
Islamic Economic Law Review: Application of *Khiyar* Rights to Brick Purchases

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ABSTRACT

This type of field research aims to determine the application of *Khiyar* rights to the practice of brick purchasing in the frame of Islamic Economic law. The method used is the descriptive method to excavate the application of *Khiyar* Rights in buying and selling bricks in Teluk Village, Secanggang District in North Sumatera. The research results show that buying and selling bricks is carried out by ordering (*Bai As-salam*) directly from the brick traders. Thus, this research finds that both *Khiyar* Syarat and *Khiyar* Aib have not properly implemented according to fiqh and the Compilations of Islamic Economic Law (*Kompilasi Hukum Ekonomi Islam* or *KHES*). This research makes a significant addition to our comprehension of the dynamic implementation of *Khiyar* Rights in accordance to the Compilations of Islamic Economic Law.

Keywords : **Buying and Selling; *Khiyar* Rights; Bricks; Legal Review; Islamic Economics**

ABSTRAK

Jenis penelitian lapangan ini bertujuan untuk mengetahui penerapan hak *Khiyar* pada praktik jual beli batu bata dalam tinjauan hukum Ekonomi Islam. Metode yang digunakan adalah metode deskriptif untuk menggali penerapan Hak *Khiyar* dalam jual beli batu bata di Desa Teluk Kecamatan Secanggang Kabupaten Langkat Sumatera Utara. Hasil penelitian menunjukkan bahwa jual beli batu bata dilakukan dengan cara pemesanan (*Bai As-salam*) langsung kepada pedagang batu bata. Dengan demikian, penelitian ini menemukan bahwa *Khiyar* Syarat dan *Khiyar* Aib belum diterapkan dengan baik menurut fikih dan Kompilasi Hukum Ekonomi Islam (*KHES*). Penelitian ini memberikan tambahan yang signifikan terhadap pemahaman kita tentang dinamika implementasi Hak *Khiyar* sesuai dengan Kompilasi Hukum Ekonomi Islam.

Kata Kunci : **Jual Beli; Hak *Khiyar*; Batu Bata; Tinjauan Hukum; Ekonomi Islam**

INTRODUCTION

In essence, humans in their lives are required to always move and try to fulfill all their life needs. In fulfilling their daily needs, humans will always interact with each other to carry out muamalah activities, one of which is buying and selling activities, which is the activity most often carried out in society. Buying and selling is called *al-ba'i* which means selling, changing, and exchanging something for something else. The pronunciation *al-ba'i* in fiqh terminology is sometimes used to mean its opposite, namely the pronunciation *al-syira* which means to buy. Thus, *al-ba'i* means selling as well as buying or buying and selling (Nubahai, 2023).

The application of buying and selling is how there is no harm between both parties. In buying and selling, seeking profit is a reflection of the growth of assets. So, with this *Khiyar* becomes a fundamental criterion in buying and selling choices. *Khiyar* is a contract related to buying and selling. Therefore, the discussion is placed after the discussion of the sale and purchase agreement. *Khiyar* in meaning comes from the word *khara yakhiru khairan* whereas according to the term *Khiyar* is asking, choosing the best of two things, namely continuing the sale and purchase or canceling (Khoir, 2022).

Khiyar's rights in buying and selling are easy to apply in the practice of direct buying and selling, where the buyer can see directly the condition and quality of the goods to be purchased, while the seller can provide honest information regarding the goods to be purchased. the buyer without covering any defects in the goods. Enacting *Khiyar*, it aims to prevent humans from such things, so that harmony, concord, and safety will be established between fellow humans (M.S, 2019).

In practice in the field of buying and selling actions that often occur in society, sellers often pay little attention to customer satisfaction. One illustration of buying and selling activities is when ordering bricks, where goods are usually ordered first before they reach the consumer. However, there are several cases where quite a few of the goods ordered are defective or damaged when they reach the consumer (Astuti, 2023).

Based on the results of initial research, specifically in Teluk Village, Secanggang District, researchers interviewed Mr. Saman, one of the brick sellers in Teluk Village, Secanggang District. The author has interviewed a brick-making entrepreneur Mr. Saman. He said that bricks that experience defects can include cracks, imperfect shapes, or even broken bricks. This might happen due to the mixing of good and bad quality bricks during the process of packing the bricks into the truck. However, the most common thing that defects in bricks occur is because they are damaged while on the way to the buyer's or consumer's location due to potholes in the road or the road to the consumer being damaged, which can cause defects in the bricks, namely (A. Pirawati, 2023).

From the definition above, the author can conclude that buying and selling in language and terms is a muamalah activity carried out to meet daily needs by exchanging goods for money or exchanging goods for goods in accordance with the agreement made between the seller and the buyer (Dinda Yuanita, 2022).

RESEARCH METHOD

This research is a type of field research, aimed at intensively studying the background of the current situation and environmental interactions of a social unit in society. The research here aims to apply knowledge of *Khiyar* field rights in the practice of buying and selling bricks in a review of Islamic economic law. Case study of buying and selling bricks in Teluk Village, Secanggang District. This research method uses a qualitative method, meaning it is a type of research whose findings are not obtained through

statistical procedures or other forms of calculation (Sugiyono, 2016). This research method is intended to describe the application of *Khiyar* rights in buying and selling bricks in Teluk Village, Secangga District. In qualitative research, the researcher is the main instrument in collecting data and interpreting the data, guided by interview guidelines and observation guidelines. By conducting in-depth observations and interviews you can understand the meaning of social interactions, and deepen the feelings and values reflected in the respondents' words and behavior. In order for this research to be focused, the researcher first compiled a research instrument grid which was then used as a reference for creating interview and observation guidelines.

Data collection techniques are the first method or step in research to obtain the required data precisely. The data collection technique that researchers use is Documentation Interview Observation. Where researchers directly see and inspect the relevant research location. In the mechanism, researchers interviewed direct sellers and buyers of bricks in Teluk Village, Secanggang District, in order to validate the validity according to field conditions.

To check the validity of the data in this research, triangulation and audit techniques were used. Triangulation is a method of checking the validity of data by cross-checking or comparing, in this case, the checking is carried out by utilizing a method with multiple sources. Triangulation using multiple sources is re-checking the validity of information by comparing it using different tools or sources. If two sources provide different information regarding the truth of information, then other informants are sought to obtain information that is considered valid, such as data from interviews with fill in the document. Meanwhile, triangulation using multiple methods is checking the truth of information resulting from research from several data collection techniques, and the truth of information from several data sources through the use of the same method, such as interview observation and documentation.

Audit or examination techniques are carried out by supervisors to check the validity of the data and the correctness of the scientific research steps. In this case, the researcher prepares raw materials resulting from findings in the field, such as interview tapes, original interview transcripts and photographs of research activities in the field to strengthen the validity of the data.

RESULTS AND DISCUSSION

Based on the results of interviews with traders in the field, the practice of buying and selling bricks is carried out by order (*Ba'i As-salam*). The purchase of bricks by order is carried out by brick traders who trade in Teluk Village, Secanggang District, Kab. Langkat, where buyers usually come directly to the barracks or brick production place in Teluk Village, Secanggang District. When ordering bricks, the seller will tell the buyer the selling price of the bricks, and then the seller will also explain the quality of the bricks, which is the same as the quality of bricks in general. After an agreement is reached between the seller and the buyer, the buyer gives the money in full to the seller and the goods will be delivered within a few days (Andri Yurinta, 2022).

The agreement to buy and sell bricks in Teluk Village, Secanggang District, is carried out orally, where the buyer usually comes to the brick seller's house in Teluk Village, Secanggang District, or if they meet at any time with a brick seller anywhere. Then the sale and purchase agreement could occur. As previously explained, the seller will explain the price, quality, and time for making the bricks. It was found that the average trader did not understand what buying and selling salam was, but in their daily practice

they had implemented buying and selling using the salam contract system (Hasanah et al., 2023).

Thus, it can be concluded that the average population of Teluk Village, Secanggang District, especially brick traders and buyers in theory do not understand what the meaning of buying and selling salam is. However, in the practice of buying and selling bricks, they have indirectly implemented a buying and selling system with a greeting contract (Julia Putri, 2023).

In this research, the sales system is almost similar, to the *Bai' As-salam* system or through orders or Indent where the majority of brick sellers in Teluk Village, Secanggang District have implemented the *As-salam* contract to facilitate transactions between sellers and buyers in selling bricks, implementing the as contract -greeting is done by paying for the goods ordered in advance at the start of the transaction, then the seller produces the order from the buyer. However, some sellers have not implemented the *As-salam* contract. Transactions that do not apply the *As-salam* contract make payment in full at the start of the transaction and immediately take orders for goods without having to wait for the production process. Review of Islamic Economics in the implementation of the *As-salam* contract in Teluk Village, Secanggang District, it is permissible to facilitate transactions between sellers and buyers in ordering goods. However, it must be carried out in accordance with the provisions of Islamic Sharia, there must be no injustice in transactions such as a lack of orders for goods or inappropriate quality of goods. accepted by the buyer (Intan Nur Apriliani et al., 2023).

Based on the results of the explanation above, the author can conclude that of the 5 brick sellers in Teluk Village, Secanggang District, they have almost the same sales system, namely using the *Bai' As-salam* buying and selling system or through orders or Inden where buyers make payments in advance and in several The agreed day or time the goods will be delivered by the seller to the buyer's location (Hamid, 2023).

Basically, *Khiyar*'s rights in buying and selling are easy to apply in the practice of direct buying and selling, where the buyer can see directly the condition and quality of the goods to be purchased, while the seller can provide honest information regarding the goods to be purchased. the buyer without covering any defects in the goods. Enacting *Khiyar*, aims to prevent humans from such things so that harmony, concord, and safety will be established between fellow humans (Indriyani, 2021).

In practice in the field of buying and selling actions that often occur in society, sellers often pay little attention to customer satisfaction. One illustration of buying and selling activities is when ordering bricks, where goods are usually ordered first before they reach the consumer. However, there are several cases where quite a few of the goods ordered are defective or damaged when they reach the consumer.

Based on the description above, it can be seen that the brick buying and selling system in Teluk Village, Secanggang District, uses the Salam Buying and Selling concept. This can be seen from 4 indicators (Risna Ayuni Ana, 2022).

In the form of orders for buying and selling bricks in Teluk Village, Secanggang District using an order system. Because bricks are goods that must be produced and purchased in large quantities sellers do not rush in preparing the bricks. In addition, so that the desired bricks are within the time specified by the buyer. Specifications must be clear when using the buying and selling system. Greetings, buyers must provide specifications for the goods they are ordering. Like buying and selling bricks in Teluk Village, Secanggang District, the buyer provides specifications for the bricks to be ordered. For example, when the contract is in progress, the criteria for goods must be stated in detail, nature, type, form, and quality. In the sale and purchase agreement, there must be an agreement. Likewise, buying and selling greetings in Teluk Village, Secanggang District

uses an initial agreement. The agreement discusses the number of bricks ordered, the price, the delivery time for the bricks, and the provisions on whether you can ask for compensation. The method of payment in the greeting buying and selling concept is at the beginning. This also applies to payments for buying and selling bricks in Teluk Village, Secanggang District. The buyer pays the money in advance after the contract process, the goods will be delivered within the mutually agreed time (Dwi Novita, 2022).

Based on the explanation regarding the buying and selling of bricks in Teluk Village, Secanggang District, traders should use 2 types of *Khiyar* in their transactions, namely *Khiyar* Terms and *Khiyar 'Aib* rights.

In the buying and selling process in Teluk Village, Secanggang District, there is a *Khiyar* Condition right because the seller gives a grace period to buyers who will complain about the condition of the damaged bricks. However, the seller only gives 2-3 days depending on the agreement. If the buyer complains that it exceeds the deadline given by the seller, then the seller will not compensate for the damaged bricks, because it has exceeded the agreed limit.

Based on the description above, it can be seen that the application of *Khiyar* in brick-buying and selling transactions in Teluk Village, Secanggang District has been carried out although it has not been optimal because not all of the damage was replaced by the seller, only part of the damage. However, in practice, in concept, they have done it. The seller will provide compensation to the buyer if the bricks sent are damaged after the sale and purchase transaction occurs. Because sellers don't know if there is any damage to the bricks they sell (Difarry & Nurhasanah, 2022).

Brick traders use a salam or order buying and selling system and have implemented the rights of *Khiyar* terms and *Khiyar 'aib*, in the brick buying and selling transaction process in Teluk Village, Secanggang District. Even though theoretically they do not understand the concept of buying and selling salam and *Khiyar* rights, indirectly they have implemented it in the field by Islamic principles of buying and selling transactions using the *As-salam* contract and applying *Khiyar* rights in the process of buying and selling bricks in Teluk Village, Secanggang District (Muhajir, 2022).

So, it can be concluded that the implementation of the rights of *Khiyar* terms and *'aib* by KHES has been running but has not been implemented properly according to the applicable terms and conditions by brick sellers in Teluk Village, Secanggang District considering that they do not understand the concept of *Khiyar* terms and *Khiyar 'aib* itself. So, in practice, they carry out agreements and carry out *Khiyar* rights based on sales habits and procedures that have been in effect in the area (Jamaluddin, 2023).

CONCLUSION

The application of *Khiyar* Rights in buying and selling bricks in Teluk Village, Secanggang District, can be concluded that the selling brick traders have implemented *Khiyar* conditions and *Khiyar* disgrace, in the process of buying and selling bricks in Teluk Village, Secanggang District. Based on analysis according to fiqh and complications of Islamic law, the implementation of the rights of *Khiyar*, conditions, and *'aib* by KHES has been running but has not been implemented properly by the applicable terms and conditions by brick sellers in Teluk Village, Secanggang District. As per the terms and conditions, the seller provides compensation to the buyer if the goods are damaged after the transaction occurs. In practice, the seller will compensate the buyer if the bricks sent are damaged after the sale and purchase transaction occurs. Because sellers don't know if there is damage or defects in the bricks they send. This is by the concept of *Khiyar* in Islam. However, not all brick damage is compensated by the seller. The lack of socialization of

religious knowledge has resulted in the implementation of *Khiyar* in buying and selling bricks in Teluk Village, Secanggang District, which has not been maximized.

RECOMMENDATION

The seller needs to be careful in checking the condition of the goods or bricks, whether there is damage or not. The porters and drivers who deliver the bricks must also be careful in carrying out their duties. This is to avoid returns or requests for compensation from buyers due to damage in the future. This article discusses several drivers of buying and selling in the *Khiyar* system, future research can be carried out to examine possible ways of buying and selling in other sharia systems such as trade openness and governance variables such as price volatility and agreements between buyers and sellers. In addition, considering the very short research time used in this study as a result of data limitations, future research should consider using a larger sample as more data becomes available for research.

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