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PRACTICE OF PROFIT TAKING BY BROKERS IN BUYING AND SELLING USED CARS

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ABSTRACT

The practice of buying and selling used cars through brokers at the Hidayah Motor Showroom in Palembang City is common. However, problems arise regarding how to make a profit. In some cases, brokers at the showroom often take advantage in a non-transparent manner, even from both parties, without any clear notification. This study was conducted by raising the problem that became the formulation of the problem related to how the practice of taking profits by brokers in buying and selling used cars at the Hidayah Motor Showroom in Palembang City and how the reflection of Islamic economic law on the taking of profits by brokers in buying and selling used cars at the Hidayah Motor Showroom in Palembang City. This study aims to discuss the suitability of the broker's practice with the principles of Islamic Economic Law, especially in the murabaḥah contract. The research in this article uses a field research method with a qualitative descriptive approach, where data is obtained from primary and secondary sources. This study applies an empirical method to describe and analyze the phenomena that occur in the field. Data collection techniques include structured interviews, direct observation to the showroom, and documentation. Primary data sources consist of interviews with two brokers and one showroom owner. The results of the study indicate that broker practices at the Hidayah Motor Showroom are not transparent in disclosing the selling price of the showroom and the profits obtained, thus causing dissatisfaction among customers. In addition, the tendency of brokers to take advantage of both parties without clear notification indicates that the practice is not fully in line with the principles of transparency and justice in Islamic economic law.

Keywords: Islamic Economics, Profit, Brokers and Used Cars.

ABSTRAK

Praktik jual beli mobil bekas melalui makelar di *Showroom* Hidayah Motor Kota Palembang adalah hal yang umum. Namun, muncul permasalahan terkait cara makelar memperoleh keuntungan. Dalam beberapa kasus, makelar di *showroom* tersebut kerap mengambil keuntungan secara tidak transparan, bahkan dari kedua belah pihak, tanpa adanya pemberitahuan yang jelas. Penelitian ini dilakukan dengan mengangkat permasalahan yang menjadi rumusan masalah terkait bagaimana praktik pengambilan keuntungan makelar dalam jual beli mobil bekas di *Showroom* Hidayah Motor Kota Palembang dan bagaimana tinjauan hukum ekonomi syariah terhadap pengambilan keuntungan makelar dalam jual beli mobil bekas di *Showroom* Hidayah Motor Kota Palembang. Penelitian ini bertujuan untuk menganalisis kesesuaian praktik makelar tersebut dengan prinsip-prinsip Hukum Ekonomi Syariah, khususnya dalam akad *murabaḥah*. Penelitian dalam artikel ini menggunakan metode *field research* dengan pendekatan deskriptif kualitatif, di mana data diperoleh dari sumber primer dan sekunder. Penelitian ini menerapkan metode empiris untuk menggambarkan serta menganalisis fenomena yang terjadi di lapangan. Teknik pengumpulan data meliputi wawancara terstruktur, observasi langsung ke *showroom*, dan dokumentasi. Sumber data primer terdiri dari wawancara dengan dua makelar dan satu pemilik *showroom*. Hasil penelitian menunjukkan bahwa praktik makelar di *Showroom* Hidayah Motor tidak transparan dalam mengungkapkan harga jual dari *showroom* serta keuntungan yang diperoleh, sehingga menimbulkan ketidakpuasan di kalangan pelanggan. Selain itu, kecenderungan makelar mengambil keuntungan dari kedua belah pihak tanpa pemberitahuan yang jelas menunjukkan bahwa praktik tersebut belum sepenuhnya selaras dengan prinsip transparansi dan keadilan dalam hukum ekonomi syariah.

Kata Kunci: **Ekonomi Syariah, Keuntungan, Makelar dan Mobil Bekas.**

INTRODUCTION

Economic activities are related to the methods of transaction necessary to ensure the survival of families, meet individual needs, and provide for the needs of others, such as food, clothing, and shelter. An individual may be considered “guilty” depending on their beliefs if these three conditions are not met.[1].

Often, a trader, especially one who runs a business, generally cannot work alone. In running his business, he really needs help from the people who work under him, also known as brokers.[2]A broker is someone who sells/buys goods belonging to others for a fee/payment from the owner in order to facilitate buyers and sellers in meeting their needs. Brokers sometimes raise the price of goods without the consent of the parties involved in the sale and purchase transaction involving brokerage services for personal gain. However, there are also brokers who are skilled and able to intervene in the interests of the parties involved[3].

Buying and selling is a transaction in which one item is exchanged for another based on certain terms and conditions. Once the transaction is legally complete, the buyer is entitled to ownership of the item sold, while the seller is entitled to the money paid by the buyer as compensation for the price of the item[4].In this context, there is a quote from the Quran in Surah Al-Baqarah verse 275 which explains about buying and selling transactions, namely:

اَلَّذِيْنَ يَأْكُلُوْنَ الرِّبٰوا لَا يَقُوْمُوْنَ اِلَّا كَمَا يَقُوْمُ الَّذِيْ يَتَخَبَّطُهُ الشَّيْطٰنُ مِنَ الْمَسِّۗ ذٰلِكَ بِاَنَّهُمْ قَالُوْٓا اِنَّمَا الْبَيْعُ مِثْلُ الرِّبٰواۘ وَاَحَلَّ اللّٰهُ الْبَيْعَ وَحَرَّمَ الرِّبٰواۗ فَمَنْ جَاۤءَهٗ مَوْعِظَةٌ مِّنْ رَّبِّهٖ فَانْتَهٰى فَلَهٗ مَا سَلَفَۗ وَاَمْرُهٗٓ اِلَى اللّٰهِۗ وَمَنْ عَادَ فَاُولٰۤىِٕكَ اَصْحٰبُ النَّارِۚ هُمْ فِيْهَا خٰلِدُوْنَ

Meaning: *Those who consume interest will stand ˹on Judgment Day˺ like those driven to madness by Satan’s touch. That is because they say, “Trade is no different than interest.” But Allah has permitted trading and forbidden interest. Whoever refrains—after having received warning from their Lord—may keep their previous gains, and their case is left to Allah. As for those who persist, it is they who will be the residents of the Fire. They will be there forever.*[5]

[1] Abu Bakar, “Prinsip Ekonomi Islam di Indonesia dalam Pergulatan Ekonomi Milenial”, dalam Jurnal *Pemikiran Syariah dan Hukum*, Vol. IV, No. 2, 2020, 233-249.

[2] Cristine dan Kansil, *Pokok-Pokok Pengetahuan Hukum Dagang Indonesia*, (Jakarta: Sinar Grafika, 2015), 37.

[3] Iqrok Glady Morgana, “Praktik Makelar Jual Beli Mobil Bekas di MGC Garage Madiun di Tinjau dari Perspektif Islam”, dalam Jurnal *Ekonomi dan Bisnis Islam*, Vol. 4, No 2, 2021, 77.

[4] Syarifudin Amir, *Garis-garis Besar Fiqh*, (Jakarta: Kencana, 2003), 193.

[5] Departemen Agama RI., *Al-Qur'an dan Terjemahnya*, (Jakarta: Yayasan Penyelenggaraan Penterjemah al-Qur'an, 2019), 69.

In general, many individuals ignore aspects of transactions based on Sharia principles and do not pay attention to what is permitted and prohibited. This happens even though their businesses are growing and profitability is increasing. Sales transactions take place through a process of offer and acceptance, fulfilling the pillars and other necessary conditions for validity[6]. Islam permits the use of representatives in sales transactions because this is indeed very necessary for society. Not everyone has the time or ability to deal with all matters directly. Therefore, they need someone to represent them in performing these tasks, namely someone who acts as an intermediary between the seller and the buyer to complete the sales transaction.[7].

Muhammad Amin al-Baruri argues that the *samsarah* contract is a transaction that has been in existence since the time of the Prophet Muhammad, and the Prophet himself never rejected it (did not prohibit it); in fact, the Prophet established and approved it as a permissible transaction.[8].

In used car sales transactions, people in Palembang, especially at the Hidayah Motor Showroom, use broker services. Brokers can work full-time or part-time. They take requests from third parties (service users) to sell or buy used cars. This is because people don't have the time or skills to market used cars for sale or find the used cars they want to buy. Remuneration for brokers is generally determined by mutual agreement. However, in practice, there are often cases of fraud or misrepresentation of information regarding prices, which can lead to disputes and disrupt the fulfillment of the rights and obligations of each party.[9].

In the practice of buying and selling used cars through brokers, conflicts or problems often arise between brokers and sellers who use their services. These conflicts arise because there is no initial agreement on the amount of profit that will be given to the broker for their services. Brokers should only receive wages from their employers. However, in practice, some HP brokers sometimes seek profits from both parties. Often, brokers only receive a very small fee, which is not commensurate with the expenses they must incur when fulfilling the seller's request to sell or find a car. This drives brokers to try to maximize their profits through means that are sometimes not permitted by religion, such as deceiving buyers or sellers. They may take an extra fee from buyers without informing the showroom owner. Such practices raise doubts about whether they align with Islamic principles. Therefore, a thorough study of brokers' profit-taking practices, particularly from the perspective of Sharia Economic Law, is needed to further understand their legal status.

Based on the above explanation regarding the uncertainty of the profit sharing promised by the showroom owner at the beginning of the agreement, the author examined this issue from a Sharia economic law perspective. The main problem is that the profit sharing was not explained at the beginning of the agreement. This is the reason why the researcher conducted a study on the construction of the agreement parties regarding the profit sharing of used car brokers, where there is no clarity at the outset of the agreement. Therefore, the researcher felt it was important to conduct a study with the title **"A Review of Islamic Economic Law on the Practice of Profit Taking by Brokers in Buying and**

[6] Shobirin, "Jual Beli dalam Pandangan Islam", dalam Jurnal *Bisnis dan Manajemen Islam*, Vol. III, No. 2, 2016, 239-261.

[7] Dicky Pratama Putra, Abdul Korim dan Gusti Heliana Safitri, "Analisis Hukum Islam dalam Praktik Jual Beli Mobil dengan Penggunaan Makelar", dalam Jurnal *Ilmiah Ilmu Hukum*, Vol. 9 No. 1, 2024, 97.

[8] Muhammad Amin Baruri*, Al-Wasathah Al-Maliyyah: Abraz, Al-Tabbiq Al-Mu'asir,* (Beirut: Dar al-Nawadir, 2012), 217.

[9] Uun Hertiani, Sistem Upah dalam Akad *Samsarah* (Makelar) Pada Transaksi Jual-beli Tanah Perspektif Hukum Islam, (Skripsi: Fakultas Syariah UIN Sultan Maulana Hasanuddin Banten, 2018)

VOLUME 11, NOMOR 1 JUNI 2025
Muamalah
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Selling Used Cars." The results of this research will clarify how the law applies to the practice of profit-taking by brokers in the sale and purchase of used cars.

RESEARCH METHOD

A method is a scientific activity related to a systematic way of working to understand an object or research object, as an effort to find answers that are scientifically accountable and include their validity.[10] Meanwhile, research is a systematic investigation aimed at providing information to solve problems. Research is a translation of the English word "research." Some experts translate the word "research" with the word "riset," where "re" means "back" and 'search' means "to return." Thus, the true meaning is "to search again." According to Webater's New International Dictionary, research is a careful and critical investigation in seeking facts and principles, an investigation with a discerning eye to establish something.[11].

Research methods are ways to investigate and explore a problem by using scientific methods carefully and thoroughly to collect, prepare, analyze data, and draw conclusions in a systematic and objective manner to solve a problem or prove a hypothesis in order to obtain knowledge that is useful for human life[12]. Research methods are essentially scientific ways of obtaining information for specific purposes and uses[13].

This type of research is field research. Qualitative methods are used to obtain in-depth and meaningful data[14]. This research provides an accurate description and explanation of the conditions or phenomena being studied. According to Sugiyono, qualitative research methods are used to study natural conditions of the research object, where the researcher serves as the key instrument, data collection techniques are conducted through triangulation (combination), data analysis is inductive, and the results of qualitative research emphasize meaning over generalization[15]. According to Bogdan and Biklen, descriptive qualitative research methods involve collecting data in the form of words or images, so they do not emphasize numbers. The collected data is analyzed and then described so that it is easy for others to understand. This study aims to describe the practices and implementation of profit-taking systems by brokers in used car sales transactions according to Sharia Economic Law.[16].

Primary data is data obtained directly from the source, either through interviews, observations, or reports in the form of unofficial documents, which are then analyzed by the researcher.[17]. This study uses data obtained from interviews and observations with relevant sources. In this study, the author applied the interview method with brokers at the Hidayah Motor Showroom in Palembang City.

Secondary data is data obtained from official documents, literature related to the research object, as well as research results contained in reports, theses, dissertations, and regulations[18]. In this study, the author utilized books, literature, and other media as general references relevant to the discussion raised.

[10] Rosady Ruslan, *Metode Penelitian: Public Relations & Komunikasi*, (Jakarta: PT Raja Grafindo Persada, 2006), 24.
[11] Roni Andespa, *Metodologi Penelitian Bisnis*, (Pekanbaru: Alaf Riau, 2011), 7.
[12] Rifa'i Abubakar, *Pengantar Metodologi Penelitian*, (Yogyakarta: SUKA-Press UIN Sunan Kalijaga, 2020), 2.
[13] Roni Andespa, *Metodologi Penelitian Bisnis*, (Pekanbaru: Alaf Riau, 2011), 5.
[14] Sugiyono, *Metode Penelitian Kuantitatif dan Kualitatif dan R&D*, (Bandung: Alfabeta, 2018), 9.
[15] Sugiyono, *Metode Penelitian Kualitatif*, (Bandung: Alfabeta, 2020), 9.
[16] Sugiyono, *Metode Penelitian Kualitatif*, 7.
[17] Zainuddin Ali, *Metode Penelitian Hukum*, (Jakarta: Sinar Grafika, 2017), 106.
[18] Zainuddin Ali, *Metode Penelitian Hukum*, 106.

VOLUME 11, NOMOR 1 JUNI 2025
Muamalah
ISSN 2615-1073 E-ISSN 2829-5757

Interviews are the most effective method for collecting research data by conducting face-to-face or verbal interviews between the interviewer and interviewee to obtain the information needed for the research[19]. According to Sugiyono, an interview is a meeting between two people to exchange information and ideas through questions and answers, so that meaning can be contributed to a particular topic[20]. The type of interview used here is a structured interview. The purpose of a structured interview is that the researcher has prepared the questions in advance before interviewing the respondent or informant.

Observation is a method of data collection that has special characteristics compared to other methods. Observation is not limited to individuals, but also includes other natural objects. Through observation, researchers can study behavior and the meaning behind that behavior[21]. According to Sugiyono, observation is a condition in which researchers conduct direct observation in order to better understand the context of the data in the overall social situation, so that a holistic (comprehensive) view can be obtained.[22]. The data observed can be in the form of descriptions of attitudes, behavior, actions, and overall interactions between people[23]. Observation in this research is conducted through direct observation in the field.

Documentation is in the form of objects or written materials. In this method, the collected data is recorded. This method is more practical than other data collection methods. The technique used in collecting data through documentation involves documents[24]. According to Sugiyono, documentation is the collection of records of events that have occurred, whether in the form of writing, images/photos, or monumental works by an individual or institution.[25]

RESULTS AND DISCUSSION

A. The Practice of Profit Taking by Brokers in Buying and Selling Used Cars at Hidayah Motor Showroom in Palembang City

Nowadays, in commercial activities, especially in car sales transactions, various alternatives have been developed to suit the needs of the community. One such alternative is to give a mandate or delegate authority to someone who is considered experienced in the field, namely a broker.

A broker, or intermediary, acts as a bridge between the seller and the buyer. In today's world, their role is far more significant than in the past. Based on research findings, there are several key areas of focus in the brokerage practices at Hidayah Motor Showroom in Palembang, including brokerage practices, the background of brokers, and the profits they generate.

The practice of buying and selling used cars through intermediaries is increasingly prevalent among the public. The presence of a third party as a transaction intermediary has become an alternative for some people who wish to conduct transactions more easily. This is also the case at the Hidayah Motor

[19] Rifa'i Abubakar, *Pengantar Metodologi Penelitian,* 67.
[20] Sugiyono, *Metode Penelitian Kualitatif*, 114.
[21] Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif dan R&D*, 229.
[22] Sugiyono, *Metode Penelitian Kualitatif*, 109.
[23] J.R. Raco, *Metode Penelitian Kualitatif Jenis, Karakteristik dan Keunggulannya*, (Jakarta: Grasindo, 2010), 112.
[24] Hardani, dkk. *Metode Penelitian Kualitatif & Kuantitatif*, (Yogyakarta: CV. Pustaka Ilmu Grup, 2020), 149.
[25] Sugiyono, *Metode Penelitian Kualitatif*, 124.

VOLUME 11, NOMOR 1 JUNI 2025
Muamalah
ISSN 2615-1073 E-ISSN 2829-5757

Showroom in Palembang City, although not all transactions involve the use of a broker. In Palembang City, particularly at the Hidayah Motor Showroom, there are various brokerage practices in the buying and selling of used cars, referred to as brokers. Brokers or intermediaries act as a bridge connecting sellers and buyers. Based on the research findings, there are several key focuses in brokerage practices at the Hidayah Motor Showroom, namely the background, practices, and methods of profit-taking by brokers.

RESULTS OF AN INTERVIEW WITH A USED CAR DEALER AT THE HIDAYAH MOTOR SHOWROOM IN PALEMBANG CITY

Name : Adi
Day/Date : Friday, 24th January 2025

No.	Questions	Answers
1.	Good afternoon, sir. Thank you for taking the time for this interview. Could you tell us how you got started as a used car dealer?	Good afternoon. You're welcome. I started as a broker because friends and family asked me to help them sell or buy cars, but they didn't have the time or experience to negotiate. Over time, I gained more customers and eventually made it a side job outside of my main job.
2.	In this buying and selling process, where do you usually get your profit?	I usually make a profit from buyers by increasing the selling price. However, in some cases, I also receive a commission from the showroom owner if I successfully sell their car faster.
3.	Are you always transparent with buyers and sellers about the profit you take?	Honestly, not always. I focus more on ensuring the transaction runs smoothly and everyone is satisfied. Sometimes buyers don’t know how much profit I take, as I adjust the price based on negotiations and market rates.
4.	Have there ever been complaints from buyers or sellers regarding the price or profit you take?	Yes, there have been instances where buyers felt the car price was too high after learning the original price. Showroom owners also sometimes don’t know that I’ve raised the price significantly. But I always strive to keep the transaction smooth and not harm anyone.
5.	Do you think your practices align with the principles of *Murabahah*?	I’m not sure. What’s important is that the buyer is satisfied and doesn’t complain. But whether it aligns with the principles or not, I’m not very knowledgeable about that.

RESULTS OF AN INTERVIEW WITH A USED CAR DEALER AT THE HIDAYAH MOTOR SHOWROOM IN PALEMBANG CITY

Name : Ibrahim
Day/Date : Friday, 24th January 2025

No.	Questions	Answers
1.	Good afternoon, sir. Thank you for taking the time for this interview. Can you tell us when you started working as a used car dealer?	Good afternoon. You're welcome. I've been working as a used car dealer for quite a long time, probably more than ten years. At first, I only helped friends and relatives sell their cars, but over time, I started receiving more requests from other people.
2.	Is this job your main source of income, or just a side job?	Actually, it’s more of a side job. I also have another job, but being a car broker provides a decent additional income.
3.	In running your business as a broker, where do you usually get your profits from?	Usually, I get profits from both parties, both the seller and the buyer. From the seller, I can earn a commission if I successfully sell their car. From the buyer, I slightly increase the price from what the showroom owner offers.
4.	So, do the car owner and buyer know how much profit you take?	Not always. Sometimes I inform the showroom owner if there’s an initial agreement on the commission amount, but the buyer usually doesn’t know how much profit I take. I adjust the price according to the buyer’s ability to pay. If I see that the buyer can afford to pay more, I can raise the price higher.
5.	Do you think this practice is fair for all parties?	I think it’s fair because I’m honest about the condition of the car.
6.	Do you think your practice aligns with the principles of *Murabahah*?	Not yet, because I still hide the price, but I’m honest about the condition of the car, which I think is sufficient.

RESULTS OF THE INTERVIEW WITH THE OWNER OF THE HIDAYAH MOTOR SHOWROOM IN PALEMBANG CITY

Name : H. Akib, S.E
Day/Date : Thursday, 23rd January 2025

No.	Questions	Answers
1.	Good afternoon, sir. Thank you for taking the time for this interview.	Good afternoon. This showroom was established in 2007. We focus on

VOLUME 11, NOMOR 1 JUNI 2025
Muamalah
ISSN 2615-1073 E-ISSN 2829-5757

	Can you tell us when this showroom was established and how it operates?	buying and selling used cars of various brands and types. In terms of operations, we work with several brokers to help market the cars in the showroom.
2.	Why did you choose to use brokers in car sales transactions?	I use brokers because they have extensive connections and can reach more potential buyers. Additionally, they are more thorough in negotiating with buyers, which makes the transaction process easier.
3.	How does the collaboration between the showroom and brokers work?	Typically, we set a base price for each car. Brokers receive a commission directly from the showroom for each car sold, with the commission amount depending on the price at which the broker successfully sells the car.
4.	Are there any specific rules or agreements between the showroom and the broker regarding the profits they take?	There are no specific rules. Usually, agreements are made based on trust and previous cooperation experience. As long as the transaction goes smoothly and no party feels disadvantaged, we do not strictly regulate the amount of profit they take.
5.	Have there ever been disputes between the showroom and the broker regarding prices or profits?	There have been instances where buyers felt the price was too high after learning the base price from the showroom. However, we always strive to resolve issues amicably, both with the buyer and the broker.
6.	In your opinion, does the brokerage practice align with the principles of *Murabahah*?	I believe it aligns in some aspects, particularly in terms of open negotiations with buyers. However, there are indeed some brokers who lack transparency in communicating the prices and profits they take.

Based on interviews with respondents, Mr. Adi and Ibrahim, the main factor behind the broker profession is the demand from service users who need representation in marketing and services.[26] In addition, this profession can also be used as a side job. Meanwhile, according to respondent Mr. Akib, the main reason for using broker services is time constraints, so that transactions cannot be handled directly[27].

In terms of marketing methods, order acceptance, and transparency toward consumers, Mr. Adi and Mr. Ibrahim employ similar approaches. They strive to

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[26] Makelar *Showroom* Hidayah Motor, Wawancara Pada Hari Jum'at Tanggal 24 Januari 2025
[27] Pemilik *Showroom* Hidayah Motor, Wawancara Pada Hari Kamis Tanggal 23 Januari 2025

provide clear information to customers about the condition of the vehicles, act as intermediaries between suppliers and consumers, and market the vehicles to close relatives before offering them to the general public[28].

Regarding profit-taking methods, broker practices often lack transparency, particularly regarding the base price of vehicles and the amount of profit taken by brokers. This lack of transparency frequently leads to dissatisfaction among sellers and buyers. Some brokers tend to increase prices without the knowledge of the parties involved to secure greater profits[29].

The profit-taking practices of brokers at Hidayah Motor Showroom have several factors, including a lack of transparency, where the lack of openness regarding the base price of used cars and the amount of profit taken by brokers often leads to dissatisfaction among sellers and buyers. Additionally, there is a lack of information, as buyers typically do not know the amount of profit brokers earn, whether such profits are derived solely from buyers or also from used car sellers. In some cases, brokers are forced to manipulate prices to secure sufficient profits to cover their operational costs. While some brokers conduct transactions in accordance with contractual agreements and strive not to burden either party, unethical practices such as price manipulation still occur for personal gain. In practice, brokers at Hidayah Motor Showroom often determine the selling price based on the physical condition of the used car and current market prices. They then add a profit margin that varies depending on the condition and market demand. However, in many cases, the lack of transparency regarding the base price and the amount of profit taken by brokers can lead to dissatisfaction among sellers and buyers.

B. Sharia Economic Law Review of Profit-Taking Practices by Brokers in the Sale and Purchase of Used Cars at the Hidayah Motor Showroom in Palembang City

The sale and purchase of used cars at the Hidayah Motor Showroom, and the practice of profit-taking by brokers, are interesting aspects to examine from the perspective of Sharia Economic Law. In Islam, profit-taking in trade is permitted as long as it is done in a fair and transparent manner. The main principles of Islamic law emphasize honesty (*ṣidq*), openness (transparency), and fairness (*ʿadālah*) in every economic transaction.

Based on research at this showroom, it was found that some brokers take profits from both parties, both from the seller (showroom owner) and the buyer, without disclosing the amount of commission they receive. This practice can create uncertainty (*gharar*) for the parties involved. In Islam, *gharar* is prohibited because it can harm one of the parties in the transaction.

Sharia Economic Law stipulates that an intermediary (broker/*simsar*) may only take a commission that has been clearly agreed upon at the beginning of the transaction, without hiding additional costs or manipulating prices that harm one of the parties. The commission should be explained in the initial agreement. This is stated in the Quran, Surah An-Nahl, verse 90:

اِنَّ اللّٰهَ يَأْمُرُ بِالْعَدْلِ وَالْاِحْسَانِ وَاِيْتَاۤئِ ذِى الْقُرْبٰى وَيَنْهٰى عَنِ الْفَحْشَاۤءِ وَالْمُنْكَرِ وَالْبَغْيِ يَعِظُكُمْ لَعَلَّكُمْ تَذَكَّرُوْنَ

[28] Makelar *Showroom* Hidayah Motor, Wawancara Pada Hari Jum'at Tanggal 24 Januari 2025
[29] Makelar *Showroom* Hidayah Motor, Wawancara Pada Hari Jum'at Tanggal 24 Januari 2025

VOLUME 11, NOMOR 1 JUNI 2025
Muamalah
ISSN 2615-1073 E-ISSN 2829-5757

Meaning: *Indeed, Allah commands justice, kindness, and giving to relatives. He forbids immorality, wrongdoing, and hostility. He instructs you so that you may remember.*[30].

According to the ulema of the madhhab Syafi'iyyah and Hanbaliyah, *murabahah* is a form of sale and purchase transaction in which the seller adds a certain profit, such as one *dirham* for every ten *dinars*, to the purchase price of the goods. The main condition in this contract is that both parties must know the cost price of the goods being traded.

Based on research at the Hidayah Motor Showroom, it was found that the practice of buying and selling used cars through intermediaries often does not fully align with the basic principles of the *murabaḥah* contract. In *murabaḥah* financing, there are several principles that must be considered to ensure the transaction remains in accordance with sharia regulations. These principles include:

1) *Al-Ḥurriyah* (Principle of Freedom): This principle emphasizes that in a *murabaḥah* financing contract, the parties have full freedom in drafting the agreement. They can freely determine the object of the transaction and establish dispute resolution mechanisms for the future.
2) *Al-Musawah* (Principle of Equality): This principle emphasizes that each party in a *murabaḥah* financing contract has an equal standing. They are in a balanced position, enabling them to establish the terms of the agreement fairly.
3) *Al-'Adalah* (Principle of Justice): This principle requires the parties to be honest and fair in every aspect of the contract. They are obliged to convey information accurately and ensure that the agreement provides balanced benefits for all parties involved.
4) *Ash-Shafwah* (Principle of Transparency): All information related to products and transactions must be conveyed transparently and accurately. No fraud or concealment of information that could influence purchasing decisions is permitted.
5) *Al-Ridha* (Principle of Consent): Consent is an important aspect of *murabahah* financing contracts. Contracts must be entered into voluntarily without coercion or pressure from any party.
6) *Ash-Shiddiq* (Principle of Truthfulness or Honesty): Honesty and truthfulness are the main principles in a *murabaḥah* financing contract. Each party must commit to always being honest and providing accurate information.
7) *Al-Kitabah* (Written): To ensure the legal validity of a *murabaḥah* financing contract, all terms of the agreement must be documented in writing. This document serves as evidence that can be used in the event of a dispute in the future[31].

These principles must be fulfilled so that transactions are conducted fairly and in accordance with Islamic law. However, interviews with brokers at the Hidayah Motor Showroom show that these principles are often not properly applied. For example, Mr. Adi, a broker who has been operating for approximately 10 years, admitted that he is not always transparent about the base price of used cars and the profit margin he takes. “To be honest, not always. I focus more on ensuring that the transaction runs smoothly and that all parties are satisfied. Sometimes buyers don't know how much profit I take, because I adjust the price based on negotiations and market prices,” he said[32]. This highlights a discrepancy with the principles of *Ash-*

[30] Departemen Agama RI., *Al-Qur'an dan Terjemahnya*, 415.
[31] Jaidil Kamal, Kontrak Pembiayaan *Murabaḥah*, dalam Jurnal *An-Nahl*, Vol. 8, No. 1, 2021, 47-48.
[32] Makelar *Showroom* Hidayah Motor, Wawancara Pada Hari Jum’at tanggal 24 Januari 2025

VOLUME 11, NOMOR 1 JUNI 2025
Muamalah
ISSN 2615-1073 E-ISSN 2829-5757

Shiddiq (Honesty) and *Al-Kitabah* (Written), which emphasize the importance of clearly and honestly documenting all contract terms.

The lack of transparency regarding prices and the profits earned by brokers can lead to dissatisfaction and unfairness for buyers. The principles of *Al-‘Adalah* (Justice) and *Al-Ridha* (Consent) are often overlooked, as buyers may feel disadvantaged if they are unaware of the actual price of the item and the broker’s profit margin. This is reflected in the statement by Mr. Akib, a showroom owner, who admitted that disputes have occurred between the showroom and brokers regarding prices or profits. Mr. Akib explained, “There have been instances where buyers felt the price was too high after learning the base price from the showroom. However, we always strive to resolve issues amicably, both with the buyers and the brokers,” he said[33]. This lack of clarity can introduce an element of gharar (uncertainty), which has the potential to undermine the agreement in a *murabaḥah* transaction.

The sale and purchase of used cars through brokers at the Hidayah Motor Showroom in accordance with Islamic law requires the application of fundamental principles in the *murabahah* contract. The transaction process must be conducted with full transparency, honesty, and supported by clear written documentation. Thus, fairness and satisfaction for all parties can be maintained while reducing the risk of disputes in the future. Additionally, this underscores the importance of the principles of *Al-‘Adalah* (Justice) and *Al-Ridha* (Consent), where every transaction must be based on an agreement made voluntarily, as stipulated in Surah An-Nisa verse 29, which states:

يٰٓاَيُّهَا الَّذِيْنَ اٰمَنُوْا لَا تَأْكُلُوْٓا اَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ اِلَّآ اَنْ تَكُوْنَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ ۗ وَلَا تَقْتُلُوْٓا اَنْفُسَكُمْ ۗ اِنَّ اللّٰهَ كَانَ بِكُمْ رَحِيْمًا

> Meaning: *O you who have believed, do not consume one another's wealth unjustly, except in a manner that is mutually agreed upon among you. Do not kill yourselves. Indeed, Allah is Merciful to you*[34].

This verse emphasizes the importance of mutual agreement and consent in every transaction. In buying and selling, especially in a *murabahah* contract, this agreement includes a clear understanding of the cost price and the profit margin agreed upon by both parties. Transparency and honesty are key factors in avoiding *gharar*, which is uncertainty or ambiguity that could potentially harm one of the parties.

The principle of mutual agreement in transactions also requires fairness and transparency in sales contracts. This aligns with the general provisions in *murabaḥah* transactions, which include an understanding of the initial price and the amount of profit obtained. Ambiguity regarding price or profit may potentially violate the rights of the other party and lead to unfairness in the transaction.

Transparency in sales contracts plays an important role in creating fairness and clarity for all parties involved in the transaction. In the principle of *murabahah,* transparency is a crucial aspect because every agreement related to price, the profit obtained by the seller or broker, and other conditions must be stated clearly and accurately. With transparency, both the seller and the buyer can understand every detail of the transaction, from the base price of the goods, the amount of profit, to the payment mechanism. In addition to ensuring the legal validity of the transaction,

[33] Pemilik *Showroom* Hidayah Motor, Wawancara Pada Hari Kamis tanggal 23 Januari 2025
[34] Departemen Agama RI., *Al-Qur'an dan Terjemahnya*, 122.

VOLUME 11, NOMOR 1 JUNI 2025
Muamalah
ISSN 2615-1073 E-ISSN 2829-5757

transparency also strengthens trust between all parties, thereby supporting fair and ethical trading practices in accordance with Sharia principles.

Based on this analysis, it is evident that brokers need to be more transparent about the amount of commission they expect. This openness can reduce confusion and uncertainty for buyers and sellers, while ensuring that transactions align with the principles of *murabaḥah*, which emphasize honesty, fairness, and mutual consent. By clearly setting and communicating the commission amount from the outset, brokers can build trust and maintain integrity in every used car transaction.

The profit-making practices of used car brokers at Hidayah Motor Showroom still require some adjustments to fully align with the principles of *murabaḥah*. Transparency in disclosing the base price and profit margin, as well as fairness in determining prices between sellers and buyers, are important steps that need to be implemented.

CONCLUSION

The practice of profiteering by brokers at the Hidayah Motor Showroom is not transparent. Brokers do not disclose the amount of profit they take, either to the showroom owner or to buyers. In some cases, brokers profit from both parties without a written agreement. This causes dissatisfaction among those who use their services. Additionally, this practice has the potential to cause injustice, especially for buyers who are unaware of the original price of the vehicle from the showroom.

The profit-taking practices by brokers at Hidayah Motor Showroom are not in line with Islamic law, particularly in the context of Islamic economic law, especially in the *murabahah* contract. In a *murabahah* contract, the determination of the base price and profit must be transparent and agreed upon by both parties. The lack of transparency in communicating information about profits to buyers indicates that the implementation of the contract in practice is still sub optimal. Furthermore, the study also found a lack of transparency in disclosing the amount of commission received by brokers from the showroom owner. This lack of clarity not only contradicts the principle of transparency in Islamic economic law but may also lead to distrust and conflict between the two parties.

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VOLUME 11, NOMOR 1 JUNI 2025
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