



Islam's Bai'al-khosaroh Practices and Modern Business Practices: An Examination

Muhamad Zundi Pratama¹, Efa Rodiah Nur², Nik Herda Binti Nik Abdullah³

Postgraduate Program Students, UIN Raden Intan Lampung, Indonesia¹

Lecturer at the Faculty of Shari'a, UIN Raden Intan Lampung, Indonesia²

Taylor's University, Lakeside Campus., Malaysia³

* Corresponding email: mzundipratama775@gmail.com

Received

: Januari 2023

Accepted: April 2023

Published: Juni 2023

Abstract: *Competition between traders triggers them to cut prices, this phenomenon causes tight capital traders to be threatened with bankruptcy, dynamics in a market are very diverse, traders have different ways to earn profits either by lawful way or by justifying all kinds of ways, one of which is to play the price market by selling goods below the market price or Bai' Al-Khossaroh. Merchandise that is beyond its production period (expired) and factors of unfair business competition are the reason traders sell their wares using the Bai' Al-Khossaroh practice which causes unstable market prices and many business actors go out of business, Bai' Al-Khossaroh in practice it can be in the form of discounts (discounts), promotions for certain items, as well as including certain gifts on each item sold. An in depth literature review was engaged to discuss Bai' Al-Khossaroh's practices from the perspective of Islamic law and modern law. Conclusion drawn from the review is that. Bai' Al-Khossaroh does not violate the rules of Islamic law if in practice it brings benefits and does not bring harm to sellers and buyers. Bai' Al-Khossaroh is not permitted if it is not in accordance with the pillars and conditions of sale and purchase and is not in accordance with the principles of Mu'amalah and brings harm to sellers and buyers. Bai' Al-Khossaroh is permitted in law as long as in practice there is no element of monopoly and unfair business competition as stated in Law Number 5 of 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition.*

Keyword: *Bai', Bai' AL -Khossaroh, Islamic Law, Modern Laws, Monopoly*

Abstrak: Persaingan antar pedagang memicu mereka untuk banting harga, fenomena ini menyebabkan pedagang modal yang kecil terancam bangkrut, dinamika dalam suatu pasar sangat beragam, pedagang memiliki cara yang berbeda untuk mendapatkan keuntungan baik dengan cara yang halal atau dengan menghalalkan segala macam cara, salah satunya yaitu memainkan harga pasar dengan menjual barang di bawah harga pasar atau Bai' Al-Khossaroh. Barang dagangan yang sudah melewati masa produksinya (kadaluarsa) dan faktor persaingan usaha yang tidak sehat menjadi penyebab para pedagang menjual barang dagangannya dengan menggunakan praktek Bai' Al-Khossaroh yang menyebabkan harga pasar tidak stabil dan banyak pelaku usaha yang gulung tikar, Bai' Al-Khossaroh dalam prakteknya bisa berupa potongan harga (diskon), promosi barang tertentu, maupun pemberian hadiah tertentu pada setiap barang yang dijual. Tinjauan literatur mendalam dilakukan untuk membahas praktik-praktik Bai' Al-Khossaroh dari

perspektif hukum Islam dan hukum modern. Kesimpulan yang ditarik dari ulasan adalah bahwa Bai' Al-Khossaroh tidak melanggar aturan syariat Islam jika dalam pelaksanaannya membawa manfaat dan tidak membawa kerugian bagi penjual dan pembeli. Bai' Al-Khossaroh tidak diperbolehkan jika tidak sesuai dengan rukun dan syarat jual beli serta tidak sesuai dengan prinsip Mu'amalah dan merugikan penjual dan pembeli. Bai' Al-Khossaroh diperbolehkan dalam undang-undang sepanjang dalam pelaksanaannya tidak terdapat unsur monopoli dan persaingan usaha tidak sehat sebagaimana tercantum dalam Undang-Undang Nomor 5 Tahun 1999 tentang Larangan Praktek Monopoli dan Persaingan Usaha Tidak Sehat.

Kata Kunci: Bai', Bai' AL-Khossaroh, Hukum Islam, Hukum Modern. Monopoli,

▪ Introduction

Competition between traders, sometimes triggering them to lower prices, this causes traders with low capital to be threatened with bankruptcy. In order not to get caught in mistakes, we need to understand the Islamic view and positive law regarding the game of market prices. The dynamics in a market are very diverse, traders have different ways to make a profit either by lawful way or by justifying all kinds of ways, one of which is playing the market price by selling goods below market price or Bai' Al-Khossaroh.

There are many reasons traders sell their wares using Bai' Al-Khossaroh transactions, such as merchandise that is beyond its production period (expired) and is caused by unfair business competition factors, with the intention of gaining unilateral profits by bringing down other business actors. Business competition for traders can be in the form of lowering the price of goods below the market price so that consumers switch to business actors who sell goods at a cheaper price, as a result, business actors who set standard prices for goods at market prices are less desirable and abandoned by consumers.

The business competition that occurred caused market prices to be unstable and many business actors went out of business. Bai' Al-Khossaroh in practice can be in the form of discounts, promos for certain goods, as well as including certain gifts on each item sold for sale

The aim of this research is to find Islam's Bai'al-khossaroh Practices and Modern Business Practices: An Examination

1. Selling at a Loss in the Photocopying Business at IAIN Langsa.

The first step to attract consumers is to start by giving a lower price promo. Furthermore, in order for the photocopying business to be better, it is necessary to increase offers that provide more value for consumers by way of discounting prices with applicable conditions.

The lowered prices by the new competitors are clearly detrimental to the old businessmen. The old entrepreneurs complain that the tariffs made by these competitors ultimately result in their income being far from sufficient. But there was no effort that could be made to stop the price slamming, because they did not know where to report it, in the end each businessman survived as he was with mediocre profits.

After holding out for a long time with this market mechanism, in the end, some of the old competitors closed their businesses because they were unable to compete and could no longer keep up with the flow of competition because shop rents were increasingly expensive. And it turns out that even new competitors who set prices at a loss and damaged the market price also went out of business, because they were no longer able to survive with profits that could not cover the operational expenses that had to be incurred every year, plus the price of paper continued to go up due to there may be monopolistic practices in the field of paper business.¹

2. Trying to Rise in the Middle of a Pandemic, Kendang Craftsmen in Blitar Lower Prices.

Had a total standstill for two months, after the announcement of the Covid-19 Pandemic, [drum maker](#) [jibe in Blitar](#) started to shake again. The foreign drum market has also begun to open, although the number of requests is not as large as before the pandemic.

A crafter [jimbe drums](#) in Blitar Sugeng Hariyanto admitted that in the post-pandemic era of adaptation to new habits (IMR), a number of craftsmen also began to receive and send orders to China. However, the news is not

entirely good because the price is set to drop quite a bit.²

This research is library research, meaning that the data and study materials used come from library sources, either in the form of books, notes or research reports from previous studies and various literature related to the topic of study.³ From the research conducted regarding the analysis of Bai' Al-Khossaroh from the perspective of Islamic law, data and study material were taken from several books, notes, as well as research results from previous studies and various literature related to Bai' Al-Khossaroh sourced from the Al-Qur'an, Al-Hadith, and mu'amalah fiqh books/books.

■ Discussion and Research Results

1. Definition of Bai' Al-Khossaroh

Bai' Al-Khossaroh has several meanings in Indonesian or the language of trade, namely buying and selling at a loss, slamming prices, selling cheap, buying and selling below market prices, and buying and selling under capital, while for the specific meaning of Bai Al-Khossaroh there is no expert sharia economic law that defines it.

¹Adelia, Selling and Losing in Photocopy Business Competition in the IAIN Langsa Campus Environment (Perspective of Law No. 5 of 1999 and Fiqh), IAIN Cot Kala Langsa (Online) can be seen at: <http://Jurnal.uinsu.ac.id>

²Chandra Iswinarno, blitar city jimbe craftsman (Online) available at: <https://www.google.com/amp/s/jatim.voice.com/amp/read/2020/07/29/163612/mencoba-bangkit-di-tengah-pandemi-perajin-kendang-di-blitar-discount> accessed: Wednesday, 29 July 2020

³Susiadi AS., Research Methods, (research and publishing center LP2M State Islamic Institute Raden Intan Lampung, 2015), h. 10.

If Bai' Al-Khossaroh is defined as selling at a loss or in the language of business competition it is referred to as predatory picking, then selling at a loss can be interpreted as the act of a company fixing a price below production costs with the aim of getting rid of competitors.⁴

Bai' Al-Khossaroh can also be interpreted as a price reduction, the meaning of the expression slashing prices is to reduce prices as much as possible and sell goods at very low prices.⁵

Based on the definition above, it can be concluded that Bai' Al-Khossaroh is buying and selling at a loss, slashing prices, selling cheap by reducing the market price as much as possible and selling goods at very cheap prices.

2. Legal Basis of Bai' Al-Khossaroh

Al-Qur'an in the study of ushul-fiqh is the first and main object of research activities in solving a law.⁶ Basically buying and selling is permitted in Islam, as stated in QS Al-Baqarah: 275:

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ ذَلِكِ

⁴Reznia Febrina, The Impact of Predatory Picking by Business Players in the Perspective of Business Competition, in Selat Journal Vol. IV, No 2, Tassel 2017., p.236 (Online), available at <http://ojs.umrah.ac.id/index.php/sehat/article/view/194> (16 September 2020), scientifically justifiable.

⁵“Slash the Price” (Online), available at <http://brainly.co.id/juang/3145966> (16 September 2020), scientifically justifiable.

⁶Satria Effendi, Ushul Al-fiqh, Cet III, (Jakarta: Kencana, 2009), h. 79.

بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا فَمَنْ جَاءَهُ مَوْعِظَةٌ مِنْ رَبِّهِ فَانْتَهَى فَلَهُ مَا سَلَفَ وَأَمْرُهُ إِلَى اللَّهِ وَمَنْ عَادَ فَأُولَئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ

"Those who eat (take) usury cannot stand but are like the standing of a person who has been possessed by a devil because of (pressure) madness. Their situation is like that, is due to them saying (opinion), Verily buying and selling is the same as usury, even though Allah has justified buying and selling and forbidding usury. those who have come to him a ban from his Lord, then continue to stop (from taking usury), then for him what has been taken first (before the prohibition comes); and his affairs (submitted) to Allah. people who return (take usury), then that person is the inhabitants of hell; they live in it". (QS Al-Baqarah (2): 275)

In conducting legal buying and selling transactions, it is carried out if the pillars and conditions are met, apart from the pillars and conditions that are met, buying and selling of any kind is legal in Islam if it does not violate the principles of mu'amalah.

Sunnah is everything that was narrated and sourced from the Prophet Muhammad. After being appointed as a Prophet, in the form of his words, deeds and taqir which can be used as evidence for syar'i law.⁷

⁷Teuku Muhammad Hasbi Ash Shidieqy, History and Introduction to Hadith Science, (Semarang: Rizki Putra Library, 1999), p. 17.

One of the other principles of mu'amalah is the principle of like and like, as the Prophet SAW said from Abu Said al-Khudri that Rasulullah SAW said:

حَدَّثَنَا الْعَبَّاسُ بْنُ الْوَلِيدِ الدِّمَشْقِيُّ حَدَّثَنَا مَرْوَانُ بْنُ مُحَمَّدٍ حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ عَنْ دَاوُدَ بْنِ صَالِحِ الْمَدِينِيِّ عَنْ أَبِيهِ قَالَ سَمِعْتُ أَبَا سَعِيدٍ الْخُدْرِيَّ يَقُولُ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِنَّمَا الْبَيْعُ عَنْ تَرَاضٍ (رواه ابن ماجه وابن حبان وصححه الألباني)⁸

"Has told us [Al Abbas bin Al Walid Ad Dimasyqi] said, told us [Marwan bin Muhammad] said, told us [Abdul Aziz bin Muhammad] from [Dawud bin Salih Al Madini] from [His father] said; I heard [Abu Sa'id] say, "The Prophet sallallaahu 'alaihi wasallam said: "Only buying and selling takes place with mutual consent." (Narrated by Abu Daud Tirmidhi and Ibnu Majah).

The hadith above explains that every transaction (contract) must be based on freedom and willingness, there is no element of coercion or disappointment from one of the parties, if that happens then the transaction is invalid.⁹ if in the practice of Bai' Al-Khossaroh there is an element of consensuality in it, then this is permissible in Islam.

The scholars have agreed regarding the halalness of buying and selling as a real transaction which is highly recommended and is a sunnah of the Prophet Muhammad SAW.¹⁰ Fiqh scholars

from the past until now have agreed that buying and selling is permissible, as long as the buying and selling fulfills the pillars and conditions needed in buying and selling. Basically all forms of mu'amalah can be done unless there is an argument that forbids it.¹¹

In Law Number 5 of 1999, From a business competition perspective, Bai' Al-Khossaroh can be interpreted as predatory picking with the intention of eliminating competitors, this is contained in Article 20 of Law Number 5 of 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition which states:

"Business actors are prohibited from supplying goods or services by selling at a loss or setting very low prices with the intention of eliminating or ensuring business competition in the relevant market so that it can result in monopolistic practices and or unfair business competition".¹²

3. Background to the Existence of Bai' Al-Khossaroh

Competition between traders triggers to lower prices, this causes traders with low capital to be threatened with bankruptcy. In order not to get caught in mistakes, we need to understand the Islamic view regarding the game of market prices. The dynamics in a market are very diverse, but it all starts with one desire, namely to make a profit. Merchants have a variety of ways to

⁸Muhammad Nashiruddin Al-Albani, Sahih Sunan Ibnu Majah No.2269, rated authentic by al-Albani (Daar al-Fikr al-Arabi, 2004)

⁹Panji Adam, Your Fikih 'even Adabiyah, (Bandung: PT Refika Aditama), h. 98.

¹⁰General Khotibul, Sharia Banking, Fundamentals and Dynamics of Development

in Indonesia (Jakarta: Raja Grafindo Persada, 2016), h. 104.

¹¹Fathurohman Djamil, Islamic Economic Law (Jakarta: Sinar Graphic, 2013), p.127.

¹²Article 20 of Law Number 5 of 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition.

realize big profits. There are those who take the lawful way, and at the same time, there are also those who justify all kinds of ways.¹³

Several ways to make a profit are by controlling the selling price or buying price. The more the greater the power to set the selling or buying price, the greater the profit. Islam gives freedom to its adherents to determine the selling price of their property. The determination of the selling price in Islam is left to the agreement between the seller and the buyer.¹⁴

When the goods they want are few, they are willing to buy them at prices they would not give if the goods were moderate in large quantities. As it is also influenced by the large number of applicants (prospective buyers), because all goods with a lot of demand, the resale value becomes expensive, in contrast to goods with less demand.¹⁵

Likewise, it is influenced by the level of community needs. When the level of demand for an item increases, the selling price of the item increases. And it is also influenced by the prospective buyer, if the prospective buyer is someone who can afford it and can be

trusted, the seller is usually willing to sell his goods at a low price.¹⁶

Various factors above dynamically alternates and sometimes simultaneously affects the rise and fall of selling prices. Broadly speaking, Islam approves and allows this condition to occur in the market, because it all happens naturally, that is according to Divine nature. This description applies to normal conditions, namely when price changes occur dynamically, in harmony with the conditions of society, without engineering from various parties. However, without realizing it, some groups and individuals deliberately manipulated certain conditions to influence the selling price of goods. They do it for personal gain, even at the expense of the interests of other people, or even society.¹⁷

Some of the ways traders influence the selling price of an item that applies in the market is by hoarding goods. As a result, the stock of goods in the market is depleted, while the level of public demand for these goods remains high. This condition forces people to compete by increasing their respective offers in order to succeed in getting the goods they want. The behavior of hoarding goods is very detrimental to the general public, Islam forbids it.¹⁸

Some of the ways traders manipulate prices is by making a conspiracy with

¹³“Price Cuts Under Islamic Economic Law” (Online), available at: <http://www.google.com/amp/s/kaltim.tribunnews.com/amp/2016/07/04/banting-bantingan-harga-menurut-Hukum-economy-islam>

¹⁴*Ibid*

¹⁵Price Cuts According to Islamic Economic Law” (Online), available at: <http://www.google.com/amp/s/kaltim.tribunnews.com/amp/2016/07/04/banting-bantingan-harga-menurut-Hukum-economy-islam>

¹⁶*Ibid*

¹⁷Price Cuts According to Islamic Economic Law” (Online), available at: <http://www.google.com/amp/s/kaltim.tribunnews.com/amp/2016/07/04/banting-bantingan-harga-menurut-Hukum-economy-islam>

¹⁸*Ibid*

other people to pretend to bid or buy. The existence of these fake potential customers impresses the genuine potential customers that many are interested in these goods, so it is natural to sell them at high prices. The naughty actions of some people can damage the selling price of goods prevailing in the market. And damage to the selling price of goods is certainly detrimental and causes chaos for many parties. Meanwhile, Islamic law is very anti-chaos, including in matters of the sale price of the assets of its followers.¹⁹

Part of the traders' ways of realizing personal gain, even at the expense of the wider community's interests, is to lower the selling price of goods. With the fall in the selling price of goods, many traders or producers will fall. And if that really happened, only traders with large capital would be able to survive and eventually dominate the market. And if the market has been controlled by a handful of traders, they will freely manipulate the price.

4. Forms of Bai' Al-Khossaroh

Bai' Al-Khossaroh seen from the shape can be seen in terms of the state of the subject and object, namely:

- a. Based on the subject, Bai' Al-Khossaroh is based on the condition of the seller, namely business competition carried out by the seller, this is caused

by price competition between sellers so that each seller plays the price which results in a drop in the price of goods. From a business competition perspective, Bai' Al-Khossaroh can be interpreted as predatory picking with the intention of eliminating competitors, this is contained in Article 20 of Law Number 5 of 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition which states: "Business actors are prohibited from supplying goods or services by selling at a loss or setting very low prices with the intention of eliminating or ensuring business competition in the relevant market so that it can result in monopolistic practices and or unfair business competition".²⁰

- b. Based on the object, Bai' Al-Khossaroh is based on the condition of the goods (object) being traded, where the goods (object) being traded are nearing their expiry date (Expired). To reduce the number of losses, the trader lowers the price of the capital price.²¹

5. Practice in the Community About Bai' Al-Khossaroh

The practice of Bai' Al-Khossaroh occurs in the community due to several factors including:

¹⁹Price Cuts According to Islamic Economic Law" (Online), available at:<http://www.google.com/amp/s/kaltim.tribunnews.com/amp/2016/07/04/banting-bantingan-harga-menurut-Hukum-economy-islam>

²⁰Article 20 of Law Number 5 of 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition.

²¹Nurul Fadillah. Review of Islamic Law Regarding the Sale and Purchase of Food and Beverages Approaching the Expiry Date; Journal, UIN Raden Intan Lampung, 2019

- a. There is confusion or the elimination of some traders because they are unable to follow the dynamics of declining prices, that is normal, and too small when compared to the positive side.
- b. The existence of intense competition between traders is a blessing for consumers, competition between traders encourages them to be creative and more innovative and maintain or even improve the quality of their products and services, so that trade and industry are pushed forward.
- c. Traders' Intentions When Competing, Islam allows traders to compete does not mean allowing them to kill and bring down each other. Allah has determined human sustenance including for traders, therefore it is not appropriate for someone to worry that their sustenance will be lost or reduced by other people. Success does not mean destruction for competitors and vice versa.
- d. Government Authorized to Regulate Prices, Even though the scholars differed, they finally agreed that the government had the authority to intervene in this matter. If competition between traders causes unrest and is not fair, then the government has the authority to make binding regulations. All of this is for the sake of realizing benefits for all parties and maintaining the stability of the community's economy.

6. The aim of Bai' Al-Khossaroh

Basically, the aim of Bai' Al-Khossaroh is the same as that of mu'amalah, which is to bring benefit and benefit. Mashlahah is something that is shown by certain legal arguments that justify or cancel it for all human actions in order to achieve syara' goals, namely preserving religion, soul, mind, property, and offspring. In every transaction Bai' Al-Khossaroh is expected to bring benefit and benefit.²²

7. Benefits and Wisdom of Bai' Al-Khossaroh

Basically the benefits and wisdom of Bai' Al-Khossaroh are the same as the benefits and wisdom of buying and selling in general, namely:

- a. Between the seller and the buyer can feel satisfied and tolerant by liking and consensual.
- b. In order for someone to avoid eating or possessing property obtained by way of vanity.
- c. Can provide a living for the family from halal sustenance.
- d. Participate in fulfilling the lives of many people (society).
- e. Can foster peace, tranquility, and happiness for the soul because it gets enough sustenance and accepts with pleasure the grace of Allah SWT.
- f. Can create friendly and brotherly relations between sellers and buyers.²³
- g. Can avoid buying and selling that brings harm and is useful because it brings benefit.

²²Dr. Mardani, Sharia Economic Fiqh, (Jakarta: Prenadamedia Group, 2012), h. 9

²³Khumedi Ja'far, Islamic Civil Law in Indonesia, (Surabaya: Gemilang publisher, 2019), p. 118

- h. Can reduce the level of waste, because the goods sold will be close to expiration.

8. Analysis of the Practice of Bai' Al-Khossaroh

The practice of Bai' Al-khossaroh is caused by several factors, among them are internal and external factors. Internal factors that occur are factors caused by the condition of the goods (objects) of sale and purchase, namely the existence of factors that cause the goods (objects) of sale and purchase to be sold cheaply / sold at a loss. The practice of Bai' Al-Khossaroh caused by internal factors occurs due to the condition of the goods (objects) which require goods to be sold cheaply/at a loss, for example the goods (objects) of sale and purchase are expired or the goods (objects) of sale and purchase it is no longer in accordance with the needs and developments in product models, for example clothing that is no longer in accordance with the needs and current clothing trends.

The second practice of Bai' Al-Khossaroh was caused by external factors, namely due to the presence of competitors from other business actors who came after the old business actors. The new business actor's competitors have the intention to drop/destroy the business of the old business actor, as a result the new business actor sells goods below market prices (buying and selling at a loss). This is solely to bring down the new business actor.

9. Analysis About Bai' Al-Khossaroh Perspective of Islamic Law

Buying and selling is a contract that is permitted by Islamic law, as the word of Allah SWT in the Qur'an, namely in QS Al-Baqarah: 275, which means that it reads "Even though Allah has justified buying and selling and forbidding usury".

Bai' Al-Khossaroh basically it is not discussed in detail in Islam, there is no argument in the Al-Qur'an and Hadith that alludes to the Bai' AL-Khossaroh law, but legal issues or Bai' AL-Khossaroh are carried back to the original law of buying and selling, according to the rules Fiqh which means "The basic law of Mu'amalah is permissible, until there is an argument against it". There is no argument that forbids Bai' Al-Khossaroh, so the activities of mu'amalah Bai' Al-Khossaroh return to the original law of buying and selling, which is permissible.

In conducting legal buying and selling transactions, it is carried out if the pillars and conditions are met, this is in accordance with Article 95 of the compilation of Islamic economic law (KHES), buying and selling that fulfills the conditions and pillars is legal. Apart from the pillars and conditions that are met, buying and selling of any kind is legal in Islam if it does not violate the principles of mu'amalah. One of the principles of mu'amalah is mutual mutual consent, the principle of betweenadhin or consensual states that any form of muamalat between individuals or between parties must be based on the willingness

of each. used as the object of engagement and other forms of muamalat. This is explained in QS An-Nisa' verse 29,

When viewed in terms of benefit, Bai' Al-Khossaroh must bring benefit and benefit to the seller because Bai' Al-Khossaroh, this is in line with the mu'amalah principle, namely the principle of mashlahah, when viewed from one of its forms, Bai' Al-Khossaroh occurs because the goods to be sold are close to expiration which ultimately benefits the seller because the seller does not experience much loss. In addition to the seller, benefits also occur for the buyer, including that the buyer can buy goods below market prices (cheaper), this of course will have a good impact on the buyer's finances.

When viewed from the perspective of harm, Bai' AL-Khossaroh brings harm to the seller, harm is a form of tyranny, this is contrary to the principle of mu'amalah, namely the principle of prohibiting injustice. This can be seen from the aspect of the form of Bai' Al-Khossaroh which occurs due to business competition, this will bring harm to the seller because lowering the price will damage the market price of the goods. As an example of the case in the photocopying business at IAIN Langsa, where there is price competition between old and new competitors. As a first step to attract consumers, you can start with a lower price promo. Furthermore, in order for the photocopying business to be better, it is necessary to increase offers that provide more value for

consumers by way of discounting prices with applicable conditions.

The lowered prices by the new competitors are clearly detrimental to the old businessmen. The old entrepreneurs complain that the tariffs made by these competitors ultimately result in their income being far from sufficient. But there was no effort that could be made to stop the price slamming, because they did not know where to report it, in the end each businessman survived as he was with very little profit.

After holding out for a long time with this market mechanism, in the end, some of the old competitors closed their businesses because they were unable to compete and could no longer keep up with the flow of competition because shop rents were increasingly expensive. And it turns out that even new competitors who set prices at a loss and damaged the market price also went out of business, because they were no longer able to survive with profits that could not cover the operational expenses that had to be incurred every year, plus the price of paper continued to go up due to there may be monopolistic practices in the field of paper business.

Based on the case examples above, it can be concluded that the practice of predatory pricing/bai' al-khossaroh can cause harm because it will undermine market prices and result in weakening of incumbent entrepreneurs and putting old entrepreneurs out of business.

In addition to the seller, the harmful impact that will arise from Bai' AL-

Khossaroh also occurs on the buyer, namely if in practice the goods being sold are about to expire, while the seller does not provide information regarding this matter, the presence of an element of seller's dishonesty will cause harm to the buyer.

Individuals who decide to carry out buying and selling activities, are required to know the things that can result in buying and selling cases being legal or illegal. This is intended so that mu'amalah activities run according to or are legal and all attitudes and actions that arise are far from damage that is not justified by Islamic law. Not a few Muslims neglect to study mu'amalah in every buying and selling activity they carry out, this kind of attitude is a mistake that every Muslim trader must correct, so that everyone who wants to do mu'amalah can distinguish between buying and selling whether it is permissible as well as good impact and keep away from everything that is doubtful, The meaning of syubhat in shari'ah terminology is defined as something that is mixed (between lawful and unlawful), but it is not known for certain whether something is lawful or unlawful, and whether it is right or wrong. Because some Muslims who work as traders lack or even do not know the law.

10. Analysis About Bai' Al-Khossaroh Legal Perspective

From a business competition perspective, Bai' Al-Khossaroh can be interpreted as predatory picking with the intention

of eliminating competitors, this is contained in Article 20 of Law Number 5 of 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition which states: "Business actors are prohibited from supplying goods or services by selling at a loss or setting very low prices with the intention of eliminating or ensuring business competition in the relevant market so that it can result in monopolistic practices and or unfair business competition".²⁴ This means that if in practice Bai' Al-Khossaroh there are monopolistic practices or unfair business competition, then this is contrary to the 1945 law.

▪ Closing

Based on the description in the discussion at the beginning, after analyzing this research a conclusion can be drawn, namely as follows:

From the formulation of the first problem, how is Bai' Al-Khossaroh's analysis from the perspective of Islamic law? Bai' Al-Khossaroh is permissible in Islamic law if in practice it complies with the pillars and conditions of buying and selling, and in accordance with the principles of Mu'amalah. Bai' Al-Khossaroh based on practice does not violate the rules of Islamic law if it causes harm and does not bring harm to sellers and buyers. Bai' Al-Khossaroh is not allowed if in practice it is not in accordance with

²⁴Article 20 of Law Number 5 of 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition.

the pillars and conditions of sale and purchase and is not in accordance with the principles of Mu'amalah and causes harm to both the seller and the buyer.

From the formulation of the second problem, how is Bai' Al-Khossaroh's analysis from the legal perspective? Bai' Al-khossaroh is permitted in law as long as in practice there is no element of monopoly and unfair business competition as stated in Law Number 5 of 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition.

▪ Bibliography

- Reznia Febrina, The Impact of Predatory Picking by Business Players in the Perspective of Business Competition, in Selat Journal Vol. IV, No 2, Tassel 2017., p.236 (Online), available at <http://ojs.umrah.ac.id/index.php/sehat/article/view/194> (16 September 2020), scientifically justifiable.
- Lower Prices” (Online), available at <http://brainly.co.id/juang/3145966> (16 September 2020), scientifically justifiable.
- Satria Effendi, Ushūl Al-fiqh, Cet III, Jakarta: Kencana, 2009
- Teuku Muhammad Hasbi Ash Shidieqy, History and Introduction to Hadith Science, Semarang: Rizki Putra Library, 1999.
- Muhammad Nashiruddin Al-Albani, Sahih Sunan Ibnu Majah No.2269, rated authentic by al-Albani, Daar al-Fikr al-Arabi, 2004.
- Panji Adam, Your Fikih *'even Adabiyah*, PT Refika Aditama, Bandung.
- General Khotibul, Sharia Banking, Fundamentals and Dynamics of Development in Indonesia, Jakarta: Raja Grafindo Persada, 2016.
- Fathurohman Djamil, Islamic Economic Law, Jakarta: Sinar Graphic, 2013.
- Article 20 of Law Number 5 of 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition.
- “Price Cuts Under Islamic Economic Law” (Online), available at: <http://www.google.com/amp/s/kaltim.tribunnews.com/amp/2016/07/04/banting-bantingan-harga-menurut-Hukum-economy-islam>
- Nurul Fadillah. Review of Islamic Law Regarding the Sale and Purchase of Food and Beverages Approaching the Expiry Date; Journal, UIN Raden Intan Lampung, 2019
- Dr. Mardani, Sharia Economic Fiqh, Jakarta: Prenadamedia Group, 2012.
- Khumedi Ja'far, Islamic Civil Law in Indonesia, Surabaya: Gemilang publisher, 2019.
- Adelia, Selling and Losing in Photocopy Business Competition in the IAIN Langsa Campus Environment (Perspective of Law No. 5 of 1999 and Fiqh), IAIN Cot Kala Langsa (Online) can be seen at: <http://Jurnal.uinsu.ac.id>
- Chandra Iswinarno, blitar city jimbe craftsman (Online) available at: <https://www.google.com/amp/s/jatim.voice.com/amp/read/2020/07/29/163612/mencoba-bangkit-di-tengah-pandemi-perajin-kendang-di-blitar-discount> accessed: Wednesday, 29 July 2020.

