

**IMPLEMENTATION OF ISTISNAK CONTRACT IN HOUSEHOLD
EQUIPMENT BUYING TRANSACTIONS**

**(Case Study of Furniture Entrepreneurs in Potoan Daya Village,
Palengaan Pamekasan)**

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Abstract, People in conducting transactions often do not know about the transactions being carried out. They carry out buying and selling transactions for household appliances in accordance with existing customs. It is the same with istisna' buying and selling contract transactions. In this study, the researchers focused on the problem of how the buying and selling system of household appliances is and how to apply the istisna contract to buying and selling household appliances in Potoan Daya Village, Palengaan Pamekasan. The researcher uses a qualitative approach, this type of research is descriptive, namely the data collected in the form of words and not numbers. In the research that has been done, the findings are based on the focus of the research, namely the system of buying and selling household appliances in Potoan Daya Village is in accordance with the provisions of the elements and pillars of buying and selling. The application of the istisna contract in the sale and purchase of household appliances in Potoan Daya Village is in accordance with sharia provisions because in the transaction the pillars and conditions have been fulfilled

Keywords: Istisna' Contract, Selling and Buying Household Appliances

INTRODUCTION

Islam is a conference religion, meaning that in Islam the activities carried out are not only limited to worship activities but also social activities that are taught in it. Humans as social beings will need help or assistance from others in meeting the needs in their lives, either through mutual cooperation activities, or transactions such as buying and selling. As we all know, buying and selling transactions cannot be separated from our daily lives. This shows that humans cannot fulfill their own needs but still need other people.

In buying and selling transactions, we recognize various contracts that we can use to carry out these transactions, including morabahah, greetings, istisna 'and others. In this case, the researcher will discuss the istisna' transaction contract, this contract can be applied in buying and selling transaction activities.

Istisna Istishna' contract is a sale and purchase contract in the form of an order for the manufacture of certain goods with certain criteria and conditions agreed upon between the buyer (buyer, *mustashni'*) and the seller (maker, *shani'*). (Ikit dan Saleh 2018). Basically, there are similarities between the *istisnak* sale and purchase contract transaction and the *salam* sale and purchase transaction contract. The similarity of the two transactions is that the goods or objects of the transaction do not yet exist. It's just that in the *istisna* contract, it is not required to provide capital or an advance to the recipient of the order or the seller. In addition, in *istisna'* buying and selling transactions, the delivery time of the goods is not specified. (Mustopa 2016).

Fithrianan defines *Al-Istishna* 'is a sale and purchase order contract between the producer / craftsman / order recipient (*shani'*) and the customer (*musashni'*) to make a product with certain specifications (*mashnu'*) where raw materials and production costs are the responsibility of the third party. producer while the payment system can be done in advance, in the middle or at the end. (Syarqowie 2015).

Istisna' etymologically means asking for certain goods to be made with certain specifications, *Istisna'* is also interpreted as a contract to buy goods that will be made by someone. So, in the *istisna* contract, the object that is the object is artificial goods or works. The basic ingredients used to make the item come from the person who made it, if the item is from the person who ordered or asked to be made, then the contract is an *ijarah* contract, not an *istisna'* contract. (Mustopa 2016).

The residents of Potoan Daya Village are Muslim, there are many places of worship such as mosques, prayer rooms and others. Potoan Daya Village is a village located in the district. Palengaan District. Pamekasan is famous for its jargon City Gate Salam. The work of citizens who have the potential to be brave, such as farmers, traders, civil servants (PNS), and businessmen. And one of the entrepreneurs in Potaon Daya Village is a furniture entrepreneur.

Based on the results of an interview with one of the furniture entrepreneurs in Potoan Daya Village, he said that he did not know or heard of the istisna' sale and purchase contract transaction. the buying and selling system carried out by furniture entrepreneurs in Potoan Daya Village is by ordering first and then making the ordered goods. While the raw materials to make the ordered goods are provided by the manufacturer.

Then in the process of making the ordered goods, an error occurred in the manufacture of the ordered machete, for example from the shape, quality of the wood, or the specified time period did not match the time set at the beginning. This shows that in running their business there are still mistakes that are made so that they are not in accordance with the agreement at the beginning.

Based on the explanation above, the researcher is interested in directly examining the application of the istisna contract in buying and selling household appliances. The purpose of this research is to find out the transaction system for buying and selling household furniture and to find out the istisna contract in buying and selling household furniture in Potoan Daya Village.

RESEARCH METHODS

Researchers used a qualitative approach. A qualitative approach is a research procedure that produces descriptive data in the form of written or spoken words from people who can be observed. The reason the researcher uses a qualitative approach is because qualitative research can facilitate the research process, so that it can assist in completing the research process.

This type of research is descriptive, namely the data collected in the form of words and not numbers.(Moleoang 2015). The phenomenon that is understood is not only from the perspective of the researcher, but also what is meant by the subject under study. The subject under study determines the results of what is being studied, because in essence the subject knows more about what he wants.

The location in this study was carried out in Potoan Daya Village, Palengaan District, Pamekasan Regency, East Java Province. The subjects of this

research are furniture entrepreneurs and buyers of household appliances in Potoan Daya Village. While the object of this research is the application of the istisna contract to household appliance entrepreneurs in Potoan Daya Village.

The main data sources in this research are words and actions, the rest are additional data such as documents and others.(Moleoang 2015). The main data in this study are statements or answers submitted by research subjects based on the researcher's questions by referring to the existing focus as a guide. Sources of data in this study are humans. (Household appliance entrepreneurs and consumers).

Data collection is a systematic and standard procedure to obtain the required data. Data collection procedures used in this study were observation, interviews, and documentation.

Data analysis is an effort made to data, organize data, sort it into units that can be managed, searched, and found patterns, what is important, what is learned, and what can be told to others. The data analyzed were data collected in interview transcripts, and the collected notes were then analyzed and interpreted. Interpretation is an effort to obtain deeper and broader meaning and meaning of the results of research that is being carried out to be used as a written report.

Checking the validity of the data, namely: first using triangulation, namely data from interviews tested with observations. The correctness of the information was checked by different data collection techniques. Second, checking the truth of the information written in the research report plan to the informants.

The researcher will read the research report in a meeting attended by the respondents or informants. The researcher asked to make corrections to what was read. Third, the extension of the research time. This method was used to obtain more complete evidence, and to check the consistency of the actions or data provided by the informants.

RESULTS AND DISCUSSION

Household Appliance Trading System in Potoan Daya Village

Based on the data obtained through observation, documentation and interviews with buyers and sellers of household appliances in Potoan Daya Village, it was found that the buying and selling transactions of household appliances were as follows.

The buying and selling system of household appliances in Potoan Daya Village, the buyer places an order in advance with the seller or producer, the producers or sellers do not provide ready-made goods, but the sellers will make the goods if there is marketing from the buyer. The buyer explains the goods to be ordered including the type of ordered goods, size, quantity, ordered goods. Orders can be made directly at the seller's place or by telephone.

Materials made by sellers or producers to make orders from consumers are provided by producers or sellers but if there are consumers who already have their own materials, then the producer continues to make the goods desired by the consumer but in this case the producer only gets wages or *ujroh* from what has been done by the manufacturer or seller.

When the ordered goods are finished, the payment system made between the seller and the buyer can be made in cash, and the installments depend on how the agreement was made at the beginning when there was an order for goods between the buyer and seller.

Based on the results of the research above, the system of buying and selling household appliances has fulfilled the elements of buying and selling transactions, which in order to fulfill the elements of a buying and selling transaction must meet the pillars of buying and selling. The elements or pillars of buying and selling are as follows:

- a) Bai' (seller)
- b) Mustari (buyer)

c) Shighat (ijab and qobul)

d) Ma'qut alaih (objects or goods)(Hidayat 2015)

If the above elements are related to the sale and purchase transactions of household appliances in Potoan Daya Village, then the sellers are furniture entrepreneurs who make household appliances. While the buyer is a person who orders goods from household furniture entrepreneurs. Meanwhile, objects or objects are materials for making ordered goods, after an agreement has been reached between the seller or buyer and the consumer, a new agreement is made between the seller and the buyer.

Application of the Istisna' Agreement on the Sale and Purchase of Household Appliances in Potoan Daya Village

The istisna contract is one of the buying and selling contracts which is Islamic. This contract is usually widely applied in Islamic financial institutions, especially Islamic banking. whereas in this contract it can not only be stamped in Islamic financial institutions but can be applied in transactions involving other individuals or groups.

Based on research conducted by researchers, there are still many business actors who do not understand the istisna' buying and selling contract, including the household appliance furniture business actors in Potoan Daya Village.

In fact, they have never heard of the istisna' contract, but even though they do not understand the istisna' sale and purchase contract, the transactions carried out have fulfilled the istisna' sale and purchase contract. Istisna' halal buying and selling contracts and the Istisna' buying and selling contract system are still many people who do not understand this contract.

In the results of the research above, regarding the application of the istisna' contract in the sale and purchase of household appliances in Potoan Daya Village, looking at the buying and selling system that has been carried out by buyers and sellers of household appliances, it is in accordance with the istisna' atan contract but the buyers and sellers have not understood the istisna contract'. Thus, they use the theory in buying and selling transactions that have become a habit of the community in making buying and selling transactions without knowing the contract they use.

Istishna' contract is a sale and purchase contract in the form of an order manufacture of certain goods with certain criteria and conditions agreed upon between the buyer (buyer, mustashni') and the seller (maker, shani').(Ikit dan Saleh 2018).

Buying and selling istishna' is like buying and selling greetings, but in istishna the payment can be made at the beginning, in the middle or at the end, either by way of cash or by several times (terms) of payment within a certain period according to the agreement. The istishna scheme in Islamic banking institutions is generally applied to manufacturing and construction financing. (Sudiarti 2018).

Transactions through istishna' contracts are legally permitted and these contracts have been carried out by the Muslim community since the early days without any party (ulama) forbidding it. The sale and purchase of Istishna is a contract of sale between the buyer and the manufacturer of the goods. In this contract, the manufacturer of the goods receives an order from the buyer. The manufacturer of the goods then attempts to manufacture or through others to manufacture or purchase goods according to agreed specifications and sells them to the final buyer. Both parties agree on the price and payment system; whether payment is made in advance, through installments, or deferred until a time in the future.

The legal basis of buying and selling with an Istishna' contract is allowed, considering that istishna' is a continuation of bai' as-salam, so in general the sharia basis that applies to bai' as-salam also applies to bai'al-istishna'.

The basis of the Islamic contract of Istishna' is contained in the Qur'an and Hadith including: In the Qur'an it is contained in Surah Al Baqarah verse 275 which means "Those who eat (take) usury cannot stand but are like the establishment of a person who is possessed by Satan because (pressure) madness. Their condition is like that, is because they say (agree), in fact buying and selling is the same as usury, even though Allah has permitted buying and selling and forbidden usury.

Those who have reached the prohibition from their Lord, then continue to stop (from taking usury), then for him is what he had taken first (before the prohibition

came); and its affairs (up to) to Allah. People who return (take usury), then that person is the inhabitants of hell; they abide in it."

Furthermore, it is also contained in the Al-Quran Surah An Nisa verse 29 which means "O you who believe, do not eat each other's property in a vanity way, except by way of display that applies to each other as you like. And do not you kill yourself; verily Allah is Most Merciful to you."

Whereas in the Hadith of the Prophet narrated by Tirmizi which means "Peace can be made between Muslims except peace which forbids what is lawful or makes lawful what is unlawful; and Muslims are bound by their conditions except for conditions that forbid what is lawful or make lawful what is unlawful" (HR. Tirmizi from 'Amr bin 'Auf).

So that transactions are carried out in accordance with sharia provisions then the istishna contract 'must be fulfilled the pillars and conditions. The pillars and conditions for financing an istishna contract include:

- a) Performers of the istisna contract
- b) The object of the istisna contract
- c) Price
- d) Shighat (ijab qobul)

Meanwhile, Atriyadi stated the conditions for the validity of the istisna' sale and purchase contract, namely:

- a) Describe the type
- b) The goods ordered must be goods that are usually ordered
- c) No mention of time limit
- d) Everything that has been ordered for its manufacture, it is absolutely permissible to carry out an Istisna' contract on it.(H. Syaihu 2020).

Based on the data above, if the terms and pillars are associated with the transaction of selling istisna' contract to the household appliance furniture entrepreneur in Potoan Daya Village, then the istisna' adak actor is the buyer or consumer and seller.

As for the object of goods, it is the goods ordered with the provisions that the goods ordered must be specified, in this case the buyer of household appliances in Potoan Daya Village will explain the specifications of the goods to be ordered, the number of goods ordered and the quality of the goods ordered are explained when they will order goods against seller.

Pricing is determined when there is an ordered item so that the price of the ordered item between the buyer and seller already knows each other about the price of the household appliance ordered to the seller. After the buyer and seller already know each other about the ordered goods, the goods are clear and the price, then the seller and buyer of household appliances in Potoan Daya Village make an *ijab qobul* to the ordered goods.

The payment system for household goods ordered in Potoan Daya Village can be done in cash, and the installments depend on the agreement at the beginning of the transaction between the buyer and seller. However, there are some buyers who pay cash at the beginning, there are buyers who pay cash at the end. All payments are determined at the beginning of the transaction.

Meanwhile, for the delivery process of ordered goods, you will be informed when the goods have been completed according to the agreement. In the process of delivering the goods, the seller of household appliance furniture usually delivers the goods to the place of the buyer's house so that the buyer does not have to take the goods to the seller's place.

If in the transaction process of ordering household goods, the ordered goods come from the buyer, for example wood or other materials to make the ordered goods, the seller only gets *ujrah* or wages for what has been done. Based on the findings above, it can be concluded that the application of the *istisna'* contract in the sale and purchase of household appliances in Potoan Daya Village is in accordance with the *istisna'* contract. the seller only understands a little about the order contract while the word *istisna'* has never heard of it. Thus, they carry out buying and selling household appliances in accordance with the customs that exist in Potoan Daya Village without knowing for sure about the *istisna* contract.

CONCLUSION

The system of buying and selling household appliances in Potoan Daya Village is in accordance with the provisions of the elements and pillars of buying and selling. The sellers are furniture entrepreneurs who make household appliances. While the buyer is a person who orders goods from household furniture entrepreneurs. Meanwhile, objects or objects are materials to make ordered goods, after an agreement has been reached between the seller or buyer and the consumer, a new agreement is made between the seller and the buyer.

The application of the istisna contract on the sale and purchase of household appliances in Potoan Daya Village is in accordance with sharia provisions because in the transaction the Pillars and Conditions have been fulfilled. The pillars and conditions for financing the istisna contract include the performer of the istisna contract, the object of the istisna contract, the price and the shighat (ijab qobul).

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