




Research Paper

Review of Sharia Law on the Tradition of Cutting the Weight of Scales in the Sale and Purchase of Grain 'Urf Perspective

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ABSTRACT

This research was motivated by a long-standing tradition of buying and selling grain, namely cutting the weight of scales. The cutting carried out is classified into two types: the rice harvesting method using a combine harvester machine and the rice harvesting method using a threshing machine. This study aims to find out how the sharia reviews the tradition of cutting the weight of scales in buying and selling grain. The method used is field research and descriptive analysis with an empirical normative approach. Data collection by observation, interview, and documentation techniques. Based on the research results, the tradition of cutting the weight of scales can be said to be 'urf. According to the kind, in terms of its object, it includes 'urf 'amali because it is an activity that has become a habit in society, in terms of its scope, it includes 'urf 'am because it has been widely accepted in society, in terms of validity it includes 'urf sahih because this tradition has become a custom, generally accepted, approved by the community, does not conflict with nash and does not contain harm. According to its terms, the 'urf in force is general, has become public, has provisions in the transaction, and does not conflict with nash. According to the criteria of his argument 'urf, cutting the weight of the scales aims to preserve benefit, does not stand alone without reason, and can support the formulation of Islamic law.

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Introduction

A tradition is common in society regarding grain buying and selling transactions, namely cutting the scale's weight. Measurement is an activity that aims to get the value of a quantity; one of the vital measuring instruments is a weighing or scale. Weighing measuring instruments have long been used in everyday life for retail and wholesale trade (Hasrulloh, n.d.). Weighing activities aim to get a mass value of the goods you want to trade. In short, measurement is interpreted as a systematic activity carried out to obtain data about the state of an object based on criteria where the data pattern is always in the form of numbers (Pangiuk et al., 2019).

A scale is a tool used to determine the weight of an object. The principles of trade or commerce have been explained in the Qur'an and al-Sunnah, including the correct dose in trading; the right value and measure must be prioritized, meaning we must not reduce or exceed the scale or dose (Harun, 2017). Types of scales vary from manual scales to digital scales to hybrid scales. Digital scales work electronically and automatically with electric current input and indicators in digital numbers shown on the LCD screen (Kadarsih et al., 2021). One place that uses digital scales in its buying and selling transactions is UD Mandiri Jaya's grain milling business. This type of scale is used in buying and selling grain harvested from farmers.

UD Mandiri Jaya is a business engaged in grain milling located in Jubel Kidul Village, Sugio District, Lamongan Regency. This place not only serves the purchase of grain but also serves grain milling services owned by farmers, which are then milled into rice, in addition to serving the purchase and sale of rice. UD Mandiri Jaya has implemented the tradition of cutting the weight of scales since establishing the business premises. Initially, the owner of UD Mandiri Jaya took the grain with his vehicle to be transported from the rice field to his place of business, as well as the grain brought directly by the seller to his place of business after arriving, the grain was weighed first to find out the quantity of weight, in this activity the seller participated in witnessing and following directly the weighing process from beginning to end.

When the weighing process from the buyer cuts the weight of grain per sack, for example, the scale says 50 kg, then it will be cut one to two kilograms according to the type of harvesting method used, in this village, two methods of harvesting rice are commonly used, namely the method using a *combine harvester* machine and methods using threshing machines. For weighing cuts, the buyer previously explained to the seller about the cutting system, that the cutting was done based on the harvesting method used for grain using the method with a *combine harvester* machine will get a cut of one kilogram, while for grain using the method with a threshing machine will get a cut of two kilograms. The purpose of cutting the weight of the scale is to get the net weight because, in one bag of grain, there must be impurities such as leaves and rice stalks, and other foreign impurities that make the scale heavier, so it is necessary to perfect the weighing by cutting the weight of the scale.

The practice of cutting scales carried out by the community has been going on for quite a long time to become an accepted habit among the community even though this practice is indicated by *gharar*, which causes mutual displeasure between the two

people who transact. *Gharar* and mutual *pleasure* are conditions for the occurrence of a contract which, if not implemented, will cause the contract to be damaged (Nasrun Horoen, 2007).

Research on the practice of cutting the weight of scales in Sharia reviews has been conducted by (Khan & Hamid, 2020), which discusses the review of Islamic law on the system of buying and selling grain and the research conducted (Hasrullah & Pratama 2021), which discusses Islamic law on cutting scales in the system of buying and selling grain. The approach taken by this previous study is still normative and general. Therefore, this study tries to develop previous research with a more specific approach in law making, namely using the *'urf approach*.

The *'urf* approach can establish research on a custom in Islam. In terms of *'urf* is anything that mankind has become accustomed to and has done, whether it is a popular act among them or a lafaz that they use against a specific sense that no language indicates, and when listening to the lafaz, no other meaning is understood. If *'urf does not contradict the religion of Islam, then 'urf will go on*. Conversely, if the *'urf* contradicts the religion of Islam, then Islam will destroy or modify it to conform to the values of Islamic teachings (Yaqin, 2020).

Research on the tradition of cutting scales is very important because this tradition has been carried out for quite a long time and has become a habit that the community has accepted. The study's results greatly contribute to business actors who apply this tradition of cutting scales as a basis for running a business according to the teachings set by sharia.

Research Methods

The type of research used is field research with research subjects at UD Mandiri Jaya in Jubel Kidul Village, Sugio District, Lamongan Regency. The object of this study is the tradition of cutting the weight of scales in buying and selling grain. This research is a descriptive analysis with an empirical normative inductive approach.

In collecting data, this study uses two types of data sources: primary data sources and secondary data sources. Primary data are obtained directly from interviews, observations, and documentation. At the same time, secondary data are obtained from library sources that correlate with the tradition of cutting the weight of scales in the perspective of *'urf*, including from books, hadiths, journals, previous theses, and websites. The method of data analysis in this study is inductive, where starting from empirical facts, researchers go into the field, study, analyze, interpret, and then draw conclusions from the phenomenon studied. Data in the field are analyzed by analyzing patterns and relationships that are connected and developed with the *'urf* perspective theory obtained from secondary data sources derived from books, hadiths, journals, previous theses, and websites relevant to this study.

Discussion and Results

The Tradition of Cutting the Weight of Scales at UD Mandiri Jaya, Jubel Kidul Village, Sugio District, Lamongan Regency

The majority of Jubel Kidul villagers make a living as farmers, both as land owners and as land cultivators. The agricultural potential in this village can be seen from the

geographical condition of this village, which is surrounded by rice fields that stretch widely. The habit of farmers when entering the harvest period is to sell most of their crops to grain mills, such as UD Mandiri Jaya, and a small part is stored at home for daily food supplies until the next harvest time arrives this the author knows when making observations when participating in taking harvested grain from the seller's fields, where most of it is sold and only a small part to be taken home as food supplies, There are two methods of harvesting rice, namely the harvesting method using a *combine harvester* machine and a threshing machine. It can be seen around the rice fields that several *combine harvester* machines are doing their job to harvest rice. Then, it was also found harvesting rice with a threshing machine that Mr. Said used when harvesting his rice in the fields. Farmers usually sell their harvested grain to collectors or rice milling businesses such as UD Mandiri Jaya.

There is a tradition about cutting the weight of scales in buying and selling grain in the community, as well as cutting the weight of scales carried out at UD Mandiri Jaya, which has been happening for a long time. The old definition, according to informants, ranging from several owners of grain milling businesses in Jubel Kidul Village, village officials, employees, and some sellers, said that the tradition has been going on for a long time. The length, according to each informant, varies according to the business owner since establishing his place of business, according to employees since the beginning of work, and according to the sellers since selling the grain harvested to UD Mandiri Jaya, some are five years, ten years even since the beginning of the place was established.

Cutting, the weight of scales is classified into two types, according to the harvesting method used by farmers / penuai in harvesting their rice. The cutting is classified based on the harvesting method, either using the *combine harvester* method or a threshing machine, so the number of pieces weighing the scale will differ. If you use a *combine harvester* machine, it will be cut by one kilogram per sack; if you use a threshing machine, it will be cut by two kilograms per sack. The difference in cutting is based on the cleanliness of the grain harvest, if using the harvesting method with a *grain combine harvester* machine, the harvest is cleaner than the harvesting method with a threshing machine. The purpose of such cutting is to obtain net weight in weighing. This cutting aims to get a net weight in one sack that does not all contain grain, but there are still impurities other than grain so as not to cause losses to business owners.

Weighing activities are carried out directly by the owner of the business premises as weighers and employees only as a medium to help transport grain in the weighing process. The business owner has full rights as a weighing person, the employee's duty is to assist in the weighing process only. Before the weighing process, the buyer sometimes explains in advance to the seller about the grain cutting to be done. However, in reality, not all explanations are carried out by sellers because sellers assume that this cutting practice has been understood and has understood each other. Furthermore, the seller and the grain buyer watch each other the weighing process to determine the weighing process and weight of the goods, which are then cut on the scales to get the net weight.

Analysis of the Tradition of Cutting the Weight of Scales in the Buying and Selling Grain Perspective 'Urf.

In terms of *'urf* is anything that mankind has become accustomed to and has done, whether it is a popular act among them or a lafaz that they use against a specific sense that is not indicated by a language, and when listening to the lafaz is not understood any other meaning (Yaqin, 2020). *'Urf* in this sense includes *'urf 'amali* and *'urf lafzi* (Wahbah et al., 1986). Judging from its definition, the tradition of cutting scales has been considered quite categorized as *'urf* because the cutting of the weight of scales that occurred has occurred for a long time and has been generally accepted in society.

According to the sort, in terms of objects including *'urf 'amali*. *'Urf 'amali* is a societal custom related to customary acts or civil muamalah (civil muabah). As for what is meant by habitual deeds, are the actions of the community in their life problems that are not related to the interests of others, so it is said to be included in *'urf 'amali* because the actions that are habitual for every seller who sells his grain will get a weight cut of the scales based on the rice harvesting method used and this is a long-standing tradition, in terms of Coverage aspects include *'urf 'am*. *'Urf 'am* is *'urf* that occurs in a particular place, time, and condition. So it is said to include *'urf 'am* because it does not only occur in UD Mandiri Jaya but applies widely so that many general people already know, and in terms of validity it includes *'urf sahib*. *'Urf sahib* are customs prevailing in the midst of society that do not contradict the nash (verse or hadith), do not deprive them of their benefit, and do not bring harm to them. So it is said to belong to *'urf sahib* because this tradition has been going on for a long time until it has become a custom, approved and accepted by the community, not contrary to nash, contains kindness, and does not harm others.

According to the conditions. First, *'urf* is generally applicable, meaning that it applies in most cases in the midst of society, and its validity is adopted by most of society (Rizal, 2019). This is in accordance with the rules of jurisprudence (Mufid, 2019):

إِنَّمَا تُعْتَبَرُ الْعَادَةُ إِذَا اطَّرَدَتْ أَوْ غَلَبَتْ

Meaning: "The custom that is considered (as a legal consideration) is only that which is constantly in force or generally applicable."

The tradition of cutting the weight of scales in buying and selling grain does not only occur in UD Mandiri Jaya. However, it has been applied in most cases in the community, and its application is embraced by the majority of the community (Khan & Hamid, 2020). Second, the *'urf* on which the law will depend first comes before the case on which the law will be determined. This is in accordance with the rules of jurisprudence (Djazuli, 2019), that is:

لَا عِزَّةَ لِلْغُرْبِ الطَّارِئِ

Meaning: "The *urf* that comes later cannot be used as a legal basis for a long-standing case."

UD Mandiri Jaya only follows existing traditions from before and does not create new traditions so that they can be used as a legal basis for determining existing problems. Third, *Urf* does not contradict what is disclosed in a transaction *Urf* does not contradict what is disclosed in a transaction. *'Urf* in the grain sale and purchase transaction at UD Mandiri Jaya in which there is a provision in cutting the weight of the scale based on the harvesting method carried out by the seller. Fourth, *'Urf* does not contradict nash, as found in Q.S. Al-Isra [17]: 35, which is as follows:

وَأَوْفُوا الْكَيْلَ إِذَا كُنْتُمْ وَزُنُوزًا بِالْقِسْطِ الْمُسْتَقِيمِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

Meaning: "And perfect the measure when you measure, and weigh it with the right balance. That is the more important (for you) and the better the result."

From this verse, it is explained, to be honest and fair in weighing and perfecting the measure of scales. Selan is also found in the word of Allah SWT in surah ar-rahman [55]: 9 about the command to do justice in measuring and weighing with appropriate measures and must not reduce the balance of scales, which is as follows:

وَأَقِيمُوا الْوَزْنَ بِالْقِسْطِ وَلَا تُخْسِرُوا الْمِيزَانَ

Meaning: "And hold up the scales justly, and do not reduce them." (Departemen Agama RI, 2006)

According to Thahir Ibn Assyria in the book "Tafsir Al-Misbah: Message, Impression and Harmony of the Qur'an" by M. Quraish Shihab, understand the word (مِيزَان) *mizan* in this verse in the sense of justice. According to him, Allah juxtaposes the word heaven with scales (justice) to indicate how important and great justice is by adding it towards a higher realm, which is also the realm of truth and virtue, and that justice descends from heaven to earth at the command of Allah Almighty.

It is mentioned in Surah al-muthafifin [86]: 1-3 about the deeds of those who cheat in measuring or weighing, namely:

وَيْلٌ لِّلْمُطَفِّفِينَ (١) الَّذِينَ إِذَا اكْتُلُوا عَلَى النَّاسِ يَسْتَوْفُونَ (٢) وَإِذَا كَانُوا لَهُمْ أَوْ وَرَثُهُمْ يُخْسِرُونَ (٣)

Meaning: "Woe to those who cheat (in measuring and weighing)!, (They) are those who, when they receive a measure from others, they ask to be fulfilled, and when they measure or weigh for others, they reduce."

According to M. Quraish Shihab in his book entitled "Tafsir Al-Misbah: Message, Impression, and Harmony of the Qur'an," Al-Muthafifin can be taken from the word (الطَّفَف) *,ath-thafaf* which is quarreling in the measurement and weighing due to cheating (Syihab, 2002). This verse threatens all parties not to commit fraud in weighing and measuring. On the other hand, cheating is arrogance and harassment because the perpetrators underestimate their partners, so they dare to do this.

It is mentioned in the hadith narrated by Ibn Majah, due to fraudulent acts reduce the measure and scale (Setiawahyu & Efendi, 2022):

وَلَمْ يَنْفُسُوا الْمِكْيَالَ وَالْمِيزَانَ إِلَّا أَخَذُوا بِالسِّنِينَ وَشِدَّةِ الْمُنُونَةِ وَجَوْرِ السُّلْطَانِ عَلَيْهِمْ

Meaning: "Never will they cheat in measuring and weighing, but they will lose the fertility of plants and be afflicted by the dry season."

The *urf* that occurred at UD Mandiri Jaya was following the *Nash* and conception of the trade taught by the Prophet SAW by applying the principle of honesty and fairness in trading, the honest principle of not cheating in weighing, and the fair principle of perfecting the dose when weighing by cutting the weight of the scales in buying and selling grain which aims to get a net weight because in one sack not all contain grain but It also contains dirt that participates in it, such as straw and other impurities, so it needs to be perfected by cutting the weight of the scale.

The weight cutting of scales is classified based on the harvesting method used. If using a *combine harvester* machine, it will be cut by one kilogram because there is less straw or dirt than the harvesting method using a threshing machine where there is still a lot of

straw or dirt involved, getting a cut of two kilograms, this is done in order to create a sense of justice between the seller and the buyer, The sellers do not feel disadvantaged because what is cut in the scale is the weight of dirt and buyers do not feel disadvantaged because what is purchased is a net weight.

Judging from the criteria of argument. *First*, 'Urf is intended to preserve the benefit (Rofam, 2018). When viewed from its benefits, cutting the weight of scales at UD Mandiri Jaya contains goodness because it is not done in a vain way that can cause harm. From the beginning, there has been an agreement between the seller and the buyer the purpose of cutting the weight of the scale is to perfect the dose in the scale so as not to harm. As Ali al-Khafif argues, legal guidance based on 'urf *sahib* is a construction based on benefit, not human works (Al-Syafi'i, 1937). Untuk kriteria kehujahan 'urf yang pertama sudah sesuai.

Second, 'Urf is not a stand-alone proposition but is always related to other postulates. As in Surah al-a'raf [7]: 199.

خُذِ الْعَفْوَ وَأْمُرْ بِالْعُرْفِ

Meaning: "Forgive him and tell him to do ma'ruf"

The meaning of *ma'ruf* in the verse means virtue, that 'urf must contain virtue in it. Like the hadith narrated by Imam Ahmad (Idri, 2015):

مَا رَأَى الْمُسْلِمُونَ حَسَنًا فَهُوَ عِنْدَ اللَّهِ حَسَنٌ وَمَا رَأَوْا سَيِّئًا فَهُوَ عِنْدَ اللَّهِ سَيِّئٌ

Meaning: "What Muslims see is good, it is in the sight of Allah is good, and what they see is bad, then in the sight of Allah is also bad."

Currently, there can still be found phenomena about the many frauds committed by traders when they transact buying and selling by reducing the dose and scale, merchant fraud in marketing their products, these actions will harm buyers, this happens because there are still many sellers who do not understand the procedures for buying and selling in accordance with Islamic law. Islam forbids cheating because it can harm others, including tyrannical acts. In the hadith from Ibn Majah about one of the five things that Allah reciprocates is cheating in measuring and weighing, which can bring prolonged drought (Permana & Aksara, 2021):

يَا مَعْشَرَ الْمُهَاجِرِينَ خَمْسٌ إِذَا ابْتَلَيْتُمْ بِهِنَّ وَأَعُوذُ بِاللَّهِ أَنْ تُدْرِكُوهُنَّ : لَمْ تَنْظُرِ الْفَاجِسَةَ فِي قَوْمٍ قَطُّ حَتَّى يُغْلَبُوا بِهَا إِلَّا فَشَا فِيهِمُ الطَّاعُونَ وَالْأَوْجَاعُ الَّتِي لَمْ تَكُنْ مَصَّتْ فِي أَسْلَافِهِمُ الَّذِينَ مَضَوْا. وَلَمْ يَنْقُصُوا الْمِكْيَالَ وَالْمِيزَانَ إِلَّا أَخَذُوا بِالسِّنِينَ وَشَدَّهَ الْمُؤَنَّةَ وَجَوَّرَ السُّلْطَانَ عَلَيْهِمْ. وَلَمْ يَمْنَعُوا زَكَاةَ أَمْوَالِهِمْ إِلَّا مُنِعُوا الْقَطْرَ مِنَ السَّمَاءِ وَلَوْلَا الْبِهَاتُ لَمْ يُمَطَّرُوا. وَلَمْ يَنْقُصُوا عَهْدَ اللَّهِ وَعَهْدَ رَسُولِهِ إِلَّا سَلَّطَ اللَّهُ عَلَيْهِمْ عَدُوًّا مِنْ غَيْرِهِمْ فَأَخَذُوا بَعْضَ مَا فِي أَيْدِيهِمْ

Meaning: "O people of Muhajirin, there are five things that are recompensed with five things: never a people break the promise unless Allah SWT allows them to be ruled by their enemies. There are never those who decide matters with punishments not revealed by Allah SWT, except that there will be widespread among them. Adultery has never been widespread among them, but rather a widespread danger of death. Only have they cheated in rooting and weighing if they would lose the fertility of plants and be overtaken by drought. Moreover, they will never withhold the zakat, except for the rain.

It can be seen that the 'Urf of scale weight cutting that occurred at UD Mandiri Jaya does not stand in relation to the proposition of fairness in perfecting the measure

and scale, the command to perfect the measure and scale fairly, and the proposition of doing good. *Third*, 'Urf that supports the formation or formulation of Islamic law,' the urf that occurs in UD Mandiri Jaya can be used as a basis to support the *formation or formulation of Islamic law*. Because of the validity of the method of implementation, including 'urf *ṣahih*, which can be used as a reference by other places of business to be applied, considering the existence of this tradition in society is widely applicable, there needs to be a clear law to rely on to be in accordance with Islamic law. In addition, it can open opportunities to continue reforming Islamic law through *ijtihad* in the hope that Islamic law can solve all contemporary legal problems.

Cover

Based on the results of research and data analysis that has been carried out, it is concluded that the tradition of cutting the weight of scales in buying and selling grain can be categorized as 'urf. In terms of its object, including 'urf 'amali, in terms of its scope, including 'urf 'am, and in terms of its validity, including 'urf *sahih* because it has become customary, generally accepted, approved by the community, does not conflict with *nash* and does not contain harm. According to the conditions, the prevailing 'urf is general, accepted by the community, and does not contradict the *nash*. According to the criteria of his argument, 'urf cutting the weight of scales is intended to preserve benefit, there are *daily*, and following the rules of the formulation of Islamic law.

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