

Buying and Selling Broker: The Management and Islamic View

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ABSTRACT

The rise of intermediaries in buying and selling transactions, where the seller uses another person to sell the goods, and vice versa, the buyer hires someone to look for goods to buy. However, in several facts on the ground, there were still irregularities that caused losses to both parties. This study aims to find out and understand the samsarah or broker contract in car buying and selling transactions at the Showroom Kab. bones. This research is a qualitative method with data collection through interviews, observation, and documentation. The results of the study show that samsarah contracts, which refer to transactions that use the services of people as an exchange, include samsarah contracts, which in Islamic fiqh can take the form of brokers, distributors, agents, and so on. The practice of buying and selling used car dealers or samsarah by Showroom in Kab. Bone in general fulfills the principles of honesty, transparency, and responsibility. The owner of the goods being sold will pay the intermediary by giving the broker permission to increase the selling price. According to scholars, buying and selling through intermediaries is legal as long as all parties benefit including sellers, buyers, and intermediaries, then this type of intermediary business is permissible. However, this business activity must carry out payment transactions through Islamic banks so that they run perfectly according to Islamic principles.

Keywords: Broker; Intermediary; Samsarah; Buy and Sell.

A. INTRODUCTION

Islam is a style of life that places a high priority on perfection in terms of establishing order in human affairs and leading a respectable, joyous existence. If one human being and another human being are able to form cooperation to satisfy the necessities of life between human beings, happiness and prosperity will be attained. Since people are social beings, they cannot survive alone and must

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connect with one another in order to meet all of their requirements. One such interaction is in the area of muamalat. The Muslim idea of muamalah regulates how one interacts with another individual. Muamalah deals with questions of rights and property resulting from business dealings between individuals, between individuals and legal entities, or between legal entities (Purwanti & Maleha, 2021). Islam is a complete and integrated system and way of life (a comprehensive way of life). It offers vivacious and uncomplicated advice on many facets of life, including business and commerce (Aprilia et al., 2017). As a result, Islam's ethical component serves as the foundation for establishing justice and avoiding tyranny toward others, as well as for ensuring that goods and pricing are reasonable and honest (Lisman, 2019). Conceptual definitions of MUI fatwas invariably diverge from the purpose of shari'ah (maqasidsyar'ah), which seeks to bring about *maslahah* (goodness) and eradicate harm (misfortune) (Kadir, 2022a). Islamic economics' primary objectives in this instance transcend beyond just commercial ones (Kadir, 2022b), which are evident in maximizing profit (Kadir et al., 2019), but also take into account how it contributes to wellbeing (Kadir, 2019). This is done to ensure that society as a whole, including businesspeople and consumers, continues to reap the rewards (Syahril et al., 2019).

Islamic law regulates human life as a whole, covering all kinds of aspects. Relations with God are regulated in the field of worship and human relations with each other are regulated in the field of muamalah. Buying and selling in Islam is something that is hinted at based on the Qur'an, sunnah, and *ijma*. And because people need them, Islam forbids both purchasing and selling without cooperative agreements with representatives (Rosita et al., 2016). The Shari'a allows all forms of cooperation in buying and selling that develop in the community, as long as this cooperation brings benefits and the goal is mutual assistance between communities in meeting their needs so that community relations can continue (Hafiz, 2021). The relationship between human individuals and other human individuals usually occurs because between them there are interests that need each other. These relationships are for example cooperation in various fields: lending and borrowing, use of services, leasing, and other activities that are social (Purnomo et al., 2021).

Nowadays to achieve human welfare, muamalah is a very natural thing for every individual to do. Activities such as the pursuit of wealth are considered muamalah in Islam and must comply with Islamic law (Ihsan et al., 2022). Many people who have abundant assets carry out cooperative business activities, for

example, the property business is a business that will benefit a lot and there will also be some people who enter the property world to raise their money. Usually, the property business has something in common with buying and selling or leasing and also only a few people can do it, therefore, this does not exclude that someone may need the services of another person to sell their property, and this is also called a mediator (Mubarak, 2013). Business actors must think of the most effective and efficient methods or methods so that the time and costs that will be utilized in business activities are as economical as possible. Thus one thing to save expenses on calculating accumulative costs and time, in this case, the role of an intermediary or liaison is needed (Banjaransari, 2021). Intermediaries or brokers are considered a mover to answer problems that arise in the community and assist communities in developing businesses through representatives (Abdullah et al., 2020).

Merchants or business actors are promised a high position and enormous rewards from Allah SWT because usually traders are tempted to be greedy, greedy, to get profits at all costs. Therefore, whoever is strong above the limits of honesty and trustworthiness, is a mujahid in fighting his desires. About this trade issue, what the Prophet did is quite clear to us. Just as he paid attention to the spiritual aspect by building a mosque in Medina based on piety and His pleasure, as a center of worship, science, da'wah, and even the center of the state and government, he also paid attention to the economic sector, establishing an Islamic and independent market. If there is no element of caution in carrying out a sale and purchase transaction, one of the parties may be harmed, and if this happens, the sale and purchase transaction is carried out illegally. Islam prescribes buying and selling with intermediaries or brokers because not all humans are capable and capable of carrying out these buying and selling transactions (Yuono, 2016).

Problems in human social relations become more complex as time goes by. This is often found and is not specifically stated with problems that already exist in the Qur'an and Sunnah. Based on this phenomenon, solutions are required to address fresh issues that are compliant with Islamic economics' fundamental legal norms. The general goal is for the good of all mankind and remains based on the Qur'an and Sunnah (Morgana & Rachmawati, 2021). Buying and selling is a human social activity that is prescribed by Allah SWT. This is explained in Surah Al-Baqarah verse 275:

...وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا...

Meaning: *"...Indeed Allah has justified buying and selling and forbidding usury..."*(QS. Al – Baqarah : 275)

In practice, buying and selling must be done honestly so as not to cause harm, deceit, and loss. The general public still has a very limited awareness of Islamic economics in general and brokers for buying and selling in particular (Kadir & Salfianur, 2021). Based on this, humans who carry out buying and selling activities must pay attention to the validity of the terms in buying and selling practices. One of the legal requirements in the practice of buying and selling is that both parties are happy with each other, voluntarily, without any coercion in buying and selling. Humans are social creatures who are not able to handle everything independently. Therefore humans need representatives from other people to complete an affair that they cannot do alone. Islam permits agents, also known as brokers and according to certain scholars, to carry out activities, such as buying and selling, if there are no inconsistencies in the agent.

In order to acquire and sell used automobiles, intermediaries or brokers must satisfy customer requests, including taking orders for desired items, providing information on vehicle specs, negotiating vehicle pricing, and profiting from the purchase and sale of used cars in showrooms (Morgana & Rachmawati, 2021). Many people are interested in utilizing a broker's services to purchase and sell used automobiles because they can simply sell or buy the used cars that other users of brokerage services expect. In reality, though, some brokers are unwilling to give customers information. In reality, brokers frequently collaborate with parties that the service consumer is unaware of in addition to working alone. As trust is based on the agreement that has been decided by all parties, the broker must be transparent while executing transactions.

Brokers frequently act outside of their scope, according to Taufiqurrahman's (Taufiqurrahman, 2018) research on the practice of buying and selling motorbikes in the Gowa Regency and it asserts that brokers frequently take actions without the seller's or the buyer's consent, increasing exorbitant prices. Brokers frequently have a non-transparent attitude about the state of the products they are trading in order for transactions to proceed smoothly and profitably (Desanto, 2020). In contrast, a research in Palangka Raya found that transactions at a vehicle dealership fulfilled the wakalah contract and were transparent, ensuring that neither party suffered disadvantage (Hermansyah, 2017). It would

be worthwhile to look more closely at several occurrences relating to the use of brokers in buying and selling from an Islamic perspective about their validity.

In Bone City, most individuals sell their cars or buy secondhand cars through middleman services. There is a showroom in Bone named PSA that is well-liked by all age groups. Research on broker purchasing and selling procedures from the standpoint of Islamic is still incredibly scarce in Bone, particularly at PSA where no comparable study has been done. Based on the reasoning given above, the author is curious to see how Muslims view the practice of brokers and middlemen purchasing and selling old automobiles in the PSA Bone Showroom. The goal of this study is to learn about and comprehend the employment of brokers and intermediaries in the purchase and sale of used automobiles in light of Islamic. Based on the background stated above, the authors are interested in researching to explore how brokers buy and sell according to the views of scholars so that brokerage cases in buying and selling carried out by the community do not go out of the corridor and the provisions of brokers are permitted.

B. THEORETICAL REVIEW

Brokers, Brokers, Middlemen

One of the activities of humans as social beings who need the help of others because they are busy in the service sector are intermediaries or brokers or brokers or brokers (Purnomo et al., 2021). Human life cannot be separated from trading activities. To complete a transaction, there must be at least two participants in buying and selling operations. Sellers are those who serve as providers of products or services. One other person acts as a consumer or buyer. There are two types of buying and selling transactions, direct and indirect. Buying and selling transactions are indirectly carried out through third parties. The third party is an intermediary between the seller and the buyer. These intermediaries are known as brokers. The broker itself is engaged in services. The role of the broker is to carry out buying and selling transactions by offering goods or services from the original owner to prospective buyers (Koesmariadi, 2017). Brokers usually occur in buying and selling of other objects, both movable and immovable objects, such as buying and selling houses, cars, motorbikes, and so on (Abdulhanna, 2016). In KBBI, brokers have other names such as brokers/brokers, and middlemen. The ability to fulfill interests and interests that require the help of others is one of the objectives of achieving business activities. Then this is the reason business people use the services of a broker (Kadir & Basri, 2019).

Brokers work as alternative service providers or shortcuts for someone unofficially. In the process, a broker will try to make a profit by doubling the original price of a product or service, offering a large price and of course different from the actual price. Due to the hazy pay and techniques that try to mislead or fool its targets, this employment is also despised by some groups (Wahyuno, 2021). In addition, illegal brokers can be equated with brokers or intermediaries, in this case, illegal brokers can be interpreted as intermediaries between companies providing transportation services and service users. An illegal intermediary is a person or a corporate body that becomes the middle party in an affair. In Indonesia, Intermediary is better known as the word "wild intermediary" which has a different meaning in meaning. Because of this misperception, intermediary services have not developed much in Indonesia because according to some people "illegal broker" is not a good job. The existence of these illegal middlemen does not provide benefits for the government and the terminal community. After all, their attitudes and behavior mostly provide deviations for the terminal community, especially passengers, because in offering services to passengers they are a little pushy (Rizal et al., 2018).

Brokers are actually permissible in Islam with certain conditions. The arguments are as follows:

First: The Word of Allah SWT

يَا أَيُّهَا الَّذِينَ آمَنُوا أَوْفُوا بِالْعُقُودِ

Meaning: "*O you who believe, fulfill the aqad-aqad (promises) it*". (Q.S Al Maidah: I)

In the verse above, Allah commands believers to perfect contracts, including completing the agreement between a broker and a broker (Purnomo et al., 2021)

Second: Hadith narrated by Qais bin Abu Gharzah Radliyallahu Ta'ala 'anhu

قَالَ حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ جَامِعِ بْنِ أَبِي رَاشِدٍ وَعَاصِمٍ عَنْ أَبِي وَائِلٍ عَنِ الْقَيْسِ بْنِ أَبِي عَزْرَةَ
قَالَ كُنَّا نُسَمَّى السَّمَاوِيَّةَ عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَأَتَانَا بِالْبَيْعِ فَقَالَ يَا مَعْشَرَ
التُّجَّارِ فَسَمَّانَا بِأَسْمٍ أَحْسَنَ مِنْ أَسْمَانَا إِنَّ الْبَيْعَ يَحْضُرُهُ الْحَلْفُ وَالْكَذِبُ فَشَوَّبُوهُ بِالصَّدَقَةِ

Meaning: *(Ahmad bin Hambal) said; have told us Sufyan bin 'Uyainah from Jami' bin Abu Rasyid and 'Ashim from Abu Wa'il from Qais bin Abu Gharzah said; we named ourselves as samasirah (broker/broker) at the time of the Prophet sallallahu'alaihiwasallam. Then (Rasulullah Shallallahu'alaihi WaSallam) came to us while in Baqi' and said: "O traders", he named us with names that are better than our names (brokers/brokers), "Actually buying and selling contains oaths and lies, then mix it with alms."* Shahih, HR Ahmad, Abu Daud, Tirmidzi, Nasaidan Ibnu Majah)

The hadith above shows that the work of brokers has existed since the time of Rasulullah SAW, and he did not forbid it, even referring to them as traders or with a better name. However, in its development, there are other names such as middlemen which are common in agriculture.

The buying and selling system for farmers in villages often depends on a middleman. Middlemen are collectors who buy crops from farmers and distribute them to large agents. The buying and selling system for farmers in villages often depends on a middleman. Middlemen buy agricultural products and home industries, manufactured goods from itinerant traders, factory representatives, to importing agents (Megasari, 2018). Meanwhile, according to (Andika et al., 2021), a middleman is a party that has a certain amount of capital to buy products from an agricultural business.

Buying and Selling in Islam

In terms of fiqh, buying and selling are referred to as al-bai', which implies selling, replacing, and exchanging one item for another. Albai', pronounced in Arabic as "asyyira," is occasionally used to denote its opponent (buy). As a result, the term "al-bai" may be used to describe both purchasing and selling. Al-bai'u, which means to sell in Arabic, is the root of the words for buying and selling and business, respectively. Language defines buying and selling as swapping

one item for another (Shobirin, 2016). Nevertheless, in terms of what is meant by "buying and selling" or "commerce," (Susiawati, 2017):

1. Exchanging goods for goods or goods for money by releasing property rights from one to another based on mutual consent.
2. According to Sheikh Muhammad ibnQâsim al-Ghazzi, the most accurate understanding of buying and selling is to own something property (money) by replacing something based on syara's permission, just having the benefits that are permitted by syara' forever, such must be through the payment that is in the form of money, and such must be through the exchange of money.
3. According to Imam Taqiyuddin in the book *Kiffayatul al-Akhyar*: Exchanging assets, mutual acceptance, can be managed (*tasharruf*) with consent *qobul*, in a way that is by *syara'*.
4. Sheikh Zakaria al Anshari in his book *fath Al-Wahab*: Exchanging other objects in a special way (permitted)
5. According to SayyidSabiq in his book *FiqhSunnah*: Exchanging objects for other objects by mutual exchange or transferring property rights with a substitute in a permissible way.
6. Some scholars give meaning to buy and selling (business), including; UlamakHanafiyah "Buying and selling is the exchange of property for assets (objects) based on a special way (which is allowed) syara' agreed upon". According to Imam Nawawi in al-Majmu 'says "Buying and selling is the exchange of property with property for ownership". Exchanging goods for goods or goods for money by relinquishing property rights based on mutual consent.

Buying and selling which is a contract, and considered valid if it has fulfilled the pillars and conditions of sale and purchase. The pillars of buying and selling are as follows:

1. Sigat (Contract Speech) Sigat in buying and selling is anything that shows the willingness of both parties (seller and buyer). Sigat consists of two things: a. Words and what can replace them, such as a messenger or a letter, so if someone sends a letter to another person, and he says in his letter: "Actually, I sold my house to you at that price." or by sending a messenger to his buddy, who must accept the sale and buy in person for the agreement to be enforceable; b. Handover, refers to receiving and handing over without any spoken accompaniment. For instance, if someone purchases something at a comprehensible price, pays for it, then receives the item from the seller and

pays the amount, he is then seen to be the owner of the object since he has received it (Wahida, 2019).

2. Aqid is a person who enters into a contract, with both the seller and the buyer. The requirements are as follows: a. The seller and buyer should be tamyiz (able to distinguish), so the sale and purchase of children who are not yet tamyiz, as well as the sale and purchase of crazy people, as for children who are already tamyiz, specifically people who understand buying and selling and its repercussions and can catch the intent of the conversation of people who have a perfect reason, and they can answer it well, then their buying and selling is valid. If a child who is tamyiz buys an item that has received permission from his guardian, then the sale and purchase is invalid, b. The aqid should be someone smart (Rasyidan is someone who already understands the rules of calculation). So, it is not legal to buy and sell small children, whether they are tamyiz or not, and it is also illegal to buy and sell crazy people, idiots (ma'tuh), and extraordinarily spendthrift, so that they cannot hold money and cannot know calculations (safih) unless the guardian permits those who are tamyiz from them. (al-Jaziri, th).
3. Ma'qud 'Alaihi For ma'qud 'alaihi (which is contracted), both the object being sold and the means to buy it (money) are stipulated several conditions, including a. Holy Ma'qud 'alaihi in the form of unclean goods, both objects sold and tools for buying (money) are illegal. If someone sells unclean objects or things that are unclean and cannot be purified, then the sale and purchase is not valid, as are the tools used to buy them. If someone buys a sacred object and he makes it the price (in exchange for) wine or swine, then his sale and purchase is not valid; b. Usable The definition of goods usable is of course very relative because in essence all goods used as objects of sale and purchase are goods that can be utilized, such as for consumption (rice, fruits, fish, vegetables, etc.). Enjoy the sound (radio, television, etc.) and put it to good use by, for example, getting a hunting dog (al-Jaziri, th).

The legislation of buying and selling is conditional, meaning that it might be *mandub* (illegal), *al-Ibahah* (permissible), or mandatory (*sunnah*). *Al-Ibahah* is the basic law of buying and selling. Buying and selling is neutral, because it can fall into *makruh*, *sunnah*, obligatory, and can also be illegal depending on the background. *Al-Ibahah* punishes anybody who transacts only out of amusement and without any intent. It is the same as an action from a sociological view. In social science, action can be grouped into two things; the first is ordinary action,

and the second is social action. An ordinary action is an act done without the intention of involving other people. For example, a student comes home from college kicking an aqua bottle just for fun. If you kick him to get attention from others, it's a different story; this behavior is now social. The hadith reported by Muslims and the following verses serve as the foundation for Abdu al-view Arahman's of the law governing the purchase and sale of *al-Ibahah*: *Additionally, Allah has defended trading and prohibited interest..* (Q.S Al-Baqarah verse 275).

According to Abdu al-Rahman regarding the obligation to buy and sell, if the seller or buyer is based on his survival, for example, someone must sell or buy food to meet survival. In addition to using reasoning to support his claims, Abdu al-Rahman also relies on the hadith that al-Bukhari narrates. When it comes to buying and selling, it is *sunnah* if a person makes an oath to do so and does not injure himself in the process. Buying and selling can also be *makruh* if the goods being traded are *makruh*. Buying and selling is illegal, when the goods being traded are illegal (Apipuddin, 2016). Usury, *gharar* (unclear contract), *maysir* (unclear purpose/speculation), *tadlis* (not transparent), *dharar* (risk), *zhulm* (loss of one party), and illegal are prohibited under Sharia law (Kadir & Abdullah, 2019).

C. METHODOLOGY

This study uses a qualitative method with a descriptive qualitative approach. This research was conducted at PSA Bone Showroom Jl. Papaya, Tanete Riattang Barat District, Bone Regency in December 2022. Data collection used interview, observation, and documentation techniques. The sample in this study was PSA showroom owners/brokers/ and customers who use brokerage services from PSA Showroam Kab. Bone. The results of interviews with respondents were then carried out studies related to Islamic perspectives on the practice of brokering several views of Ulama through collecting library data, reading and taking notes, and managing writing materials (Nursalam, 2016) to seek rationales from research that has been carried out or for previous research ideas (Tewksbury, 2013). Data validation was performed using source triangulation techniques. Source triangulation is used to test the credibility and suitability of data through various sources, all related respondents. Triangulation techniques are used to test the reliability and suitability of the data obtained through observation and documentation. The qualitative analysis in this study is supported by additional data from other sources such as articles and books related to the practice of intermediaries/brokers from an Islamic perspective.

D. RESULTS AND DISCUSSION

One of the showrooms for buying and selling used cars in Kab. South Sulawesi Bone has been established for 13 years. This car buying and selling business operates every day from 10.00 – 17.00 WITA with a break from 12.00-13.00 WITA. Actually the working hours in this showroom are very flexible depending on the presence of consumers. The principle of this business is to seek profits with the velocity of money that must be fast. PSA showroom is not classified as a big business, but many sellers and buyers make transactions here. This is evidenced by the conditions that occur in the field where on average around 25-30 cars of various types or brands are successfully traded in this showroom every month. The sales figure is quite large because of the profits. PSA Showroom has 7 broker members with good facilities such as work space, lunch, and wifi. As stated by Mustar (49 years) as the owner of the showroom:

"I have as many as 7 members who work here, operating hours from 10.00-17.00 WITA. The results of their work are quite good with an average sale of 30 units of cars. So the way we work is to help sell other people's cars (car owners) by promoting them to people."(Interview with Mustard, PSA Showroom Owner, December 13, 2022)

Based on the statement above, the term "broker" is mentioned in a car buying and selling business carried out by one of the used car buying and selling showrooms. The term "broker" in some secondary data means that brokers (*samsarah*) are trade mediators (those who locate customers or sell items) or middlemen who mediate transactions between buyers and sellers. *Simsar*, or the middleman in buying and selling, is a person who sells another person's products with the understanding that the owner will be compensated for his business (Sopyan, 2019). *Samsarah* originally meant a person who helped sell grain from farmers to people. However, the definition of *samsarah* has evolved to be seen as a means of accumulating money via paid service for others, whether to sell or purchase (Manzur, t.th).

In general, scholars view that *samsarah* as halal. Because the offenders are seen as honorable for purchasing or selling products to others. If there is no *simsar*, it could be that the item is not selling well. *Samsarah* is included in the category of work that can be used to legally own property according to syara'. The work of *samsarah*, whether in the form of brokers, distributors, agents, and so on

in Islamic fiqh is included in the *ijarah* contract, a transaction utilizing the services of people in return. However, scholars differ on this matter. Ibn Umar, Talhah, Abu Hurairah, Anas, Umar bin Abd al-Aziz, Malik, Laits, and Shafi'I considered this service as *makruh*. Al-Kharkhiy said that this service is prohibited by outlining the hadith's ban in precise terms. Ahmad bin Hambal allowed this service even though there was an argument for the prohibition. He said that the prohibition was in effect at the beginning of Islam when the atmosphere at that time was not very good in terms of trade and prices (al-Miqdasiy, t.th). Other scholars such as Ibn Abbas, Imam al-Bukhariy, Ibn Sirin Atha also considered this service permissible (Sabiq, t.th). This is provided that:

1. The agreement must be clear between the two parties.
2. The object of the *samsarah* contract can be seen to have real benefits and can be handed over.

The object of the contract is not immoral or unlawful. Distributors and companies must be honest, sincere, transparent, not cheating, and not running a business that is unlawful and doubtful. The Shari'a allows all forms of cooperation that develop in the community, as long as this cooperation brings benefits and the goal of mutual assistance between communities and fulfills the terms and conditions in meeting their needs (Yuono, 2016). This is by the word of Allah SWT.

...وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِنِّمِ وَالْعُدُوَانِ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

Meaning: "...and please help you in (doing) virtue and piety, and don't help in sin and enmity. Fear Allah, indeed, Allah is very severe in punishment. (Q.S. Al-Maidah, 5:2).

The broker is called in Arabic *samsarah* or *dallalah*. The culprit or broker is called *simsar* or *dallal*. The reward is called *ujratu samsarah* or *as-sa'yu*, or *al-ju'azzawajalla* or *ad-dallalah*. PSA Showroom Bone Regency can be called a broker. It fulfills the criteria for the term broker or *samsarah* in Islam because it is classified as doing business as an intermediary between sellers and buyers, by selling used cars to people.

PSA Showroom Operational System as a Broker

PSA Showroom Brokers are the business people who in carrying out their activities continue to prioritize the principle of monotheism in their work, for example doing worship when prayer time arrives. As explained by Maghfur (2016) that the relationship between monotheism and economic activity is a basic guide to implementing monotheistic values in everyday life. Muslims not only have to be diligent in worship but also have to be right in muamalah and have social piety. The reason for using the services of a broker by Mustar as the owner of the MGC Garage showroom is that he realizes that humans are social beings who cannot work alone but need the work of other people and help each other in their work, such as car buying and selling transactions that occur at the Bone Regency PSA Showroom. The behavior of helping people who are in trouble is one of the characteristics of a believer. Allah will make it easier for help to come to people who like to help, whoever is the intermediary. The role of a broker is needed because usually the seller only wants to get a net price from sales without having to market the product. As stated by Mustar (49 years) as the owner of the showroom:

“ We have principles in carrying out our daily activities, worship by praying on time, and worship in recruiting others to work together to help each other and get good results. So that the working relationship is good and mutual trust”
(Interview with Mustar, Owner of PSA Showroom, 14 December 2022)

The relationship between the broker and the owner of the PSA showroom is well established so that both parties trust each other. The morals that must exist when doing business are honesty and trustworthy (trustworthy) in business competition. Amanah has the meaning of being responsible, credible, and trustworthy so that it does not take the rights of others that do not belong to it in the form of fees, services, labor wages, or sales proceeds. Honesty and successful economic activity are interrelated in Islam. Honesty applied in every business will foster a sense of trust from other parties. This is an advantage and a strength of the business at the PSA Showroom in Bone Regency because it has broker members who are honest and trustworthy and even have a pious nature of worship by performing congregational prayers in the office. Meanwhile, research in East Lampung regarding the buying and selling of used motorbikes found that brokers

were often dishonest about the condition of motorbikes with the aim that consumers would trust them and make transactions immediately (Desanto, 2020).

The form of the agreement made between the broker and the showroom owner is regarding the deposit price that has been determined by the showroom owner so that the broker raises the price of the vehicle personally. The transaction process between the showroom owner and the broker was corroborated by the statement of one of the brokers, namely Rian (28 years) who explained that *“ujrah/commission on unit sales is obtained by increasing the price that will be offered to consumers with the permission of the car owner”*. The mechanism of action can be seen in the image below:

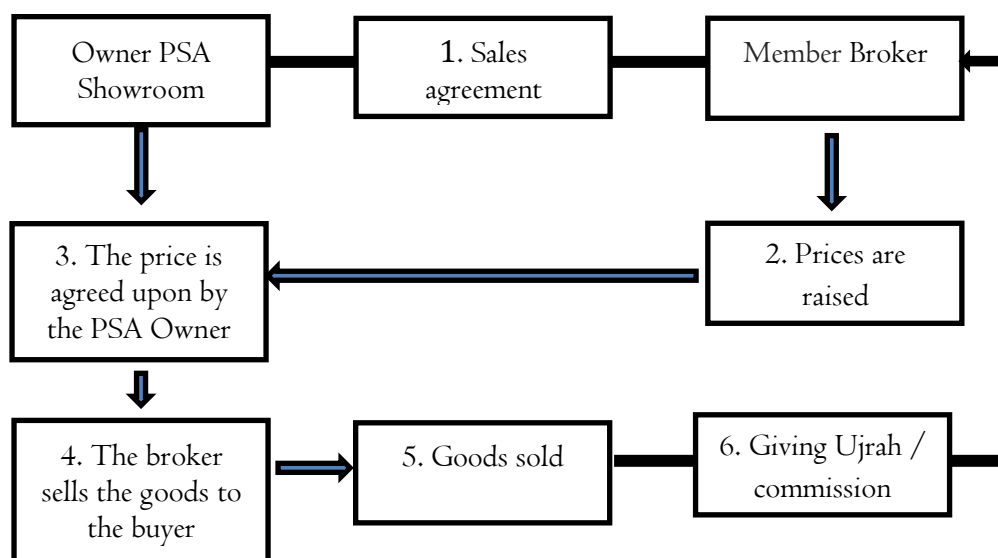


Figure I. PSA Showroom Broker Operations

Source: results processed by the author

Based on the results of observations, the contract that occurs between the broker and the car owner is in the form of a speech/oral agreement. Then it becomes a binding agreement and requires the broker to carry out the responsibility of being an intermediary. Transactions between owners and brokers have been based on the principle of pleasure. *Ridha* from both parties is a principle that transactions will be valid if this is fulfilled and without elements of coercion. The showroom owner sets the price for the car to be sold at IDR 107,000,000.00, while members of the broker increase the price to IDR

108,000,000.00 with the permission of the car showroom owner. When they have received permission to sell for IDR 108,000,000.00, then the broker member will promote the vehicle to other people. In addition, the owner of the PSA Showroom also conveys the condition of the vehicle to the broker members so that it can be delivered in a trustworthy and transparent manner to prospective buyers and without exaggeration. When the vehicle is successfully sold, the profit for the broker member will get an *ujrah* of IDR 1,000,000.00, which is the difference from 108,000,000 - 107,000,000.

Transparency is openness and honesty to other parties. The buyer has the right to obtain complete information on a matter that has been entrusted. Transparency is carried out based on information sources that are obtained smoothly without anything being covered up so that in the context of buying and selling used cars, transparent information from the broker is needed so that misunderstandings do not occur and it is based on justice, goodwill, and honesty. The buyer at the PSA Showroom, Fitrah (38 years), revealed that he always uses the services of a broker, especially at the PSA Showroom when buying a used car because it is easier, according to his wishes, the funds he has, and the broker has a responsible attitude. As expressed by Fitrah:

" When I buy a used car, I always go through a broker. We are comfortable with what car we need; the budget is so much that the broker will look for it later. The important thing is that the realtor said what the car is, no trace of an accident, flood, engine down and so on" (Interview with Mr. Fitrah, PSA Showroom Consumer, December 17, 2022)

Transparency and responsibility are needed in business to fulfill the rights and obligations of each party to avoid losses on one side because in the end everything in this world will be held accountable at the end of the day. The goal is that the buyer avoids losses due to negligence on the part of the showroom or broker. In Islam, honesty is taught in earning a living so that it not only benefits but also rewards.

Based on observations and interviews with the PSA Showroom, both owners and brokers use conventional banks when making transactions. According to them, the use of conventional banks is easier and more common. The reality on the ground shows that most (even almost all) consumers use conventional banks.

Even so, they also still serve cash transactions. Business activities carried out should use Islamic banks.

View of the Ulama:

The scholars allow the broker's wages. Al-Imam Malik was once asked about the broker's wages, he answered "it doesn't matter". Al-Imam al-Bukhari mentions a chapter in Sahih al-Bukhari, "The Chapter of Broker's Wages" (Baqi, 2017).

1. Ibn Sirin, Atha', Ibrahim (an-Nakha'i), and al-Hasan (al-Bashri) saw the permissibility of wages for brokers.
2. Ibn Abbas said, "Someone may say, 'Sell these clothes. What is more than such and such (price), that is for you.'"
3. Ibn Sirin said, "If someone says, 'Sell this item at this price, and the remaining profit is for you, or we share it in two,' this is fine. Because, Rasulullah shallallahu 'alaihiwasallam said:

وَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْمُسْلِمُونَ عَلَى شُرُوطِهِمْ

Meaning: "The Muslims are by their conditions."

Table I. Views by Ulama

<i>Ulama</i>	Views
Ibn Qudamah	<p>"A person may hire a broker to buy clothes". Ibn Sirin, Atha', and an-Nakha'i allowed this. The broker may be given a certain amount of time, such as ten days, during which time he will buy the goods because the time and work are known.</p> <p>If only the work is specified, but the time is not, and it is determined that from every 1,000 dirhams he gets a certain amount, this is also valid. If someone hires people (brokers) to sell clothes, that is also legal. Al-Imam ash-</p>

	<p>Shafi'i has this viewpoint since it is a mubah work that may be depicted and is well-known. Therefore, it is also permissible for him to lease contracts, such as buying clothes.</p>
<p>Al-Lajnah ad-Daimah</p>	<p>Was asked about the following issue. A trading office owner acts as an intermediary for certain companies to market their products. The company sent samples to him for him to offer to traders in the market. He then sells the product to consumers at a price set by the company.</p> <p>He gets the wages he has agreed with the company. Did he sin with this job? Al-Lajnah ad-Daimah replied that if the reality is as stated, he may take the wages and there is no sin on him.</p>
<p>Asy-Shaykh Abdul Aziz bin Baz</p>	<p>Was once asked about the law on someone finding a shop or apartment (for someone else) and getting rewarded for it. He replied that there was nothing wrong with that. This is a reward called as-sa'yu. That person should be serious about finding a place that is by the request of the person who wants to rent it. If he helps him and finds a place according to his request, then he helps to agree with the tenant and the owner, and the wages are also agreed upon, all this is fine, God willing.</p> <p>However, this is provided that there is no betrayal and deception, but that there is trust and honesty. If he is</p>

	honest and trustworthy when looking for what is requested (prospective tenant), without deceiving and tyrannizing (prospective renter) or the shop/apartment owner, he will be in goodness, God willing.
Ibnu Qudamah	<i>“Representation is allowed, whether paid or not. Because, the Prophet represented Unais' friends to carry out the hard punishment, and represented Urwah's friends in terms of buying goats, without wages. He also once sent employees to collect zakat and then pay them wages. Therefore, the two children of his uncle shallallahu 'alaihiwasallam said to him shallallahu 'alaihiwasallam, 'Suppose you sent us to collect zakat so that we pay it to you as humans pay it to you, and we get something as people also get it i.e. getting paid!”</i> (HR. Muslim)

(Source: Baqi, 2017)

Therefore, if someone is made a representative in sales and purchases, he is entitled to get a wage if he does so.

Table 2. Views by Ulama

Ulama	Views
Asy-Syaikh Abdul Aziz bin Baz	<i>“There is nothing wrong with being a broker for sellers or traders. The wage requirements are permissible.”</i> (Fatwa of IbniBaz)
Al-Lajnah ad-Daimah	Was once asked, <i>“There is a lot of debate about the ratio of wages earned by brokers. Some say 2.5%, and some say 5%. How much is the legal wage for</i>

	<p><i>a broker? Or does it depend on the agreement between the seller and the buyer?"</i></p> <p>The following is the answer to al-Lajnah ad-Daimah.</p> <p><i>"If there is an agreement between the broker, the seller, and the buyer, whether the broker takes wages from the buyer, or the seller, or from both, the wages are known in terms of wages, then that is okay. There is no specific wage limit or percentage."</i></p>
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(Source: Baqi, 2017)

Agreements that occur and mutual satisfaction about who will give wages, that is permissible. However, all of this should be by the customary restrictions that prevail in society regarding wages earned by brokers in return for their work as intermediaries between sellers and buyers. In addition, there should be no harm to sellers or buyers with wages that exceed the norm (Fatawa al-Lajnah). If the percentage of wages is from profit, not from the sales price, the Hanbali school of jurists allows it, and it resembles mudharabah. (Kasysyaful Qana' [3/615], Mathalib UlinNuha [3/542], some quotes are taken from the Islamic Fatawa Sualw alJawb). Ibn' Khaldun also explains in more detail. In his opinion, reasonable profits will encourage the growth of trading, while very low profits will discourage (decrease) trading because traders lose motivation. Conversely, if traders take very high profits, it will also make trade sluggish (decrease) due to weak consumer demand(Hafiz, 2021).

Based on the views of several scholars, it is permissible for a broker or intermediary for both the seller and the buyer, whether with wages or not as long as there are no deviations and harm during the process that can make one party wronged or suffer a loss. Associated with the activities of the broker in the PSA Showroom Kab. Bone fulfills the requirements to be said to be a broker which is legally permissible because the seller asks the broker members to carry out sales promotions to other people or prospective buyers, with wages or commissions obtained from the difference in the selling price previously agreed between the seller and the broker member. In addition, members of the broker are honest and

trustworthy in conveying the condition of the goods being sold to the buyer so that they do not feel disadvantaged and an agreement (*ridha*) is established between all parties involved.

Broker in Islam is permissible if he fulfills the following terms and conditions:

1. In the corridor of the sale and purchase contract.
2. Halal contract object, real and can be submitted.
3. The broker obtains permission from the seller.
4. The broker's profit or salary is transparent and known to the seller.
5. The broker acts as the seller's representative so that the transaction uses a *wakalah* contract.
6. There is no tyranny, harm, fraud, and so on.
7. A broker must be honest, trustworthy, earnest, and have business ethics.
8. The broker has judgment and communication skills.

E. CONCLUSION

Based on the results of the research that has been done, it can be concluded that a realtor is someone who advertises something other people's objects if the object is successfully sold, a broker will be given a salary from the owner of the object of sale in the way he has done it. There are several names of intermediaries in buying and selling, namely: brokers, agents, mediators, middlemen, and brokers, in Islam it is also called *samsarah*. According to some scholars, buying and selling intermediaries or representatives are permissible, whether paid or not. This is because the Prophet once represented his companions in terms of purchasing goats, without wages. Another opinion also says that a person may hire a broker to buy clothes and then be given a wage for his success in doing the job.

The broker at the PSA Showroom has been buying and selling used cars by fulfilling the principles of teachings in Islamic business ethics which include the principles of monotheism, mutual help, honesty, trustworthiness, mutual agreement (*ridha*), transparency, and responsibility. The principle of monotheism by the broker is to continue to worship amid his busy life. The principle of mutual help can be seen in the showrooms that use the services of a broker because they understand that humans are social creatures who cannot do things on their own. The principle of honesty and trust is carried out by brokers through their relationships with showroom owners and car buyers. The principle of pleasure can be seen from the agreement (contract) made by the broker with the

showroom owner and the buyer so that one party avoids losses. Brokers also uphold transparency in selling cars to buyers so that they fulfill the transparency principle laid down by Islam. The principle of a broker who is responsible for transactions at PSA Showroom Kab.Bone can be seen from his behavior in fulfilling the buyer's request according to the agreement.

The practice of brokers in the PSA Showroom in general has also fulfilled the pillars and legal requirements of buying and selling, namely the existence of a seller, buyer, object, and contract, except for the use of conventional banks as a transaction medium which results in imperfect transactions in Islam. Therefore, it can be concluded that the practice of buying and selling used car brokers at PSA Showroom Bone from an Islamic perspective is generally appropriate. The suggestions and recommendations given are the need to use a Sharia bank (or it can be in cash) in transactions at PSA Showroom to perfect the used car sale and purchase contract.

REFERENCES

- Abdulahanaa. (2016). Makelar Kasus dalam Kajian Filosofis Normatif Hukum Islam. *Jurnal Al-Manahij*, *X*(2), 201–216.
- Abdullah, M. W., Kadir, S., & Alaraj, H. (2020). Sharia Financial Literation In Developing Sharia-Based Business For Rural Communities In South Sulawesi. *Ikonomika*, *5*(1), 117–140.
<https://doi.org/10.24042/febi.v5i2.7050>
- Andika, R., Marzuki, M., Lubis, R. H., Mulyana, C. V., & Safrida, S. (2021). Perampasan Hak dan Kesejahteraan Petani oleh Tengkulak di Kabupaten Aceh Barat. *Jurnal Public Policy*, *6*(2), 118.
<https://doi.org/10.35308/jpp.v6i2.2608>
- Apipuddin. (2016). Konsep Jual Beli Dalam Islam. *Jurnal ISLAMINOMIC*, *V*(2), 75–85.
- Aprilia, M., Muhalling, R., & Kartini. (2017). Eksistensi Bisnis Makelar (Tanah) Ditinjau Dari Segi Hukum Islam (Studi Kasus Di Desa Onewila, Kecamatan Ranomeeto, Kabupaten Konawe Selatan). *Iqtishadia*, *3*, 110–120.

- Banjaransari, A. P. R. P. (2021). Pertanggungjawaban makelar dan komisioner kepada pihak ketiga berdasarkan hukum dagang indonesia. *Jurnal Yustisiabel*, 5(1), 1–18.
- Baqi, M. F. A. (2017). *Shahih Bukhari Muslim (Al-Lu'Lu Wal Marjan)* (A. F. B. Taqiy (ed.)). Gramedia.
- Desanto, R. (2020). *Praktik makelar dalam jual beli motor bekas perspektif hukum ekonomi syariah*.
- Hafiz, H. S. (2021). Praktek Makelar Jual Beli Sapi Dalam Perspektif Hukum Islam (Studi Kasus Di Desa Embung Kandong Kecamatan Terara Kab. Lotim). *Al-Watsiqah*, 1(1).
- Hermansyah. (2017). *Showroom Dira Motor Palangka Raya (Perspektif Hukum Ekonomi Syariah) Oleh : Hermansyah Institutagama Islam Negeri Palangkaraya Fakultas Syari ' Ah Jurusan Syari ' Ah Prodi Hukum Ekonomi Syari ' Ah Tahun 2017 M / 1438*.
- Ihsan, A., Nur, A., & Kadir, S. (2022). Islamic Wealth Management And Corporate Governance. *El-Qish: Journal of Islamic Economics*, 2(2), 85–96. <https://doi.org/10.33830/elqish.v2i2.4158.2022>
- Kadir, S. (2019). Pengembangan Pengukuran Kinerja Dengan Pendekatan Masalah Score Card. *Ad-Deenar: Jurnal Ekonomi Dan Bisnis Islam*, 3(2), 149–172. <https://doi.org/10.30868/ad.v3i01.501>
- Kadir, S. (2022a). Labelizing of Manufacturing Halal Industry Products for Achieving Customer Satisfaction In The Perspective of Masalah Daruriyah. *El-Qish: Journal of Islamic Economics*, 2(1), 23–31. <https://doi.org/10.33830/elqish.v2i1.4150.2022>
- Kadir, S., & Abdullah, M. W. (2019). Islamic Economic Creative Solutions For Small And. *Iqtishaduna, Proceeding*(1), 96–107.
- Kadir, S., Abdullah, M. W., & Kadir, A. (2019). Analisis Pengukuran Kinerja dengan Pendekatan Masalah Scorecard. *Jurnal Minds: Manajemen Ide Dan Inspirasi*, 6(1), 53. <https://doi.org/10.24252/minds.v6i1.8108>
- Kadir, S., & Basri, M. A. (2019). Amanah Finance Marketing Strategy Bulukumba Branch In Increasing Murabahah Financing. *Kodifikasia: Jurnal Penelitian Islam*, 15(02), 243–258. <https://doi.org/10.21154/kodifikasia.v15i2.2277>
- Kadir, S. et all. (2022b). Political Stability, Macro Economics, and Islamic

- Human Development Index (i-hdi) In Oic Countries. *Jurnal Syarikah*, 8(2), 245–253.
<https://doi.org/https://doi.org/10.30997/jsei.v8i2.6996>
- Kadir, S., & Salfianur. (2021). Pelatihan Ekonomi Mikro Syariah Dalam Meningkatkan Literasi Keuangan Syariah Bagi Masyarakat Desa Bulu-Bulu Kab. Bone Dan Siwa Kab. Wajo. *E-Amal Jurnal Pengabdian Kepada Masyarakat*, 01(03), 467–480.
<https://doi.org/https://doi.org/10.47492/eamal.v1i3.902>
- Koesmariadi, F. A. (2017). Pola Interaksi Jaringan Sosial Makelar Villa. *Jurnal Ilmiah*, 7(1), 1–20.
- Lisman, M. (2019). Broker Pada Bisnis Properti: Studi Etika Bisnis Islam. *Jurnal ISLAMIKA*, 2(1), 38–50.
- Megasari, L. A. (2018). Ketergantungan Petani terhadap Tengkulak sebagai Patron dalam Kegiatan Proses Produksi Pertanian (Studi di Desa Baye Kecamatan Kayen Kidul Kabupaten Kediri). *Jurnal Ilmu Sosial*, 3(3), 1–19.
- Morgana, I. G., & Rachmawati, L. (2021). Praktik Makelar Dalam Jual Beli Mobil Bekas Di Mgc Garage Madiun Ditinjau Dari Perspektif Islam. *Jurnal Ekonomika Dan Bisnis Islam*, 4(2), 75–84.
<https://doi.org/10.26740/jekobi.v4n2.p75-84>
- Mubarak, A. (2013). *Broker Dalam Bisnis Properti Menurut Fatwa DSN No 93*. I(93), 1–9.
- Nursalam. (2016). Metode Penelitian: Pendekatan Praktis. In *Salemba* (Issue 4).
- Purnomo, H., Cahya, B. T., Kuncoro, M. L., & Suparwi. (2021). Analisis Broker Contract Kepengurusan Surat Izin Mengemudi dalam Islamic Framing (Studi Kasus Satpas Polres Demak). *JIEI: Jurnal Ilmiah Ekonomi Islam*, 7(01), 412–424.
<https://doi.org/http://dx.doi.org/10.29040/jiei.v7i1.1861>
- Purwanti, D. A., & Maleha, N. Y. (2021). Tinjauan Hukum Islam Terhadap Perilaku Desa Saleh Agung Kecamatan Air Saleh. *Jurnal Ilmiah Mahasiswa Ekonomi Syariah*, 1(2), 83–96.
- Rizal, M., K, S., & Tola, S. F. (2018). Fenomena Calo Liar diserahkan sepenuhnya kepada suatu Perusahaan Daerah (PD) di bawah naungan. *Journal Sociology of Education*, VI(1), 53–63.

- Rosita, K., Hidayat, A. R., & Nurhasanah, N. (2016). Analisis Hukum Islam tentang Makelar (Broker) dalam Transaksi Jual Beli Kain di Kawasan Textile Cigondewah Rahayu Bandung Analysis of Islamic Law of Realtor (Broker) in Sale Transactions in The Textile Fabric Kawasan Textile Cigondewah Rahayu Bandung. *Prosiding Keuangan Dan Perbankan Syariah*, 2(2), 781–787.
- Shobirin. (2016). Jual Beli Dalam Pandangan Islam. *BISNIS : Jurnal Bisnis Dan Manajemen Islam*, 3(2), 239. <https://doi.org/10.21043/bisnis.v3i2.1494>
- Sopyan. (2019). Analisis praktek Samsarah (makelar) dalam Jual Beli Sepeda Motor di Kabupaten Bone. *Jurnal Ilmiah Al-Tsarwah*, 2(1), 14–35. <https://doi.org/10.30863/al-tsarwah.v2i1.275>
- Susiawati, W. (2017). Jual Beli dan dalam Konteks Kekinian. *Jurnal Ekonomi Islam*, 8(2), 171–184.
- Syahril, S., Abdullah, W., & Syahrudin, S. (2019). Model Pemberdayaan Ekonomi Dengan Filantropi Islam Dalam Mewujudkan Kesejahteraan Masyarakat. *IQTISHADIA Jurnal Ekonomi & Perbankan Syariah*, 6(1), 25–40. <https://doi.org/10.19105/iqtishadia.v6i1.2296>
- Taufiqurrahman. (2018). Tinjauan Hukum Islam Terhadap Praktek Makelar Sepeda Motor Bekas di Desa Tindang Kecamatan Bontonompo Selatan Kabupaten Gowa. *Repository.Uin-Alauddin*, 15–34.
- Tewksbury, A. S. D. and R. (2013). How to write a literature review (2). *JOURNAL OF CRIMINAL JUSTICE EDUCATION*, 24(2), 7–11.
- Wahida. (2019). Perspektif Hukum Islam Terhadap Transaksi Jual Beli Online Dengan Model Periklanan. *Al Ilmu: Jurnal Keagamaan Dan Ilmu Sosial*, 7(1), 156–179.
- Wahyuno, S. (2021). Calo Terminal Purabaya. *Jurnal Bimas Islam*, 4(1), 1–23.
- Yuono, Y. (2016). *Makelar Di Tinjau Dari Hukum Islam (Studi Kasus di Pasar Hewan Muntilan Kabupaten Magelang 2016)*.