

ABSTRAK

“Tinjauan Fiqh Muamalah Terhadap Penentuan Harga dan Ketidak sesuaian Barang Pesanan dalam Penerapan Akad *Istishnā*’ Terhadap Jual Beli Usaha Catering (Studi Kasus di Kelurahan Demangan Bangkalan)”

Kata Kunci: Fiqh Muamalah, *Istishnā*’ , Catering

Jual beli merupakan salah satu bentuk muamalah yang sering terjadi dalam masyarakat, Dalam jual beli sendiri banyak jenisnya ada jual beli kontan/langsung ada pula yang melalui pesanan yang mana dalam Islam disebut jual beli *istishnā*’. Dalam jual beli *istishnā*’ penentuan harganya harus ditentukan di awal akad karena harga sangat mempengaruhi dalam akad tersebut, dengan mengetahui harga secara pasti dari barang yang akan dipesan maka pemesan bisa mengetahui mampu atau tidak untuk membayar. Namun, dalam praktek jual beli usaha catering di Kelurahan Demangan Bangkalan penentuan harganya terjadi ketidak jelasan dalam menentukan harga secara pasti. Di awal akad pihak pemesan hanya membayar uang muka saja tanpa mengetahui secara pasti harga dari barang yang akan dipesan tersebut dan tidak jarang pula di usaha catering tersebut terkadang terjadi ketidaksesuaian barang pesanan. Maka dari itu, Peneliti tertarik untuk meneliti masalah tersebut, penelitian ini bertujuan untuk menjawab pertanyaan: 1) Bagaimana Praktek Jual Beli Usaha Catering di Demangan Bangkalan? Dan 2) Bagaimana Tinjauan Hukum Islam Terhadap Penentuan Harga dan Ketidaksesuaian Barang Pesanan dalam Praktek Penerapan Akad *istishnā*’. dalam Jual Beli Usaha Catering (Studi Kasus di Kelurahan Demangan Bangkalan)?

Metode penelitian ini menggunakan metode penelitian kualitatif bersifat deskriptif analisis, Pengumpulan data menggunakan metode wawancara yakni, Wawancara dengan pihak catering dan pihak pemesan serta kepala kelurahan Demangan untuk mendapatkan profil Desa, Sumber data sekunder didapatkan dari literatur lainnya yang membahas tentang akad *istishnā*’ dokumentasi yang mendukung serta memperkuat dengan landasan Al-Qur’an dan Hadist.

Hasil penelitian ini adalah: 1) Praktek Jual Beli Usaha Catering di Demangan Bangkalan yakni pihak pemesan biasanya langsung datang kerumah pihak catering dan menyebutkan kriteria-kriteria yang di inginkan dan jangka waktu atas barang pesanan tersebut. 2) Mengenai penentuan harganya belum sesuai dengan akad *istishnā*’ karena disana penentuan harganya ditentukan diakhir akad sedangkan dalam akad *istishnā*’ harus ditentukan diawal akad, Di awal akad pihak pemesan hanya disuruh membayar uang muka tanpa mengetahui secara pasti harga dari barang yang dipesan. Dari ketidak adanya kepastian harga dari barang tersebut sehingga pihak catering tidak jarang melakukan perubahan terhadap barang pesanan baik kualitas dan kuantitas, Dimana perubahan barang pesanan tersebut tanpa persetujuan pihak pemesan melainkan langsung, padahal dalam akad *istishnā*’ apabila terjadi perubahan harus mendapatkan persetujuan pihak pemesan

ABSTRACT

“Review of Islamic Law Against Price Determination and Inconsistency of Orders in Istishna’ Agreement on Sale and Purchase of Catering Business (Case Study in Demangan Bangkalan Kelurahan)”.

Keywords: Islamic Law, Istishna’, Catering

Buying and selling are one form of muamalah which often occur in the community, they own many types such buying and selling cash/directly there is also through the order which in Islamic called as istishna’ sale and purchase’. In buying and selling istishna’ determination of the price must be determined at the beginning of the contract because the price is very influential the contract, by knowing the exact price of goods to be ordered then the buyer can know which able or not to pay. However, in practice of buying and selling catering businesses in Kelurahan Demangan Bangkalan determination of the price occurs unclear in determining the exact price. At the beginning of the contract, the buyer only pay the advance payment without knowing exactly the price of the goods to be ordered and not infrequently also in the catering businesses sometimes occasionally inconsistent goods. Therefore, the researcher interested to examine the problem, this study aims to answer the questions: 1) How to practice buying and selling catering businesses in Demangan Bangkalan? and 2) How is the review of Islamic Law Against price determination and non conformity of orders in the practice of Istishna’ Implementation in Buying Catering (Case Study in Demangan Bangkalan Village)?

This research used qualitative research method with descriptive analysis, data collection using interview method which are interview with catering party and party of buyer and head of village of demangan to get village profile. Secondary data source obtained from other literature which discuss about istishna agreement documentation supporting with the foundation Al-Qur’an and hadith.

The results of this study are: 1) the practice of buying and selling catering business in demangan bangkalan that the parties usually come directly to the home catering and mention the criteria in want and the period of delivery of goods orders 2) Regarding the determination of the price is not in accordance with istishna’ there the determination of the price is determined at the end of the contract while in the istishna’ contract must be determined at the beginning of the contract. At the beginning of the agreement, the buyer is only asked to pay the down payment without knowing exactly the price of the goods ordered. From the lack of certainty of the price of the goods so that the catering is not uncommon to make changes to the order goods both quality and quantity. Where the change of the order goods without the consent of the buyer but directly, whereas in the istishna contract in case of change must get the approval of the customer.