

The Practice of Buying and Selling Pregnant Goats in Baradatu District in Review of Islamic Economic Law Perspective

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Abstract

The purpose of this research is to find out how the Sharia Economic Law reviews the practice of buying and selling bunting goats in Baradatu District. This research is a qualitative field research with data collection methods using interviews, documentation and observation. The results showed that the practice of buying and selling pregnant goats is a sale and purchase that contains elements of Gharar or uncertainty, this is because the seller of pregnant goats has included goat kids who are still in the womb as a benchmark for increasing the price of goats beyond the normal price. This buying and selling practice is also known as bai' habl al-habalah (buying and selling camel fetuses that are still in the womb in the jahiliyah era and including buying and selling which is prohibited by Allah SWT. The results showed that the practice of buying and selling pregnant goats is a sale and purchase that contains elements of Gharar or uncertainty, this is because the seller of pregnant goats has included goat kids that are still in the womb as a benchmark to increase the price of goats beyond the normal price. This buying and selling practice is also known as bai' habl al-habalah (buying and selling camel fetuses that are still in the womb in the jahiliyah era and including buying and selling which is prohibited by Allah SWT.

Keywords: Sale and Purchase, Sharia economic law, Buying and Selling Pregnant Goats

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INTRODUCTION

Islam as a religion of rahmatan lilalamin has provided rules that are so complete for all aspects of human life in this world (Zainuddin 2020). Both of which provide rules for how humans should relate to the creator of nature or rules for how humans themselves relate to other humans. Therefore, Islam as a religion that is blessed by Allah SWT has provided very good rules so that all humans can live their lives as well as possible and there is no conflict and hatred.

Furthermore, in order to fulfil the needs of daily life, every human being must work hard, one of which is by buying and selling activities. In Islam, buying and selling activities are not only seen as commercial transactions, but also as a means to achieve blessings, justice, and social welfare. Imam Abu Hanifah argues that buying and selling is an activity carried out by a human being to exchange property and goods through a certain method that has been taught in Religion or the exchange of something that is liked with goods of equal value and benefits, equal in value and benefits for everyone.

Buying and selling in Islam is valid or allowed if it is based on the principle of honesty. (Shobirin 2016) If buying and selling is carried out with the principles of dishonesty, coercion, and even fraud, then the sale and purchase can be declared invalid in trading activities. Buying and selling activities are muammalah activities that most people do every day. Sellers as sellers need buyers, but buyers also need honest sellers. If in the

implementation of buying and selling between sellers and buyers give each other their respective rights and obligations, a mutually beneficial relationship will be established. However, if one of the sellers or buyers denies the rights and obligations, it will cause harm to both. For example, the implementation of buying and selling on pregnant goats.

The rise of the sale and purchase of pregnant goats is based on the many interests of the community to raise goats which are considered to benefit many people in the plantation area. Besides goats are considered easy livestock to maintain, goats are also considered livestock that are easy to sell among farmers when they have sudden needs. Basically, Islam provides clear guidelines and rules related to the sale and purchase of pregnant livestock. (Irawan and Wari 2023) This refers to the principles found in the Al-Quran and Hadith, as well as the laws relating to contracts, prices, livestock quality, and ethics in transactions. (Yunus, Hamdani, and Shofia 2018) The main purpose of buying and selling pregnant livestock in Islam is to facilitate food production and income for the community, while maintaining justice, honesty, and morality in business. In addition to the legal aspects, there are also social and human values that are an important part of buying and selling pregnant livestock in Islam. The blessings in the business of pregnant livestock can be realised through the fulfilment of people's food needs, as well as a more equitable redistribution of wealth. In addition, buying and selling pregnant livestock also promotes concern for animal welfare and the environment, which are important aspects of Islamic teachings.

Buying and selling pregnant goats is an economic activity that has existed since ancient times and continues to this day. In many communities, including Muslim communities, this practice has become an important part of fulfilling food and income needs. However, like any other economic transaction, buying and selling pregnant livestock also has various issues and problems that need to be considered. The rise of the sale and purchase of pregnant goats is due to several important aspects, namely; 1) the sale and purchase of pregnant goats is considered to benefit the owner of the goat because it can be sold at a high price unlike the price of the goat if it is sold when it is not pregnant, the sale and purchase of goats in a pregnant state is also considered to have its own advantages for the buyer, this is because the buyer feels profitable with a short period of time to keep the goat, the female goat purchased will soon give birth to goat kids which of course will greatly benefit the buyer. 2) The lack of understanding between buyers and sellers regarding the law of selling and buying pregnant animals according to Islamic law. Many people involved in buying and selling pregnant livestock may not fully understand the Islamic laws relating to these transactions. This may result in Shariah violations or actions that are not in accordance with the Islamic principles of Livestock Quality and Welfare: The treatment of livestock and their welfare conditions can be an important issue in buying and selling pregnant livestock. Protection of animals and the environment is an important value in Islam, and there are often problems with unethical treatment of livestock. 3) misunderstanding between buyers and sellers about Ethics and Morality. Practices such as fraud, livestock hoarding or price manipulation are often problematic in the buying and selling of pregnant livestock. This raises the question of ethics and morality in business, which must be maintained in accordance with Islamic teachings. 4) misunderstanding between buyers and sellers with Social and Economic Impacts. Buying and selling pregnant livestock has significant economic and social impacts in the community. Inequality in access to and benefits from this transaction can result in social injustice and inequality that needs to be addressed.

By understanding the background of this issue, we can better understand the complexity of buying and selling pregnant livestock in the Islamic context, and how to carry it out with regard to legal, ethical and social welfare aspects in accordance with Islamic teachings. Buying and selling in Islam is valid or permissible if it is based on the principle of honesty. Buying and selling with the principles of dishonesty, coercion, and

even fraud is not valid in trading activities. Buying and selling activities are muammalah activities that most people do every day. Sellers as sellers need buyers, but buyers also need honest sellers. If both parties respect each other's rights and obligations, a mutually beneficial relationship will be established.

In this case, Islam actually emphasises that transactions must be based on good faith, (Yunus, Hamdani, and Shofia 2018) because this instructs Muslims to always try as much as possible in working, so that no one feels that there is a loss between the two parties. Humans are separate creatures with different needs in life.

Allah SWT has provided various kinds of goods to fulfil their basic needs. To fulfil these diverse needs cannot be produced by the individual concerned, meaning he must cooperate with others. Sharia also regulates the prohibition of obtaining property by false means such as gambling, usury, fraud in buying and selling and forbidding usury. The legal basis for the permissibility of buying and selling is based on the words of Allah SWT in Surah An-Nisa Verse 29 stating that: Meaning: "O you who believe, do not eat each other's property by means of false means, except by way of a trade that takes place by mutual consent between you." (QS An-Nisaa:29).

Thus, in Islam, buying and selling is actually encouraged, while any transaction that contains elements of usury is strictly prohibited. For a Muslim, doing business is not merely looking for one-sided profit, but to seek the pleasure of Allah SWT and to decide on the ethics of doing business. As stated in QS. Al-maidah Verse 2 which reads:

Meaning: and help you in (doing) virtue and piety, and do not help in committing sins and offences. and fear Allah, Verily Allah is Very severe in His punishment. (QS. Al-maidah: 2). The meaning of the verse above is that every human being is encouraged to help each other in terms of virtue, because basically humans cannot realise that they definitely need the help of others, including in terms of buying and selling.

METHOD

The research used is a type of qualitative research in the form of a case study. Qualitative research is a type of research based on the positivist philosophy and is used to study the state of natural objects (non-experimental). In this study, the research data was obtained through triangulation (combination) and inductive or inductive or data analysis. Qualitative research results emphasise importance rather than generalisation. The data sources used are primary and secondary sources. The data source for this research is direct data from interviews with goat breeders and buyers of goat animals in Madang village, Baradatu sub-district. Data collection techniques using interview techniques, documentation, and observation. Furthermore, the Data Analysis Technique uses analysis according to Miles and Huberman carried out in four stages, namely: Data Collection (data collection), Data Reduction (data reduction), Data Presentation (data display), Conclusion Drawing.

RESULT AND DISCUSSION

1. The Practice of Buying and Selling Pregnant Goats in the Village

Based on the findings of field investigation data related to the implementation of the practice of buying and selling goats in several villages in Baradatu sub-district, it is found that the practice of buying and selling goats has been commonly carried out by most of the people who have goats in their homes. The average goat breeder in the research location is a community that has a permanent job as a farmer or farm labourer. Given that the research location is a non-urban area but a rural area where there are still a lot of trees and tumuhan which are plants that can be used as goat feed, almost most people keep goats. In raising goats carried out by the community, it is not the main source of livelihood for the family in fulfilling the family's economic needs, therefore farmers who raise goats do not carry out the process of buying and selling

livestock every day to help the family's economy, but the buying and selling practices carried out by some people are carried out if they have urgent needs. However, based on the results of observations also show that although the community does not depend on the results of goat livestock, but in the field there are also some practices of buying and selling goats that are in a state of buting owned by farmers and sold.

Data findings in the field related to the implementation of the practice of buying and selling goats that occurred in Baradatu sub-district conducted by Mr AP, a goat breeder, explained that he as a goat breeder had done the practice of buying and selling his goats in a pregnant state. The practice of selling goats in a pregnant state was carried out by Mr AP for several reasons, one of which was explained "the reason I sold the goats in a pregnant state was because I needed school fees that had to be paid immediately, because I was a farmer who did not have a fixed income so to fulfil these urgent needs I sold my goats. At first, the goat I wanted to sell was a male goat because in addition to the high selling price, my female goat was also in a large pregnant position and about to give birth. However, because I had offered my goat several times to neighbours and goat blantik but there was no suitable price, I made the decision to sell my pregnant female goat. I was forced to do this because in addition to no one wanting to buy my goat, many neighbours offered only my female goat for sale, because I was forced to sell my female goat even though she was pregnant. It was explained again by Mr AP that "actually I am not sincere in selling my female goat because it is said that she will give birth soon and can only give birth to two children".

Furthermore, based on Mr AP's confession, he had also bought a female goat in a pregnant state. This is in accordance with his explanation that the practice of buying a female goat in a pregnant state was carried out because a neighbour or relative happened to be in need of urgent and immediate costs, then the neighbour offered his pet goat that was pregnant for sale. After his neighbour offered his goat for sale, Mr. AP directly checked the condition of the goat offered to him. After the goat check process was deemed appropriate and the selling price request was not too high, Mr AP agreed to buy the pregnant goat to be sold in a pregnant condition. Explained the ability to buy pregnant goats according to Mr AP because it has its own advantages, one of which is that the pregnant goats will not be long in the process of maintenance and will give birth to goats in the near future, this is also the habit of pregnant goats when giving birth to children can be two or three children per birth, so of course the benefits that will be obtained will be more and more if you buy goats in a pregnant state. However, it was explained that in the past, Baak AP had also bought a goat in a pregnant state, but it turned out that the goat was not pregnant but a female goat that was majer (unable to conceive) because it was difficult to distinguish between a pregnant goat and a goat that was majer or unable to conceive because the stomach was almost the same and resembled. Of course, if this sale and purchase practice is not done carefully, I as a buyer will feel disadvantaged because I have bought a goat that is considered pregnant at a price more expensive than an ordinary goat, it turns out that the goat is not pregnant.

Still based on the confession of Mr AP "The practice of selling and buying goats in a pregnant state is done by giving a higher price difference from the price of goats that are not pregnant, this is because goats in a pregnant state can provide more profit for buyers because according to him they have the potential to give birth to goats in a short period of time. Selling or buying goats in a pregnant state will also determine the price of goats in a pregnant state which is done through calculating the gestational age of the goat because the older the gestational age of the goat, the more expensive the selling price can be, and we also see the condition of the mother goat. So that we can estimate the price of the goats being sold.

In practice, the practice of selling and buying goats in a pregnant state does not experience many obstacles or difficulties because it is based on mutual consent and has agreed on the price determined. The practice of selling and buying goats in a pregnant state is carried out on goats that are healthy and not sick, own goats and not goats whose ownership status is unclear, goats that are sold in a pregnant state are also self-care goats. Further explained in the process of buying or selling goats, Mr AP conveyed that he would sell goats in a pregnant state at a higher price. In buying and selling pregnant goats, there is also no special agreement between the seller and the buyer, we only do the contract by saying "I have a female goat that is pregnant at the age of so many months, I will sell it along with the kid inside at such a price, if it is felt by both parties then the sale and purchase process will be carried out".

The next data finding in the field related to the implementation of the practice of buying and selling goats in a pregnant state in Baradatu carried out by Mr RD, a person who works as a goat belantik, explained. I have been in the business of selling and buying goats from farmers who breed goats for a long time, more or less 15 years. So in the process of buying and selling goats I have done a lot, besides having a lot of profit this is also my job to support the family. During my time as a seller and buyer of goats, I have bought a lot of goats of various types of goats. Either local goats or Javanese goats or goats derived from abroad, people usually call them ostrali goats, koploh goats, PX goats and various kinds of mas. In that 15-year period I have also often bought and sold goats in a pregnant state. I did this because I took a lot of advantage of the sale and purchase. For example, if there are people who are desperate and need money, they will usually sell their goats at a low price. Moreover, as someone who is involved in the business, I already understand the value of buying and reselling the goat. So if there are people who are in a hurry, it will usually be very profitable for me, including pregnant goats. I understand very well whether the goat is in a state of pregnancy or not, whether the goat is pregnant or unable to get pregnant. I also understand very well which goats are marketable and which are not and which are diseased and which are not, so with my experience I can always get a lot of profit from selling and buying goats. For goats that are pregnant, usually when I buy, I will also make offers that are below the price when pregnant. I don't want to take too much risk if the price of the goats I buy is too high but after giving birth the kids can't be confirmed whether they live or die, whether they are good or not. But when I sell a goat that is pregnant, of course I will give a good offer because it is for my benefit.

Mr RD further explained that in the practice of selling and buying, there is never a special contract such as "if I sell or buy, what I say is that I have a pregnant goat, whether I want to sell it for this price or not because it is inside and the kid is about to give birth. If it is suitable, please pay it, if not, please bargain for the price but not much. After bargaining the price is suitable and agreed then the sale and purchase transaction occurs, just like that there is no special contract such as I will sell a pregnant goat at this price, it does not mean selling a pregnant goat with the lure of a goat that will be born in the near future".

The next research finding related to the community selling and buying goats in a pregnant state was conducted by Mr TH. Mr TH explained that he had also sold his goat in a pregnant state to his neighbour. The sale of goats in a pregnant state was carried out by Mr TH also due to the crush of urgent economic factors that must be met in the near future. Therefore, Mr TH sold his pregnant goats in order to get a higher price than the nominal price, considering that his urgent needs were not too much. The practice of selling goats in a pregnant state that I have done several times and the buyers are also different people. At the beginning, before the sale and purchase process is carried out, I first offer my goats to neighbours who usually want to buy goats, but I also do not stick to offering my goats with neighbours only, because now it is an advanced era, I usually

offer my goat merchandise on social media face book by uploading photos of goats and a description of the condition of the goats and the price of the goats that I want to sell. After neighbours or other people who are interested in the goat advertisement that I will sell then I tell the prospective buyer to come to my goat barn for the activity to check the goat. Then if it is suitable with the condition of the goat, then there is a price offer from the prospective goat buyer from the selling price that I offered earlier, after it is deemed suitable between me and the goat buyer to carry out the sale and purchase of pregnant goats, then there is a payment process for the pregnant goats sold. In practice, there is no special agreement between me and the buyer, for example, if after being bought it turns out that the goat is not pregnant and or even majer (cannot get pregnant), the goat will be returned by the seller and the seller returns all the money for the purchase of the goat as before, this sale and purchase practice also does not have a special agreement to guarantee the child in the stomach of a pregnant goat, the important thing is that I sell pregnant goats and their children at a higher price because the buyer will get a lot of profit.

Furthermore, the findings in the field related to the practice of selling and buying goats with pregnant conditions were carried out by Mr SM. Mr SM is a community member who has quite a lot of goats, the results of field observations found that Mr SM is a farmer who has more than 20 goats as well as often buying goats from the community and selling them too, and this goat farming activity has been carried out for decades. The interview with Mr SM said that "in selling and buying goats in a pregnant state is an activity that is often done, usually the goats that I buy in a pregnant state will be nurtured by me until they give birth, after birth and the goats start to grow up, I will start to trade back by selling them to farmers who are looking for goats or to goat collectors. I do this not only in the neighbourhood of one village, because many buyers of my goats come from different villages and even different kecamatan. Usually buyers who come from outside this village know that I want to sell goats through social media or information from friends of goat entrepreneurs who direct them to look for goats and buy them at my place. When selling goats in a pregnant state I always give a different price from goats that are not pregnant, I do this because the goats that I sell in a pregnant state will bring clear benefits in my opinion, because the buyer just buys a pregnant goat not long from there the goat can breed and give birth to another goat, of course this according to me is a big profit. I also do this sale and purchase practice on the basis of need and mutual consent between the seller and the buyer, so there is no coercion and things that are disadvantaged in my opinion. But later, if the pregnant goat is not born as expected, which is the buyer's risk, there is no longer an agreement to return the money if the goat dies after giving birth, etc. For the contract of sale and purchase of pregnant goats, there is no specific agreement, because between the seller and the buyer have agreed that the goats sold are pregnant goats with a certain gestational age and determine a certain price according to the gestational age of the goat or in other words, between the seller and the buyer in terms of practicing buying and selling in a pregnant state with a good, healthy, non-defective goat history until the sale and purchase process is carried out, although between the two of them also cannot ensure that the goat's kid will be born alive.

2. Analysis of the Practice of Sale and Purchase of Pregnant Cattle from the Perspective of Islamic Economic Law

The results of the presentation of research findings on the practice of buying and selling bunting goats in Baradatu sub-district found that the practice of buying and selling goats with bunting conditions has often occurred, even most of the people who have goats have sold their goats in bunting conditions. Buying and selling goats in a pregnant condition is carried out by the community not only among themselves who are in one area but can be in different regions. The sale and purchase of pregnant goats

is carried out by the community due to several accompanying factors, including; 1) the need to order family financial problems that must be fulfilled in the near future, thus forcing the community to sell their goats, although sometimes the price of goats sold is not in accordance with the market price, but with compulsion it must be sold. 2) There are benefits that are considered greater When selling or buying a pregnant goat, one of them is that the seller will get a higher price than a goat that is not pregnant. The advantage for the buyer will get a bigger profit because in a short time the goats that have been bought will give birth to children that have a selling value or additional goats. 3) The marketing of goats in pregnant condition is mostly done by the community through social media and direct information to neighbours who need goats to buy. 4) In the transaction process of goats to be sold or bought, both parties agree to check the condition of the goats to be sold and provide an opportunity for prospective buyers to bargain the price in accordance with the agreed upon. 5) The sale and purchase of goats in a pregnant state does not use a special contract, the contract used is only limited to the match between the goats to be purchased and the agreed price. 6) The contract for offering goats for sale usually includes the kid in the goat's womb to be able to increase the selling price of the goat, because the seller calculates the price of the goat that is raised in price along with the kid in it. 7) There is no agreement to return money if the goat that has been bought at a high price with pregnancy but after giving birth to the udder dies. 8) There is no money-back agreement if the goat purchased with a pregnant condition turns out to be a goat that is not pregnant or major. 9) the sale and purchase contract is not accompanied by a sentence of *tayibah*, only a chat to bargain the price and deal.

The findings above can be understood that the practice of buying and selling goats in a pregnant state occurs due to economic problems. It is undeniable that the fulfilment of urgent needs requires humans to make maximum efforts to maintain survival and fulfil their needs. In the practice of buying and selling goats in bunting condition in Baradatu sub-district has fulfilled the elements of the legal requirements, but the object requirements have not been fulfilled because the seller of each goat includes goat kids that are still in the womb as an excuse to increase the price of goats that are not in accordance with the normal price. In this kind of sale and purchase, it is included as a sale and purchase that contains elements of *Gharar* or uncertainty about the goat kid that is still in the womb of the mother goat or the goat that is sold is not a pregnant goat because between the pregnant goat and the goat that is major. When the process of buying and selling pregnant goats, of course, the seller should not be allowed to include children who are still in the stomach of the goat included as an additional price of the goat to be sold. This is in accordance with the word of Allah in the letter *Al-baqrah* verse 188 which means:

Meaning: "O you who believe! Do not invalidate your charity by mentioning it and hurting the recipient, like the one who spends his wealth for the sake of showing off to people, while he does not believe in Allah and the Last Day. So his example is like a smooth stone on which there is hard earth, then a heavy rain falls on it, and it becomes clean (of dirt), then it becomes smooth. They have no power over anything of what they labour for. And Allah guides not the disbelievers.

This verse describes to all of us that in the process of selling *eli* must prioritise honesty in all matters. In another verse also mentioned, which means; Meaning; "And take what Allah has obliged you and do not exceed the limit. Verily, Allah does not like those who transgress."

This verse emphasises the importance of abiding by Allah's stipulations in all matters, including in business transactions, and prohibits overreaching. Although the Quran does not explicitly mention the word "*gharar*," the general Quranic principles of honesty, fairness, and order in business can be interpreted as a prohibition against

excessive gharar in transactions. Buying and selling that contains Gharar is also mentioned in the Qur'an, although it is not explicitly mentioned, namely in Surah Al-Maidah [5] 90:

Meaning: "O you who believe, Verily (drinking) wine, gambling, (sacrificing to) idols, casting lots with arrows, are among the deeds of the devil. So avoid them so that you may have good fortune". In the sale and purchase of pregnant goats, which is carried out without a special contract, the contract used is only limited to the match between the goat to be purchased and the agreed price by including the child in the womb of the goat to be able to increase the selling price of the goat, because the seller calculates the price of the goat that is raised in price along with the child in it, of course this is a sale and purchase whose contract object is not fulfilled (*Ma'qud'alaih*) because goat kids who are still in the womb cannot be included to be valued at the selling value with their mother.

In addition, the practice of buying and selling goats in this pregnant state is also not much different from the practice of buying and selling during the ignorant period, where the sale of mother goats by including goat kids in it just to get the benefits of high selling prices, even though no one can be sure whether the goat kid still in the womb will live or not. In *al-Muwatha'* Imam Malik, hadith number 1359, the following narration is given:

"Yahya told me from Malik from Nafi' from Abdullah ibn Umar that the Messenger of Allah (peace and blessings of Allaah be upon him) forbade the sale of *hablu al-hablah*. This was the practice of the *Jahiliyyah*, where a man would sell a camel with a foetus about to be born, but the foetus was still in the mother's stomach. (*al-Muwatha'*, hadith number 1359).

Thus, the sale of *hablu al-hablah* means selling a camel that will be born with a foetus still in its mother's womb. Such sale is prohibited because the sale of a pregnant goat is a sale with uncertainty and there is an element of speculation or guessing. And the act of guessing or casting a lottery for fate through unclear goods is prohibited in Islam. The character of this kind of sale and purchase is equated with the lottery of Fate because it hopes that the goat purchased in a pregnant state will give birth to a goat safely.

CONCLUSION

The results showed that the practice of buying and selling pregnant goats is a sale and purchase that contains elements of Gharar or uncertainty, this is because the seller of pregnant goats has included goat kids that are still in the womb as a benchmark to increase the price of goats beyond the normal price. This buying and selling practice is also known as *bai' habl al-habalah* (buying and selling camel fetuses that are still in the womb in the jahiliyah era and including buying and selling which is prohibited by Allah SWT).

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