

## Prohibited Muamalah Of Al-Ghabn And Al-Najasy In The Perspective Of Islamic Economics

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### Abstract

Islam is a religion obliging its ummah (people) to be honest and fair in doing transactions or business, Islam strictly forbids its people to do things that can harm others. Islam has set perfect rules for the people to be honest and fair in conducting trading and other activities related to transactions. Examples of deviant behavior in sale and purchase activities are *Al-Ghabn* (Deception) and *Al-Najasy* (False Demand). *Ghabn* is said to be haraam because it contains elements of deception and can harm the one party. It is narrated by Abdullah bin Umar ra. and Anas ra that a man stated to the Prophet SAW that he was deceived in a sale and purchase transaction, then the Prophet SAW said, "If you trade, then say," *Laa Khilaabah* "(there is no deception)." (HR Bukhari, Muslim, Ahmad, Ibn Hibbandari Ibn Umar and Abu Dawud, An-Nasa'I, At-Tirmidhi, Ibn Majah, and Al-Hakim). A transaction can be classified as a *Ghabn* situation is when the given price has exceeded the reasonable limit and the customer does not know the market price of the goods. *Najasy* is a person who deliberately offers a higher purchase price while he does not intend to buy it, this is to make others feel that the item has high value and will buy it at a higher price. In the Shari'ah, there is no distortion of prices through false demand (*Najasy*) or false supply. *Najasy* is one of the tactics used by businessmen or marketers to sell the products through excessive advertising, promotion, or advertisement, so that people are impressed and interested in buying. Islam strictly forbids all forms of fraud/deception, both in the sale and purchase activities and in the other transactions. A Muslim is required to always be honest in all their affairs/dealing, because sincerity in religion has higher value than all worldly endeavors.

**Keywords:** *Al-Ghabn, Al-Najasy, Ummah, Islamic Economics*

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### 1. Introduction

A sale and purchase is an agreement to exchange goods or things that have a voluntary value for both parties, who receive and deliver the thing must conformable with the conditions and terms has been approved and justified by religion. Sale and purchase is one of the transactions that bring great benefits in daily life. Besides as a means of necessity, sale and purchase is also a means of helping fellow human beings and also as a means for humans to seek *Halal* sustenance from Allah SWT. Allah has allowed the sale and purchase law but prohibited the usury (*Riba*). This is in accordance with the words of Allah SWT in the verse 275 of QS Al-Baqarah which explains that Allah has legalized the sale and purchase

and prohibited the usury, therefore the process of sale and purchase is *halal* and not prohibited (Basyir, 2000).

The Qur'an does not only explain many verses about sale and purchase but also gives many explanations in terms of dealing. In sale and purchase activity, there are pillars and conditions that must be met so that the sale and purchase is said to be legal according to Islamic shari'ah. Nowadays in society, sometimes the sale and purchase process is considered paltry and many people do not do the sale and purchase process based on shari'ah principles. It certainly creates various injustices in the end such as fraud, usury, and others. The conditions of sale and purchase according to Islam must be observed by Muslims, so that the sale and purchase can be done fairly and balanced (Al Bani, 2007). That is the way and conditions of sale and purchase transactions, God allows fair sale and purchase and does not harm one of the parties.

There are four kinds of sale and purchase conditions, namely the conditions of the contract (in *iqad*), the conditions for the validity of the contract, the conditions for the implementation of the contract (*nafadz*), and the conditions of *luzum*. In general, the purpose of all these conditions is to avoid conflicts between people, to protect the parties' importance who do contract, to avoid sale and purchase of *gharar* (there is an element of fraud) and so on. Today, life is becoming more modern and complex, there are many forbidden muamalah activities practiced by humans from the prophetic period until now and this has become a habit in society so it is difficult to change this behavior and it causes harm to the people. Allah SWT really hates the forbidden transaction, and among of the forbidden transaction are *al-ghabn* and *al-najasy*.

## 2. Literature

### A. Al-Ghabn

*Ghabn* is a substantial loss suffered by one party in the contract as a result of embezzlement or misrepresentation, or fraud committed by the other party. It can simply be interpreted as "Pricing beyond the bounds of reasonableness". The word Al-Ghabn is taken from the Arabic word *ghabana-yaghbinu-ghabn* (Aaron, 2000). Etymologically, Al-Ghabn has the same meaning as *an-naqs* (reduction), *Al-Ghala* (beat) and *Al-Khida* (deceive). While in fiqh terminology, Al-Ghabn means deficiency in one of the means of payment (due to manipulation). Thus Al-Ghabn can be defined as a lack of price when doing the sale and purchase transaction (due to manipulation).

*Ghabn* is said to be *haram* because it contains elements of deception and can harm the one party. It is narrated by Abdullah bin Umar ra. and Anas ra that a man stated to the Prophet SAW that he was deceived in a sale and purchase transaction, then the Prophet SAW said, "If you trade, then say," *Laa Khilaabah* "(there is no deception)." (HR Bukhari, Muslim, Ahmad, Ibn Hibbandari Ibn Umar and Abu Dawud, An-Nasa'I, At- Tirmidhi, Ibn Majah, and Al-Hakim). A transaction can be classified as a *Ghabn* situation is when the given price has exceeded the reasonable limit and the customer does not know the market price of the goods (Rusyd, 2007).

*Ghabn* means to buy something at a higher price than the average price, or a price lower than the average price (Suhendi, 2005). Fraud in selling goods includes selling goods at a higher or lower price due to ignorance. Narrated by Abdullah bin Umar, the words of prophet SAW which means "we once went out to intercept people who came to bring their harvest from outside the city, then we bought it from them. Rasulullah forbade us to buy it until the goods are brought to market "(HR. Bukhari). Regarding this, Allah SWT said: (QS Al-Muthaffifin: 1-3): Meaning: "Great misfortune for the cheaters. They were those who receive a measure from others, they ask to be fulfilled. And when they measure or weigh for others, they reduce "(QS. Al-Muthaffifin: 1-3).

### B. Al-Najasy

An -Najasy - in the etymological sense - means: *al -Itsarah*, it is moving. It is taken from the word: *najasytu ash-shaidaidzaatsartuhu* (I expel the game as I move/surprise it). Whereas in the terminological sense is: (when) a person adds a price to an item, but he does not need the item and does not want to buy it, he just wants the price to rise, and will benefit the owner of the item (Syafe'i., 2001).

*Najasy* is a person who deliberately offers a higher purchase price while he does not intend to buy it, this is to make others feel that the item has high value and will buy it at a higher price. In the Shari'ah, there is no distortion of prices through false demand (*Najasy*) or false supply.

*Najasy* is one of the tactics used by businessmen or marketers to sell the products through excessive advertising, promotion, or advertisement, so that people are impressed and interested in buying. Islam strictly forbids all forms of fraud/deception, both in the sale and purchase activities and in the other transactions. A Muslim is required to always be honest in all their affairs/dealing, because sincerity in religion has higher value than all worldly endeavors.

In practice, this *najasy* contains the element of deception when making a contract, for example, someone bids the price of an item, but the seller deliberately used someone as an intermediary to bid higher price. And because of the person's offer, he was deceived by increasing the previous offer/price to get the item, and in the end he bought the item at a higher price than usual. Ibn Umar said that the Prophet SAW forbade performing An-Najasy (Al-Farran, 2008). From Ibn Umar RA, that the Prophet SAW forbade the practice of sale and purchase of *najasy* (ie someone conspiring with a seller or deliberately making a high bid for his merchandise, in order to influence others to buy it". According to Ibn Baththal, the scholars agree that the person who commits *najasy* has committed immorality because of his deeds. However, they have different opinions about the sale and purchase done under the *Najasy* system. According to As-Syafi'I (2001), the perpetrators of *Najasy* who are considered immoral are those who already know the prohibition. Whoever commits *Najasy*, is considered to be in opposition if he knows the prohibition, while the sale and purchase that occurs is considered legal (Hamzah, 1992).

### 3. METHODS

This type of research is descriptive qualitative. Qualitative descriptive research is one of the types of research that is included in the type of qualitative research. The purpose of this research is to reveal events or facts, circumstances, phenomena, variables and circumstances that occurred during the research by presenting what actually happened. This study interprets and describes data related to the current situation, attitudes and views that occur in a society, the conflict between two or more circumstances, the relationship between variables that arise, the differences between existing facts and their influence on a condition, and so on.

## 4. RESULT AND DISCUSSION

### 4.1. The Behavioral Effects of Al-Ghabn and Al-Najasy

Emphasizing the problem of the behavior of Al-Ghabn and Al-Najasy will cause injustice and negative impact, such as traders will refrain from the other traders of goods or withdraw from the market where they were forced to sell at the lowest price, then the quality of the product will decline so that the problem will create the black market. Unfair pricing will result conditions that are contrary to expectations, worsening the market situation and making the harm to consumers. But the market price which is too high due to the element of injustice will result in the imperfection of the market mechanism. Consumer protection efforts cannot be made without going through pricing, and countries are competent to do so. The legal basis contained in the Al- Qur'an explicitly prohibits all business transactions that contain elements of fraud in the transactions. As explained in the Qur'an Surah Al-Baqarah verse 42, Allah SWT says:

وَلَا تَلْسُؤُوا الْحَقَّ بِالْبَاطِلِ وَتَكْتُمُوا الْحَقَّ أَنْتُمْ تَعْلَمُونَ

Meaning: " And do not mix up the truth with the falsehood, nor knowingly conceal the truth" (QS Al-Baqarah : 42).

The paragraph above explains that all transactions must be transparent and nothing is manipulated between the two parties concerned. Changes in the world trade require immediate improvements in business ethics to improve market mechanisms. In business, it is not uncommon for the concept of goals to justify any means. Even criminal acts are carried out to achieve a goal. Thus entrepreneurs who are the driving force of the economy will turn into economic animals. The occurrence of disgraceful acts in the business world does not seem to indicate a trend but it is actually increasing day by day. Mark ups, breaking promises, ignoring the interests of the community, not paying attention to natural resources or acts of collusion and bribery are some examples of violations of business ethics that can quickly destabilize market prices.

## 5. Conclusion

Counterfeiting (cheating) is haram according to the agreement reached by the scholars because it is contrary to chastity. Al-Baghawi said that fraud or cheating in sale and purchase transaction is illegal and covering up defects and the price of goods is also haram. Ibn Hajar Al-Haitami is of the opinion that anyone who knows there is a defect in his goods, then he must really notify the buyer. The fraudulent act is carried out to influence other people, so that the other party wants to follow what the fraudulent party wants. Islamic law strictly forbids fraud and fraudulent investments. Any investment based on fraud and deceit is haram. So that the fraud committed by the seller, the law becomes unlawful or the property obtained by the seller does not get a blessing. In muamalah activities, Islam has clearly implemented fair laws and has brought benefits to each economic doer/agent, both producers and consumers.

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