

## CHAPTER IV

### ANALYSIS

#### A. A Limitation Of Responsibility In The Relation Between Producer And Consumer

Limitations of responsibility in the Islamic business ethics are not described in detail what is included in it. Similarly, with the issue of how a person is producing a product. There is not even one verse in the Qur'an which explains that Islam intervened in determining the issue of how to produce wealth.<sup>1</sup> Allah and Muhammad had given freedom to mankind to cultivate this natural wealth (producing).

However, freedom in production does not mean there is no limit and then escape from responsibility. The main factors of the existence of responsibility are freedom. Where responsibility itself is an obligation of a person in taking all the good and bad consequences of actions taken and must not shy away when asked for an explanation of his actions. Where is the responsibility given to itself, society and God. So the responsibility is the obligation, which means it should be done and should not be avoided.

Responsibility in ethic has some terms as written in chapter II, it can be hinted at the limitation of responsibility, between the terms are:

*First*, the Act or deed is done by a rational private. The person with mature thinking and it functions normally function normally, so he is aware and knows what he does. Then things that he did, accordance with his free will not because of forced, so when there is a loss that happened we can ask his accountability.

In article 19 the consumer protection legislation is determined, that the businessmen responsible for providing compensation for damage, pollution,

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<sup>1</sup> Taqyuddin An-Nabhani, *Membangun System Ekonomi Alternative Perspektif Islam*, Risalah Gusti, Surabaya, 1996, p. 52

and/or consumer losses due to consume goods and/or services that are similar or equivalent value, or health care and/or awarding compensation that should be implemented within the grace period of seven days after the date of the transaction.<sup>2</sup>

From the article it is clear that if there are losses that occur on the consumer, the manufacturers required providing compensation, in the form of goods similar or equivalent value, health care or compensation. However, what is happening in Indonesia, are now inconsistent with such article. Many cases happened because it does not comply with the regulations, for example in the case of traders in the area of monument in Jakarta, which is a tourist place located in the capital city. In this case, the drink traders cheating by using water droplets of the railroads and the glass former from the remains of the scavenger.<sup>3</sup>

In this case, the trader does not regard how the impacts will occur on the consumers. Whereas they that do the activity are normal people and aware of what they are doing. For those important benefits that are greater than its business capital. However, that was otherwise, they now have to bear for losses which have an impact on consumers, but have yet to feel the benefits acquired.

Therefore, the producers should pay attention to correct both the obligations as well as rights for consumers and manufacturers themselves. By knowing and conscious existence of responsibility, then the producers on its own will not do intentional mistakes for consumer harm.

Because, any mistakes or negligent which may give rise to trade losses on the consumer in particular, or to society generally shall be responsible for any damage caused. This trade responsibility not only for the loss of

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<sup>2</sup> Zaeni Asyhadie, *Hukum Bisnis: Prinsip Dan Pelaksanaannya Di Indonesia*, Ed. Rev, cet. 6, Rajawali Pers, Jakarta, 2012, p. 204

<sup>3</sup> Merdeka.com, date: March 11, 2016, at. 2.26 pm

consumer goods that are traded, but also a responsibility to the advertisements of goods or services including import goods being advertised.<sup>4</sup>

In this case the ad is also shall for accountable, because much going mismatch between products with advertising. The lack of information about the goods or services in advertising, which eventually appeared on the consumer disappointment often occurs. We definitely know, people that have those companies are the ones that are wise and educated. But what happens, companies large, medium or small, not the least of them doing the cheating, the lie deliberately.

*Secondly*, the liability can only be relevant and required of someone who does according his free will. Every individual has free will a desire that corresponds to his heart, not because it had to. If an act was done because it had to, then there may be required accountability, because in this case there must be other parties concerned.

As already expresses in the first paragraph that human beings are given free rein to make rules in processing natural resources provided by God in accordance with the level of scholarship, creativity, circumstances and conditions. As this is part of the Affairs of the world are constantly changing and evolving. This intended Prophet in stating “you know better about the Affairs of your world”.

However, the Qur'an also explained that in processing natural resources not only to maximize gains the world, but the advantage of the afterlife anyway and uphold moral values. As the word of God Almighty in the Qur'an *Al-Qaṣaṣ* verse77:

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<sup>4</sup> Zaeni Asyhadie, *Hukum Bisnis...*, p. 204

وَابْتَغِ فِيمَا ءَاتٰتَكَ اللّٰهُ الدّٰرَ الْآخِرَةَ ۗ وَلَا تَنْسَ نَصِيبَكَ مِنَ الدُّنْيَا ۗ وَأَحْسِنَ كَمَا أَحْسَنَ اللّٰهُ إِلَيْكَ ۗ وَلَا تَبْغِ الْفَسَادَ فِي الْأَرْضِ ۗ إِنَّ اللّٰهَ لَا يُحِبُّ الْمُفْسِدِينَ ﴿٧٧﴾

*“But seek, with the (wealth) which Allah has bestowed on you, the Home of the hereafter, nor forget your portion in this world: but do you good, as Allah has been good to you, and seek not (occasions for) mischief in the land: for Allah loves not those who do mischief.”<sup>5</sup>*

So, the freedom is the responsible freedom. When someone is doing a production with its own rules, he should not make mischief on the Earth, i.e., the nature and the contents. The contents of the Earth who are living beings, there are humans, animals, plants and other ecosystems must be maintained properly. So in this case, when someone does a production then harm nature as well as other living beings, he has the right to attract the public.

*Third*, the responsibility also requires that persons who commit certain actions are indeed willing to perform it. In the third term, forced is not a reason. If all the people who manufacture because it claimed to do the production forced then who would want to be prosecuted for giving responsibility. Want in the sense that he consciously and freely over his will. Be it in any danger, e.g. there is no other alternative can be done unless the alternative pick, so he had to look like. In this case, he has the right to attract the subject because he takes the alternative it in a conscious state.

Not much difference with three terms is, in Islam there are also three terms a person subject to liability, including puberty, namely those who have

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<sup>5</sup> ‘Abdullah Yusuf ‘Ali, *The Holy Qur’an: Text And Translation*, Islamic Book Trust, Kuala Lumpur, 2005, p. 478-479

been able to distinguish between good and bad. Then the one normal person, i.e. not crazy or mental illness, and the latter has the ability to carry it out.

#### B. The Construction of Responsibility Concept In Islamic Business Ethics

In this world, especially the modern age now is still ahead of us, a business is one of the most favored by many people. Start from the business level of small, medium, and large companies. The condition of Business coverage is now and not just in one region alone, even worldwide. However, those who do business sometimes fail to be rules that are already determined. So there are problems that must be faced. In light of the often forgotten is the issue of responsibility.

In this case, the author would like to present the construction business responsibility concept in Islam. Because if we look at the events that happened in the sphere of business in Indonesia, often sounding the existence of fraud, manipulation or other things to the detriment of consumers. Eventhough Indonesia is better known by the majority of Moslem. And the standardization of a business that may or not that determines also the BPOM (Badan Pemeriksa Obat-Obatan Dan Makanan) and MUI (Majlis Ulama' Indonesia ). Then where is their responsibility?

In Islam, the construction of responsibility concept includes:

1. The responsibilities related to the status of the Caliph man as God's representative on Earth.

All human beings are the Caliph or leader i.e. God's representative on Earth, why is associated with this? The answer is because the leaders task is carrying out the mandate, where the mandate was to be executed. When the work was performed there must be a return, so did if that mandate is not running there must be consequences. That is what is meant by a responsibility blends with the status of the Caliph. Allah said in the Qur'an:

مَنْ يَشْفَعْ شَفَعَةً حَسَنَةً يَكُنْ لَهُ نَصِيبٌ مِّنْهَا <sup>ص</sup> وَمَنْ يَشْفَعْ  
شَفَعَةً سَيِّئَةً يَكُنْ لَهُ كِفْلٌ مِّنْهَا <sup>ق</sup> وَكَانَ اللَّهُ عَلَىٰ كُلِّ شَيْءٍ

مُقَيَّتًا 


“Whoever recommends and helps a good cause become a partner therein: Whoever recommends and helps an evil cause, shares in its burden: and Allah has power over all things”.<sup>6</sup> (QS. An Nisā’: 85)

No different in terms of business, every business must be running. We call it the producer, a producer has a responsibility to its employees, and be they consumers or people in the vicinity. Not only that, we are back on the sense of the caliphs, namely representatives of God, it is hinted that on earth we are just not as Vice Chairman. So, in addition to the producer was responsible for subordinates (employees and customers), should also be held responsible for his superiors, namely Allah Almighty.

So when doing business, we don't think only to fellow living beings but also think of the most high, that is, the creator of this universe, because over his creation on this earth, we are given the freedom as well as described in subsection A of this section.

2. The concept of responsibility in Islam essentially is voluntary and should not be mixed with forced.

يَأْتِيهَا الَّذِينَ ءَامَنُوا لَا تَأْكُلُوا أَمْوَالِكُمْ بَيْنَكُمْ

بِالْبَطْلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَن تَرَاضٍ مِّنكُمْ <sup>ج</sup> ... 

<sup>6</sup> ‘Abdullah Yusuf ‘Ali, *The Holy Qur’an...*, p. 100-101

*“ O you who believe, devour not your property among yourselves by illegal methods except that it be trading by your mutual consent... ”.*

As already described in sub chapter above, that person is entitled to the public liability is the people who are doing an act that was over the will of free will, not because it had to. But if there is not an option, so it looks force, he still must be held accountable, because he did such action consciously and freely.

Awareness and freedom of producers in the run production was the main factor that causes the existence of responsibility, be it a responsibility to themselves, their fellow or Allah. In business, there may be a producer doing an involuntary action, since every businessman who became the main benchmarks is looking for profit instead of a loss.

So when incurred losses on consumers, e.g. in the case of traders in primary school as well as other clothing dyes as mixed use on the food sold. They peddle snacks that make kids interested in buying it. However, behind such an intriguingly hawker much impact negative which will be felt by consumers either on the short term and long term. In this case, the trader or producer should to request his accountability, because they are aware and doing it over his will in order to obtain a great advantage.

Islam places the highest emphasis on ethical values in human life. In a way, Islam is basically an ethical and moral code of conduct for human life. Prophet Muhammad (PBUH) said: “I have been sent only for the purpose of perfecting good morals” (Al-Muatta). The unique feature of Islamic ethics is that it permeates all spheres and fields of human life, whether individual or collective. Islam considers ethics as an off-shoot of a Muslim belief system (*Īmān*). It provides a strong internal sanctioning and enforcing authority for observing

ethical standards. The concept of ethics in Islam is not utilitarian and relative, rather is principles are eternal and absolute.<sup>7</sup>

Responsibilities are important things that should be embedded in a business, because it is an ethic that is the basis of Islam. Many people already feel relieved when he was doing his responsibilities to fellow. However, a responsibility in Islam is not only done in the world, even being brought up to the hereafter.

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<sup>7</sup> F.R. Faridi, *Islamic Principles Of Business Organisation And Management*, Nice Printing Press, New Delhi, 1995, p. 21