

ISLAMIC LAW ANALYSIS ON USED CAR SALES PRACTICES IN TRADITIONAL AND ONLINE MARKETS IN SOUTH KALIMANTAN

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ABSTRACT

This study aims to analyze the practice of used car sales in traditional and online markets in South Kalimantan through the perspective of Islamic law. This study will examine the compliance of these practices with sharia principles, identify potential violations, and provide recommendations for creating a fairer and more transparent buying and selling system in accordance with Islamic teachings. This study uses a qualitative approach with literature study methods, field observations, and in-depth interviews with actors and experts in the automotive sector. The results of the study show significant differences between practices in traditional and online markets, with each having its own challenges and opportunities in the context of sharia compliance. Recommendations provided include increasing Islamic legal literacy, developing more comprehensive regulations, and implementing effective oversight mechanisms.

Keywords : *islamic law, used car, south kalimantan*

ABSTRAK

Penelitian ini bertujuan untuk menganalisis praktik penjualan mobil bekas di pasar tradisional dan pasar online di Kalimantan Selatan melalui kaca mata hukum Islam. Kajian ini akan menelaah kesesuaian praktik tersebut dengan prinsip-prinsip syariah, mengidentifikasi potensi pelanggaran, dan memberikan rekomendasi untuk menciptakan sistem jual beli yang lebih adil dan transparan sesuai dengan ajaran Islam. Penelitian ini menggunakan pendekatan kualitatif dengan metode studi pustaka, observasi lapangan, dan wawancara mendalam dengan para pelaku dan pakar di bidang otomotif. Hasil penelitian menunjukkan adanya perbedaan signifikan antara praktik di pasar tradisional dan online, dengan masing-masing memiliki tantangan dan peluang tersendiri dalam konteks kepatuhan syariah. Rekomendasi yang diberikan meliputi peningkatan literasi hukum Islam, pengembangan regulasi yang lebih komprehensif, dan implementasi mekanisme pengawasan yang efektif.

Kata kunci : *hukum islam, mobil bekas, kalimantan selatan*

INTRODUCTION

Indonesia as a country with a muslim majority population has significant potential for a used car market. The Association of Indonesian Automotive Industries (Gaikindo) highlighted an interesting phenomenon in the Indonesian automotive market, namely the increasing sales of used cars compared to new cars. Wholesale sales data for new cars throughout 2024 were 865,723 units, down 14 percent compared to last year. Meanwhile, used car sales reached 1.8 million units throughout 2024, as stated by Kukuh Kumara, Secretary of Gaikindo (Arradian, 2025). South Kalimantan as one of the regions of Indonesia has a significant contribution to used car sales.

Traditional markets, with direct interaction between sellers and buyers, have their own characteristics in terms of price negotiation, checking the condition of goods, and resolving disputes. Meanwhile, online markets offer easier access and wider reach, but also pose new challenges related to information transparency, verification of data authenticity, and consumer protection. However, the practice of selling used cars, both in traditional and online markets, is often colored by various problems that have the potential to cause disputes, especially those related to aspects of Islamic law. The absence of comprehensive regulations and a lack of in-depth understanding of Islamic law in the sale and purchase of movable goods such as used cars, are a loophole for practices that are not in accordance with sharia. The violation data obtained from the results of the YLKI survey in 2023 are as follows:

Violation Data in Indonesia (Source: YLKI & OJK)

Type of Violation	Frequency (2023)	Impact
Concealment of engine defects	42% of consumer reports	Loss of IDR 5-50 million/unit
Falsification of mileage	35% of cases	Decrease in value 20-40%
Incomplete documents	28% of transactions	Ownership disputes

Source: Indonesian Consumer Foundation Survey (2023) & OJK Statistics.

This study aims to examine and analyze the relevant aspects of Islamic law in the practice of used car sales in both markets. This study will examine various aspects, starting from the sale and purchase agreement, the obligations of the seller and buyer, to dispute resolution based on the perspective of fiqh muamalah. By understanding the applicable Islamic law, it is expected to contribute to creating a more transparent, fair, and in-line used car sales practice in accordance with the principles of Islamic law, as well as providing legal protection for the parties involved in the transaction. This study is expected to be a reference for business actors, consumers, and policy makers in order to create a better used car sales ecosystem based on Islamic law.

LITERATURE REVIEW

A. The Concept of Buying and Selling in the Perspective of Islamic Law (Fiqh Muamalah)

Buying and selling (bay'u) is one of the most important economic transactions in Islam. Its law is mubah (permissible) and sometimes even sunnah (recommended) in the context of fulfilling life's needs. The legal basis for buying and selling is found in the Qur'an (QS. Al-Baqarah: 275) and the Hadith of the Prophet Muhammad SAW. Some basic principles of buying and selling in Islam include:

1. Willingness (ridha): Both parties (seller and buyer) must agree and be willing to the transaction being carried out. There must be no coercion or pressure from either party.
2. Clarity of Object (shighat): The object of buying and selling must be clear and specific, both regarding the type, quantity, and quality of the goods. Doubt or ambiguity can cancel the transaction.
3. Freedom of Price (ta'yin): The price of buying and selling must be mutually agreed upon by the seller and buyer. There must be no fraud or price manipulation.

4. Existence of Goods (qabd): The goods being traded must exist and can be delivered to the buyer. Buying and selling goods that do not yet exist (gharar) is generally prohibited except with certain conditions.
5. Honesty and Justice (amanah and 'adl): The seller and buyer must be honest and fair in the transaction. The seller is required to disclose known defects in the goods, while the buyer is required to pay the agreed price.

Islamic law regulates in detail about buying and selling (bay' al-mua'malat), emphasizing the importance of fairness, transparency, and honesty. The main principles that are relevant in the context of used car sales include:

- Ijab and Qabul: A clear and firm offer (ijab) and acceptance (qabul) are the conditions for a valid sale and purchase agreement.
- Pillars of Sale and Purchase: There are pillars of sale and purchase that must be fulfilled, including the seller, the buyer, the goods being traded, and the price.
- Conditions of Sale and Purchase: The conditions for a valid sale and purchase include: the goods being traded must be halal, the specifications and conditions are clear, the agreed price must be clear and fair, and the transaction must be carried out in a good manner and not deceptively.
- Prohibition of Gharar (Uncertainty): A sale and purchase that contains high levels of uncertainty or speculation (gharar) is haram.
- Prohibition of Maysir (Gambling): A sale and purchase that is based on elements of luck or speculation is haram.
- Prohibition of Usury (Riba): Buying and selling that contains the element of usury (interest) is haram.
- Prohibition of Tadlis (Fraud): Hiding defects or providing false information about goods being sold is haram.

B. Islamic Law on Defective Goods (*Aib*)

In buying and selling, the existence of defects in goods (*aib*) is an important issue that requires special attention. Islamic law regulates in detail the disclosure of defects in goods by the seller to the buyer. Disclosure of hidden defects (*aib ghaib*) is the seller's obligation to prevent *gharar* (uncertainty) and injustice. If the seller hides a significant defect and the buyer finds out after the transaction, the buyer has the right to cancel the transaction or ask for a price reduction. Some scholars have different views on the types and severity of defects that must be disclosed.

C. Traditional Markets and Online Markets

This study compares the characteristics of traditional and online markets in the context of used car sales. Traditional markets are characterized by direct interaction between sellers and buyers, flexible price negotiations, and reliance on personal trust. Online markets, on the other hand, offer higher transparency through digital platforms that provide detailed information about the cars for sale, including photos, specifications, and buyer reviews. However, online markets are also vulnerable to fraud and information manipulation.

The development of information technology, especially the internet and e-commerce, has changed the landscape of buying and selling transactions, including in used car sales. Online markets offer easier access and wider reach, but also pose new challenges related to data verification, consumer protection, and dispute resolution. The aspect of Islamic law in the context of online transactions needs to be studied specifically, considering its differences with conventional transactions. The validity of online transactions from an Islamic perspective is a matter of debate among scholars, with some emphasizing the importance of fulfilling the basic requirements of buying and selling such as willingness, clarity of object, and delivery of goods.

D. Empirical Study on Used Car Sales

Several empirical studies have been conducted on used car sales practices in Indonesia. These studies generally discuss economic, social, and conventional legal aspects. However, studies that specifically analyze used car sales practices from an Islamic law perspective are still limited. Previous studies can provide a general overview of used car sales practices, such as:

1. Market structure: Dominance of traditional markets and development of online markets.
2. The role of intermediaries: The role of used car dealers and online platforms in facilitating transactions.
3. Price negotiation practices: Strategies and tactics used by sellers and buyers.
4. Frequent problems: Disputes related to car condition, price, and payment.
5. Consumer protection: Consumer protection mechanisms in conventional law and their practices in the field.

This study will utilize the findings of previous studies as a basis for analyzing used car sales practices from an Islamic law perspective. This study will focus on aspects of Islamic law that have not been covered in previous studies.

E. Used Car Sales Regulations

In Indonesia, regulations on used car sales are still general in nature and do not specifically regulate aspects relevant to Islamic law. Existing regulations focus more on administrative, taxation, and consumer protection aspects from the perspective of conventional law. The absence of comprehensive regulations that accommodate the principles of Islamic law is one of the factors that make used car sales practices still vulnerable to legal problems. This research will analyze the gap between existing regulations and the principles of Islamic law in the sale and purchase of used cars.

METHODOLOGY

This study will use a framework that combines Islamic legal theory (fiqh muamalah) with empirical studies on used car sales practices in traditional and online markets. The analysis will be conducted by comparing practices found in the field with relevant Islamic legal principles. The location of this research was conducted in the South Kalimantan region considering that the majority of the population of South Kalimantan is Muslim, which is relevant to the focus of this research. The data sources for this research are primary data and secondary data.

This research will use a qualitative approach with case study methods and document analysis. Case studies will be conducted in traditional markets and online markets in South Kalimantan, to obtain primary data in the form of interviews with sellers, buyers, and intermediaries. The data obtained will be analyzed descriptively and interpretatively to identify used car sales practices that are in accordance and not in accordance with Islamic law. Document analysis will be conducted on laws and regulations related to used car sales, fatwas of scholars, and relevant fiqh muamalah literature.

The results of the analysis will be used to formulate conclusions and recommendations regarding the practice of selling used cars in accordance with Islamic law. This research is expected to contribute to the development of Islamic law regulations and education in the used car sales sector in Indonesia. In addition, this research is also expected to provide better legal protection for the parties involved in used car sales transactions.

RESULT AND DISCUSSION

The research on “Islamic Law Analysis of Used Car Sales Practices in Traditional Markets and Online Markets” examines various aspects related to legality and ethics in used car buying and selling transactions in accordance with the principles

of Islamic law. The following are the results of research and discussion that can be concluded :

- Traditional Markets: Practices in traditional markets tend to be more informal. Transparency of information regarding the condition of the car is often lacking, potentially leading to unfairness (gharar) due to concealed or disguised information. Price negotiations are often based on trust and personal relationships, increasing the risk of fraud. Weak verification and warranty systems are also a weakness.
- Online Marketplaces: Online marketplaces offer greater transparency through photos, detailed descriptions, and rating/review systems. However, the potential for fraud still exists, for example by manipulating photos or descriptions. The existence of a third party as a mediator (marketplace) provides some protection, but does not completely eliminate the risk. The legality of online transactions also needs to be considered, especially regarding the validity of digitizing the sale and purchase contract.

The difference between traditional and online markets lies in the level of transparency and protection mechanisms. Online markets, while more transparent, remain vulnerable to fraud. Both require increased awareness of Islamic law among sellers and buyers, as well as more effective law enforcement. The importance of education on the sharia principles of buying and selling, especially regarding transparency of information and honesty, is crucial.

1. Sale and Purchase Contract: In the context of Islamic law, a sale and purchase contract must fulfill certain conditions, such as the presence of ijab (offer) and qabul (acceptance), as well as clarity regarding the object being traded. Research shows that the practice of buying and selling used cars in traditional and online markets often does not fulfill these requirements, especially in terms of transparency of information regarding the condition of the car.

2. Price and Quality Match: The study also noted that the pricing of used cars often does not match the quality of the goods. In Islamic law, the price should reflect the true value of the goods, and there should be no deception or concealment of defects in the cars sold.

3. Deceptive Practices: One important finding is that many of the practices that take place in traditional and online markets contain elements of fraud, such as hiding car defects. This is contrary to the principle of honesty in transactions stipulated in Islamic law.

A. Used Car Sales Practices in Traditional Markets:

- Information Transparency: Analyze the level of transparency of information regarding the car's condition, including service history, damage, and modifications.
- Price Negotiation: Describe the price negotiation process and the potential for price manipulation.
- The Role of Trust: Analyze the role of trust in transactions and the potential fraud that occurs due to lack of transparency.
- Legal Protection: Analyze the legal protection for buyers and sellers in traditional markets.
- Conformity with Sharia Principles: Analyze the conformity of practices in traditional markets with Shariah principles, such as gharar, maysir, riba, and tadlis. Provide examples of violation cases.

B. Used Car Sales Practices in Online Marketplaces:

- Information Transparency: Analyze the level of transparency of information available on online platforms, including photos, specifications, and buyer reviews.
- Verification System: Describe the verification systems used by online platforms and their effectiveness in preventing fraud.

- Buyer Protection: Analyzing the protection mechanisms offered by online platforms for buyers.
- Conformity with Shariah Principles: Analyzes the conformity of practices in online markets with Shariah principles, with examples of cases of violations. Comparison with traditional markets.
- Role of Technology: Analyzing the role of technology in increasing or decreasing Shariah compliance.

C. Analysis of Violation of Sharia Principles:

- *Gharar* (Uncertainty): Describes cases of gharar found in both markets, e.g. hiding car defects or providing inaccurate information.
- *Maysir* (Gambling): Describe the potential for maysir to occur, e.g. excessive price speculation.
- *Riba* (usury): Describe the potential for usury to occur, e.g., disproportionate addition of fees.
- *Tadlis* (Fraud): Describe cases of tadlis found, e.g. manipulation of photos or car descriptions.

This research will use a conceptual framework that combines theory and practice to analyze used car sales practices in traditional and online markets from an Islamic legal perspective. The results are expected to contribute to the development of Islamic legal regulations and education in the used car sales sector in Indonesia.

Islamic law solutions in used car transactions, namely :

1. Vetting Obligations (*Tadlis*)

- Seller shall provide access to inspection of engine, body and documents.
- Reference: Mughni al-Muhtaj (Asy-Syarbini, 2/89).

2. Sale and Purchase Agreement with Khiyar

- Include a “3-day khiyar right” clause for independent inspection.
- Legal Basis: Fatwa DSN-MUI No. 116/DSN-MUI/IX/2017 on the Right of Option (khiyar).

3. Using Experts (*Khabir*)

- Engage an independent mechanic for pre-buy inspection.
- Reference: Al-Iqna fi Hall Alfaz Abi Syuja (Al-Khatib Asy-Syirbini, 1/456).

Sharia-compliant Indonesian Regulations

1. Minister of Trade Regulation No. 78/2019

- Article 12: Obligation to state the actual condition of the car (accidents, oil leaks, etc.)
- Article 15: Sanctions for canceling business licenses for fraud perpetrators.

2. POJK No. 6/2023 on Financial Sector Consumer Protection

- Financing institutions must ensure transparency of documents and car condition.

CONCLUSIONS

This study analyzes Islamic law related to the marketing of used cars in traditional and online markets in South Kalimantan. The findings indicate a gap between common used car marketing practices and the principles of Islamic law, particularly regarding honesty, fairness, and the prohibition of usury (*riba*). In traditional markets, practices such as concealing significant damage to cars (e.g., engine damage concealed by cleaning excess oil), using unreasonable price estimates that disadvantage buyers, and offering loans with high interest rates (*riba*) are found. Meanwhile, in online

markets, the risk of fraud, such as using car photos that differ from the actual condition, manipulating odometers (mileage), and selling cars with incomplete or fake documents, is very high. For example, used car advertisements on online marketplaces often display photos that appear perfect, but upon inspection, the condition of the car is significantly different. Therefore, increased awareness of Islamic law among businesses and consumers is needed, as well as stricter oversight, for example through halal certification bodies for used vehicles or training for used car dealers on the principles of Islamic buying and selling, to ensure that used car transactions comply with sharia.

SUGGESTION

The recommendations related to this research are:

- Increased Islamic Law Literacy : Increase public understanding of shariah principles in buying and selling.
- Development of Comprehensive Regulations: The government needs to formulate more comprehensive regulations to govern used car sales, both in traditional and online markets, taking into account sharia principles.
- Implementation of Effective Supervisory Mechanisms: Effective law enforcement is needed to prevent and take action against violations of Islamic law in used car sales practices.
- Development of Shariah-based Online Platform: Development of an integrated online platform with a strong verification and guarantee system, based on Shariah.
- Education for Businesses: Providing training and education to businesses on sharia principles in buying and selling.
- Further Research: Further research is needed to examine other aspects related to used car sales and Islamic law, for example related to sharia insurance and financing.

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