

**ADDITIONAL COSTS AS A CONDITION OF COMPLETING SELL PURCHASE
TRANSACTIONS THRIFTING INSTAGRAM ACCOUNT
@THRIFT.PEREMPUAN WAHBAH AZ ZUHAILI'S PERSPECTIVE**

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ABSTRACT

In buying and selling used clothing or thrifting, sellers often provide promos for the items being sold. However, there are cases where the buyer is required to add a fee to complete the sale and purchase of the promo, if this is not fulfilled the product will not be sent or the transaction will not be completed. This study aims to find out the practice of adding thrifting buying and selling fees on the @thrift.perempuan account, the additional factors and the law of adding fees as a settlement of buying and selling transactions according to Wahbah Az-Zuhaili. This type of research is empirical juridical research with a conceptual approach and living case studies. Data was collected by interview, observation and document study then the data was processed using qualitative methods with a deductive thinking approach. The results of this study indicate that the concept of conditional buying and selling with additional fees on the @thrift.perempuan account, in Wahbah Az-Zuhaili's opinion, is a fasid sale and purchase because there is no element of honesty from one party and harms the other party.

Keyword: *Additional, Cost, Buying and selling, Thrifting, Wahbah Az-Zuhaili.*



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INTRODUCTION

One of the most traded commodities is clothing. Clothing is a basic human need that always changes with the times. So that clothes will always be a commodity that will never die. Changes in the quality of clothing, clothing models, and the price of clothing itself affect the level of demand and supply in society. For some people, especially those who are still students or even from the community who want to look attractive but at a low cost, they often take advantage of buying and selling used clothes or commonly called thrifting. Because thrifting usually has a much cheaper price even though it comes from a fairly well-known brand, when compared to new clothes that are usually sold in shopping places such as malls.

One of the practices of buying and selling used clothes or thrifting is in the city of Medan, in big cities like Medan it is indeed one of the places that is quite popular in buying and selling used clothes or thrifting. This is because many students or students are often interested in thrifting because the price is quite cheap and affordable. One of the practices of thrifting providers is the Instagram account @thrift.perempuan. The account offers several women's clothing with various models. The clothes sold by the Instagram account are decent

used clothes. In the practice of buying and selling offered by @thrift.permpuan there are various promos in it. However, in some transaction cases, some buyers feel cheated by this promo. This is because the promo offered by @thrift.permpuan only applies to purchases at a certain price. On the other hand, in some cases there are buyers who are required to add costs to fulfill the promo.

Promo provisions and price additions will be the focus of this research. It is known that buying and selling must be carried out by paying attention to the pillars and conditions that have been regulated in Islamic law so as not to commit an act that is prohibited by religion (Hasniati, 2022). Therefore, this study will use Islamic legal theory regarding buying and selling to find out the concept of buying and selling in transactions that exist on the @thrift.perempuan Instagram account with an additional fee. In previous research, it has been discussed about the existence of additional costs in the case of buying and selling. Such as research from Dwi Rahayu (Rahayu, 2020) which explains the sale and purchase transaction of electric pulse balances between Tika Cellular Tanjung Bintang, South Lampung as an agent and a distributor experiencing contract discrepancies. The distributors unilaterally add price discounts without the knowledge of the agents to make a profit. This practice is a valid *ghairu* contract which violates the pillars and conditions of sale and purchase, so that the contract is considered invalid. Then in research conducted by Yunita (2017) explained that the law of increasing the price of bank administration fees at PT. PLN (Persero) Rayon Bagan Batu-Riau is tyranny and the law is illegitimate based on the opinion of Ibnu Taimiyah. The tyranny in increasing the price lies in the addition of bank administration fees for electricity payments that are not in accordance with the contents of the PLN Bagan Batu-Riau electricity sale and purchase agreement. In another study by Afida (2020) stated that from an Islamic legal perspective, giving discounts is permissible as long as they avoid usury, fraud, and harm, and do not harm either party. This is explained in the Al-Qur'an, hadith, and fatwas issued by the Majelis Ulama Indonesia No. 110/DSNMUI/IX/2017. However, sale and purchase transactions by giving discounts at Ramayana in the city of Salatiga still contain elements of *tadlis* and *gharar*. The *tadlis* element occurs when there is something that is not known by one of the parties, such as a price that is not known by the buyer (taking advantage of the buyer's ignorance of market prices).

The difference in this study with previous research is in the transaction model carried out and the place of research. In previous research, it focused on direct buying and selling transactions, while the cases that researchers found were online transactions via social

media. This study will discuss this using the opinion of Wahbah Az-Zuhaili. The choice of Wahbah Az-Zuhaili in this case is because he is a contemporary scholar figure who is one of the legal references in the current era. There is no doubt about his competence in fiqh or Islamic law. His work in the field of jurisprudence which became a magnum opus is the book *al-fiqh al-Islami wa Adillatuhu*. The book reviews various kinds of muamalah problems in the current contemporary era. Wahbah Az-Zuhaili in the book also explains conditional buying and selling. According to him, buying and selling that applies conditions in a sale and purchase or buying and selling which is hung with the words if, if and indicating the words terms, then this buying and selling is fasid. Because if buying and selling is based on conditions, such things can contain speculation, namely depending on something that will bring about something that will arise. Departing from this, this study aims to find out the practice of adding thrifting buying and selling fees on the @thrift.perempuan account, the Addition Factors and the Law of Adding Fees as the Completion of Sale and Purchase Transactions According to Wahbah Az-Zuhaili .

RESEARCH METHODS

This type of research is empirical juridical research and the nature of the research is analytical descriptive and the research approach uses a conceptual approach and living case studies. The data were obtained through interviews, observation and document studies, the informants in the interviews were @Thrift.perempuan consumers. Data analysis was carried out by examining, reconstructing, then concluding, the method used to process data is qualitative with a logical deductive thinking approach.

RESULTS AND DISCUSSION

1. Definition, Pillars, Terms of Sale and Purchase

Trading or buying and selling according to language means *al-ba'i, at-tijarah* . With regard to the word *at-tijarah*, as explained in QS Fathir (35): 291 which means: " *They expect tijarah (trade) that will not lose.*" (Suhendi, 2014). Whereas in terminology what is meant by buying and selling is the exchange of property (objects) for assets (others) based on a special method (which is permissible) (Ja'far, 2015). Apart from that, according to Imam Nawawi, the definition of buying and selling is the exchange of assets with (other) assets for ownership (Haroen, 2007). Then buying and selling according to Sayyid Sabiq is the exchange of objects for other objects by giving up each other or transferring property rights with a replacement in a permissible way (Sabiq, 1997).

Based on some of the above understandings, it can be concluded that buying and selling is an agreement to exchange objects or goods that have value voluntarily between two parties, one party receives the goods and the other party accepts them in accordance with the agreement or conditions that have been justified by Syara' and agreed. In accordance with legal provisions, the meaning is fulfilling the requirements, pillars, and other matters related to buying and selling so that if the conditions and pillars are not fulfilled, it means that they are not in accordance with the provisions of the Syara.

In order for buying and selling to be carried out legally and to give the right effect, several conditions must be realized first. The pillars and conditions in buying and selling are the provisions in buying and selling that must be fulfilled so that buying and selling becomes legal according to Islamic law (Hasan, 1996). Pillars are mufrad words from the plural word "Arkan", meaning principles or joints or pillars, that is something that determines the validity (if done) and invalid (if abandoned) a work and that something is included in that work (Mujieb, 1994). According to Aljaziri (2001), the pillars of buying and selling are: a) *Al-'Aqidain*, namely two contracting parties namely the seller and the buyer, b) *Mauqud 'alaih*, which is something that is made into a contract consisting of the price and the goods being traded, c) *Sighat*, namely consent and Kabul.

Then, in terminology what is meant by conditions according to the fuqaha as formulated by Muhammad Khudlari Bek, is something whose absence requires (results in) the absence of the law itself. The wisdom from the absence of conditions also results in negating legal wisdom or legal causes (Suma, 2004). In Shari'ah, pillars and conditions both determine whether a transaction is valid or not. The legal terms of sale and purchase (Aaron, 2017) are as follows: *First*; Sellers and buyers are required to have the ability to act perfectly legal (baligh or adult, Rusyd or mature, and reasonable). Buying and selling carried out by crazy people or small children is not legal. As for small children who want to buy and sell, they must be on the basis of permission from the guardian. However, if the goods being traded are light goods, permission from the guardian is not required. *Second*; Goods that are traded (object of sale and purchase). The criteria used as the object of sale and purchase are: (1) There are goods or *ready stock* when carrying out a contract transaction, while the goods are not available at the time of the contract the seller states the ability to procure the goods, (2) The goods have a beneficial value. Not in the form of goods that are prohibited according to syara' (such as blood, alcoholic beverages, or wild animals), (3) The goods can be delivered at a mutually agreed time. The specifications must explain the criteria, both type, quality and quantity, (4) The goods are fully owned. It is no longer still in the ground or fish

in the sea whose ownership still belongs to other people (can be seen), (5) The quality, weight, quantity and size of the goods being traded must be known, so as not to raise doubts (Susiawati, 2021).

Third; There is an exchange rate (Money). The exchange rate is a form of money/goods that has been agreed upon by the seller and the buyer to realize the transaction, which of course the exchange rate has been through a mutual agreement. *Fourth*; There is consent and qabul. There is a clear expression of consent and qabul. Between the seller (who gives the price) and the buyer (who pays) knows the amount to be paid by mutual consent or consent, Ijab and qabul are carried out in one majlis. This means that both parties involved in buying and selling transactions are present and discussing the same topic

2. The practice of adding costs to buying and selling *thrifting* on the Instagram account @Thrift.Perempuan

In big cities like Medan, it is indeed one of the places that is quite popular in buying and selling used clothing or *thrifting*. This is because many students or students are often interested in *thrifting* because the price is quite cheap and affordable. One of the practices of *thrifting providers* is the Instagram account @thrift.perempuan. The account offers several women's clothing with various models. The clothes sold by the Instagram account are decent used clothes. In the practice of buying and selling offered by @thrift.permpuan there are various promos in it.

One of the customers who bought clothes on the @thrift.perempuan Instagram account felt cheated. The customer's initial interest in buying @thrift.perempuan clothing was because there was a promo. In the promo offered by @thrift.perempuan it is said that there will be a discount. The customer's statement states that the seller can process the promo for a minimum of 150,000 transactions and the customer has just purchased 120,000 of an item at a discount of the original 150,000. so the shortage is sufficient for a transaction of 150,000, which is 30,000. Then here the seller offers to complete the transaction with a shopping voucher worth 30,000. From the explanation from the customer who bought at @thrift.perempuan, he added that the terms of the promo were not explained at the beginning of the transaction. The seller here will only process transactions with a certain nominal as mentioned above . So the customer here has no choice but to add a fee so that the transaction can be completed and the goods can be sent.

Other customers who bought on the @thrift.perempuan account also explained the same thing. In his transaction of buying used clothing, he stated that the customer was tempted by the promo offered by @thrift.perempuan because there was a discount on the

item he wanted. In the transaction, he explained that originally the normal price of the goods he bought was 200,000 and then there was a promo for the item so that the price of the item was 180,000. However, there is a minimum limit to get this promo with a transaction of 200,000 so that the customer is 20,000 less to be able to complete the transaction. Then to send the item, the seller requires an additional fee of IDR 20,000 as an administrative fee or delivery of goods. So, indirectly, the transaction here actually doesn't have a discount, but only a *marketing strategy* from the seller.

3. Factors Causing Additional Costs in Conditional Sale and Purchase of Thrifting on the @Thrift.Perempuan Instagram Account

In the practice of thrifting buying and selling, there is an additional fee not without reason. Judging from the popularity of the practice of buying and selling *thrifting*, it becomes commonplace when these commodities are popular so that they have many enthusiasts. Therefore, goods experience increased *demand and make sellers flexible in playing prices*. On the other hand, the seller in obtaining goods traded in the form of used clothes is obtained by a wholesale system so that the price margin can be determined easily by the seller.

Thrifting buying and selling practices, sellers also take advantage of it by holding a promo system on the goods being sold. The promo system is used to attract buyers or become one of the seller's marketing techniques. In implementing the promo, the seller crosses out the original price to a discounted price. For example, used clothes that originally cost 150,000, then if they get a promo, the price will change to 120,000.

Based on the results of observations made by researchers, there are at least several factors that cause additional costs in *thrifting conditional sale and purchase transactions* on the Instagram account @Thrift.Perempuan. The factor that affects the addition of the first fee is the promo provisions which require additional costs and this is not mentioned at the beginning by the seller. This additional fee is considered by the seller as a "purchasing" promo, which is when the buyer buys goods on the Instagram account @Thrift. Women will get another discount.

In addition to the additional costs for buying the promo, there are other factors, namely administrative costs for shipping goods. This additional fee is not stated at the beginning of the transaction so that the customer or buyer has no other choice but to pay the fee. And if the additional costs are not paid, the goods purchased will not be sent by the seller

4. 's view of conditional buying and selling

Wahbah Az-Zuhaili expressed his various opinions in his works in book form. One of his well-known books is *Al-Fiqih Al-Islami Wa Adillatuhu*. In the book or books, Wahbah

Az-Zuhaili reviews various fiqh issues and discussions about buying and selling are also included. According to Wahbah Az-Zuhaili in his book *Al-Fiqh Al-Islam Wa Adillatuhu juzu'*, buying and selling that applies conditions in a sale and purchase or sale and purchase that is hung with the words if, if and indicating the word conditions, then this sale and purchase is *fasid*. Because if buying and selling is based on conditions, such things can contain speculation, namely depending on something that will bring about something that will arise. In more detail, explained Wahbah Az-Zuhaili in his book *Al-Fiqh Al-Islam Wa Adillatuhu juzu'*.

First, buying and selling that depends on terms and buying and selling that is based on, buying and selling that depends on a certain condition or buying and selling transactions that are dependent in general are buying and selling that depend on the occurrence of something else that may occur by using the words words that show dependency, such as the words if, when and when (Az-Zuhaili, 1985).

Second, Regarding the law of buying and selling depending on conditions and relying on it, the fiqh experts agree that buying and selling depends on conditions and is not valid. However, these two types of buying and selling are called *fasid*, according to the Hanafi school of thought, while according to others they are called null and void sales. *Third*, the legal terms of sale and purchase are the conditions that must exist in each type of sale and purchase so that the transaction is considered valid according to *syar'i*. What is meant by these conditions in general is that transactions must be protected from six defects, namely ambiguity, coercion, time restrictions, risk or speculation, losses, and conditions that can cancel transactions.

5. Law of Additional Fees as Completion of Sale and Purchase Transactions *Thrifting* on Instagram Account @Thrift.Women According to Wahbah Az-Zuhaili

Thrifting buying and selling transactions on the Instagram account @Thrift.Perempuan it was found that there was conditional selling. What is meant by conditional buying and selling here is a requirement for additional costs in buying and selling used clothes that are subject to discounts or promos. These requirements are things that were not agreed upon from the start so that in this case the buyer or *customer* feels cheated. Departing from this case, it can be seen that conditional buying and selling can be detrimental to one party. In this case, Wahbah Az-Zuhaili explained how the conditions for buying and selling are.

Wahbah Az-Zuhaili explained that conditional buying and selling is buying and selling that depends on the occurrence of something else that might happen by using words that

show dependence, such as the words if, if and when (Az-Zuhaili , 1985) . Reflecting on this opinion, the practice of buying and selling *thrifting* on the Instagram account @Thrift. Women is included in the conditional buying and selling category. The reason is, in practice there is a provision for additional costs which is a form of suspension. More specifically, it can be stated that the price discount on the transaction is dependent on additional costs, which is a condition that must be met if the goods are to be sent to the buyer. Regarding the law of buying and selling depending on conditions and relying on it, the fiqh experts agree that buying and selling that depends on it is not valid. However, these two types of buying and selling are called *fasid*, according to the Hanafi school of thought, while according to others they are called null and void sales.

On the other hand, Wahbah Az Zuhaili in his book *Al-fiqh Al-Islam Wa Adillatuhu juzu'empat* . Buying and selling that applies conditions in a sale and purchase or buying and selling which are hung with the words if, if, and indicating the words conditions, then this buying and selling is *fasid*. Because buying and selling that is relied on can contain speculation, namely depending on something that will bring about something that will arise. As explained in his book *Al-Fiqh Al-islam Wa Adillatuhu juzu' four*.

Buying and selling depending on the terms and buying and selling based on, buying and selling depending on a certain condition or buying and selling transactions that depend in general is buying and selling depending on the occurrence of something else that might happen by using words that show dependence, like the words if and when.

Wahbah Az-Zuhaili's opinion regarding additional fees applies to non-cash transactions or in installments. This means that transactions made using the installment system will take time. Compensation for that time which is considered as an appropriate matter to be charged an additional fee. In the case of buying and selling *thrifting* here there are no provisions for non-cash payments with the installment system and will be paid off at a later date. So the additional price here does not meet the time compensation provisions.

Ash Shiddiq principle , where humans are ordered to uphold honesty and truth, if in muamalah honesty and truth are not prioritized, it will affect the validity of the agreement (Kholid , 2018) . In *thrifting* buying and selling transactions on the Instagram account @Thrift.Perempuan it is indicated that the seller is not honest in providing information related to the promo provided along with being dishonest about the terms of increasing the price so that the agreement which contains elements of deceit can be canceled or invalid.

The provisions of positive law in Indonesia also explain the rights and obligations of consumers and business actors related to honesty. This is regulated in the law of the Republic

of Indonesia Number 8 of 1999 concerning consumer protection. Article 4 paragraph 3 of this law states that consumers have the right to correct, clear and honest information regarding the conditions and guarantees of goods and/or services. Then in Article 7 concerning the obligations of business actors, it is stated in letter b that business actors are required to provide correct, clear and honest information regarding the conditions and warranties of goods and/or services and provide an explanation of use, repair and maintenance. In a sale and purchase there must be a clear expression of consent and qabul. Between the seller (who gives the price) and the buyer (who pays) knows the amount that will be paid by mutual consent or consent (Harun, 2017). It is also explained in the hadith narrated by Ibn Hibban: "Verily, buying and selling departs from mutual pleasure (al Anshory, et)."

Thrifting buying and selling transactions on the @Thrift.Perempuan Instagram account, it can be said to be an illegal or fasid sale and purchase as stated by Wahbah Az-Zuhaili. As previously explained that conditional buying and selling can cause losses to one of the parties. In addition, in practice, this sale and purchase contains elements of dishonesty which is contrary to the principle of muamalah, namely *Ash Shiddiq*. As also regulated in the Consumer Protection Act, honesty from business actors is an obligation that must be fulfilled and consumers also have the right to clear information about the goods purchased.

Thrifting sale and purchase transaction on the @Thrift.Women's Instagram account ultimately did not cause the buyer's pleasure because they felt cheated or harmed by the additional costs required. And the elements of pleasure and consensual are fundamental elements in buying and selling transactions. Therefore, sellers should be more honest in providing information and buyers should be more careful in transactions, so as to avoid defects, namely: ambiguity, coercion, coercion of time, risk or speculation, causing losses.

CONCLUSION

There are lots of buying and selling *thrifting* on the Instagram platform with prices and promotional methods offered. Notification of the terms and conditions that apply to using a promo or discount in buying and selling is very important because it forms the basis for transferring ownership of the object of sale and purchase. In the case of buying and selling used clothes or *thrifting*, it is not found that the sale and purchase is a conditional sale. The reason is, in buying and selling used clothes or *thrifting* here, the buyer buys a dress at a predetermined price. However, there are promos or price discounts offered by sellers with

terms and conditions that are not explained. And on the other hand the buyer is not aware of these terms and conditions.

In this case Wahbah Az-Zuhaili explained that conditional buying and selling is buying and selling that depends on the occurrence of something else. Then regarding the law of buying and selling, Wahbah Az-Zuhaili explained that buying and selling depends on the terms and is based on using words that show dependence, such as the words if, if, and when. Judging from the thoughts of Wahbah Az – Zuhaili, the promotion offered by @Thrifting.Perempuan is a *fasid act*, so it can be said that thrifting buying and selling transactions on the @Thrift.Perempuan Instagram account is a sale and purchase that is canceled or invalid.

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