



# PROCEEDINGS

## The 4<sup>th</sup> International Conference on Sustainable Innovation (ICoSI) 2020

Cutting Edge Innovations for Sustainable Development Goals

Universitas Muhammadiyah Yogyakarta (Indonesia)

October 13 - 14 2020

<https://icosi.umy.ac.id/>

## Focal Conferences



- ✔ (ICPU) The 2nd International Conference on Pharmaceutical Updates
- ✔ (ICOMS) The 6th International Conference on Management Sciences
- ✔ (ICLAS) The 9th International Conference on Law and Society
- ✔ (ICMHS) The 4th International Conference Medical and Health Sciences
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- ✔ (IConARD) International Conference on Agribusiness and Rural Development
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- ✔ (ICONPO) The 10th International Conference on Public Organization
- ✔ (DREAM) The 5th Dental Research and Exhibition Meeting
- ✔ (ICHA) The 5th International Conference on Hospital Administration
- ✔ (ICOSA) The 3rd International Conference on Sustainable Agriculture





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## Preface by the Chairperson of the 4<sup>th</sup> ICoSI 2020



**Dr. Yeni Rosilawati, S.IP. S.E., MM.**

Assalamu'alaikum Wr. Wb.

All praise is due to Allah, the Almighty, on whom we depend for sustenance and guidance. Prayers and peace be upon our Prophet, Muhammad SAW, his family and all of his companions.

On behalf of the organizing committee, it is my pleasure and privilege to welcome the honourable guests, distinguished keynote & invited speakers, and all the participants.

With the main theme of “Cutting-Edge Innovations on Sustainable Development Goals (SDGs)”, the 4<sup>th</sup> International Conference on Sustainable Innovation (ICoSI) 2020 serves as a forum to facilitate scholars, policy makers, practitioners, and other interested parties at all levels from Indonesia and abroad to present their novel ideas, promote cutting-edge research, and to expand collaboration network. The conference has about 1373 participants participating from more than 8 countries 4 continents all over the world, making this conference a truly international conference in spirit.

This multidisciplinary conference was first held in 2012 and has undertaken various changes and adopted to the current technological trends of our education system. From having this conference with just 175 participants back in 2012 we have come a long way in making the conference a huge success with more than 1373 participants participating in this two-day conference.

Formerly, this conference consisted of only 9 (nine) focal conferences. This year, there are 14 focal conferences from various disciplines, namely: 1) The 2<sup>nd</sup> International Conference on Pharmaceutical Updates (ICPU), 2) The 6<sup>th</sup> International Conference on Management Sciences

(ICoMS), 3) The 9<sup>th</sup> International Conference on Law and Society (ICLAS), 4) The 4<sup>th</sup> International Conference Medical and Health Sciences (ICMHS), 5) The 6<sup>th</sup> International Conference for Accounting and Finance (ICAF), 6) The 2<sup>nd</sup> International Language and Education Conference (ILEC), 7) The 2<sup>nd</sup> International Conference on Nursing (ICONURS), 8) The International Conference on Information Technology, Advanced Mechanical and Electrical Engineering (ICITAMEE), 9) The 2<sup>nd</sup> International Conference of Agribusiness and Rural Development (IConARD), 10) The 10<sup>th</sup> International Conference on Public Organization (ICONPO), 11) The 2<sup>nd</sup> International Symposium on Social Humanities Education and Religious Sciences (ISHERSS), 12) The 5<sup>th</sup> Dental Research and Exhibition Meeting (DREAM), 13) The International Conference on Hospital Administration (ICHA), and 14) The 3<sup>rd</sup> International Conference on Sustainable Agriculture (ICoSA).

Accordingly, We are proud to announce that this year, the 4<sup>th</sup> ICoSI 2020 breaks the Museum Rekor-Dunia Indonesia (MURI) record as the Virtual Multidisciplinary Conference with the Largest Number of Area of Fields in Indonesia

In addition, this year, this conference holds special value since this is the first conference in the history of our university where the entire conference is taking place remotely on a digital platform through the use of advance technologies due to the Covid-19 Pandemic.

I would take this opportunity to express my highest respect to the Rector of Universitas Muhammadiyah Yogyakarta, Dr. Gunawan Budiyanto who gave approval and ensured the maximal support from all the faculty members of Universitas Muhammadiyah Yogyakarta (UMY) that made this event a big success. In addition, my appreciation goes to all the support teams who have provided their valuable support and advice from planning, designing and executing the program.

Let me conclude my speech by encouraging the delegates to participate with an increasing number in all the activities and discussions through the digital platforms for the next two days. I wish everyone a successful, safe, and fruitful conference.

Thank you!

Wassalamu'alaikum Wr. Wb.

Yogyakarta, Indonesia, 14 October 2020





## Welcoming Remarks by the Rector of Universitas Muhammadiyah Yogyakarta



**Assoc. Prof. Dr. Gunawan Budiyanto**

Innovation is the beginning of the development of technology, and technology is a development machine that is expected to provide benefits to humans and provide the smallest possible impact on environmental quality. In the concept of sustainable development, development must improve the quality of human life without causing ecological damage and maintain the carrying capacity of natural resources.

International Conference on Sustainable Innovation (ICoSI) is an international conference which is an annual conference held by the University of Muhammadiyah Yogyakarta (UMY), Indonesia. In 2020 this raises the issue of "Cutting-Edge Innovations on Sustainable Development Goals." Therefore, on behalf of all UMY academics, I would like to congratulate you on joining the conference, hoping that during the Covid-19 Pandemic, we can still provide suggestions and frameworks for achieving sustainable development goals.

# About The 4<sup>th</sup> International Conference on Sustainable Innovation (ICoSI) 2020

## *Cutting Edge Innovations for Sustainable Development Goals*

The 2030 Agenda for Sustainable Development is enacted by the United Nations as a shared blueprint for peace and prosperity for people and the planet, now and into the future. It consists of strategies to improve health and education, reduce inequality, and spur economic growth while also conserving natures by 2030.

This year, however, at the first one-third of its timeline, the SDG Reports shows that the outbreak of COVID-19 did hinder the achievement, or at least decelerate the progress of achieving the 17 goals. In fact, according to the report, “some number of people suffering from food insecurity was on the rise and dramatic levels of inequality persisted in all regions. Change was still not happening at the speed or scale required”, accordingly.

Therefore, in this event of pandemic, the quantity and quality of research, innovation, and more importantly multi-disciplinary collaboration are indispensable. Furthermore, there needs to be clear ends of those works. That is how those research are applicable and benefits directly to the society. That is how those research is incorporated as the drivers of policy making, and used practically in the society. Hence, the stakeholders especially the triple helix of higher education institution, government, and industry must be re-comprehended and supported to reach the common goal of the SGD.

International Conference on Sustainable Innovation (ICoSI) has been essentially attempting to strengthen this regard since its first establishment. One of the goals of ICoSI is to provide primarily a platform where scholars, practitioners, and government could grasp the development and trends of research. Hopefully, meeting these actors altogether would result in stronger collaboration, sophisticated and advantageous research, and brighter ideas for further research. Based on these reasoning, this year, the 4th ICoSI 2020 UMY is themed ‘Cutting-edge Innovations for Sustainable Development Goals’.

Improving from last year conference which brought nine focal conference, this year ICoSI 2020 UMY brings 14 disciplines, from social sciences, natural sciences, and humanities. ICoSI 2020 received as much as 1005 papers. The paper works submitted in ICoSI 2020 UMY will be published in Atlantis Proceedings, IOP Proceedings, National/International Journals, and ICoSI ISBN-indexed Proceedings.

Nevertheless, ICoSI believes that publication is only the beginning of research dissemination. The publications will enhance the chance of the research known by wider audience, and then used, applied, and incorporated at either system, institutional, or personal level of human lives.





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# TRACK ECONOMICS, LAW, EDUCATION, SOCIAL, AND HUMANITIES





# Competition Price Regulations in an Islamic Perspective: Determination of the Aircrat Ticket Tariff

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## ABSTRACT

This thesis discusses tariff regulations and legal views on business competition regarding tariff Limit in Islamic perspective, tas'ir (pricing) is one practice that is not permitted by Islamic Sharia. Al- Quran and Hadith are guidelines and legal umbrella for the Muslim community in the world. This study aims to discuss the Islamic view of the rules and tariff restrictions in competition in the business world. In this study, the authors conducted a normative study using the perspective approach and the statute approach analysis. A good transaction in Islam is based on willingness between the seller and the buyer, including in terms of pricing. The Islamic Business Competition System recognizes the freedom of every individual to carry out economic activities without harming others, where each individual is instructed to use his property to meet his needs and improve his life in a way that does not conflict with the benefit of society. Because the main goal of the Islamic economy is that human economic relations stand on the foundation of mutual cooperation, mutual love, honesty, and justice.

**Keyword:** *Tas'ir, Business Competition, Islamic Economy.*

## 1. INTRODUCTION

Business competition is a natural thing happening in the business world. Islamic business law system and other business law system, have no difference, both of his goals and principles or economic motives, both of them run on the same goal to meet the needs of individuals and social, that everyone has the right to determine the desired price and profit. However, there is a slight difference in the practice in Islam. Islamic jurisprudence is the basis for philosophy and principles of life.

Islamic economics is an economic system based on Al-Quran and Hadith, Al-Quran and Hadith are guidelines and legal umbrella for Muslim communities in the world, not only a system of trust, but it is also applied in various aspects in daily life, including regulations in competing in the business world. However, it also emphasizes the values of fairness and balance.

Thus, Islam is a religion that looks at the importance of fairness in order to create a just, prosperous and prosperous society. It is reflected by his great attention to the weak, it guarantees and protects their lives without persecuting them as the capitalists do to accomplish this, Islam has provided concepts about the principles of Islamic economics, namely:

1. Individual freedoms
2. Property rights
3. Economic inequality within limits
4. Social similarity

5. Social safety
6. Prohibition of stacking treasures
7. Prohibition against anti-social institutions
8. Individual virtues in society

In the perspective of Islamic Law Limitation of prices or price fixing in business competition is known as "Tas'ir", Tas'ir in the same language as si'r which is to set or determine prices. It can also be said that al-si'r is the basic price (Price Rate), which applies among traders. Whereas al-Jabari means by force. So, at-Tas'ir al-Jabari is forced pricing usually through a power.

In the perspective of Islamic law, every human being is encouraged to compete in business. Practice of

وَلِكُلِّ وِجْهَةٍ هُوَ مُوَلِّئُهَا فَاسْتَبِقُوا الْخَيْرَاتِ أَيْنَ مَا تَكُونُوا يَأْتِ بِكُمْ اللَّهُ



جَمِيعًا إِنَّ اللَّهَ عَلَىٰ كُلِّ شَيْءٍ قَدِيرٌ

buying and selling in Islam adheres to market freedom system that governs price based on demand and supply, this prevents the parties from being despotic in buying and selling, such as the compulsion towards the selling price. However, there are things that must be considered in competing, as explained in the Koran Surah Al-Baqarah, (verse 148) states that, in business, fellow Muslims are not allowed to compete or compete in a way that is harmful and disadvantages their business opponents, as in the word of Allah Subhanahu Wa Ta'ala;

*Everyone has a direction towards which he turns; so, excel one another in good works. Allah will bring*



*you all together wherever you might be, for nothing is beyond His power. (QS. Al-Baqarah: 148).*

The basic principles established in Islam about business competition are honesty, trustworthy, and sincerity. Lately, there have been many wrong practices in the market that will embrace Islamic principles and be accepted by the business community in this world. Thus, in Islamic competition law, the most important thing is the desire to achieve as many social benefits as possible. Therefore, there has been an opinion regarding the practice of business activities, anyone who can hamper the achievement of social benefits can be declared non-Islamic.

In Surah Al-Mai'dah, verse 48, God said:

*“For each of you (religious people) we give rules and paths (behavior). If God wills, he will make you a people (based on the rules and the way), but, (he does not do so). God wants to test you against His gift to you. Therefore, competing in doing good. Because of Allah you will all return, then He will tell you (the truth) about what you disputed.”*

It is obvious that the Qur'an recognizes the objective of the character and the universality of justice is equated with good deeds (moral virtues). In the business world, a trader seems inseparable from competitive activities. In other words, competitive activity in business between one trader and another trader is unavoidable. Traders must understand that in the teachings of Islam it is recommended that the people do a race to seek the good in everything, without harming others, including in terms of doing business. The authors are interested in conducting research entitled: “Competition Price Regulations in an Islamic Perspective: Determination of The Aircraft Ticket Tariff”.

## 2. PROBLEM

What is the Islamic view of The Regulations and Tariff Restrictions in competition in the business world.

## 2. RESEARCH METHODS

### 2.1. Type of Research

The research method that will be used in this research is Normative Legal Research. Normative legal research is legal research that places law as a norm building system. The norm system is meant regarding the principles, norms, rules of the laws and regulations, court decisions, agreements and doctrines (teachings).

### 2.2. Type of Data

The research used secondary data, data obtained indirectly from the source. Secondary data is taken by

reviewing legal and non-legal materials that are already available. Secondary data was used as material for the assessment of the first point in the formulation of the research problem. Secondary data obtained from legal materials include:

#### 1. Primary legal material

Al-Qur'an and As Sunnah and the opinions of the scholars in the books of fiqh that are relevant.

#### 2. Secondary legal material

Secondary legal material are material that consists of document that offers analysis to the primary legal material but do not bind the primary legal material such as, research report, newspaper, books, journal, internet, and other previous research which linked to the case of this research.

### 2.3. Data Collections

The method of collecting data in this research was done through library research such reading, analysing, and deriving conclusion from related documents (charters, declarations, law books, legal journals, internets and other which related to the main problem of this research).

### 2.4. Data Analysis

This research used prescriptive analysis. Prescriptive analysis is to give arguments to the results of the research that has been done. The argumentation here is carried out by the researcher to provide a prescription or assessment, regarding the truth or wrong of the facts or how should an event according to the law, to the facts or legal events resulting from the research. The approach of the data analysis employed was statutory approach. It is intended that the researcher used the laws and regulations as the initial basis for conducting the analysis

## 3. FINDING AND ANALYSIS

### 3.1. The Islamic view of The Regulations and Tariff Restrictions in competition in the business world

There are two main sources (primary) in Islamic business law, namely the Quran and the Hadith. In addition to primary legal sources, the Islamic legal system is built through ijtihad, which interprets two primary legal sources with instruments and methods such as ijma (agreement) and qiyas (analogy). To find out sharia law on the issue of price fixing, we need to compare understanding exists with the definitions of fiqh experts. Then applied in existing problems, so the law is in line with the problem.

Tas'ir (price fixing) is one of the practices that is not permissible by Islamic law. Governments or those with economic authority do not have the right and authority to determine a fixed price for a commodity, unless the government has provided traders with sufficient quantities to sell at the specified price, or sees and gets tyranny in a market which results in the destruction of a healthy market mechanism.

The existence of a market in Islam is a reflection and community's ability to fulfill their needs, and not the contrary. Therefore, the involvement of producers, consumers, and government in the market is very much needed with the aim to equalize their perception of the existence of a price. If that is achieved, then the market mechanism that is in accordance with Islamic sharia will have an impact on the welfare of society. The Islamic concept asserts that markets must stand on the principle of free competition.

Equilibrium in Islam is to require its adherents to be fair and do good. Whereas in a business, the most basic fair requirements are determining the quality (quality) and size (quantity) at each measure or scale of a service / product.<sup>3</sup>

In economic law, when demand increases, prices will also rise, conversely, if demand is low prices will also fall. The question is, in Islamic law is there a limit to taking profit in Islam? In Islamic law there are no specific restrictions on how much business people can take advantage. Islam adheres to a system of market freedom which regulates that prices are based on demand and supply, where forms of competition are carried out on a voluntary basis without any compulsion.

### 3.2. The Proposition in The Qur'an against regulation and Tariff limit (Tas'ir Law) in Business Competition

The concept of halal and haram is very clear to take part in coloring the legal aspects in the mechanism of business transactions in the market. Generally, halal and haram rules of commercial or business contracts are regulated in the word of Allah SWT, Q.S. Annisa verse 29:

يَتَأْتِيهَا الَّذِينَ ءَامَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ  
 بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ وَلَا تَقْتُلُوا  
 أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا ﴿٢٩﴾

*O you who have believed, do not consume one another's wealth unjustly but only [in lawful] business by mutual consent. And do not kill yourselves [or one another]. Indeed, Allah is to you ever Merciful.*

Based on the above paragraph it can be interpreted that a good transaction in Islam is based on the willingness between the seller and buyer, including in terms of pricing. This verse allows trading (pilgrimage), while allowing profit (ar ribhu). The meaning of trading (tijarah) is a buying and selling activity with the aim of making a profit (al bai'wa al syira` li gharadh ar ribhi), while according to these tas'ir they cannot realize taradhi (mutual pleasure). Because the seller is forced to sell the price set by the government.

Competitive strategy or competition in the view of sharia is permitted with good competition criteria. One of them is explained in Al-Qur'an Surah Al-Baqarah verse 148 about the suggestion to compete in goodness:

وَلِكُلِّ وِجْهَةٌ هُوَ مُوَلِّئُهَا فَاسْتَغْنُوا أَلْحِزَّتْ آيِنَ مَا تَكُونُوا يَأْتِ بِكُمْ اللَّهُ  
 جَمِيعًا إِنَّ اللَّهَ عَلَىٰ كُلِّ شَيْءٍ قَدِيرٌ ﴿١٤٨﴾

And for every one (for all the nations, communities) there is a direction toward which he turns; so vie with one another in good works. Wherever you may be, Allah will bring you together. Truly, Allah is Powerful over all things.

### 3.3. The Proposition in The Hadith against regulation and Tariff limit (Tas'ir Law) in Business Competition

Regulations and price limitations in the business world one of which is airline tickets can reduce and even eliminate the principle of competition in business. Allah Subhanahu Wa Ta'ala stipulates that everyone has the right to sell his goods at a price that he likes. the Prophet. Say:

*"Buying and selling is nothing but the same pleasure."*

There is a history that, the Prophet Sallahu alaihi Wasallam once bought a goat with a 100% profit. In another story, Zubair's friend ibn 'Awwam bought a piece of land at a price of 170,000 then his son, Abdullah ibn Zubair sold the land at a price of 1,600,000, this meant Abdullah bin Zubair sold more than 9 times the purchase price.

The demand for price fixing happened in the time of the Prophet, monopolistic practices and unfair competition occurred in the matter of price fixing. The concept of market mechanism in Islam can be referred to the hadith of the Prophet Sallahu alaihi Wasallam as conveyed by Anas RA, in connection with the increase in the prices of goods in the city of Medina. With this hadith it is clear that Islam much earlier (more than 1160 years) taught the concept of market mechanisms than Adam Smith.

In the hadith of the Prophet Muhammad Sallahu alaihi Wasallam, explained that: The price of merchandise once soared in Medina in the time of the Prophet. based on this the Prophet did not want to be involved in intervening in prices or what is often referred to as Tas'ir. The hadith on Ta'zir is as follows, in the Hadith of Anas bin Malik;

*"Indeed, many people came to the Prophet and said, "Determine our prices, our prices. "*

The Prophet Muhammad Sallahu alaihi Wasallam said;

*"O people! Verily the rise (the high price) of your prices and cheapness is "Verily Allah is al-Musa'ir (the Most Determined price), al-Qabidh, al-Basith, and ar-Raziq and I hope to Allah when I meet Allah later, and not one person against me, (I have) tyranny in wealth and not in blood. " (HR. al-Khomsah except an-Nasa"i and confirmed by Ibnu Hibban)."*

Pricing based on this hadith is strictly prohibited because it comes with tyranny. Yahya's opinion refers to his sheikh, Ibn Wahab, who heard from Imam Malik, that is, "Do not set the price of the rest of you in your market, this is tyranny." In this hadith there is a price fixing ban from two sides:

1. He Sallallahu 'alayhi wa sallam does not do price fixing even though it has been asked, if he may be sure he Sallallahu 'alayhi Wa Sallam will accept the request.
2. He Sallallahu 'alayhi Wa Sallam explained the reason for not wanting to do price fixing because it contains the tyrannical and the tyrannical of the law is haram.

Prophet Muhammad Sallallahu Alaihi Wasallam in the hadith, Islamic economic theory, the Messenger of Allah rejected the offer and stated that and states that Allah determines it, that the price provisions are left to the impersonal natural market mechanism. Rasulullah SAW stated his rejection. He said: *"Fluctuations in prices (up and down) it is the work of Allah, in fact I want to meet with Allah, and I do not commit tyranny to someone who can be sued from me"* (HR. Abu Dawud).

Theory of the Prophet Muhammad Sallallahu Alaihi Wasallam about prices and markets. This admiration is because, the words of the Prophet Muhammad Sallallahu Alaihi Wasallam contain the understanding that the market price is in accordance with the will of Allah who is sunnatullah or the law of supply and demand. According to this theory, market conditions are governed by the hand of the Almighty (Allah Hands).

Prices are adjusted to the strength of supply and demand in the market, supply and demand affect the price conditions, the government may not set the price of goods / services.

### ***3.4. The Proposition and Opinion of Ulama against regulation and Tariff limit (Tas'ir Law) in Business Competition***

The Ulama differed regarding the law of tas'ir:

- Absolute forbidden  
This is the opinion of jumhur ulama from Hanafiah, Syafi'iyah, and Hanabilah.
- Allow  
Although it does not allow absolutely. This is the opinion of some Ulama of Hanafiyah and Malikiyah.

There are several opinions of the Ulama regarding price limitations in business competition in Islam;

First, according to Abu Yusuf, the wider community understands that the price of an item / service is only determined by the amount of its offer. In other words, if only a few goods / services are available, the price will be expensive. Conversely, if there are many goods / services, the price will go down. Regarding this matter Abu Yusuf in the book of Al-Kharaj (1997) said, "There are no certain restrictions on cheap and expensive that can be ascertained. There are those who regulate it. The principle cannot be known. Cheap is not because of the abundance of food, nor is it expensive because of scarcity of food. Cheap and expensive are the provisions of Allah (sunnatullah)".

This has also been done by the Caliph Umar Bin Khattab Radhiyallah 'anhu, namely when he inspected the market and met a man selling zabib. The man raised the price (as he pleased), then Caliph Umar took him out of the market. And the actions of Umar were carried out by several governors of Medina next. The desired market is a perfectly competitive market, there are no parties who play in the determination of market prices.

"If traders gather and set prices according to the agreement, this is permissible. However, if they get together and want to damage the market price or give kemudharatan then for the Wali (Ruler) has the right to expel them from the market," Primary commodity must be maintained with prices should be made stable so that benefits can be achieved by market participants both sellers and buyers. "The seller gets a balanced profit compensation and the buyer gets the benefit of the goods."

Imam ash-Shafi'i rahimahullah stated, "All people have power over their property and no one else can take it or take part of it without any good pleasure from the



owner except in some circumstances that causes his property must be taken and this is not from him.

According to Ibn Taymiyyah quoted by Yusuf Qardhawi price determination has two forms, some are allowed and some are haram. *Tas`ir* are wrong, that is what is forbidden and fair, that is permissible. According to Ibn Taymiyyah (w 728 H), the so-called Islamic thinker whose commentary on the market was satisfying to many, even before Adam Smith introduced the equilibrium term, Ibn Taymiyyah had used two different theories in the discussion of prices with the term *'iwad al- milk* (equivalent compensation - equivalent compensation), and *saman al-misl* (equivalent price). Equal compensation will be measured and estimated by equal things, and that is the essence of justice (*nafs al-`adl*). Whereas the equivalent price is the standard price at which the population sells their goods and is generally accepted as something equivalent to that and for the same goods at a specific time and place.

The ideal market according to Ibnu Taymiyyah is a free market within the frame of Islamic values and morality, namely a free competitive market and no distortion between demand and supply. Ibn Taymiyyah prohibit government intervention in the market because it will disrupt the market equilibrium, unless there is distortion, such as hoarding. Prices are determined by the strength of demand and supply. Rising and falling prices are not always caused by the tyranny of certain people. This can be caused by a lack of production or a decrease in imports of the requested goods. When demand rises and supply falls, prices will rise. Meanwhile, if the supply of goods increases and the demand for it decreases, the price will decrease.<sup>5</sup> It is clear in Ibn Taymiyyah's mind that an increase in price could occur for two reasons. First, because it is caused by the strength of supply and demand which he termed *'adlun jaizun*. Second, because of the tyranny (*malperactek*) which he termed *zulmun la yajuz*.

Jumhur ulama agreed to forbid intervention in market prices based on *zahir* hadith and generality. Manzur Ahmad Al-Azhari quoted Imam al- Syaokani as saying, departing from the hadith and what can be captured from its meaning that it is forbidden to carry out a *tas`ir*. Committing *tas`ir* as a ruler does by ordering *ahl al-suq* to sell his goods at a certain price and forbid the seller to add and reduce them is a form of injustice. The reason, humans are basically in charge of their property. The true priest must maintain collective benefit and must not only look at the benefit of the buyer and ignore the benefit of the seller.

The scholars say (you are mutual pleasure):

What is meant by mutual pleasure is that the sale and purchase must be based on sincerity and sincerity, this means that there should be no immorality, fraud,

coercion and other things that are detrimental to both parties. Therefore, the buyer has the right to return the goods purchased when they find the goods are not in accordance with what is desired. Regarding honesty, Islamic history has recorded many stories about it. Among these, as told by Imam Ghazali, quoted by Shaykh Yusuf Qordhawi in his book "*al-Iman walHayah*";

"That Yunus bin Ubaid sells clothes at various prices. There are worth 200 dirhams and there are also 400 dirhams. When he went to pray, his brother's son replaced to guard the stall. At that moment a Bedouin Arab (village) came to buy clothes that were worth 400 dirhams. The prince was given clothes worth 200 dirhams. Buyers find it suitable with the clothes offered, then be paid with 400 dirhams. The Bedouin immediately left and carried the clothes he had just bought. On the way, he met with Yunus bin Ubaid. He was well aware that the clothes the Bedouin bought were from his stall. So, ask, "What is the price of these clothes?" "Four hundred dirhams". Yunus replied, "The price is no more than two hundred dirhams, let's go back to return the excess money." The Bedouin replied "In other places this kind of clothing costs 500 dirhams, and I'm already happy". "Come back with me, because in the view of religion honesty is more valuable than the whole world." Arriving at the kiosk, the return of the purchase money was 200 dirhams.

If market distortions occur as a result of tyranny, the cleric stipulates, the government may intervene in the market as long as there are conditions that require such intervention. These conditions are in the form of factors that are not natural (*'awamil ghairi tabi`iyyah*) such as the engineering of traders, hoarding and other forms. In this condition based on general public considerations the government is required to intervene in carrying out price restrictions (*tahdid al sa`r*). if concluded, the government may intervene in the market based on the consideration of the benefit of *'ammah*.

Furthermore, Qardhawi states that if price determination is done by forcing sellers to accept prices that they are not happy with, then this action is not justified by religion. However, if the price determination creates justice for the community, such as establishing a law not to sell above the official price, this is permissible and must be applied.

Finally, according to Ibn Khaldun, in his monumental book *Al- Muqoddimah*, he divided goods into two categories, namely basic goods and luxury goods. If a city develops and its population increases, the price of basic goods will decrease while the price of luxury goods will rise. This is due to the increased supply of food and other basic goods because these goods are very important and needed by everyone so



procurement will be prioritized. Meanwhile, prices of luxury goods will rise in line with rising lifestyles that result in increased demand for these luxury goods.

Talking about profits or profits, of course what is meant is the results that are attempted to exceed the value of the price of the goods. In Wahbah al-Zuhaili's view, basically, Islam has no clear boundaries or standards about profits. Thus, traders are free to determine the desired profit of an item. It's just that, according to him blessings (good) benefits are profits that do not exceed one third of the price of capital.<sup>6</sup> There is no shar'i argument that limits the absolute verses of the verse. In this case the rules of ushulfiki stipulate: al muthlaqu yajriy 'alaa ithlaaqihi ma lam yarid daliilun yadullu' ala at taqyid (a proposition that is absolutely fixed in its absoluteness, as long as there is no argument that indicates limitation).

From all opinions, from here it is clear that there is no justification for human intervention or control in determining the price, so that it will hamper natural laws known as supply and demand. Similar to tas'ir (price fixing) and just as damned is the business practice called protectionism. This is a form of trade in which the state takes tax directly or indirectly to consumers in general. In other words, this is a process in which the state forces people to pay exorbitant prices on local production by protecting businesses to avoid international competition. Protectionism is not permitted because it will benefit one party and will harm and exploit the other party, which in this case is the general public. Moreover, protection is also a major cause of inflation and will lead to the emergence of business crime in the form of black market smuggling, counterfeiting and excessive profit taking. Ibn Qayyim said that protection is an act of injustice, the worst / worst. He stated that protection was very dangerous for both parties, both protectors and protected people, on the grounds that this was an act of increasing the right to freedom of trade that Allah SWT gave.

Another reason given by the Ulama who think that price fixing is prohibited is that price fixing causes price increases, because people who take products from producers when they arrive at this price fixing, they will hold their merchandise because they are reluctant to sell it. Likewise, people who already have goods will save and are reluctant to sell them. Even though people who need it will look for it and not get it except a little. This resulted in a high price increase that caused disadvantage for both sides; The first is the owner of the products that do not sell his goods and the second side is the buyer who cannot get the products he wants, so it becomes unclean.

With this it is clear that price fixing does not overlap the Qur'an and the hadiths conveyed by the Ulama who think it is forbidden. Especially if there is added benefit that demands the existence of the Taz'ir (price fixing).

Thus there is a clear compromise between what is forbidden and allowed; because price fixing is prohibited and may not be done, if it contains tyranny and is not needed by the community. If there are benefits and to eliminate disadvantage from the general public, it is permissible for the government or the authorities to do so; it can even be mandatory if it's the only way to get public benefit.

#### 4. CONCLUSION

Islam does not provide certain restrictions in taking profits. Islam only provides business ethics for businesses and consumers. For businesses, they cannot cheat.

- Profits are part of Allah's blessing, so Islam does not limit the profits of trade.
- It is okay to take double profits, as mentioned in the Urwah Hadith, as long as they are eligible.
- Conditions for taking large profits:
- The goods are not the basic needs of the community
- Fortunately, not excessive to include fraud
- The profit was not caused by the hoarding business (Ihtikar), causing the goods to be scarce and the price to be expensive.

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