

Analysis of Sharia Law in The Management of Sales at Gas Station Mini Peralite (Case Study in Mlarak Small Public Gas Stations)

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Abstract

Opportunities to sell Fuel (BBM), especially pertalite in Mlarak sub-district, are getting easier and faster with the help of new machines distributed to several corners of the village. Similar to General Gas stations, sales are made using dispenser machines, the amount of volume and price are clearly exposed on the display boards. However, there are still acts of some persons in Small Gas Station that do not heed the Islamic norms in sales, ie do not sell fuel oil does not match the dosage that should be. Though the right dose that has been agreed in the contract is a legal requirement for selling and buying, so the sale is included in the category of gharar. From the results of this study, it can be concluded that there is still a mini gas station in Mlarak sub-district that cheats the actual dosage, this indicates the practice of Trading contains elements of gharar and haram law in Islam, because it harms the consumer. With this research, it is expected to make the society especially the seller of Peralite at Small Gas Station aware of the form of Trading they do, because every relationship with human not only to seek personal gain, but also to bring benefit and goodness to others.

Keywords: *Gharar, Sub-District, Small Public Gas Station, Peralite.*

Introduction

Humans are creatures that cannot fulfill their needs without the help of others. This shows that man is a social being. One of the activities to fulfill his needs is by buying and selling. In the sense of *fiqh*, the sale is called *al-bai'* which means selling, replacing or exchanging something with something else.¹ The word *al-bai'* which means selling, has a meaning relationship with the word *asy-syira'* which means buying in the terminology of jurisprudence. Thus, it can be said, *al-bai'* means selling at the same time buying. According to the Hanafi school of thought, the notion of buying and selling is the exchange of property or something to be desired by something of equal value through certain useful ways.² As according to Malikiyah, Shafi'iyah and Hanabilah, the sale (*al-bai'*) is the exchange of property with other property in the form of transfer of property and ownership. In order for the buying and selling activities to run well between one and with another parties, then every perpetrator must adhere to the principle of honesty.

In the execution of trade, there are sellers and buyers who also must be harmonious, terms of sale and purchase, and most importantly is no element of fraud. It should be on the basis of likes or mutual willingness. The suggestion to carry out the sale and purchase in the right way or both parties should like each other is one of the conditions that must be met in Islam, which is stated in the word of Allah SWT:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

*"O ye who believe! Squander not your wealth among yourselves in vanity, except it be a trade by mutual consent, and kill not one another. Lo! Allah is ever Merciful unto you."*³

Based on God's words above, we know that every Muslim should not get property in a way that is inconsistent with Islamic law, such as cheating, stealing, deceiving, etc. It should be agreed

¹Mardani, *Hukum Ekonomi Syariah di Indonesia* (Bandung: PT. Refika Aditama, t.th.), 168.

²Abdul Ar-Rahman Al-Jaziri, *Al-Fiqih ala Mazhabib al-Arba'ah* (Mesir: al-Babi al-Pageabi), 178.

³QS. An-Nisa': 29.

upon and known by the parties involved with the feeling which are both happy and sincere.

From the above information, we know that honesty in buying and selling transactions is an absolute thing to maintain trust, and give justice to all parties.⁴ To show honesty and fairness in buying and selling, then there must be the right scales and sizes in each transaction. The balance sheet is a symbol of justice and righteousness which are in accordance with the commands contained in the Qur'an.

وَيْلٌ لِّلْمُطَفِّفِينَ الَّذِينَ إِذَا أَكْتَالُوا عَلَى النَّاسِ يَسْتَوْفُونَ وَإِذَا كَالُوهُمْ أَوْ وَزَنُوهُمْ يُخْسِرُونَ أَلَا يَظُنُّ أُولَئِكَ أَنَّهُمْ مَبْعُوثُونَ لِيَوْمٍ عَظِيمٍ يَوْمَ يَقُومُ النَّاسُ لِرَبِّ الْعَالَمِينَ

"Woe unto the defrauders. Those who when they take the measure from mankind demand it full. But if they measure unto them or weight for them, they cause them loss. Do such (men) not consider that they will be raised again. Unto an Awful Day. The day when (all) mankind stand before the Lord of the Worlds⁵."

One of the most valuable items, and needed by the public at large is the Peralite. Peralite is the latest fuel from Pertamina with RON 90. Peralite is produced by adding additives in the processing process at the oil refinery. Peralite was launched on July 24, 2015 as a new variant for consumers who want fuel with quality over Premium, but with a cheaper price than Pertamax, this type of fuel mediates between Premium and Pertamax.⁶

In District Mlarak, precisely in the village of Nglumpang, the majority of people are doing transportation activities using a motorcycle.⁷ Most of them require fuel in the form of peralite as described above. This year, there are many small public gas stations that provide customers, but in smaller quantities. As for the retail traders who already exist before the small gas stations, are still running as usual and doing their activities, but there are slightly decreased enthusiasts or customers, because consumers prefer to fill the motorcycle in a small public gas station. The first reason is fast, the second, it can fill in the motorcycle tank in accordance with the amount money. For example if there is a person only carries money

⁴Abdul Rahman Ghazaly, *Fiqh Muamalat* (Jakarta: Prenamedia Group, 2105), 71.

⁵QS. Al-Muthaffifin: 1-6

⁶https://id.wikipedia.org/wiki/Peralite#cite_note-1. Accessed on Wednesday, 13 September 2017, 23.21 WIB.

⁷Observation Results on September 11-12, 2017.

of Rp. 5.000,- in his pocket, if we take him to a small public gas station, automatically a small gas station's officer will write numbers on the digital board at Rp. 5000,-. Unlike the case when we bring the five thousand money to retailers, which the price of each bottle of pertalite is Rp.8.500,- they cannot accept it.⁸

This research was done in Mlarak district because there is significant increase of SPGS in that location compared with different locations. For example in the Siman District, there are not many SPGS found because of the natural conditions that make it difficult to go there. Thus, the SPGS machine distributors sell more of these machines to lowland areas which are easily accessible. Such as Jetis, Siman and Mlarak District.⁹

After finding the problems that exist in the field, the author concludes the following two things that encourage this research can be done, those are:

1. The existence of complaints of some customers in SPGS on the lack volume of pertalite which is raising the suspicion of fraud in the sale of pertalite.
2. The application of Islamic law in the sale of pertalite in SPGS Mlarak has not been implemented properly. It makes the *gharar* element is still present in some SPGS of Mlarak. This is forbidden in Islam because it harms one party.

General Theory of Al-Bai' in Islam

A. Definition of Al-Bai'

In the sense of language, *al-bai'* means exchange/barter. It is exchanging property from the seller to the buyer with a sense of mutual or mutual likes with the principle of not violating Islamic *Shariah* in every application.¹⁰

In *fiqh* terms, it is called *al-bai'* which means sell or replace. Wahbah al-Zuhaili interpreted it as "*exchanging things with something else*". The word *al-bai'* in Arabic is sometimes used for the understanding of its opponent, ie *al-syira'* (buy). Thus, the word *al-bai'*

⁸Observation Results with Maulana Malik, Student of Unida at Small Public Gas Station in Siwalan, Tuesday, September 12, 2017.

⁹Researcher Observation on March 3, 2018.

¹⁰Mardani, *Hukum Ekonomi Syariah di Indonesia* (Bandung: PT Refika Aditama) 167.

means to sell, and also means to buy.¹¹

In terminology, there are several definitions of *al-bai'* of some *fiqh* scholars, although the substance and purpose of each definition are the same. Sayyid Sabiq defines it as:

مُبَادَلَةٌ مَالٍ بِمَالٍ عَلَى سَبِيلِ التَّرَاضِي • أَوْ تَقْلُ مِلْكٍ بِعَوْضٍ عَلَى الْوَجْهِ الْمَأْدُونِ
فِيهِ

*"Al-bai' means exchanging property with other properties on the basis of mutual relinquishment, or, moving the property with a justifiable change."*¹²

Al-bai' is an activity that never separated from human life has a strong foundation in the Qur'an and Hadith. Thus, humans can make it as a reference in the development of forms of *al-bai'* of an increasingly diverse forms from year to year. There are several verses that form the basis of trading, namely:

Theorem of the Qur'an

أَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا

*"Allah justifies the trading and forbid usury."*¹³

Theorem of the Hadith

سُئِلَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَيُّ الْكَسْبِ أَطْيَبُ • فَقَالَ عَمَلُ الرَّجُلِ بِيَدِهِ
وَكُلُّ بَيْعٍ مَبْرُورٍ رَوَاهُ الْبَزَّازُ وَالْحَاكِمُ

"Rasulullah SAW asked one of the best friends about the job (profession). Rasul-ullah SAW replied: The business of the human hand itself and every sale that is blessed." (HR. Al-Bazzar and Al-Hakim).¹⁴

B. Requirements of Al-bai' in Islam

Based on the above description, it can be seen that trading is an activity that is allowed in Islam. According to the Hanafiyah Ulama, basically *al-bai'* is said to be valid if it has been reached an agreement between the two sides or in Arabic is called *ridha*. As stated in the Qur'an:

¹¹Abdul Rahman Ghazaly, *Fiqh Muamalat* (Jakarta: Prenadamedia Group, 2015), 67.

¹²*Ibid*, 67.

¹³Surah Al-Baqarah: 275.

¹⁴Surah Al-Baqarah: 275.

إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ

"Except with the business street that applies with likes like you."¹⁵

In order for a trading activity can be said to be legitimate, it must follow the rules that have been established by the Islamic *Shariah*. These activities must meet the requirements and is harmonious. In the determination of trading requirements, there are differences of opinion among the scholars.

According to the Hanafiyah school, there is only one trade, namely the *ijab* and *qabul*. According to them, the core of the legitimate trading is the presence of elements in the willingness of every seller, be it sellers or buyers. However, since the element of willingness is a difficult element to be perceived to be invisible, It requires the indication of willingness of both parties. Indications that indicate the willingness of both parties to conduct sale and purchase transactions according to them may be reflected in the consent of *qabul*, or by way of giving each other goods and prices of goods.¹⁶

The scholars *jumhur* states that *al-bai'* requirements are:¹⁷

1. Seller.
2. Buyer.
3. *Shighoh* (*ijab-qabul*).
4. Goods traded.

C. Trading That Contains Gharar

Gharar has the meaning of *al-khatr* (betting), *majhul al-aqibah* (not clear results). *Gharar* is a deceptive activity and causes loss or disadvantage to others.¹⁸

The argument that explains the ban on the practice of *gharar* in transactions is clearly stated in the Qur'an and Hadith, namely:

وَلَا تَأْكُلُوا أَمْوَالَكُم بَيْنَكُم بِالْبَاطِلِ وَتُدْلُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِنْ
أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ

¹⁵Surah An-Nisa': 29.

¹⁶Abdul Rahman Ghazaly, *Fiqh Muamalat* (Jakarta: Prenada Media Group, 2015), 71.

¹⁷Wahbah Al-Zuhaili, *Al-Fiqhu Al-Islami wa Adillatuhu*, Juz 4 (t.tp.:Darul Fikri, t.th.), 347.

¹⁸Nadrattuzaman Hosen, "Analisis Bentuk Gharar dalam Transaksi Ekonomi," *Jurnal Al-Iqtishad*, Vol. 1 No. 1, 2009, 54.

"And let none of you eat the other treasures among you in a foolish way, and (bring) the treasure unto the judge, that ye may eat part of the other's possessions by sin, you know."¹⁹

وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعِ
الْحَصَاةِ وَعَنْ بَيْعِ الْغَرَرِ رَوَاهُ مُسْلِمٌ

"From Abu Hurairah Radhyiallahu 'anhu said, Rasulullah SAW prohibits the sale by throwing pebbles and buying and selling gharar."²⁰

In terms of *fiqh*, *gharar* is a matter of ignorance of the consequences of a case, events/events in trade transactions or buying and selling, or the ambiguity between good and bad.

According to the Shafi'i School, *gharar* is anything that is resulted from hidden view and something that can have unexpected consequences or frightening consequences. While Ibn Qoyyim said that *gharar* is something that cannot be measured its acceptance whether the goods are there or not, such as selling wild horses that cannot necessarily be caught even though the horse is exist and visible.²¹

Trading contains *gharar* elements are not allowed in Islam. As mentioned above that in *gharar* there are things that are not clear and can bring harm to the other party. In terms of its contents, *gharar* can be classified into three parts, namely:²²

1. Trading that is not available yet (*Ma'dum*)

It is the inability of the seller to submit the contract object at the time of the contract, whether the object has been or has not existed such as selling an animal which is still in womb, without selling its mother.

2. Unclear trading (*Majhul*)

Unclear buying and selling is divided into 5 kinds, including:

- a. Selling something that has not been under the control of the seller.
- b. Absence of certainty about certain properties being sold.

¹⁹Surah Al-Baqarah: 188.

²⁰Ibnu Hajar Al-Asqalaniy, *Bulughul Maram min Adillatil Ahkam* (t.tp.: Darul Kutub Al-Islamiyah, t.th.), 146.

²¹Nadrattuzaman Hosen, "Analisis Bentuk Gharar dalam Transaksi Ekonomi," *Jurnal Al-Iqtishad*, Vol. 1 No. 1, 2009, 55.

²²*Ibid*, 56.

Rasulullah SAW said, “Do not trade in fruit, until the fruit looks good.” (Ahmad bin Hambal, Muslim, an-Nasa’i and Ibn Majah).

- c. There is no certainty about the time of submission of the contract object in which the goods traded are not directly given to the buyer.
- d. There is no certainty about the contract object. That is the existence of two objects of different contracts in one transaction. For example, in a transaction there are two items of different criteria and quality, then it is being offered without mentioning which items will be sold as contract objects.
- e. The condition of the contract object cannot be guaranteed in accordance with the specified transaction. Such as the sale and purchase of rice that the seals has been damaged , so that the amount or measurement is no longer the same as that offered or agreed.

3. Trading that cannot be handed over

- a. There is no certainty about the type of payment or type of thing being sold. Wahbah Zuhaili argues that the uncertainty is one of the greatest *gharar* challenges.
- b. The absence of certainty about the total price to be paid.
- c. The absence of firmness in transactions, ie the existence of two kinds or more different transactions in an object of agreement without asserting which form of transaction is selected and when the contract lasts such as selling buffalo at a price of 15 million rupiah if paid on cash and worth 18 million rupiah if paid on credit.
- d. There is an element of coercion on one side such as buying and selling by touching, someone who walks in the Monitor store then he touched it just a little, then he must buy the item, without knowing clearly the goods to be purchased, it is not allowed.

Data Display

Mlarak Sub-district is one of the 21 sub-districts in Ponorogo Regency. In this sub-district there is also one of the Education Institution which becomes the goal of learning of students in Indonesia, namely Pondok Modern Darussalam Gontor.

Marak sub-district consists of 15 villages that have different areas.²³ The villages are as follows:

1. Tugu village.
2. Candi village.
3. Totokan village.
4. Ngrukem village.
5. Siwalan village.
6. Joresan village.
7. Nglumpang village.
8. Gontor village.
9. Gandu village.
10. Jabung village.
11. Bajang village.
12. Mlarak village.
13. Serangan village.
14. Suren village.
15. Kaponan village.

The research is only conducted on 9 villages that have small gas stations, namely:

1. Jabung village.
2. Gandu village.
3. Gontor village.
4. Nglumpang village.
5. Joresan village.
6. Siwalan village.
7. Mlarak village.
8. Suren village.
9. Ngrukem village.

²³Badan Pusat Statistik Kabupaten Ponorogo, *Kecamatan Mlarak Dalam Angka* (t.tp.: CV. Azka Putra Pratama, 2017), 3.

Table 3.1. Amount of data obtained from the seller

Number of Small Gas Stations	Number of questionnaires	Total data obtained
9	9	9

Source: Observations from April 15-19, 2018

The following data shows the amount of data taken from the pertalite consumers in 9 small gas stations in District Mlarak.

Table 3.2. Amount of data obtained from the Consumers of Peralit

Number of Small Gas Stations	Number of questionnaires	Total data obtained
9	8 per gas station	72

Source: Observations on 15-19 April 2018

Below are data obtained from both sources (Merchant and Consumers of Peralite), then the data will appear as follows:

Table 3.3. Amount of data obtained from the Trader and Consumers of Peralite

Item	Number of Small Gas Stations	Number of questionnaires
seller of pertalite	9	9
Consumer of pertalite	9	72
Total		81

Analysis Data

Thus, the amount of data obtained from the questionnaire distributed in the field is 81 answers, both from the trader of the first and the consumers.

A. Jabung Small Gas Station

The result of calculating the quantity of one pertalite of bitrate at the small gas station of Jabung Village is as follows:

No	Village	Should be	Fact	Difference
1	Jabung	1000 ml	1050 ml	+50 ml

Table 3.27. Volume of pertalite

The amount of volume issued by the Small Public Gas Stations shows more than expected results or more than the actual dose. When viewed from the legal basis of sale and purchase, there is no practice that violates the law. Thus, the sale of one liter of pertalite in the place is legitimate and halal in terms of buying and selling. For the price, it is sold for Rp. 8.400,- the change is usually rounded to Rp. 500,- only.²⁴

B. Gandu Small Gas Station

The result of calculating the quantity of one liter of pertalite at the small gas station of Gandu Village is as follows:

Table 3.28. Volume of pertalite

No	Village	Should be	Fact	Difference
1	Gandu	1000 ml	980ml	-20 ml

One liter of pertalite is sold at Rp. 8.400,-. From the measurement of the glasses by the researchers, there was a difference of -20 ml from the actual size, this is due to improper doses of the sellers' machine, coupled with the seller's carelessness when charging. The hose used to fill the gasoline sometimes when it is lifted still issued a few drops, so there is a difference of -20 liters.

C. Gontor Small Gas Station

The result of calculating the quantity of one lite of bitrate at the small gas station of Gontor Village is as follows:

Table 3.29. Volume of pertalite

No	Village	Should be	Fact	Difference
1	Gontor	1000 ml	970 ml	-30 ml

²⁴The Results of Observations Researchers.

One liter of sales is around Rp. 8.400,-. The result of one-liter measurement of pertalite issued by Small Public Gas Stations Gontor above shows a difference of -30 milliliters. This is due to the doses discharged from the engine of the supplier before it is issued, and due to the machine setting that determines the amount of volume set by the owner. It is resulting in the difference from the actual dose

D. Nglumpang Small Gas Station

The result of calculating the quantity of one liter of pertalite at the small gas station of Village is as follows:

Table 3.30. Volume of pertalite

No	Village	Should be	Fact	Difference
1	Nlumpang	1000 ml	1000 ml	0 ml

One liter of pertalite is sold at Rp. 8.300,-. The calculation shows that the volume amount issued by SPGS machine in Nglumpang village was exactly with the amount offered, and there is no difference of less or more. This shows the accuracy in giving the measurement and has followed the ways of buying and selling in accordance with Islamic *Sharia*.

E. Joresan Small Gas Station

The result of calculating the quantity of one liter of bitrate at the small gas station of Joresan Village is as follows:

Table 3.31. Volume of pertalite

No	Village	Should be	Fact	Difference
1	Joresan	1000 ml	990 ml	-10 ml

The gasoline is sold at Rp. 8.500,- per liter. The result of the calculation indicates a difference of -10 ml. It indicated a difference in the quantity of goods offered by the quantity of goods given. Thus, it is categorized into the *gharar* buying and selling or bringing harm to the other party.

F. Siwalan Small Gas Station

The result of calculating the quantity of one liter of gasoline at the small gas station of Village is as follows:

Table 3.32. Volume of pertalite

No	Village	Should be	Fact	Difference
1	Siwalan	1000 ml	980	-20 ml

The sale of one liter of gas at the gas station is Rp. 8.400,-. From the data obtained by researcher, there was a mismatch of the doses offered by the seller to the buyer in general. There was a difference of -20. This indicates that the ongoing sale is included in the category of buying and selling *gharar*, because the goods offered are not in accordance with the given which also resulted in other parties suffered losses.

G. Mlarak Small Gas Station

The result of calculating the quantity of one liter of gasoline at the small gas station of Mlarak Village is as follows:

Table 3.33. Volume of pertalite

No	Village	Should be	Fact	Difference
1	Mlarak	1000 ml	980 ml	-20 ml

Sales of one liter gasoline of averages here is Rp. 8.600,-. The result of a one-liter measurement of Pertalite in Mlarak Small Public Gas Stations above shows a difference of -32 liters. This is due to the doses discharged from the engine of the supplier before they were issued, and due to the machine setting that determines the amount of exhausted outlet volume set by the owner. It is resulted in the difference of the actual measurement.

H. Suren Small Gas Station

The result of calculating the quantity of one liter of gasoline at the small gas station of Suren Village is as follows:

Table 3.34. Volume of pertalite

No	Village	Should be	Fact	Difference
1	Suren	1000 ml	950 ml	-50 ml

Every one liter is sold at Rp. 8.300,-. From the data obtained by researcher, there was a mismatch of the doses offered by the seller to the buyer in general. There is a difference of -50 ml. This indicates that the ongoing sale is included in the category of *gharar* buying and selling, because the goods offered were not in accordance with the given. It also resulted in other parties suffered losses.

l. Ngrukem Small Gas Station

The result of calculating the quantity of one liter of pertalite at the small gas station of Village is as follows:

Table 3.35. Volume of pertalite

No	Village	Should be	Fact	Difference
1	Ngrukem	1000 ml	990 ml	-10 ml

Results

One liter of pertalite is sold at Rp. 8.400,-. From the measurement of glasses by the researcher, there was a difference of -10 ml from the actual size, this was due to improper doses of the suppliers' machine, coupled with the seller's carelessness when filling the gasoline. There was a difference of -10 milliliters.

No	SPGS	Sold	Should be	Difference
1	Jabung Village	1050 ml	1000 ml	+ 50 ml
2	Gandu Village	980 ml	1000 ml	-20 ml
3	Gontor Village	970 ml	1000 ml	-30 ml
4	Nglumpang Village	1000 ml	1000 ml	0 ml
5	Joresan Village	990 ml	1000 ml	-10 ml
6	Siwalan Village	980 ml	1000 ml	-20 ml
7	Mlarak Village	980 ml	1000 ml	-20 ml
8	SurenVillage	950 ml	1000 ml	-50 ml
9	Ngrukem Village	990 ml	1000 ml	-10 ml
Total		8990 ml	9000 ml	-110 ml

From the above research, the researcher concludes the cause of the difference in each one liter sales. That is:²⁵

1. The seller was not careful when charging the petrol into the consumer's motor vehicle, so there were still the remaining pertalite that fell to the ground or to the vehicle body.
2. The measurement was given in accordance with what was set by the owner of SPGS, so that if the dose setting is wrong or not exact one liter, then the next filling will never be precise at one litre.
3. Different price setting depended on the willingness of the seller of the petrol. For example Rp. 8.400,- for one liter, then for Rp. 8.000,- if it is under one litre. There are also sellers who charged 1 liter price of Rp. 8.500,-.
4. One liter of pertalite in Retailer is more accurate than the Small Public Gas Station's measurement.
5. The absence of government regulation or system of the petrol measurement at Small Public Gas Stations.
6. There was no Agency or Team of Observers from the authorities such as PT. Pertamina to investigate the practice of selling Petroleum Fuel (BBM) in the field.
7. Lack of concern for the fraud that occurs in Small Public Gas Stations, although only a little in each customer. That was because they werehelped by the service of SPGS.

From the results of research on the practice of selling one liter of gasoline at Mlarak district Small Public Gas Stations, the author found some phenomena that can make sales practices belongs to *gharar's* buying and selling that is prohibited in Islam. The phenomenon is:

1. The offered quantity did not match with what what was given.

In the sale and purchase of each culprit must comply with the terms and the pillars that exist. The goods must be self-owned, clean and in accordance with the measurement offered at the beginning, *halal*, and so forth. Thus, if in the application in the field occurred diversion form of buying and selling, it can be *haram*, and clearly against Islamic teachings. Based on the results of research that the author describes above, fraud or *gharar* occurred in seven gas stations in Mlarak Small Public Gas Stations.

²⁵The Results of Observations Researchers on 16-19 April, 2018.

The above incidents indicate that The sellers of petrol did fraud eventhough only slightly. It is forbidden in Islam, as Allah says:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

“O ye who believe! Let not one another eat your neighbor’s treasures in the same way, save by the way of commerce which applies equally among you. And do not kill yourself; Allah is Most Merciful to you.”

This cheating was not only happening in Mlarak sub-district, but also in other sub-districts in East Java. This was based on the results of interview of researcher with friends who were in a remote place, that this also happened where they live.

2. The rounding price of change exceeds the specified price

Human being needs various necessities starting from primary, secondary and tertiary needs. However, in the fulfillment of life needs, humans often needs main elements in interacting with others. Profits are not just for the self-interest, but there are some interests of others that we must guard and respect.

In the sale of Pertalite at Mlarak Small Public Gas Stations, not everyone bought exactly a liter. There was a purchase of Rp. 10.000,- Rp. 20.000,- or full tank (one full tank). However, there was also those who bought at 1 Liter pertalite sharp. The price of 1 liter of gas at each petrol station was not the same. There was seller who sold it at Rp. 8.300,- Rp. 8.400,- Rp. 8.500,- and Rp. 8.600,-. The average consumers gave money of Rp. 9.000,- to Rp. 10.000,-. Thus, the change given by the seller should be Rp. 700,- rupiah if the price per liter is Rp. 8.300,- but it was rounded to Rp. 8.500,- without prior consent from customers. In fact, the digital machine shows the price of one litre at Rp. 8.300,-. Inevitably, consumers just kept silent seeing this behavior. This was reinforced by one of the consumer statement.

3. Lack of services provided by the seller of the petrol

In terms of services, based on observations that researcher conducted, it can be said feasible. Although there were many things that werenot right and not in accordance with Islamic business ethics, the theory of customer satisfaction and public service. This is reinforced by the responses of consumers who were less concerned

about the services and ethics that the seller provided, since their purpose was not to get acquainted with the seller, but to meet the need to fill fuel.

Conclusion

There is fraud in measurement from 7 SPGS in Mlarak district, while the other 2 SPGS have given the right measurement according to the prevailing regulations. This is caused by the measuring system form in every SPGS are set by the owner itself, so if there is a measurement mistake either intentional or unintentional, then the errors will affect the disparity of measurement of pertalite to customers. The customer response to these measurement differences varies. Some are willing and some are not willing. For those who feel okay with this cheating said that SPGS has helped them in refueling heir vehicles, while those who are not willing to this fraud is because the number of pertalite that they bought in reality does not reach one liter. Thus, the conclusion of the customer's response is that they are not satisfied with the services provided by the seller. According to Islamic view, the trading that exists in SPGS in Mlarak District potentially causes *gharar*, due to the measurement setting on the seller's self-regulation. If the dose is given one liter, then the bottle and other fuels sold have the exact and correct measurement. If the dose administered by the seller is different, more or less than the actual measurement, then all the fuel sold will result in difference. This is not allowed in Islam.

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