



MOTORCYCLE BUYING AND BUYING PRACTICES WITH A DEFERRED PAYMENT SYSTEM (CASE STUDY IN DAHA SELATAN DISTRICT, HULU SUNGAI SELATAN DISTRICT)

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Abstract

We often encounter buying and selling in our daily activities, buying and selling is done using a cash system or with deferred payments. Buying and selling with a deferred payment system in Islam is called bai bitsaman ajil, where payment is deferred or paid at a later date according to the agreed time. This buying and selling system with a deferred payment system occurs in the community in Daha Selatan District, Hulu Sungai Selatan Regency. The public's lack of knowledge about this deferred payment system makes sellers use this payment system to make a profit without thinking about whether the buying and selling they are doing is legal or not. The results of this research show that buying and selling motorbikes using a deferred payment system does not meet the requirements of bai bitsaman ajil, because the seller does not disclose the exact price of the motorbike, even though there was an agreement at the beginning regarding a price increase, but the seller only informed that there was an increase and did not explain it. what is the intended price increase? The factor that causes people in Daha Selatan District, Hulu Sungai Selatan Regency to practice buying and selling with a deferred payment system is the lack of funds to buy motorbikes at cash prices, apart from that, it is also due to the social environment in the area which views a vehicle as a social status in society.

Keywords: Practice, Buying and Selling, Motorbikes, Deferred Payment System.

Abstrak

Jual beli sering kita jumpai dalam kegiatan sehari-hari, jual beli dilakukan dengan menggunakan sistem tunai maupun dengan pembayaran yang ditangguhkan. Jual beli dengan sistem pembayaran ditangguhkan dalam Islam disebut dengan bai bitsaman ajil, dimana pembayaran ditangguhkan atau dibayarkan dikemudian hari sesuai dengan waktu yang telah disepakati. Sistem jual beli dengan sistem pembayaran ditangguhkan ini terjadi pada masyarakat di Kecamatan Daha Selatan Kabupaten Hulu Sungai Selatan. Kurangnya pengetahuan masyarakat tentang sistem pembayaran tangguh ini membuat penjual menggunakan sistem pembayaran ini untuk mendapatkan keuntungan tanpa memikirkan apakah jual beli yang mereka lakukan sah atau tidak. Hasil penelitian ini menunjukkan bahwa jual beli sepeda motor dengan menggunakan sistem pembayaran ditangguhkan tidak memenuhi syarat bai bitsaman ajil, karena penjual tidak memberitahukan harga pasti dari sepeda motor tersebut, meskipun sudah ada kesepakatan di

awal mengenai adanya kenaikan harga, namun penjual hanya memberitahukan bahwa ada kenaikan dan tidak menjelaskan berapa kenaikan harga yang dimaksud. Faktor yang menyebabkan masyarakat di Kecamatan Daha Selatan Kabupaten Hulu Sungai Selatan melakukan praktik jual beli dengan sistem pembayaran ditangguhkan adalah kurangnya dana untuk membeli sepeda motor dengan harga tunai, selain itu juga disebabkan oleh lingkungan sosial di daerah tersebut yang memandang sebuah kendaraan sebagai status sosial di masyarakat.

Kata Kunci: Praktik, Jual Beli, Sepeda Motor, Sistem Pembayaran Ditangguhkan.

Introduction

Humans carry out one of the muamalah activities, muamalah is an activity carried out by one person with another or more people to fulfill their respective needs. In carrying out muamalah humans *Zdengan al-bâi'* which means selling, replacing and measuring something with something else.¹ In the book, buying and selling in the Shari'a means the exchange of property based on mutual willingness, or the transfer of ownership by exchange in a permitted form.² Deferred payment or gradual repayment is a process of purchasing goods carried out between the seller and the buyer, where the seller conditions the buyer to provide funds at the beginning, which is called a down payment of the price of the goods. Down payments are a ubiquitous feature of mortgage contracts, requiring higher rates on lower down payment mortgages to reflect the higher risk.³

Based on the results of initial observations and interviews that the author has conducted at the used motorbike buying and selling showroom in Daha Selatan District, Hulu Sungai Selatan Regency, the author sees that most people are interested in purchasing motorbikes using this deferred payment system, due to the problem of lack of funds for buy a motorbike with cash or cash payments, so that this can be overcome.

Paying attention to this problem, deferred payment is a process of purchasing goods carried out between the seller and the buyer, where the seller provides conditions for the buyer to make a down payment of the specified price of the goods. Then the remaining funds must be paid within the time agreed by both parties. The time for selling a deferred payment system can only be done in the short term, namely only 3 months, and

¹ Nasrun Haroen, *Fiqh Muamalah*, (Jakarta: Gaya Media Pratama, 2007), hlm. 111

² Sayyid Sabiq, *Fiqh Sunnah*, (Beirut: Darul I'lam al-'Arabi), hlm. 158-159.)

³ Matteo Benetton, dkk, *Down Payment and Mortgage Rates: Evidence From Equity Loans*, (England: Bank Of England, 2018), hlm. 2.)

the settlement price is set at the beginning following the time period agreed by both parties. The repayment price using a cash payment system or directly using a deferred payment system is not the same, because the selling price using a deferred payment system is determined by the type of motorbike purchased and the length of the repayment or payment period. The seller does not reveal directly the nominal price of the motorbike, but will be notified at the time of payment in the first month.

Method

This type of research is field research (Field Research) which is descriptive with a qualitative approach. This research was conducted by interviewing and documenting business actors (motorcycle sellers), consumers (motorcycle buyers). The location of the research was in Daha Selatan District, Hulu Sungai Selatan Regency. Data collection techniques were carried out using interviews and documentation with informants, namely business actors (motorbike sellers), consumers (motorbike buyers) in Daha Selatan District, Hulu Sungai Selatan Regency.

Result And Discussion

Based on data obtained by the author in the field involving 4 informants, namely 3 sources from the buyer and 1 source from the seller. The practice of buying and selling motorbikes with a deferred payment system in Daha Selatan District, Hulu Sungai Selatan Regency, based on the results in the field obtained by the author is the same, because only 1 showroom was interviewed, and they were all fulfilled in terms of the parties, and in terms of the object it has also been fulfilled that the item is sacred and useful, the item is fully owned by the seller, the item can be handed over during the transaction. In terms of the consent and qobul, it is also fulfilled that the contract was pronounced by a reasonable party, the contract was carried out in one assembly. In terms of the price of the goods, the remaining payment is clear, the price is permanent after the seller says what the nominal value of the sale and purchase price is, where the price does not increase again after the seller says the nominal, but there is one thing that is not fulfilled, namely the price of the goods from the object of the transaction. This is not known to the buyer directly.

According to the source with the initials RD, in the practice of buying and selling with a deferred payment system, this time the source is the seller of the goods, where the buyer is not told what the price will be after there is an increase. The buyer also gave the same statement that the buyer did not know what the price would be after experiencing the increase. The seller said that the price will be notified when the buyer makes payment in the first month. So that the pillars of bai bitsaman ajil have been fulfilled but there are still conditions that have not been met.

So the next stage is analysis using the research methods and theories that have been previously published. So it produces the following analysis:

1. The practice of buying and selling motorbikes with a deferred payment system in Daha Selatan District, Hulu Sungai Selatan Regency. Deferred payment is an increase in price on the part of the seller due to its deferral.⁴

Buying and selling bai bitsaman ajil is a term used for sales with deferred payment.⁵ Analysis of the practice of buying and selling motorbikes with a deferred payment system in Daha Selatan District, Hulu Sungai Selatan Regency, namely purchasing motorbikes by handing over a DP (down payment) and the remaining unpaid money will be paid in a deferred manner, where the price is not yet known definitely by the buyer. Where the price of the goods to be traded is only known and increased unilaterally by the seller. It was explained that excessive buying and selling in the world is prohibited in all religions because such things include fraud which is prohibited in all religions, one should not be excessive in taking advantage because usually in buying and selling there is no element of fraud.⁶

According to Sayyid Sabiq, goods and prices that are unknown or one of them is unknown, buying and selling is invalid, because it contains elements of

⁴ Sayyid Sabiq, *Fiqh Sunnah*, (Beirut: Darul I'lam al-'Arabi), hlm. 120.

⁵ Widiyani Hasibuan dan Chuzaimah Batubara, "Analisis Praktek Manajemen Islam dalam Jual Beli Kendaraan dengan Cara Kredit Pada Leasing," *Jurnal Ilmu Komputer, Ekonomi dan Manajemen (JIKEM)* 3 no. 2 (2023), hlm. 3539.)

⁶ Wahbah az-Zuhaili, *Fiqh Islam Wa Adillatuhu*, (Damaskus: Darul Fikr, 2007), hlm. 27.

fraud. Therefore, the goods can be witnessed by the buyer, and the price must also be known, including the nature (type of payment), amount and period.⁷

The practice of buying and selling motorbikes with a deferred payment system in Daha Selatan District, Hulu Sungai Selatan Regency is classified as where the business actor does not clearly announce the price determination, which is contrary to the requirements of Bai Bitsaman Ajil. The price of the goods must be clear and be a fair price. agreed by both parties.⁸ Some Shafi'iyah such as an-Nawawi allow buying and selling transactions with a deferred payment system on the grounds that there is a price agreement made by the aqidain.⁹

Allah says in Q.S. An-Nisa/4:29 explains as follows:

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

"O you who believe, do not consume each other's wealth in a false way, except by means of business that is carried out mutually between you, and do not kill yourselves. Indeed, Allah is Most Merciful towards you.¹⁰

In the results of the author's interviews with business actors, business actors said that if the buyer wants to buy a motorbike using deferred payment buying and selling, he must first pay the down payment according to the price of the motorbike that has been determined by the seller (unilaterally) and the buyer must agree to the price increase. . He said the buyer must agree first that there will be an increase in price if using a sale and purchase with a deferred payment system. If the buyer agrees then the seller asks to pay the DP (down payment) first and after that the contract is carried out. After paying the down payment and completing the contract, the goods will be handed over. After the goods have been

⁷ Sayyid Sabiq, *Fikih Sunnah* jilid 12, (Beirut: Alma'arif), hlm. 60.

⁸ Nasrun Haroen, *fiqh Muamalah*, (Jakarta: Gaya Media Pratama, 2007, hlm. 119.

⁹ Abu Yahya bin Syaraf an Nawawi, *Raudhlatut Thalibin*, (Kairo: Maktabah, 2016).

¹⁰ Departemen Agama RI, *Al-Quran dan Terjemah*,
<https://quran.kemenag.go.id/quran/per-ayat/surah/4?from=1&to=176>)

handed over, the motorbike can be taken home by the buyer, provided that the buyer will pay the remaining settlement money within the agreed time. He also said that the nominal value of the sale and purchase price for the motorbike would be notified when paying in the first month.

According to the author, this is classified as something that is not in accordance with Islam, where the pillars of buying and selling and the pillars of *bai bitsaman ajil* are fulfilled but there are still conditions for buying and selling and *bai bitsman ajil* that are not fulfilled, because of the practice of buying and selling motorbikes with a deferred payment system. In Daha Selatan District, Hulu Sungai Selatan Regency, the seller does not clearly determine or tell the nominal price of the goods to the buyer. Meanwhile, price clarity is usually used as an exchange for goods that are approved by both parties making the contract.¹¹ It is permissible to sell at an increased price, as is permissible at a deferred price, and it is permissible to sell at a price partly in advance and partly at a later date, if there is an agreement between the sellers and buyers. If the price is suspended and the seller increases it for the sake of delay, then it is permissible as long as there is price clarity.¹² Meanwhile, in the case of the practice of buying and selling motorbikes with deferred payment in Daha Selatan District, Hulu Sungai Selatan Regency, the buyer did not clearly know the nominal price of the sale and purchase. What should be clear about the nominal price of the goods is an agreement regarding the sale and purchase transaction of goods or services, where the agreement must be accepted by both parties, and the price must be accepted by both parties in the contract.

It is not permissible to sell goods at prices that are not clear or at prices that are not cash for an unclear time limit, and the like. If the sale and purchase transaction takes place in such conditions, then the sale and purchase will be declared void because it contains *gharar* due to the unclearness of the goods. Likewise regarding the price of goods, the nature, quantity and time of delivery must be clear.¹³ Fiqh experts agree that buying and selling containing *gharar* is an

¹¹ Rachmat Syafei, *Fiqh Muamalah*, (Bandung: Pustaka Setia, 2001), hlm. 87.

¹² Sayyid Sabiq, *Fikih Sunnah Jilid 3*, (Beirut: Darul Nakafah Islamiah, 2000), hlm. 100.

¹³ Wahbah az-Zuhaili, *Fiqh Islam Wa Adillatuhu*, (Damaskus: Darul Fikr, 2007), hlm. 127-

illegal sale and purchase.¹⁴ whereas in reality buyers are willing to make additional payments and only find out how much the motorbike will be sold and bought when they pay the remaining balance in the first month. Due to the situation of buyers who want to immediately own the item because of an urgent need.

The practice of buying and selling motorbikes with a deferred payment system uses a verbal contract where the contract is carried out in one contract assembly, and the goods are handed over directly after the purchase process occurs. In the practice of buying and selling motorbikes with a deferred payment system for the remaining payment period, the business actor provides a period of 3 months, and the payment must be accompanied by a receipt. He also said that if there is a buyer who does not pay every month or exceeds the agreed time period, the buyer will be given a warning, but if the warning is ignored by the buyer, then the seller will take the motorbike back without any refund. has been paid by the buyer. In the practice of buying and selling motorbikes with a deferred payment system, the seller does not immediately hand over all the documents for the motorbike in full, but there is a guarantee for the seller, such as the motorbike's BPKB which will be handed over to the buyer when the remaining payment is paid. Even though there are sanctions stated by the seller to the buyer, where if the buyer does not pay the installments or exceeds the stipulated time period then the motorbike will be confiscated and the deposit will not be returned, even though there are sanctions like that, it is only a threat because in reality there are no cases of buyers who There was a delay in payment which caused the motorbike to be withdrawn by the seller.

In the practice of buying and selling motorbikes using a deferred payment system, sellers carry out transactions with payment in the form of stamped receipts.

2. Factors causing the practice of buying and selling motorbikes using a deferred payment system in Daha Selatan District, Hulu Sungai Selatan Regency

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¹⁴ Wahbah az-Zuhaili, *Fiqih Islam Wa Adillatuhu*, (Damaskus: Darul Fikr, 2007), hlm. 102.

The author sees that the buyers are people with relatively low incomes. As the results of the author's interviews with buyers are the same, where there is an urgent need to own a motorbike, but lack of funds to buy the motorbike. Apart from the low income in South Daha District, Hulu Sungai Selatan Regency, according to one buyer, a motorbike is an item that is a marker of social status in that community. Based on the results of the interview, there are 2 factors that cause why perpetrators use the practice of buying and selling motorbikes with a deferred payment system, including economic factors and social factors.

a. Economic factors in the practice of buying and selling motorbikes with a deferred payment system in Daha Selatan District, Hulu Sungai Selatan Regency.

Based on the results of the analysis that the author obtained, the economic factors in the practice of buying and selling motorbikes with a deferred payment system in Daha Selatan District, Hulu Sungai Selatan Regency, are:

- 1) Lack of funds to buy a motorbike in cash.
- 2) There is inequality in different income levels.
- 3) An urgent need that causes us motorbike buying and selling transactions with a deferred payment system.

From the results of the author's analysis, buyers actually don't want to practice this system of buying and selling with deferred payments, but due to lack of funds, this causes them to buy using this system of deferred payment practices, where even though buying and selling like this does not contain price clarity in it when the transaction occurs. Buying and selling transactions contain gharar which is caused by uncertainty regarding the total price, where the buyer does not know for sure at the time of the transaction how much the price of the goods will be, for example ten or fifteen.¹⁵

b. Social factors in the practice of buying and selling motorbikes with a deferred payment system in Daha Selatan District, Hulu Sungai Selatan Regency

¹⁵ Wahbah az-Zuhaili, *Fiqih Islam Wa Adillatuhu*, (Damaskus: Darul Fikr, 2007), hlm. 137.

Judging from the results of the author's interview with one of the buyer informants, this buyer uses the practice of buying and selling motorbikes with a deferred payment system because of the influence of the social environment. This is what made the informant feel that he needed a new motorbike. Based on the results of the analysis, the author believes that the social factors in the practice of buying and selling motorbikes with a deferred payment system in Daha Selatan District, Hulu Sungai Selatan Regency are due to social influence and the influence of the environment around where he lives and feelings of desire or envy from individuals to individuals. another. According to Ushul expert scholars, this is included in the Sulthah ala al-Nafsi mu'ayanin, namely the human right to own something, like someone has the right to own a car.¹⁶ In fact, according to the author, it was not an urgent matter for the buyer to buy the motorbike, but the environment and his desire to get a motorbike quickly made the buyer think that this motorbike was an urgent need. With his economic capabilities at that time he was not yet sufficient to buy in cash, so his choice was to use the practice of buying and selling with a deferred payment system.

Conclusion

The practice of buying and selling motorbikes with a deferred payment system in South Daha District, Hulu Sungai Selatan Regency has been fulfilled in terms of the parties, the object, the agreement and qobul, but there is one thing that is not fulfilled in terms of the price of the goods is not yet clear.

Factors causing buying and selling motorbikes with a deferred payment system in South Daha District, Hulu Sungai Selatan Regency is an economic factor and social factors. In economic factors the average buyer uses This buying and selling transaction is a buyer who does not have sufficient funds for buy a motorbike in cash. In social factors because

¹⁶ Hendi Suhendi, *Fiqih Muamalah*, (Jakarta: Rajawali Pers, 2016), hlm.34.

there is jealousy between individuals or there is a feeling of envy that results in wanting a motorbike

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