

## Disclose *Tadlis* Practice of Muslim Traders in Traditional Market

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**Abstract.** This research has purpose to disclose *tadlis* practices of muslim traders in traditional market. This research uses qualitative descriptive research method with phenomenological approach. Data collecting method which used is observation, interview, and documentation. Research result finds there is qualitative and quantitative *c* practices in Sugguminasa market. Qualitative practices is shown by mixing good's quality, hiding defective goods, dishonesty of good's quality as well as manipulating good's condition to make them look fresh and new. On *tadlis* quantity is shown by act of decreasing scale quality so it was occurred inconsistency between price and good's quality. Meanwhile practical implication shall be ground for government in providing with tight supervisory and taking into account accuracy as well as scale tool standard as used by trader in order to achieve scale accuracy pursuant to Indonesian National Standard (SNI).

**Keywords.** *Tadlis*, Sale-Purchase, Muslim Trader, Traditional Market

### 1. Introduction

Islam prohibits any *tadlis* (fraud) aspect, because it makes a party will be lost. Therefore, transaction system of sale and purchase in Islam requires transparency in sale and purchase transaction. Means commencing from good's specification as sold shall be clear, price amount and profit shall be confirmed by seller and buyer (Alawi, 2017). Trader who sales good under measuring unit as pricing tool for sure not only any trade goods between seller and buyer, but to support their sale and purchase transaction traders needs a tool to be used to prepare number of goods corresponds to buyer's need, namely scale. To create honesty and trust between seller and buyer, then accuracy of good's and commodity's scale becomes a benchmark (Marzuki et al., 2018). Should as muslim trader will always feel under God's supervisory in any activities and will always be very careful in selling their products (Arif & Siradjuddin, 2021).

A place where seller and buyer meet normally is at market. Both traditional or modern market. Market is important matric in business world (Arif et al., 2022). But, not all traders in market, especially traditional market have exact accuracy in scaling which will make one of party is disadvantaged. Therefore, system of sale and purchase transaction in

Islam wants transparency in sale and purchase. Means from good's specification which sold shall be clear, price amount and profit shall be confirmed by seller and buyer. Trader who sales good under measuring unit as pricing tool for sure not only any trade goods between seller and buyer, but to support their sale and purchase transaction traders needs a tool to be used to prepare number of goods corresponds to buyer's need, namely scale. To create honesty and trust between seller and buyer, then accuracy of good's and commodity's scale becomes a benchmark (Marzuki et al., 2018).

## **2. Literature Review: Aspek *Tadlis* dalam Transaksi Muamalah**

*Tadlis* comes from Arabic comes from word *dallasa - yudallisu - tadliisan* mean: do not describe something, hiding something, and fraudulence. Ibn Manzhur on *Lisan al-Arab* written by Ahmad Fauzi in his research said that *tadlis* also defines as "a transaction which a part of information does not known by other party due to any hiding of bad information by other party (Sofyan, 2017). In Islam, any transaction shall be grounded with willingness principle between two parties means they are willing each other (*ridha*). Therefore parties who make transaction, shall have *complete information* so no party will feel being cheated due to any *unknown to one party* (condition which a party does not know information which is known by other party) it referred to *assymetric information*. *Unknown to one party* in fiqh science or Islamic law referred to *tadlis* (Lubis et al, 2020). *Tadlis* in Islamic science shall be divided into four types:

*First quantitative tadlis.* *Tadlis* in quantity occurs when a party in transaction intentionally hide information about product's quantity as sold. Seller's action who sell good in specific number, but in fact he reduce such number without any buyer's knowledge intentionally to get profit more over. (Hilal,2014). Example given, reducing clothe width namely cloth price of 1 mater is Rp.20.000 but cloth given to buyer 90 cm's only but under same price as 1 meter. Other example which frequently met namely practice of reducing weight and reducing weight of fruits, rice or other primary needs.

*Second qualitative tadlis.* *Tadlis* in quality occurs when a party in transaction hiding information about product's quality in transaction for example hiding any defect or bad quality of product which does not correspond to covenant of parties who make transaction (Nasution, 2012; Sujipto and Cahyono, 2020).

*Third price tadlis,* means selling goods under higher of lower price than market price because unknown by seller or buyer. Example given, if someone who located at Sultan Hasanuddin Airport Makassar wants to go to State Islamic University of Alauddin Makassar uses airport taxi. Official tariff from Sultan Hasanuddin Airport Makassar to State Islamic University Alauddin Makassar is Rp. 90.000,- (Ninety Thousand Rupiah), but taxi driver offers cost of Rp. 200.000,- (Two Hundred Thousand Rupiah). Both parties make dickering then it is agreed taxi cost is Rp. 150.000,- (One Hundred Fifty Thousand Rupiah). Other example is in sale and purchase transaction namely a farmer sells his chilies to farm collector before go to market under very low price Rp 10.000,- (Ten Thousand Rupiah) meanwhile market's price reaches Rp. 25.000,-/kg (Twenty Five Thousand Rupiah) due to any condition which a party does not know information which is known by other party (*assymetric information*) then causes farmer's (Hilal, 2014).

*Fourth tadlis* of submission time, namely when a party in transaction promises to make submission meanwhile he is not sure that he can submit it on time as promised (Hilal, 2014; Sujipto and Cahyono, 2020). On other research it is explained that *tadlis* in submission time is a fraud made by seller to buyer upon time of goods submission which

has been agreed when covenant is made but goods submission does not met covenant and without any confirmation from buyer (Alawi, 2017). Therefore any kind of sale and purchase transaction shall be clear on time of transfer of good's title and utilization.(Nasution, 2012).

### 3. Research Methods

This research constitutes qualitative research. Qualitative research is activity which explores and comprehends meaning of some persons or group of person which shall be deemed having capacity from social issues as researched. This research process needs maximum efforts in proposing questions and providing with specific procedures to collect data from respondents or participants, then inductively analyze such data commences from main issue which has specific nature to general issues then stipulating meaning and construing data which has been explored (Creswell, 2014). This research constitutes descriptive research under phenomenological approach. This approach is used to dig meaning carefully and exactly upon people's reality and experience. Main targets of phenomenology are stipulating meaning upon experience, event and status belong to informant. This research was made at Sungguminasa Market located at Jalan K. H. Wahid Hasyim, Pandang-Pandang, Sub district of Somba Opu, Regency of Gowa, South Sulawesi. Researcher's reason choose Sungguminasa Market as target of research location because Sungguminasa Market has strategic location which is the nearest traditional market with central of Gowa City and located at Main Road. In addition at Sungguminasa Market it was found lots of traders of fruits, vegetables and rice which much easy to be reached by distributors from regional territories especially from Malino territory.

Table 1. Informant List

No	Trader's Name	Trading Period	Profession
1	Niam	7 Years	Vegetables Trader
2	Dg. Sarro	12 Years	Vegetables Trader
3	Dg. Ngitung	4 Years	Vegetables Trader
4	Dg Ngalle	7 Years	Vegetables Trader
5	Dg Ngewa	2 Years	Consumption Chicken Trader
6	Wildan	2 Years	Supplier
7	Lisa	-	Buyer
8	Novian	-	Staff of Legal Regional IV Board
9	Marhaban	8 Years	Supplier
10	Anju	10 Years	Supplier

Second Data Source, Sungguminasa Market Office (2022)

### 4. Result and Discussion

#### 4.1 Quantitative Tadlis.

*Quantitative Tadlis* occurs when a party in transaction intentionally hides information about product's quantity as sold. For example seller informs quantity number of goods under stipulated price, but in fact he reduced such number without any buyer's knowledge intentionally to get profit more over. Quantitative *tadlis* practice as focused by researchers is trader who uses measuring scale as a benchmark of sold good's weight. From result of researcher's observation scale which is most used by trader of fruit, vegetable and rice is traditional weight scale.

Weakness of this traditional weight scale it is easy for trader to engineer it who intentionally wants to cheat in sale and purchase transaction, there are also some un-serviceable scales. Example given they are corrosive or any some detached valves and un-

serviceable, it for sure affects weighing result. There are some scales which are not changed for years and never been standardized pursuant to standard of metrology board. Below interview result with rice trader and documentation of corrosive scale belongs to traders.

Based on interview result with trader it is found trader's *tadlis* practice at Sungguminasa Market which is affected by some factors both trader or buyer. From buyer party they frequently ask for additional good quantity, while from trader party it is caused due to price is increasing and trader remains want to get profit moreover, it is deemed normal and become a culture in traders as said by Mr Wildan as onion supplier.

“The lack or buyer who asks for additional weight has been a normal between seller and buyer at Sungguminasa Market or as known as Bus Station Market. When we act as supplier of goods to retailer we are always asked to give additional weight, moreover for goods who contains water inside as onion, because when goods want to sell in the morning but have been bought at night before, water which is reducing for 1 night is not charged to retail trader but charged by supplier. Other reason because trader ask for additional weight at weighing process. Other than water content traders are greedy means when supplier is careless traders frequently take additional goods and they do it by themselves as addition to such weight. As trader we don't want to get lost, so as supplier they have to understand it and usually supplier directly give the addition. Example given it is brought 1 sack of 50 kg's, then it is added 1 kg to prevent lack from decreasing of water content for a night and it is without a request supplier has understood it when goods is ordered, it has added additional inside sack”. (Source Informant)

Based on further interview with Dg. Ngitung as retail trader who buys eggplant from Malino supplier, the opposite he felt lack of weight because deterioration of water content as described by Mr Wildan but the difference is this risk is not charged to supplier but charged to retail trader, as described by Dg. Ngitung that:

“Weight is not consistent, as long as these kind of deteriorative goods (vegetables which bought from wholesaler in sack) maybe from farmer the weight is sufficient, but because it kind of goods which contains water when exposed by wind or sunshine the weight is decreased and we bought it per sack. May be from farmer it is said 50 kg's but after arrived only 49 kg's because it will always be like that different with metal because it is not kind of deteriorative goods, when this kind of deteriorative goods for sure it is not sufficient”. (Source Informant)

Same voice with Lisa as buyer also adds:

“Issue of weight lack I ever experienced it from vegetable and garlic seller, I knew it because I weighed it again at home, usually lack about 3 or 2 ounces, I felt being cheated because it had different weight but with paid price. We should get goods equal to money paid to seller but in fact did not the same because bought goods were not equal to given money. Because I felt that I was cheated I don't want to buy at such place”. (Source Informant)

Cheat upon weight quantity also confirmed by staff of Metrology Legal Regional IV Board, other than weight quantity which is not consistent, the absence of standardization mark also indicates that such scale is not consistent with weighing standard as explained by Mr. Novian that:

“I frequently met such event, so if we used to go to market in addition when we conducted market supervisory there were some cooperative and non-cooperative traders. So far there are various trader’s behaviors, it may said 50 to 50. There are some sellers who have awareness that their scale need to be standardized and some sellers who didn’t care about it and didn’t want to be standardized. (Source Informant)

Sourced from interview result made by researcher at Sungguminasa Market Regency of Gowa. It is found from interview result that seller at Sungguminasa Market most of them still made cheating action in quantitative *tadlis* form. It shown from buyer’s interview who disclosed that lost she felt as well as prove it by re-weighing her shop at market, in addition sellers also confessed that they made cheating action by reducing weight to get more profit. Some statements stated by informants from seller, buyer and supplier about cheat and inconsistency of weight of seller, researcher feels has not ready enough to support research result then research needs to make re-weighing to some goods which sold uses measuring unit of scale exist at Sungguminasa Market Regency of Gowa.

Weighing is an activity purposed to obtain value upon good’s quantity and mass size. Re-weighing is made to know accuracy of weight value of muslim seller by a way which researcher acted as buyer who directly came to Sungguminasa Market to buy some samples which uses weight scale as rice, fruit, vegetable and onion. Then researcher re-weighed such samples at Standardization and Metrology of Regional IV Board as a board which authorized to make examination and supervisory. Meanwhile conclusion of weighing result obtained from bought samples as follows:

Table 2. Conclusion of Percentage of Re-Weighing Result

	Inconsistent Weight	Consistent Weight	Number of Seller
	9	11	20 Persons
Percentage	45%	55%	20 Persons

#### 4.2 Quality *Tadlis*

*Quality Tadlis* in sale and purchase transaction is fraud made by seller to buyer as an effort to hide defect or good’s quality as sold by saying that such goods are in good condition but in fact inconsistent with quality as agreed between seller and buyer. From observation result of qualitative *tadlis* found by research it made by some sellers, both supplier from other territory or seller who has shop at market.

Form of qualitative *tadlis* occurred between supplier and retail seller when retail seller buy vegetables from supplier which packaged in sack and big plastic bag but after opened by retail seller, vegetables in small size and bad condition at bottom are invisible by seller and it can’t be checked first while vegetables with good quality located at the top and visible by seller. As explained by retail seller when seller gets eggplant out from sack and separates the big, fresh eggplant with eggplants with small size and bad condition as stated by Dg. Sarro as retail seller as follows:

“Most goods which sold by wholesale goods inside sack are defective example given oranges in sack, we can’t check it, but after we open it there are lots of defective goods, usually good in top only. We can’t check inside sack first, except net sack as onion sack it little bit shown, it still has invisible defective part so we can check the top only”. (Source Informant)

Match with retail seller aforesaid, Researcher also made research to vegetable supplier one of them comes from Malino. Based on result of interview supplier confessed that such vegetables was sold per plastic bag or sack and it was true not checked in entirety by retail seller. Marhaban said that:

“For process of sale and purchase with retail seller, we sold it like this per sack. It is true that some good in top but bad in bottom. We also confess that frequently and many retail sellers complained about it. For sure they complained these goods to me but I also complained it to farmer, because these goods have chain market first from farmer, second collector, then retail seller. Actually it comes from dishonest farmer it good on top but bad on bottom package, means it was not consistent with criteria because they hide it at bottom package. The lost sometimes occurs at seller but also at supplier because if seller return it to supplier we will be lost “Good quality is directly shown to seller but it cannot be opened to the bottom because it bought per sack or plastic bag but normally seller get the bad at bottom, we are supplier also take it directly from farmer and farmer did not explain the condition in this condition occurs a cheat and as supplier we also did not know it”. (Source Informant)

Based on such explanation it is known that almost all goods sold by supplier can not be checked completely and entirely by retail seller. It feels like buying a cat inside a sack means unknown quality. Good vegetables put on top which are visible, while the bad vegetable put on bottom which is invisible directly. Should muslim seller hold mandate about it. According to Abdullah mandate in economic context states that all resources belong to God and human is a person whose given mandate to spread holy mission as ordered to them (Abdullah, 2021).

### **4.3 Price Tadlis**

*Price tadlis* means selling goods under higher of lower price than market price because unknown by seller or buyer. Good's prices at Sungguminasa Market can be said relatively normal. Different price usually happen because of different quality and difference of basic price of such goods. Meanwhile the differences is only about one thousand to five thousand Rupiah. It known from result of interview with fish seller Dg. Ngalle said:

“Prices at market almost same because shop of fish seller is near with other fish seller so buyer and seller know each other. If we increase the price and fish has the same fish type with other seller for sure buyer will move to other seller to find cheaper price, the difference usually is just a little about one thousand to five thousand rupiah because we see fish quality, example given if fish is fresh and big.” (Source Informant)

Match with aforesaid, Niam also added:

“Vegetable price that I sold herein, I usually explain price for 1 kg is 6.000 and a half of kilogram is 3.000, we make same price with other seller, there was no complain from other seller, but the constraint is sometime some seller are envy to other, if I crowded with buyer but they didn't. So I just kept calm”. (Source Informant)

Research result for price *tadlis* researcher did not find any matter which included in

category of *tadlis* price action. Namely both seller or buyer don't know market price. Price difference usually occurred just because different place of buying, different quality as disclosed by Nur Alam as fruit seller that:

#### **4.4 Time Tadlis**

*Tadlis* of time submission, namely when a party in transaction promises to make submission meanwhile he is not sure that he can submit it on time as promised but he promises it so his goods are sold. On other research it is explained that *tadlis* of time submission is fraud made by seller to buyer upon limit of goods submission which has been agreed but goods submission is inconsistent and without any confirmation to buyer. Therefore all kinds of sale and purchase transaction shall be clear time of transfer of good's title and utilization. Therefore all kinds of sale and purchase transaction shall be clear time of transfer of good's title and utilization. Form of *tadlis* of time submission in interview made by researcher that goods submission from seller or supplier is directly submitted when make transaction at Sungguminasa Market. It confirmed by seller oleh Dg. Ngewa:

“For goods submission is made directly because of it is a market it occurs direct transaction so when buyer pays goods they want to buy we as seller directly give goods to them without any delay anymore”. (Source Informant)

Match with aforesaid, Anju as supplier also added:

“For good submission all made directly, no one say submit later or tomorrow because we directly make transaction with buyer. Here buyer can directly see his goods, when paid he may directly take goods he bought”. (Source Informant)

Result of research for *tadlis* of time submission, sale and purchase activity at Sungguminasa Market does not include in *tadlis* of time submission because seller and buyer as well as supplier may meet and submit goods directly when make transaction.

## **5. Conclusion**

This research shows that any price difference between sellers because of quality difference and of basic price of such goods. It does not include in price *tadlis* because seller and buyer know market price each other. As well as on *tadlis* of time submission, sale and purchase activity at Sungguminasa Market does not include in time *tadlis* because seller and buyer or supplier can meet and submit goods directly when they make transaction. On qualitative *tadlis* there is any seller's action which reduces weight quality. It is proven by result of re-weighing at Metrology of Legal IV Board that 45% of taken sample are inconsistent with measuring standard of metrology board and Islamic business ethic. Meanwhile qualitative *tadlis* occurred at market is any seller's action who mixes goods with good quality with the bad quality, and hides good's defect, dishonest about goods quality as well as manipulates good's appearance to be looks fresh.

Practical implication is become ground for government or market management as well as for Standardization and Metrology of Regional IV Board, Industrial and Trade Sub Office in providing with tight supervisory and taking into account standard of weight scale used by sellers to be reached weight accuracy corresponds to Indonesian National Standard. Limitedness of this research is only to analyze side of disclosing *tadlis* practices only, further research recommendation is to deeper study from Islamic concept aspect as alternative solution for above issue.

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