

Scope of Business in Islamic Sharia According to the Hadith of The Prophet Muhammad ^(SAW)

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Abstract

Business or commerce is an activity that is always intertwined with the life of mankind in the midst of social life, especially the needs between people, and or with the natural surroundings, are needs that are naturally stipulated in religious texts. In the context of commerce there is a scope that must be understood, because in religion there are norms that regulate it. That is, not all transactions are legal in the aspect of religious norms, because there are restrictions on a transaction for profit, such as transactions outside the scope presented in this study. The study in this paper shows that the scope of shar'ai business transactions is limited in the variety of transactions in which all parties' rights are protected, both in the model of business transactions and ethics.

Keywords: Scope, Business, Islam

1. Introduction

Business is an integral part of human life, especially the Prophet Muhammad, who has given examples regarding commerce during his lifetime. The rotation of human needs, both primary and secondary, is through commerce (Mardani, 2012). Starting from agricultural products, livestock, fishermen, and others as a whole will become valuable through commerce. Therefore, commerce occupies a fairly important position in the sustainability of human life.

Business is an important part of the activities of all human beings with the aim of producing goods and services, even for the sake of meeting the needs of each individual's life. In business activities, charcoal and services will be distributed (tasharruf) to anyone who needs it, and based on this distribution, business practitioners are entitled to profit from the goods they have sold. The needs of each individual for goods, and also in the form of services, business activities exist and have an impact on the fulfillment of each individual who is transacting (Wulandari, 2010)

The existence of a society that is naturally constantly developing, business activities also continue to develop according to the needs of market share. Qualitative developments can be assessed as the increasingly rapid development of the world of education and civilization which is increasingly advanced, and quantitative

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developments can be seen from the increasingly dense population (births, increasing age, and death), so that the development of human life has implications for the need for a variety of materials. to complement their life and sustainability (Rahmat & Akbar, 2021).

The various interests of mankind that are constantly evolving, do not mean that they are normal without negative impacts. At least each individual must have the desire, even the ambition to secure the needs for the continuation of their lives. In the context of the need for rotation in mu'amalah, religion is present as an intermediary to secure the rights of each individual in social life which naturally requires rotation of each material to complement each other. The existence of a religion which contains rules that function to protect or at least minimize the occurrence of acts of persecution perpetrated by a person against another person, or a group against another group (Akbar, n.d).

Amir Syarifuddin emphasized;

If the word law is related to Islam, then Islamic law means: a set of regulations based on Allah's revelation and the Sunnah of the Prophet regarding the behavior of a mulatto human being who is recognized and believed to be valid and binding for all people who are Muslims. In simple terms, it can be said that Islamic law is law based on God's revelation. So that Islamic law according to this ta'rif includes shari'ah law and fiqh law, because the meaning of syara and fiqh is contained in it (Barkatullah, 2006).

In the context of commerce, there are rules that have been established in religion, the goal is to control a transaction that occurs between two parties (seller and buyer) so that fraud does not occur, fraud that has an impact on one party's losses. While the core of the rules that have been set in the context of the transaction is the existence of satisfaction between the two parties who are doing the transaction ('an taradlin). This paper wants to reveal the scope of commerce in Islamic Shari'ah in several aspects.

2. Method

Based on the phenomena described above, the research analyzes in depth the scope of business in Islam. In general, this research is qualitative research and literature with a descriptive analysis pattern, which is an approach used in order to obtain accurate data, which is then analyzed and concluded. The reference sources presented in this study come from various sources of literature, and after gathering information, the authors use analytical descriptive analysis method.

3. Syar'i Business Terminology

Etymologically "business" is a term that comes from English, namely: "business" or also "business" (jama'), the word has the meaning of a transaction in the context of trade, entrepreneurship, commerce, or also trade (Echols & Shadily, 1996). In line with this definition is stated in the Big Indonesian Dictionary, business means trading business, commercial business in the world of trade in the field of business (K.B.B. Indonesia, 2021). The definition of business in the language dictionary shows about a transaction activity in the context of exchange between the value of the medium of exchange and the material, the goal is to commercialize the goods that are owned by transferring rights in exchange for money and to make a profit.

In this case, Ebert defines business with an organization whose function is to manage goods and services for profit (Wahjono, 2010). Next is Skinner, he defines it by exchanging goods, services, or money that gives mutual benefit or benefits. Starub and Attner, stated that a business is an organization engaged in an activity, in the form of production and then selling goods and services needed or desired by consumers in order to gain profit or profit (Yusanto, 2002).

Hughes and Kapoor stated that what is meant by business is "is the organized efforts of individuals to produce and sell for a profit, the goods and services that satisfy society's needs. (Business is an activity carried out by individuals to obtain, and or to sell goods, as well as services in order to earn profits in meeting the

needs of the community. (Bukhari, 2003: 89) Huat, Tchwee, et .al defines "business in the simply a system that produces goods and service ti satisfy the needs of our society", business as a system that produces goods and services to satisfy people's needs (Amirul & Imam, 2005).

Thus, it can be understood that what is meant by business is a form of activity of a person in order to commercialize the goods he owns to benefit from this activity. Both in the form of distribution of goods or services that are needed by the community.

Etymologically (lughatan) the term sharia means a source of drinking water. Meanwhile, in syara' terminology, they are referred to as norms originating from Allah SWT. through Rasulullah SAW. For all human beings without exception, both norms related to worship, ethics, food, drink, clothing, and muamalah in order to achieve happiness in the world and the hereafter (As-Shiddieqy, 1978).

Ibn Manzhur stated that the term shari'at means places where water flows down into it. Syir'ah and shari'ah in Arabic conversation have the meaning syir'atul ma', namely a spring, a place that can hold water, which people then come to drink, and also take it from. The Arabs do not name the places where water is stored with the term syari'at until there is a lot of water, it continues to flow without interruption, it is clear and clear, and the water is taken without the need to use a rope (Mz, 2018).

Meanwhile, in terms of terminology, Umar bin Sulaiman Al-Asyqar emphasized that shari'a are norms that were revealed by Allah through the Messenger of Allah and contained in His book, as well as in the sunnah of the Prophet Muhammad, it makes no difference whether these laws are in the field of faith, charity, or morals." Manna' al-Qhatthan emphasized that syari'at means "all the provisions of Allah which are prescribed for His servants, both concerning faith, worship, morals, and muamalah" (Al-Qathan, 1976). Thus, what is meant by syar'i business means a series of economic activities with the aim of obtaining profits based on religious rules. Commerce, which is connected with rules in religion, is based more on the aspect that all human activities must have rules in religion. While the goal is that all individuals who are carrying out trading activities have all their rights protected, so that no one feels aggrieved over the transactions that have been made, either by the seller or the buyer.

Shaykh Ibn Taimiyah in his work emphasized that all the intricacies of human activity cannot be separated from religious rules, because the key to the realization of benefit is the shari'ah itself. he stated,

لَيْسَ لِلْإِنْسَانِ أَنْ يُخْرِجَ عَنِ الشَّرِيعَةِ فِي شَيْءٍ مِنْ أُمُورِهِ بَلْ كُلُّ مَا يَصْلُحُ لَهُ فَهُوَ فِي الشَّرْعِ مِنْ أُصُولِهِ وَفُرُوعِهِ
وَأَحْوَالِهِ وَأَعْمَالِهِ وَسِيَاسَتِهِ وَمُعَامَلَتِهِ وَغَيْرِ ذَلِكَ

"Humans cannot be separated from the Shari'a in any matter throughout their life, even everything that leads them to goodness is all in the Shari'a. Starting from ushul matters, furu' matters, issues of life, work, politics, muamalah, and others."

Business is an important part of human life, because the circulation of goods at exchange rates, and the rotation of life between each individual at this time the majority pivots on business, so the presence of religion as a rule in order to prevent detrimental acts arising from one party is urgently needed.

4. Scope of Business in Islam

Fiqh al-Islam(a result of legal conclusions from religious arguments) functions to regulate all aspects of life that exist in human daily activities, both in the context of human relations with God (vertical) or the relationship between them and others (horizontal), whether related to individuals, families , society, even those related to the state both in times of peace and war. Therefore, broadly speaking, scholars (ulama fiqh) classify fiqh into two parts, first, fiqh of worship at the conclusion of law which regulates human relations with

Allah SWT. Second, fiqh muamalah is a conclusion in which there are rules regarding human relations with other humans.

muamalahal-madiyahis muamalah which is material in nature because the objects of fiqh muamalah are things that are lawful, unlawful, and doubtful to be traded. Objects that harm, objects that bring benefit to humans, and several other aspects. Some of the things that fall into the scope of Madiyah muamalah are as follows:

- a. Buying and selling (*al-Bai' al-Tijarah*) is an act or transaction that has been prescribed in the sense that there are clear laws in Islam.

Tijarah Derived from Arabic which means trade, commerce, and business. *Tijarah* is a trading contract, namely exchanging assets for assets according to a predetermined and beneficial method that is permitted by sharia. *Tijarah* contracts are all forms of contracts made for commercial purposes (Widya, 2022).

Tijarah definitively interpreted as a contract that aims to seek or gain profit, with a note that the pillars and conditions regarding this matter have been fulfilled. While the contracts included in this category include: *Ijarah*, *Salam*, *Murabahah*, *Istishna'*, *Musarakah*, *Muzara'ah* and also *Mukharabah*. *Tijarah* (compensational contract) in another sense is referred to as all forms of transactions involving for-profit transactions (Rafsanjani, 2016). A *tijarah* contract is a transaction related to a sale and purchase agreement, and is business oriented. The main objective in this engagement is to seek profit (profit oriented). In this engagement, profits are certain (certain) or predictable and certain (uncertain) (Abdurohman, 2020).

So, it can be understood that what is meant by *tijarah* is a transaction between two parties, both the seller and the buyer on the basis of mutually covering each other's needs. While the main goal is to gain profit, especially for sellers of goods.

- b. Pawning (*al-Rahn*) is a transaction that aims to make an object that has a property value as collateral for a debt, so that it is possible to take all or part of the debt from that object.

Definitively *rahn* is a derivation in the word *rahana - yarhanu*, *rahn* (mortgage, suspend) or can also be called a guarantee (*borg*). The word can also mean *al-habsu*, meaning fixed or sustainable, while *al-habsu* means detention (Pasaribu & Lubis, 1996).

Sayyid Sabiq stressed that according to *syara'*, *rahn* is making goods that have an asset value as collateral in a debt transaction. In this transaction, the person concerned is allowed to take on debt, or can also obtain some (benefits) of the goods owned (Sabiq, 2017). The basis for the occurrence of a debt transaction accompanied by a guarantee (*marhun*). Objects used as collateral in the language of fiqh are called *marhun*, while those who pawn them by submitting collateral are called *rahin*. And the party receiving the guarantee and handing over the money is called *murtahin* (Ghufron, 2002).

In this context, there are also Civil Law regulations (KUHPdata). It is stated that, pawning is a right that is obtained by a creditor for a movable object, which is handed over to him by someone who is in debt or by another person on his behalf and who gives power to the creditor to take payment of the item in priority over the person who owes it. others with the exception of the cost of auctioning the item and the costs incurred, which costs must take precedence (Article 1150 of the Civil Code) (Subekti & Intermasa, 2008). So, pawning is a form of transaction that occurs between the two parties with the aim of lending money to the debtor. While the goods owned by the borrower serve as collateral as evidence, that the borrower will immediately return the money within a predetermined time.

- c. Debt Transfer (*Hiwalah*)

Hiwalah (transfer of debt) in language (*lughatan*) means *al-intiqal* (moving), as an example of using the language *Hala 'ani a-l'ahdi*, (moving, turning away, turning away from promises). Meanwhile, in terms of

In the hadith it is also prescribed regarding syirkah, among others in a hadith qudsi which reads as follows:

حَدَّثَنَا مُحَمَّدُ بْنُ سُلَيْمَانَ الْمَصْبُوعِيُّ حَدَّثَنَا مُحَمَّدُ بْنُ الزُّبَيْرِ عَنْ أَبِي حَيَّانَ التَّيْمِيِّ عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ
رَفَعَهُ قَالَ إِنَّ اللَّهَ يَقُولُ أَنَا ثَالِثُ الشَّرِيكَيْنِ مَا لَمْ يَخُنْ أَحَدُهُمَا صَاحِبَهُ فَإِذَا خَانَ خَرَجْتُ مِنْ بَيْنَهُمَا

"Has told us (Muhammad bin Sulaiman Al Mishshishi), has told us (Muhammad bin Az Zibriqan), from (Abu Hayyan At Taimi), from (his father) from (Abu Hurairah) and he recited it. He said; Indeed Allah says: "I am the third party of two partners, as long as there is not one of them who betrays his friend. If he has betrayed him, then I am out of both of them" (Al-Tayyib'Abadi & Muhammad Syamsul Haq al, n.d).

The arguments mentioned above show that Allah SWT. always accompanies several individuals who have entered into a syirkah cooperation agreement. In this context Allah SWT. Bind them by guarding, guiding and providing assistance to them by sending down blessings in their trade. If there is treason, then the blessing will be revoked from the assets of both (Syahputra, 2021) and others.

5. Scope of Maintainability of Each Party in the Transaction

Inequality in a transaction is maintained in religion so that all parties are not harmed equally. In this context it is classified into several parts;

5.1 Maintaining Equality and Freedom

The accessibility of each individual in society in obtaining the use of available resources has the same rights. Each individual has the same rights to use his ability to manage existing resources. No party may prohibit the activity of collective resources available to the community.

Likewise, each individual also has the same right to get results according to the efforts and abilities possessed by them. All of this has basically been regulated in the principles contained in the Islamic religion, that the natural resources on this earth are provided for all mankind without exception. The natural resources referred to in religious texts include all tangible natural resources (such as land, water and plants) as well as intangible resources (such as technology and education) (Kamaludin Yusup et al., 2014).

In this case Allah SWT said:

وَسَخَّرَ لَكُمْ مَّا فِي السَّمَوَاتِ وَمَا فِي الْأَرْضِ جَمِيعًا مِّنْهُ ۗ إِنَّ فِي ذَلِكَ لَآيَاتٍ لِّقَوْمٍ يَتَفَكَّرُونَ

5.2 Fairness and honesty in exchange transactions

In order to ensure fair exchange transactions that occur between the two parties, there are norms that exist in Islam regarding ethics in transactions. This moral in detail regulates the behavior of buying and selling practitioners, both those that occur in the market or outside it, whether consumers, distributors, or producers. Overall market participants have their rights and obligations. Both transactions are based on an open and mutually voluntary contract ('antaradlin) (Fesharaki & Sehat, 2018).

5.3 Equality on the Basis of Sharia Principles

In the principles contained in Islamic norms, equality and equity in the distribution of natural resources have been guaranteed, including in this case access to a variety of resources and opportunities to process them. It is from this mechanism that individuals have the right to get personal assets in return for the efforts that have been made (Juhro et al., 2020).

5.4 Mutual Benefit Principle

Both are not harmed or can be called mutually beneficial. This principle indicates that all forms of activity in various transactions provide advantages and benefits for each of the parties involved. This principle aims to create cooperation between individuals in order to mutually meet the needs of each party so that both can obtain happiness.

5.5 The Principle of Help / Ta'awun

The principle of ta'awun (mutual help) requires all Muslims to be able to help each other and also build partnerships in every business activity. In this context, it is necessary to build a partnership that is oriented towards the existence of a business strategy carried out by two or more parties at a certain period of time to achieve mutual benefits with the principle of mutual need and mutual growth (Munib, 2018).

Not a few religious texts have emphasized the importance of helping each other, (Nabilah Amalia Balad, 2019: 19) for example in the word of Allah SWT, in QS. Al-Maidah (5): 2,

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ ۖ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ ۗ وَاتَّقُوا اللَّهَ ۖ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

5.6 Recording Principles

Recording occupies a fairly important position in safeguarding the rights of each party involved in a transaction, so that there is no betrayal in a transaction practice. In this context it is emphasized that Allah SWT. Has provided rules for a transaction to be carried out in writing, attended by witnesses, and given the responsibility of the individual conducting the engagement and the witness. The existence of writings, witnesses, or collateral objects in a transaction is evidence of the occurrence of the agreement (Gemala Dewi, 2006).

6. Conclusion

Based on the description above, it can be understood that the scope of shari'ah business is intersecting with business classifications legalized by religion. While the view of religion in the context of the scope of business is aimed at protecting each party so that both are not harmed, even profits or goods obtained from the results of transactions are both in accordance with religious rules.

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