Ukâz* fair which was held during the pilgrimage season. The fairs were for business dealings as well as literary activities.

The text suggests that the defrauders against whom war was declared belonged to the nobility and wielded much power and influence, enabling them to force others to succumb to their wishes. Several features of the Arabic wording used here connote that for some unspecified reason they were able to impose their will and exact in full. The meaning implied is not that they exacted their full due; for this would not justify a declaration of war against them. What is meant is that they obtained by sheer force what they had no right to demand. But when it was their turn to weigh or measure for others, they exercised their power by giving less than what was due.⁷⁵

⁷⁵ Sayyid Quthb, *op. cit.*, vol. 6, p. 3854.

Indeed this warning, coming so early in the *Makkan* period, gives an idea of the nature of the religion of Islam. It demonstrates that Islam embraces all sides of life and aims to establish a firm moral code which accords with the basic principles of divine teachings. At the time when this sūrah was revealed the Muslim community was still weak. The followers of Islam had not yet won power in order to organize society and the life of the community according to Islamic principles. Yet Islam demonstrated its opposition to those acts of flagrant injustice and unethical dealings. It declared war against stinters and threatened them with woe and destruction at a time when they were the powerful rulers of *Makkah*. It declared its uncompromising stand against the injustices suffered by the masses that it has never sought to lull into a state of lethargy and apathy.

This gives us an insight into the real motives behind the stubborn opposition to Islam by the masters of *Makkah*. They were undoubtedly keenly aware that what Muḥammad (peace be upon him) was calling for was not merely a matter of personal conviction which demanded no more than a verbal assertion of God's oneness and Muḥammad's prophethood, and a form of prayer addressed to God and not idols. They realized that the new faith would establish a way of life which would cause the very basis of their positions and interests to crumble. They were fully aware that the new religion, by its very nature, did not admit any partnership or

compromise with any worldly concepts alien to its divine basis, and that it posed a mighty threat to all *Jâhiliyyah* values. This is why they launched their offensive, which continued in full force both before and after the Muslims' migration to *Madînah*. It was an offensive launched to defend their way of life in its entirety, not only a set of concepts which have no effect beyond individual acceptance and personal conviction.

Those, in any age or land, who attempt to prevent Islam from organizing and ruling human life, also recognize these essential facts. They know very well that the pure and straightforward Islamic way of life endangers their unjust order, interests, hollow structure and deviant practices. Indeed the tyrannical stinters — whatever forms their stinting takes and wherever it is, in money and finance, or in rights and duties — are those who fear most the ascendancy of Islam and the implementation of its just methods.

The representatives of the two Arabian tribes of *Madînah*, the *Aws* and the *Khazraj*, who pledged their support and loyalty to the Prophet were also aware of all this. Ibn Ishâq, the Prophet's biographer, wrote: `Âsim ibn `Umar ibn Qatâdah told me that when the *Madînan* Muslims came to give their pledge to the Prophet, Al-`Abbâs ibn `Ubâdah Al-Anshârî, who belonged to the clan of Sâlim ibn `Awf, said to them: "You *Khazraj*! Do you know what your pledge to this man really means?" They answered "Yes, we

do.” His rejoinder was: “You are pledging to fight the rest of mankind, white and black alike! So it would be better to leave him alone now if you think you would give him up to his enemies in the event of your sustaining material losses or losing your leaders. If you do such a thing you will bring upon yourselves great humiliation both in this life and in the life hereafter. But if you feel that you will honour your pledges despite any sacrifice in money and men, then go ahead, because this will be best for you here and in the hereafter!” They said: “We offer our loyalty and support and declare our readiness to sustain any sacrifice, material or personal!” Turning to the Prophet, they asked him: “What will be our reward if we honour our pledges?” He said: “Heaven.” They said: “Stretch out your hand.” He did and they gave him their pledges of support.

These supporters, like the *Makkan* tyrants, were keenly aware of the nature of Islam. They realized that it stands for absolute justice and fairness in the social order it seeks to create. It accepts no tyranny, oppression, conceit, injustice or exploitation. Hence it faces the combined forces of all forms of despotism, arrogance and exploitation.⁷⁶

⁷⁶ Sayyid Quthb, *op. cit.*, vol. 6, p. 3855.

3. Related to regard to the consequences (good and bad) in accordance with the instructions of the Qur'ân

In this case the authors present two verses, the contents of the discussion shows the response of man against God's command (obey and ignore) and its aftermath. First, it is about compliance, that is explained in the sûrah An-Nûr Q.S./24:37.

رَجَالٌ لَا تُلْهِيمُهُمْ تِجَارَةً وَلَا بَيْعًا عَنِ ذِكْرِ اللَّهِ وَإِقَامِ الصَّلَاةِ وَإِيتَاءِ الزَّكَاةِ
 سَخَّافُونَ يَوْمًا تَتَقَلَّبُ فِيهِ الْقُلُوبُ وَالْأَبْصَارُ ﴿٧٧﴾

People whom neither [worldly] commerce nor striving after gain can divert from the remembrance of God, and from constancy in prayer, and from charity: [people] who are filled with fear [at the thought] of the Day on which all hearts and eyes will be convulsed.⁷⁷

Above paragraph uses the word *Tijârah* and *Bay'*. Both ordinary translated selling-buying. While scholars understand the word *Tijârah* in terms of buying, and *Bay'* in the sense of selling. There are also sets it apart, that the word *Bay'* has been used to describe the occurrence of transactions and getting profits, whereas the word *Tijârah* describing the profession of selling. Thus, someone who is not neglected by *Tijârah* is not necessarily he was not abandoned by *Bay'*. Thabathaba'i argues that the word *Tijârah*, if confronted with *Bay'*, it means continuity in efforts seeking sustenance by trading road, While *Bay'* is selling efforts that result in real advantages to its direct.

⁷⁷ Muhammad Asad, *op. cit.*, p. 741.

Ibnu ‘Âsyur understanding *Tijârah* in the sense of bringing goods to retain profits by way of selling it, while *Bay'* is selling something because of the need for price.

The word *Dzîkr Allâh* means remembering God with heart, i.e. not forgotten or off guard. The mention of God's dzîkr the intent is to remember him with a heart in continuous, the mention of prayer and *Zakat* containing *Amaliyyah Dzîkr* which is at certain times, the second mention of it in line with the mention of two words before, namely *Tijârah* and *Bay'*. With no carelessness by *Tijârah*, they always remember Allâh and never forget or neglect throughout the continuous efforts in order to seek profit (*Tijârah*), and not to forget the times when they're doing selling and profit (*Bay'*), nor do they forget the prayer performed at certain times it.⁷⁸

The word *Taqallub* is acquired from the word *Qallaba* which means to flip through. From the same root word *Qalb*, i.e. ' heart ', because the hearts are back and forth, once happy to once hard, once received at other times refuse and so on. When eyes and heart are in back and forth, it is caused by the fear of facing the threat of a punishment on the day of resurrection.⁷⁹

According to Sayyid Qutb in his *Tafsîr*: Needless to say, trade and commerce aim to make a profit. Yet although these believers are engaged in such enterprises, they are not diverted from their obligation towards God or their fellow human

⁷⁸ M. Quraish Shihâb, *op. cit.*, vol. 8, p. 563.

⁷⁹ *Ibid*, p. 564.

beings. Hence they attend regularly and properly to their prayers and pay their *zakât* and charity. These people “*are filled with fear of the day when all hearts and eyes will be convulsed.*” (Verse 37) On that day, people’s hearts and eyes will be in turmoil, unsteady. It is a day of utter fear and distress. Hence, they fear what may happen to them then. In order to spare themselves, they are never diverted by their immediate concerns of business and profit from attending to their duties towards their Lord.⁸⁰

The second paragraph in subsection of this chapter describes the House of men who do not adhere to the teachings of the Qur’ân, i.e. on sûrah At-Taubah[9]: 24.

قُلْ إِنْ كَانَ ءَابَاؤُكُمْ وَأَبْنَاؤُكُمْ وَإِخْوَانُكُمْ وَأَزْوَاجُكُمْ وَعَشِيرَتُكُمْ
وَأَمْوَالٌ أُكْتَفِرْتُمُوهَا وَتِجَارَةٌ تَخْشَوْنَ كَسَادَهَا وَمَسْكِنٌ تَرْضَوْنَهَا
أَحَبَّ إِلَيْكُمْ مِنَ اللَّهِ وَرَسُولِهِ وَجِهَادٍ فِي سَبِيلِهِ فَتَرْتَصُّوْا
حَتَّىٰ يَأْتِيَ اللَّهُ بِأَمْرِهِ ۗ وَاللَّهُ لَا يَهْدِي الْقَوْمَ الْفَاسِقِينَ ﴿٢٤﴾

Say: "If your fathers and your sons and your brothers and your spouses and your clan, and the worldly goods which you have acquired, and the commerce whereof you fear a decline, and the dwellings in which you take pleasure - [if all these] are dearer to you than God and His Apostle and the struggle in His cause, then wait until God makes manifest His will; and [know that] God does not grace iniquitous folk with His guidance."⁸¹

⁸⁰ Sayyid Quthb, *op. cit.*, vol. 4, p. 2520.

⁸¹ Muhammad Asad, *op. cit.*, p. 359.

Quraish Shihâb gave the explanation that the above verse does not mean banning loving family or property. Because the love of possessions and children is a human instinct. This verse only reminds not to love the things beyond the limits, making it selected while sacrificing the interests of religion. Because that's what the above verse so that it uses the word *Aḥabba* (you love). Indeed the love of something measured detika someone is exposed to two or more things to choose one of them. In this context, if the earthly pleasures of juxtaposed with divine values, and then to choose one of them, a larger love will be seen when dropping the option.

It should be noted, that's not always the interests of the mundane and the storage is contrary to divine values, and when it does no harm if the two are combined. Once again, the threat of this verse is aimed at situations in which required the existence of a choice regarding two things cannot be combined.⁸²

In the book of *Tafsîr Fî Zhilâlil Qur'ân* was explained that What is required here is certainly hard, and it is certainly of great importance. But thus are God's requirements. Otherwise, “*wait until God shall make manifest His will.*” (Verse 24) The only alternative is to have the same fate as those who perpetrate evil: “*God does not provide guidance to the evildoers.*” (Verse 24) This requirement is not obligatory merely on individuals.

⁸² M. Quraish Shihâb, *op. cit.*, vol. 9, p. 55-56

The whole Muslim community, and indeed the Muslim state, are also required to make the same choice. There is no consideration or bond which may have priority over those of faith and the struggle for God's cause.

God does not impose this obligation on the Muslim community unless He knows that its nature can cope with it. It is indeed an aspect of God's grace that He has given human nature this strong ability to cope with great demands when motivated by dedication to a noble ideal. Indeed He has given it the ability to feel a more sublime pleasure which is far superior to all the pleasures of this world. This is the pleasure or the ecstasy of having a tie with God Himself and the hope of winning His pleasure. It is also the pleasure of rising above human weaknesses, family and social pressures while looking forward to a bright horizon. If human weakness sometimes pulls us down, the bright horizon that looms large will give us a renewed desire to break loose of all worldly pressures to give faith its due importance.⁸³

⁸³ Sayyid Quthb, *op. cit.*, vol. 3, p. 1615.

CHAPTER IV

Analysis

A. Qur'ânic Verses Guidance About The Ethics of The Trader

What a glorious miracle of the Qur'ân. Based on the previous chapter, the author can take key points as a construction concept of ethics traders described in verses of the Qur'ân. From the theory of ethical trade in Chapter 2 and explanation of 11 verses of the Qur'ân at Chapter 3, authors understand there are at least three dimensions of who wants to be touched by the Qur'ân, in relation to the ethics of traders in trading (buying and selling). *First*, the pre-dimensions of trade. That is, the Qur'ân gives explanations of things that need to be done by a human being (in this case it is the traders) and warning against the things that need to be avoided before making the trade. *Second*, the dimensions in the trade. That is, the Qur'ân gives explanations and instructions in the trade. The importance of things (dimensions in trade) is seen from the large number of repetitions of the word "measure and scales" (*Al-Kaila Wa Al-Mîzân*) by the Qur'ân and scattered in various verses. *Third*, post-dimension of trade. That is, the Qur'ân gives the explanation and also as a reminder to people that are still alive, but ever fails in the trade. In addition, there is also an explanation of the replies (in the form of reward or threat) to people who obey or defy instructions of the Qur'ân. Three of them are described in the following chapters sub.

1. Pra-Trading

The focus of the verses of the Qur'ân in relation to matters before the trade, is common. Because trade transaction is migration which is earthly possessions, then the Qur'ân gives warning to a ban on eating the treasure. This is as described in sûrah An-Nisâ'[4]: 29.

The first keyword is "*Lâ Ta'kulû Amwâlakum Bainakum Bi Al- Bâthil*". The word *Ta'kulû* means eat.¹ In the context of property, then the meaning is use or take. Quraish Shihâb got the impression that the word *Amwâlakum* (your treasures all) means the treasure together, even if there were personal possessions, it should also be enabled to shared/social needs.² It shows, the Qur'ân understand trade is not just a problem of cost-benefit as the present capitalist economic theory, but more constructive in nature, for the economic development of society and the common good. As for the word *Bainakum* that be used by the Qur'ân, hinting that the joint property always move from one person to another. During the treasure moved the right way and appropriate ethics so as not to harm the economy, a healthy

¹ On the other hand, there are people who understand it literally, i.e. consuming. Then, there is the understanding, in some communities in the village, if they get a treasure that is not too understand its origins (for example, assistance from the Government, finding treasures on the road, alms), will not be used to buy food or drinks, but others (such as clothing, jewelry, and home furnishings). Source: an interview with a resident on Ds. Ngoto, Kec. Gubug, kab. Grobogan, named Sugimah, on August 20, 2016.

² M. Quraish Shihâb, *Tafsîr Al-Misbâh*, (Jakarta:Lentera Hati, 2002), vol. 3, p. 497

community will be realized. But on the contrary, when there is a crime or cheating (*Bi Al-Bâthil*)³, It would ruin the economy of the community order.

The Qur'ân then mentions "*Illâ An Takûna Tijâratan 'An Tarâdlin Minkum*", this sentence is more personal than the previous sentence. Although etimologically, remains the plural, but the author gets a different impression. Especially in the use of the conjunction that connected with the word *kum*. At the beginning of the verse, the word that be used is *baina* (i.e. On *Bainakum*, amongst you all.), it had a social impression, i.e. (property) in the midst of (the community) all of you. While in the middle of a verse, it says *min* (i.e. at the word *minkum*, from all of you), who had a personal impression, that is (pleasure) of (each) of all of you. Although Quraish Shihâb gives the impression that it means in this context is characterized by *Îjab-Qabûl*⁴, but the author felt the need to explore it. Pleasure as a form of compliance, is a condition in which a person (in this context is traffickers, sellers and buyers) want and consciously accept a trade process according to agreement. Thus, the Qur'ân also used the word exception before mention about readiness, i.e. "*Illâ*". The impression that the author could of sentences in this verse is, "*could not eat a fellow human being except the*

³ The editor of the Qur'ân *Al-Bâthil* uses of the word, which is understood by Quraish Shihâb as "a violation of the provisions of religion or the agreed terms ". (See: M. Quraish Shihâb, *op. cit.*, vol. 3, p. 499)

⁴ M. Quraish Shihâb, *op.cit.*, vol. 3, p. 500

treasure with merchants way are willing". It does not mean, the Qur'ân negating how to eat/wear property of fellow other than by way of trade, but rather point out that it is most preferred by God in relation to the transfer of property, is trade. As for, that became the focal point of this verse is the willingness of all parties to the transaction.

The consequences of the Qur'ân mentioned in this verse so forcefully for people who don't comply (that is, the people who are eating the treasure his fellow man fraudulently, or trade with cheaters, or doing selling but with forced/readiness that false). "*Lâ Taqtulû Anfusakum*" for saving the author, had two impressions. *First*, kill the inhabitants. That is for people who are malicious, fraudulent and deceptive love his fellow man, his soul will be dirty because of sin. In fact, it is said, he would never calm down all his life. *Second*, kill yourself. That is for people who are too often losers due to the willingness of fake or forced to do actual harm and selling himself. Of course as a result not directly, but little by little. Isn't it a bit, entrepreneurs who go bankrupt because he too often losers?

In fact, the verses of the Qur'ân wants to give lessons for humans so careful in conducting trade, besides thinking about themselves (in money) also need to think of the people and the usefulness of the property within the community. Both must be balanced. Socialist communism which negates private ownership does not correspond to the teachings of the Qur'ân,

so is the capitalist materialism that prioritizes private ownership.

In addition to the prohibition of eating the treasure of his fellow man, the Qur'ân verses also hinted preventive (precautionary) against the abuse of property, and described in sûrah Al-An'âm[6]: 152. This vesre describes the prohibition of eating the treasure, which began with a ban on approaching the treasure house of weak, namely orphans. This is very reasonable, as they can't protect themselves from persecution. And therefore, this prohibition does not merely prohibit eating or using, but also the approach.⁵

Preventive gesture of the Qur'ân in this context so clearly, as the word "*Wa Lâ Taqrabû*" which shows how seductive her frail people (the orphans) for being bullied. If developed again, this verse also prohibits the exploitation of human beings, economic slavery – which is often practiced in the modern era of savvy capitalist economy, where the rich are always pressing, regulate, and control the weak.

Nevertheless, the Qur'ân also asserts the existence of exceptions, namely "*Illâ Bi Ihsân*". *Ihsân* is not kindness unilaterally (that is, either according to the property manager), but rather the good of weak clan is to be the main goal. For example, if the property is invested (in the form of savings, gold, land, or whatever, in order to develop) the risk is borne

⁵ M. Quraish Shihâb, *op. cit.*, vol.3, p. 734

entirely by the property manager. If there is any damage, be it judicial or financial, property manager is obliged to bear them responsible. Here thus looks so heavy the terms given to someone who would manage the treasure house of the weak. If contrast, in the sense of the treasure could have well developed, the property manager does not h the right to the property without the permission of the owner (orphans or weak clans). Thus, the Qur'ân expressly uses the word "*Taqrabû*", see the worst possibilities that could happen. Besides the House aims to protect the weak from oppression, it also wants to protect the people in General of the dirty property is not lawful.

Both of these verses (sûrah An-Nisâ'[4]: 29 and sûrah Al-An'âm[6]: 15) have similarities in the form of the order of the sentence. The beginning of the verse begins with the ban marked with the word "*Lâ*", then behind/in the Middle followed by exceptions are marked with the word "*Illâ*". The authors understand that this suggests a cue that the prohibition of eating the treasure and approached the treasure house of the weak is global, in a very broad sense. So, if a person is not justified under the pretext of wanting to do whatever this prohibition.

2. In-Trading

In relation to the activities of buying and selling, the verses of the Qur'ân that would be analyzed by the author that is related to the measure and scales that totaled 7 verses. Wording of the verbs that be used in this verse of the seventh is *Fi'il*

Amar (be command, positive meaningful) and *Nahi* (a ban on negative, meaningless). As for the basic things and then the writer understands of these verses, as a form of Ordinances are good or ethics in the trade, is as follows.

a. Uphold justice

Upright not simply implement something once or twice, but continuously. In relation to the ethics of a merchant in doing its job, it is described in sūrah Ar-Rahmân[55]: 9. So establish meaningful *Aqîmû*⁶. *Aqâma* (its form of *Fi'il Madhi*) means establish or enforce. *Fiil Amar* form than that used in other verses, in relation to a measure and scales, the word is most meaningful. However, the explanation of this verse cannot be separated from the preceding two verses, sūrah Ar-Rahmân[55]: 7-8. These three verses mentions said *Mîzân*. Quraish Shihâb renders *Mîzân* means tool weigh. The word is also understood in the sense of Justice, both in the sense of putting something in place as well as in the sense of balance.⁷ This verse gives the impression that justice in trade must always take precedence, even, according to the author saving, this can be a legal basis for the perpetrators (mainly traders) on improvements. He could be considered

⁶ The word *Aqîmu* is used as a command to execute something in continuous and complete compliance with the terms and some recommendations that are related to it. (See: M. Quraish Shihâb, *op. cit.*, vol. 13, p. 284)

⁷ M. Quraish Shihâb, *op. cit.*, vol. 13, p. 283.

not a good trader in spirit if not emphasise this aspect of Justice.

In addition, the previous two verses also mentioned about the creation of the heavens who lined up with said *Mîzân*, as a symbol of his sublime and high justice. The Qur'ân signaled that the creation of the universe, God has made fairness and balance as one of the basics of life. Thus, if there are humans who apply unfair, then it has violated rules in the system of the universe, and indirectly he had damaged himself.

b. Refine the measure and scales

In relation to the measure and scales, the Qur'ân most often use the word *Aufû* (complete), located in sûrah Al-An'âm[6]: 152, Al-Isrâ'[17]: 35, sûrah As-Syu'arâ'[26]: 181, sûrah Al-A'râf[7]: 85, sûrah Hûd[11]: 85. Perfect it means the best. Cue that want to shown the Qur'ân, according to the authors that is in trade, as a trader is willing to provide the best service. Even if the merchandise that is the raw material that preferential treatment should be weighed.

Then, in a variety of texts that use the word *Aufû*, also found differences, i.e., sometimes using adverbs *Bi Al-Qisth* (or *Al-Qisthâs* in the plural) in one verse, meaning more than just equally. Quraish Shihâb wrote that the meaning of *Al-Qisth* is when each glad and happy with what they got, so that both parties do not suffer losses,

even each other receiving about what to expect.⁸ This shows that in human relationships, the Qur'ân always heed the interests of individuals at once shared importance.

As for the others, not followed the words *Bi Al-Qisth* in one verse directly. In sûrah As-Syu'arâ'[26]: 181, mentioned at the end of the verse, *Wa Lâ Takûnû Mina Al-Mukhsirîn*. Indicates that the command of perfecting the measure will save someone from a loss. This verse could not be cut here, as 2 verses afterwards also are closely related thereto, namely sûrah As-Syu'arâ'[26]: 182-183. These two verses affirming the order to weigh in with *Qitshâs* (plural of *Qisth*) that straight/right, and bans do damage/crimes against fellow human beings on Earth. Information which is not much different with As-Syu'arâ', is also the author of sûrah Al-A'râf[7]: 85 and sûrah Hûd[11]: 85. These three series of this verses are sourced from the same story, the era of the Prophet Syu'aib who advises the House of *Madyan* in relation to social activity or *Mu'âmalah*.

c. Does not reduce and rigging

Not apply to fraudulent trading is described by the Qur'ân with various forms of the verb means prohibition (*Fi'il Nâhî*). *Fi'il Nâhî* is marked with the word "*Lâ*". There are three words that writer describes in this

⁸ M. Quraish Shihâb, *op. cit.*, vol. 3, p. 499.

discussion. First, *Lâ Tukhsirû* which means do not reduce or make a loss (sûrah Ar-Rahman[55]: 9). The impression given in this verse, is that prohibition reduces the scales as well as the prohibition of harming yourself. That is, if a fraud was carried out by a trader, then he will certainly be losers. In addition, he will lose the trust of its customers, reward and blessing of his livelihood will also be reduced or even lost. In fact, in the afterlife that later (in the day of weighing charity), the reward of his pious charity may be requested by people who during the world ever cheated him.

Second, *Lâ Tanqushû* which means do not reduce, contained in the sûrah Hûd[11]: 84. The author had the impression from this verse, any person (in this case, the trader) actually have the ability to refine the scales. However, still there are deceitful. In the use of diction, it chose to use the plural (meaning a lot) for the said measure, namely "*Mikyâl*". Author got the impression that this was a gesture of too large number of perpetrator-perpetrators of the fraud at the time of the descent of this verse, or frequency of cheating was too often. This was condemned by the Qur'ân, by showing the editor a stern punishment, namely *Adzab* (torment) in the end of the verse.

Third, *Lâ Tabkhasû*⁹ which means don't harm or reducing, which is contained in the sûrah Hûd[11]: 85, sûrah As-Syu'arâ'[26]: 183, and sûrah Al-A'râf[7]: 85. All of these three verses have in common meaning and understanding (started from the word *Lâ Tabkhasû*), namely the ban on reducing goods and other human rights as well as the prohibition to do evil and mischief on Earth. This shows the impression that cheating (measure and scales) is very often the case in trade relations. But the result is very bad. The Qur'ân use the Editor *Fasad* (broken) in various forms of (*Mufsidîn* in the sûrah Hûd and sûrah As-Syu'arâ', and *Tufsidû* in sûrah Al-A'râf). But if observed, the word *Fasad*¹⁰ intimately connected with major damage and disasters, as described in sûrah Ar-Rûm[30]: 41.

3. The Trading Post

The verses that are included into the category of a trading post had the impression and its function as a reminder, warning, and threats. The warning here is unmistakably different from warning of pre trading, that is aimed at people who have made a mistake in trading practices but there is still a chance to improve themselves (repent).

⁹ The word *Tabkhasû* is drawn from the word *Bakhs* which means a shortage due to cheating. The shape could be reprimanded, or worsen so slurred, or fraud in the value, or cheating in the scales and measure with Exaggerated or reduced. (See: M. Quraish Shihâb, *op. cit.*, vol. 4, p. 202).

¹⁰ The editor that is used in the Ar-Rûm 30:41, *Dhahara Al-Fasâdu Fi Al-Barri Wa Al-Bahri Bimâ Kasabat Aidi An-Nas*.

a. Reminder

A reminder that the writer here meant positive. That is, through his verses, God reminds back to man, that there is a group of obedient people according to the Qur'ânic guidance on trade. The Qur'ân describes about someone who doesn't fall asleep by the Merchandise in sûrah An-Nûr[24]: 37. The word used in this verse is *Rijâlun* (male), not *Al-Ladzîna*. If juxtaposed with the earlier description, then the impression gained is a lot more people who are inattentive because treasures and companionship than people who did not neglect¹¹.

Two words that are almost the same meaning exists in this verse, namely *Tijârah* and *Bay'*¹². Based on thrifty authors, these two words have different perspectives of understanding, namely *Tijârah* demonstrate trade in General as the word abstract¹³ that is very global, while the second *Bay'* shows the process of occurrence of trade as a

¹¹ For example, when compared with the sûrah Al-Muthaffifin[83]: 2, which uses *al-ladzîna*, as the pronoun for people who cheat.

¹² Some scholars understand the word *tijârah* in terms of buying, and *bay'* in the sense of selling. There are also set it apart, that the word *bay'* has been used to describe the occurrence of transactions and getting profits, whereas the word *tijârah* describes the profession of buying and selling. (see: M. Quraish Shihâb, *op. cit.*, vol. 8, p.563).

¹³ In relation to trade in the abstract, then the spaces in scope include viewpoints, ethics-ethics theoretically (recommendations and restrictions in the trade).

transfer of property and goods or services are technically¹⁴ in the field. Then, it uses the editor *Yakhâfûna* which means they are afraid, and *Al-Qulûb Wa Al-Abshâr*, as a sign that they (*Rijâl*) are afraid of things that are already known (in this context, the instructions of verse the Qur'ân concerning the procedures for trading correct). As for a reply to be received by people who obey this is explained in the next verse (sûrah An-Nûr[24]: 38), that God will give you a reply and add his bounty, without limits. *Bi ghairi Hisâb* shows the reply that cannot be calculated. These are the rewards of early process in selling and buying, that is to uphold justice continuously.

b. Warning

Twice the warning regarding the order to leave the selling activity to pray (editor of the verses, the prayer Friday), described the Qur'ân Sûrah Al-Jum'ah[62]: 9 and 11. The first warning that confirms the order, while the second warning that show the treatment of most people at the time (at the time of the revelation of verses) that despite the appeal of the Qur'ân. The editor that is used by the Qur'ân in verse Al-Jum'ah[62]: 9 is command sentence, not a ban, i.e. the words *Dzarû*, leave!. This shows that the recipients to whom the Qur'ân refers are people who are or

¹⁴ In relation to trade technically, covers, measure and scales, count the number of goods, warranties, handoff, notes, receipts, and other things etc.

have been doing *Tijârah* activities (trading, or buying and selling).

As for the verse to 11 is warned again for people who are neglected by *Tijârah* or *Lahwan* (play, jokingly). As the reason for the descent of this verse has been explained in the previous chapter, people who are referred to the Qur'ân here are not only them that remain in place do trading activities, but also they who had come to the mosque (to attend the ceremony Friday) but instead broke up and go because of the insistence on some dealers who come. The additional warning is confirmed the Qur'ân to show lessons about the importance of leaving the World Affairs to fulfil obligations.

c. The threat

At least, there are two forms of threat that are described by the Qur'ân relating to people who fall asleep with its trade affairs. First, it will not get God's instructions and is branded as *Fâsiq* (sûrah At-Taubah[9]: 24).

While the second, addressed to people who've been too Miss and has even been labelled (according to the editors of the Qur'ân) woe. It is attested in the sûrah Al-Muthaffifîn[83]: 1-3, starting with the word *wail*¹⁵ (woe). This word indicate the seriousness of the threat of the Qur'ân verse to the perpetrators of the fraudulent in

¹⁵ The word *Wail* was originally used by wearers of Arabic as the prayers of fall torment. (See: M. Quraish Shihâb, *op. cit.*, vol. 15, p.141).

measured and weighed, even the translation of the word *Muthaffifin*¹⁶ are people who cheat. A more ironical is that they reduce the measure or weight when they sold, but ask for extra when they buy. If illustrated, all people in the world like them, then indeed, civilization and economic life will be ruined and destroyed.

B. Implication of its ethical trader for the world trade

Selling is a form of convenience for humans to fulfill everything that relates to the needs of her life as social individual creatures. Along with the journey of human life, the progress of time and result and the development of the age in terms of trading (buying and selling). Islamic law justifies the selling and denounce the *riba*/the whole range of fraud and cheating in terms of buying and selling.

Buying and selling consist of the seller/trader and buyer/consumer, there is seller/trader who is fair and unfair, between fair and unfair traders, more unfair in the trade world, in other words the trader who is cheated/naughty, Example that be done by fraudulent traders in selling the following:

1. *Johar* market in *Semarang*, which many traders reduce the scales in sales fruits. Fruits about the cheating behavior in these scales have long occurred and often encountered that

¹⁶ The word *Al-Muthaffifin* is drawn from the word *Thaffa* or skip, approached; almost. It could also be drawn from the word *At-Thafâf*, i.e. a fight in measuring and weighing due to cheating. It could also be derived from the word *Thaff*, i.e. something that trifling. (See: M. Quraish Shihâb, *op. cit.*, vol. 15, p. 142).

kind of trader behavior that has been troubling the buyer. The buyer did not dare to reprove the Merchant regarding scales used in selling.

In practice, selling fruit in the market of *Johar Semarang*, a tool used to measure, using the scales as medium heavy equipment, such as Oz, kg, Quintal, tons. So in selling fruits by using the scales as a means to measure and scales have been developed in a way so the world of buying and selling. The behavior of the fruits at the market, some of them do *Johar* reduction scales. Such behavior often occurs in buying and selling using the appliance the scales as a media tool for example: traders give a wedge under scales.

2. The skyrocketing prices of beef in different regions. The beef that was supposed to cost about 70-thousand into 120-thousand. This is subterfuge seller how can they profit much, whereas the stock of cattle in Indonesia is still a lot and it is not reasonable.
3. In terms of quality, the seller says the item is the number one quality, but is actually a quality below. For seller it is certainly advantageous materially adverse, but morally. As do fruit merchants, electronic, etc.
4. Rise of the formalin meat sales and beef *gelonggong* which was difficult to distinguish between them, and the way the price offered was cheap. This is very detrimental to consumers, because it could make consumers exposed to various diseases.

5. Many rogue traders are utilizing by internet to benefit shortly with the diverse modes, such as showing a great stuff, after the transaction, the goods receipt is not as shown.

Cheatings of the rogue traders in addition to the detriment of the consumer or purchaser, is also not a blessing his merchandise. Thus, the author who is also a trader is very agree with the explanation in the book of *Etika Bisnis Islami* that work of *Johan Arifin* about ethic of trader. As for the ethics of traders described in the book are as follows:

- a. honest (*Shiddiq*)

In the Qur'ân, honesty in the trade was explained clearly and explicitly i.e. its honesty in some verses was related to the implementation of scales in sûrah Al-An'âm[6]: 152, as God says:

وَلَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ يَبْلُغَ أَشُدَّهُ^ط
 وَأَوْفُوا الْكَيْلَ وَالْمِيزَانَ بِالْقِسْطِ^ط لَا نُكَلِّفُ نَفْسًا إِلَّا وُسْعَهَا^ط
 وَإِذَا قُلْتُمْ فَاعْدِلُوا وَلَوْ كَانَ ذَا قُرْبَىٰ^ط وَبِعَهْدِ اللَّهِ أَوْفُوا^ج
 ذَٰلِكُمْ وَصْنُكُمْ بِهِ لَعَلَّكُمْ تَذَكَّرُونَ ﴿١٥٢﴾

And do not touch the substance of an orphan - save to improve it - before he comes of age." And [in all your dealings] give full measure and weight, with equity: [however,] We do not burden any human being with more than he is well able to bear; and when you voice an opinion, be just, even though it be [against] one near of kin. And [always] observe your bond with God: this

has He enjoined upon you, so that you might keep it in mind.¹⁷

If the dishonest action is usually performed in trade, also will color and give negative effect to private life and family merchant itself. Even further, the attitude and action as it will color and affect social lives.¹⁸

In the book mentioned only two verses of the Qur'an which suggests ethical traders on honest, in sūrah Al-An'ām[6]: 152 and sūrah Al-Muthaffifīn[83]: 1-3, but there is still another verse that shows ethical trader about the honest, another verses that is found by the author to complete the book in this case is in sūrah Al-A'râf[7]: 85, sūrah Al-Isrâ'[17]: 35, sūrah As-Syu'arâ'[26]: 181, sūrah Hūd[11]: 85, and sūrah Ar-Rahmân[55]: 9.

b. Responsible (*Amânah*)

The action is strictly prohibited by Islam in connection with its duties, obligations and liabilities and traders are stockpiling merchandise.

Hoard of merchandise with the aim of improving the request with the appropriate hoarders exorbitant prices of goods, is one form of cheating from the merchants in order to gain profit doubled. Stockpiling merchandise – especially of staple goods – are strictly prohibited by Islam! Due to such a

¹⁷ Muhammad Asad, *op. cit.*, p. 279.

¹⁸ Johan Arifin, *Etika Bisnis Islami*, Walisongo Press, Semarang, 2009, p. 156.

feat will only cause unrest in the community. And in practice, the hoarding of staple goods by society while merchants would cause or be followed by a variety of things such as negative; prices of goods in the market soared uncontrollably, certain items are hard to come by, the balance of demand and supply is interrupted, the emergence of the speculators who took the opportunity with the profit above the woes of society and others.

c. Not deceiving

We have experienced during this, buy sell, trade or commerce in the now mainly in free markets not much else found people who want to pay attention to Etiquettes of Islamic trade. In fact, almost everyone – the seller nor the buyer – no longer able to distinguish goods of *halâl* and *harâm*, where this situation is indeed already assumed will occur by the Prophet Muhammad, as stated in:. From Abû Hurairah, the Prophet Muhammad, said: "a man would come at the times that someone is not paying attention to what he was and the *Halâl* or *Harâm*." (Narrated By *Al-Bukhâri*).

On the ethics of trader about not deceiving, the authors found that discuss this and not found in the book ethic of business work by Johan Arifin in sûrah Hûd [11]: 84 as follows:

وَالِى مَدْيَنَ أَخَاهُمْ شُعَيْبًا قَالَ يَنْقُومِ اعْبُدُوا اللَّهَ مَا لَكُمْ مِّنْ
 إِلَهِ غَيْرُهُ ۗ وَلَا تَنْقُصُوا الْمِكْيَالَ وَالْمِيزَانَ ۚ إِنِّى أَرَأَيْكُمْ يَخْتَارِ
 وَإِنِّى أَخَافُ عَلَيْكُمْ عَذَابَ يَوْمٍ مُّحِيطٍ

(84) AND UNTO [the people of] Madyan [We sent] their brother Shu'ayb. He said: "O my people! Worship God [alone]: you have no deity other than Him; and do not give short measure and weight [in any of your dealings with men]. Behold, I see you [now] in a happy state; but, verily, I dread lest suffering befall you on a Day that will encompass [you with doom]!"¹⁹

It is indeed very unfortunate, why something like this should happen? While not only once the Prophet gave a warning to traders to do honest, no cheats in selling so as not to harm others²⁰ and loss of trust from the buyer or consumer.

d. Keeping promises

A dealer also sued for always keep his promise, either to the buyer as well as among fellow traders, of course, should be able to keep his promise to God Almighty. The promise must be promises kept by traders to its buyers for example; on time delivery, handed over the goods quality, quantity, color, size and or specifications pursuant to the agreement, give the puma sale service, warranty and more. While the promises should be promises kept to his fellow traders for example;

¹⁹ Muhammad Asad, *op. cit.*, p. 452.

²⁰ *Ibid*, p. 157.

payment with the amount and the time is right. And when a trader does not keep a promise, either to the buyer or to a fellow merchant then things that will be happen is a loss of confidence to traders who do not keep their promises and not blessings his merchandise, whether from buyers above or from other traders will no longer make transactions to merchants who do not keep their promises.

While the promise must be kept by Muslim traders to their God is like prayer. As the Word of God in sūrah Al-Jum'ah: 10-11 as follow:

فَإِذَا قُضِيَتِ الصَّلَاةُ فَانْتَشِرُوا فِي الْأَرْضِ وَابْتَغُوا مِنْ فَضْلِ اللَّهِ
 وَادْكُرُوا اللَّهَ كَثِيرًا لَعَلَّكُمْ تُفْلِحُونَ ﴿١٠﴾ وَإِذَا رَأَوْا تِجَارَةً أَوْ هَوْءًا
 أَنْفَضُوا إِلَيْهَا وَتَرَكُوكَ قَائِمًا ۗ قُلْ مَا عِنْدَ اللَّهِ خَيْرٌ مِّنَ اللَّهْوِ وَمِنَ
 التَّجَارَةِ ۚ وَاللَّهُ خَيْرُ الرَّازِقِينَ ﴿١١﴾

10. And when the prayer is ended, disperse freely on earth¹¹ and seek to obtain [something] of God's bounty; but remember God often, so that you might attain to a happy state! 11. Yet [it does happen that] when people become aware of [an occasion for] worldly gain or a passing delight, they rush headlong towards it, and leave thee standing [and preaching]"²¹.

²¹ Muhammad Asad, *op. cit.*, p. 1173.

e. Generous

Rasulullâh suggests people to be merciful in a trade. Being merciful means being kind, respectful, friendly, and full of responsibility.²²

Generous here is very important in the trade, either at the time the merchant or seller offers his goods the first time or after a sale and purchase transaction.

f. Not Forgetting Hereafter

Sale and purchase are world trade, whereas an obligation to implement Islamic law is trading of hereafter. Advantage of hereafter is better than profit of trade in the world. Muslim traders are never being too busy themselves purely to seek material benefits by leaving profits hereafter. So when it comes time to pray, they are obliged to implement them before the expiry time of the prayer. It would be nice if they rushed together to pray in congregation, when the call to prayer had echoed. Similarly, with the implementation of the obligation to meet the other pillars of Islam. Occasionally a Muslim trader should not neglect their religious obligations by reason of a flurry of trading.²³

In surah Al-Jum'ah: 9 explained that when echoed in the *Adzân* then rushed to pray and leave.

In practice as traders in Indonesia still less heed the suggestion of leaving all kinds of activities including buy sell

²² Johan Arifin, *op. cit.*, p. 158.

²³ Johan Arifin, *op.cit.*, p. 160.

or trade and rushing for prayers. Only a few traders are paying attention to this suggestion. In contrast to in Arabic, when arab traders hear the adhaan, they immediately shut their shops and immediately headed to the *Masjidil Harâm* or mosque of *Nabawî*. This needs to be in the example by the traders in Indonesia so that their trade into a blessing.

In addition, there are several things to be aware of the merchant according to the author, namely the following:

- 1) Traders must provide the best services to consumers, because consumers like right boss, so that consumers would feel have shopped according Islamic law, which consumers are not buying goods as you wish but according to needs.
- 2) The merchant must have knowledge of the goods sold to the consumer, so that consumers buy as needed, and does not purchase goods that are not beneficial for consumers even though the item is new, nice, and having guarantee.

CHAPTER V

CLOSING

The researcher explained **The Ethic of Trader according Qur'anic verses** clearly. In this last chapter, the conclusion will be formulated. In addition, the researcher also includes the suggestion and an epilog at the end.

A. Conclusion

After understanding the chapters before, it is known that this study contains about the ethics of a dealer/seller in the Qur'ân and the application of the principles of the ethics of trader/seller in the context of trade now. So, the author summarizes in several conclusions.

1. According to the Qur'ân, ethics of traders in the Qur'ân is divided into 3 dimensions, namely: *Firstly*, the ethics of merchants who carried out prior to the sale and purchase transactions (pre-trading). That is, the Qur'ân gives an explanation and warning against the things that need to be avoided before making the trade. Include the prohibition to eat the treasures in a way of *Bâthil*, this is as described in sûrah An-Nisâ'[4]: 29 as well as the prohibition of eating the treasure and approached the treasure house of weak clan, this is explained in sûrah Al-An'âm[6]: 152. *Secondly*, ethics that be done at the time of the sale and purchase activities (in trading). On the second subject, the author mentioned that ethics should be done by the merchant at the time of the

occurrence of a transaction is related to the measure and scales. Include the commands in enforcing justice (sûrah Ar-Rahmân[55]: 7-9), refine the measure and scales (sûrah Al-An'âm[6]: 152, sûrah Al-Isrâ'[17]: 35, sûrah As-Syu'arâ'[26]: 181, sûrah Al-A'râf[7]: 85, and sûrah Hûd[11]: 85), as well as reduce and rigging (sûrah Ar-Rahmân[55]: 9, and sûrah Hûd[11]: 84). *Thirdly*, the post-categories of trading has impression and its function as a reminder (sûrah An-Nûr[24]: 37), warning (sûrah Al-Jum'ah[62]: 9-11), and the threat (sûrah At-Taubah[9]: 24 and sûrah Al-Muthaffifîn[83]: 1-3). That is a warning aimed at people who have made a mistake in trading practices.

2. The implication of ethic of trader in the Qur'ân to world of trade is get the blessing if doing the buying and selling of appropriate ethical trade in was a prophet, as described in the book of the Islamic business ethics work of Johan Arifin. In the book mentioned ethics traders there are 6: honest, responsible, did not cheat, keeping our promises, generous, not forgetting the hereafter. If the trader ethic is not done by the merchant then it will negatively impact upon private life and merchant family itself, even further, the attitude and action as it will affect social lives and coloring. Another negative impact, namely the prices of goods in the market soared uncontrollably, certain items are hard to come by, the balance of demand and supply is interrupted, the emergence of the speculators that utilize chance with profit over society's woes etc.

B. Suggestion

The research of researcher do with title Ethic of Trader in the Qur'ân by using a thematic approach, it is restricted to the research question from the topic of research. Therefore, research on the topic of Ethic of Trader in the Qur'ân is still very possible to be developed more to enrich the islamic intellectual. More over, toward study of Tafsîr and Hadîts, even more the knowledge of ethical trader. Becomes a good social ethic for economic society.

C. Epilogue

After all of processes, this thesis is complete. I would like to say “thanks” to all who helped the researcher to think, discuss, and write this work. The researcher learned many things from this study. It is a huge proud if this study can expand the knowledge, understanding and interpreting of the Quran. But, the researcher aware, this work is far from the perfect. The researcher would accept all suggestions and critics from the readers, in order to be learning and educating.

At the last, I hope this study can be useful for all of readers.
Salam.

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