

A Study of Waste Transaction Practices and Islamic Jurisprudence at Bank Sampah

Firhan Abdillah Ghani ^{a,1,*}, Muhamad Subhi Apriantoro ^{b,2}

^a Universitas Muhammadiyah Sukarakarta, Indonesia

^b Universitas Muhammadiyah Sukarakarta, Indonesia

¹ i000180167@student.ums.ac.id; ² msa617@ums.ac.id

*Corresponding Author

ARTICLE INFO

Article history

Received Month September, 2023

Revised Month September 2023

Accepted Month September, 2023

Keywords

waste management; savings-based system; environmental impact; waste-to-wealth initiative; islamic jurisprudence

ABSTRACT

Garbage is a big problem for people who produce so much waste every day and are also quite disturbed by its unpleasant smell. This study aims to see how the transaction model of buying and selling waste saving system at the Berkah Lestari 3 Waste Bank. There are two problems studied in this study, namely: 1. How is the waste buying and selling transaction activity of the saving system at the Berkah Lestari 3 Waste Bank in Sewulan Village, Dagangan District, Madiun Regency. 2. What is the view of Islamic law on the transaction of buying and selling waste in the savings system at the Berkah Lestari 3 Garbage Bank in Sewulan Village, Dagangan District, Madiun Regency. The purpose of this study is to find out how the activities and perspectives of Islamic law views on buying and selling carried out at the Berkah Lestari 3 Garbage Bank. This research uses field research (field research) namely by direct field research to directly obtain information, observations, data, and interesting facts in the field then the data is described, analyzed to answer the formulation of the problem, from the results of the research found that, 1. This waste buying and selling transaction activity in practice the process of depositing waste can be directly deposited into the waste bank or can also be taken directly to the house by the waste bank if the customer cannot deliver it. In the process of taking garbage directly to the customer's home, it does not weigh and record the results on the spot but is carried out at the waste bank collection point, so that the customer does not know directly how many results they get. 2. The view of Islamic law on the sale and purchase transaction of the savings system at the Berkah Lestari 3 Garbage Bank is still allowed, because this waste or used goods still has benefits. Although in practice it is not witnessed by customers during the weighing process and recording results, so it can cause an element of gharar.

This is an open-access article under the [CC-BY-SA](https://creativecommons.org/licenses/by-sa/4.0/) license.



1. Introduction

Garbage is an item that is no longer used or cannot be reused. Garbage is basically divided into two. The first is waste that cannot rot, for example, glass, cardboard, and plastic[1]. The second is garbage that can rot, for example, food scraps. The sources of the emergence of waste are also very

diverse, ranging from settlement offices and others. Waste with various types must be adequately considered so as not to cause a significant impact on the environment[2].

The waste problem in East Java, especially in Madiun Regency, is increasing, as can be seen from the last three years' data, namely 2015, 2016, and 2017. According to the Central Statistics Agency (2019), the amount of waste always increases, namely in 2015 as many as 43,156, in 2016 as many as 48,897, and in 2017 as many as 46,117. The increasing amount of waste not addressed immediately can hurt the surrounding environment, for example, floods, the emergence of disease outbreaks, and others. A lack of public understanding of waste causes problems that often occur. Often, organic and inorganic waste is not separated, so it is difficult to process or recycle, so reasonable waste management efforts are needed[3].

Good waste management efforts can be made in various ways, starting from separating organic and inorganic waste bins, processing organic waste into compost, routinely washing trash cans, and recycling dry inorganic waste[4]. Waste has been underestimated as an item that must be thrown away or has no value anymore, even though if we can use dry waste or unused items, we can still recycle and have benefits[5].

Waste management efforts in Sewulan Village, Dagangan District, Madiun Regency are carried out in various ways, one of which is by buying and selling transactions managed by the Berkah Lestari 3 Waste Bank. The waste bank in Sewulan Village is carried out by managing dry waste collectively or saving waste and involves the role of the surrounding community. This waste bank management is carried out by collecting or accommodating, selecting, weighing, and then selling the waste to third parties so the community benefits from the saved waste[6].

This saving system at the Waste Bank is not in the sense of saving at the Bank in general, but savings in the form of income savings generated from the results of buying and selling waste where the money is collected first at the Waste Bank and then after everything is collected it will only be saved at the Sharia Bank. Waste that will be collected from surrounding residents to be deposited into the Waste Bank will be counted and weighed. The results of the waste that has been weighed will get money or other forms of savings where the savings can be taken at any time according to the wishes of the customer[7].

The problem in buying and selling transactions by the Berkah Lestari 3 in Garbage Bank is that the goods being traded are goods that are no longer used and are not guaranteed cleanliness or purity, while the requirements in Islam for buying and selling are that there are benefits and are clean (holy). In Islamic law, what is meant sacred is the prohibition of trade such as liquor, carrion, pork and the like.

2. Method

This research is a qualitative descriptive research. Descriptive research is research that provides a detailed picture. Qualitative research method is a research method based on philosophy and is used to examine scientific conditions where researchers are the key instrument. Qualitative research aims to find, analyze, and manage direct activities in the field by understanding the social interactions that occur. In the qualitative approach, researchers must master well in investigating cases from the interview process and other data collection, so that later they can explain well why and how problems occur[8].

The location of the research conducted is located at the Berkah Lestari 3 Waste Bank which is a waste management container with a buying and selling system in Sewulan Village, Dagangan District, Madiun Regency. The determination of the location of this research was carried out deliberately with the consideration that the location was strategic enough to be used as a place of research. The required research period is around 1 month, from the initial preparation stage to the research completion stage, which is from March 2022 to April 2022.

The data source used in this study is using primary data supported by secondary data. Primary data is data obtained directly by researchers in the field without going through intermediaries. Primary data can be in the form of opinions or activities of a person or group. While secondary data is obtained from literature, supporting documents, books, internet, and so on related to research.

3. Results and Discussion

A. Empowering Communities, Promoting Cleanliness, and Financial Inclusion

Berkah Lestari 3 Garbage Bank is located in Sewulan Village, Madiun Regency. The beginning of this transaction began with public unrest about the impact of the amount of waste caused around the community that was not managed properly or disposed of carelessly. Starting from community unrest which was finally voiced to the Village Head's office, a program was created under the auspices of BUMDes (Village-Owned Enterprises) and around 2020 a Waste Bank was formed in Sewulan Village.

Another factor that causes this waste buying and selling transaction is because of the support from the person in charge of Sewulan Village who provides services and facilities so that the Berkah Lestari 3 Waste Bank can develop effectively. In addition, the enthusiasm of the community for the waste buying and selling transaction is also quite good, because according to the people of Sewulan Village, this transaction can provide many benefits, namely making the village environment clean, as well as being able to be used as savings that can be taken later.

The Berkah Lestari 3 Garbage Bank in Sewulan Village is chaired by Mrs. Siti Jumiati. There are other members in the Berkah Lestari 3 Waste Bank who assist in the work at the Waste Bank to manage waste that has been collected and deposited by the surrounding community consisting of the Treasurer, Secretary, Sorting Division, Transportation Division, and Members. The items deposited into the Waste Bank include plastic bottles, plastic cups, cardboard, and household waste that still has benefits. Bank Sampah Berkah Lestari 3 itself applies a buying and selling system, namely the Waste Bank as the buyer while the community or customer as the seller. Waste buying and selling transactions are marked by *ijab* and *qobul*, the money from the sale will be stored at Bank Sampah Berkah Lestari 3 with a money system deposited at Bank Syariah with a collection period of once a year, but if the customer wants to take the money from the *tabangun*, they must report or tell the chairman of the waste bank so that they can be taken money at any time when the customer needs it. Buying and selling is a type of *muamalah* that can bring benefits to people in need.

B. Waste Transaction Practices and Islamic Jurisprudence

Buying and selling can be a means of helping each other and can be a way to earn a living. There is no prohibition in Islam on buying and selling used or unused goods unless the goods still have benefits and the goods are still sacred. As explained in the previous chapter, the requirements for a valid sale and purchase are that it must fulfill the concept of Islamic law, which includes meeting the requirements, pillars and other things related to the sale and purchase. So if one of these pillars is not fulfilled then in Islam the sale and purchase is considered invalid. Activities starting from buying and selling are a form of activity that is often carried out by everyone, which is an activity that cannot be abandoned or can become an activity that everyone does every day[9], [10].

Some views or according to the Imams of the *madhhab* regarding buying and selling, namely:

1) Hanafiah School

Buying and selling pure animal and human waste (without being mixed with anything else) is *makruh*. However, it is permissible to sell animal waste because it can be used and to fertilize plants because animal waste is considered something of value (*maal*). Although basically the law is that animal waste is unclean. As mentioned by Imam Syamsudin Al-Syarkhasi, a student of Imam Hanifah in the book *Al-Mabsuth*, he is of the opinion that if there is a benefit in buying and selling for the person making the contract, then it is permissible. The According Imam HAccording everything that can

be used and is halal according to religion, it is permissible to sell it because basically all subjects are created for the benefit of humans (Wahbah)

2) Imam Shafi'i

Imam Syafi'i believes that the object being traded must be holy. So, buying and selling animal waste is not permitted because animal waste contains unclean elements, both animals that are allowed to be eaten and animal waste that is forbidden to eat. According to Imam Syafi'i, unclean objects are not only not allowed to be bought and sold, but they are also not legal to be bought and sold for sale.

According to him, the above hadiths do not mention the sale of animal waste. Imam Syafi'i said that the excrement of animals whose meat is halal to eat is qiyasto the feces of animals whose meat is haram to eat as it is considered unclean according to the ijma' (agreement) of the ulama, so also the excrement of animals whose meat is halal to eat is unclean. This is because all feces are equally dirty (disgusting) according to normal human nature due to the foul smell. So, Shafi'i does not allow all objects to be unclean because whether or not an item is allowed to be sold depends on whether the item is clean or not. Thus, everything that is clean, meaning that which is permitted by religion to be used, can be sold according to Shafi'i.

The definition above can be understood to mean that the essence of buying and selling is an agreement between two parties to exchange goods that have been agreed upon and are mutually voluntary regarding the agreement.

Mrs. Siti Jumiati, in an interview said that in the buying and selling activities of the Berkah Lestari 3 Waste Bank, the transaction was carried out using a price agreement that had been determined by the waste bank, the customer or seller also agreed to the price with the goods that had been deposited or taken by the officers, so the used goods are immediately sorted by officers in the sorting division (Interview with Mrs. Siti Jumiati (Chair of the Waste Bank), March 19, 2022).

The subjects in buying and selling are the seller and the buyer. The transaction will not work if there are no two sides. The fiqh scholars agree that the person making the sale and purchase contract must meet the requirements, including being mature, healthy, and self-willed. When the seller and buyer make a contract there is no sense of compulsion or mutual pleasure or, in other words, mutual sincerity, for that the subject who is in a contract in buying and selling garbage at the Berkah Lestari 3 Garbage Bank has fulfilled the requirements.

The object of buying and selling in a buying and selling transaction must have conditions that must be met, namely that it is holy, clean, and must have benefits. Goods that are to be owned by a contracted person have the right to hand over the goods and be known, in buying and selling garbage or used goods that are used as objects are used goods that are no longer used or still have some use, buying and selling used goods or junk is a sacred item because open pigs, carcasses or idols that are called unclean in the Koran.

To find out whether the buying and selling transactions at the Berkah Lestari 3 Garbage Bank fulfill the requirements of Islamic buying and selling, it is necessary to know beforehand the activities carried out by the Berkah Lestari 3 Garbage Bank in managing the waste that will be traded.

The buying and selling transaction process at the Berkah Lestari 3 Garbage Bank consists of several stages, starting from picking up the waste until the waste is deposited to the collectors. The deposit process to collectors is carried out twice a month.

Buying and selling is an activity carried out between two parties. Buying and selling is a contract transaction or process that is very easy and can be done by anyone because basically, buying and selling is the goal of both seeking profit or benefit (benefit). In Islamic law stipulates rules related to the relationship between the needs of life between individuals, and there are limits to the desire to allow humans to get without giving, namely harm to others. In terms of buying and selling, it is a general social action carried out by fellow individuals every day. However, every buying and selling is permitted in Islam. Not all Muslims also buy and sell. There are many examples or recommendations for buying and selling in the Koran that regulate this. For the person who is buying

and selling, there must be an agreement between (the seller and buyer), and there are pillars and conditions in buying and selling as well as the existence of shighat lafadz (consent and qabul).

Regarding the shighat lafadz (consent and qabul) in the sale and purchase of waste at the Berkah Lestari 3 Garbage Bank there are no problems in making a contract, because in the process of consent and qabul the sellers and buyers are both willing and like each other. In the opinion of Ulama, namely Ulama Hanabilah, Mlikiyah, and Hanafiah are of the opinion that buying and selling like what is done at the Berkah Lestari 3 Garbage Bank is permissible if it is in the customs of the people in a country because it has shown an element of mutual liking and willingness among sellers and buyers.

In this case, the researcher will analyze the practice of buying and selling waste at the Berkah Lestari 3 Garbage Bank by looking at the pillars and conditions of whether buying and selling fulfills the requirements and pillars of buying and selling in Islamic provisions and whether the objects being traded are considered sacred objects to be traded. In carrying out muamalah transactions, there are conditions that must be fulfilled in order to know whether the goods being traded are valid or not, namely as follows:

1. Holy or unclean goods
2. Must have its benefits
3. The shape, substance and measurement levels must be clear
4. The condition of the goods must be handed over

In Islamic law, the condition for valid buying and selling of goods is that the goods being traded must be clear or known, both in form and nature, so that it does not give rise to suspicion or disappointment between both parties, namely the seller and the buyer.

Buying and selling rubbish or used goods at the Berkah Lestari 3 Waste Bank in practice, this buying and selling contains an element of obscurity or an element of gharar, namely the element of a substance or its nature (price). Because Rasulullah SAW forbade buying and selling that contains elements of gharar (obscurity).

"The Messenger of Allah Shallallahu'alaihi wa sallam forbade buying and selling al-hashah and buying and selling gharar".

As the verse above explains, it is not permissible to carry out buying and selling which has an element of ambiguity or prohibits false muamalah transactions. What is meant by falsehood is that which has a broad meaning, including having transactions that are contrary to sharia law. Examples include making usury transactions and speculative transactions such as gambling, maisir, and so on. In obtaining property, it must be done with the willingness of all parties.

In fiqh rules it is explained:

"The law of origin in a transaction is pleasure, both parties who enter into a contract, the result is that what is contracted is valid."

Consent in a transaction is a necessity, therefore a transaction will be valid if it is based on the consent or sincerity between both parties. What is meant by invalidity is that one of the sellers or buyers feels disadvantaged or deceived, which means if both parties have entered into an agreement at the time of the transaction and have been pleased with each other, but one of the parties feels cheated, it means that he will lose his pleasure, then the contract will be canceled (Erfiyana, 2022).

In connection with these rules, in buying and selling waste at the Berkah Lestari Waste Bank, the 3 parties involved have mutually agreed or are happy with each other, both in the transaction and the goods being sold. So it is clear that the sale and purchase of waste at the Berkah Lestari 3 Garbage Bank is considered valid. It can be seen that the buying and selling of waste contains an element of gharar because there is an element of uncertainty in the substance and nature (price) of the goods which benefits the buyer. What is meant here is gharar when collecting rubbish or used goods from the customer's house and then taking them to the collection point. , there it is seen that when the goods

are weighed the customer or seller is not directly witnessed and the results of the waste weighing are not immediately notified to the customer but will be notified several days later after the used goods are collected or deposited. Basically, buying and selling that contains elements of gharar is not allowed because it is detrimental to the seller. However, in practice buying and selling used waste, the sellers do not feel disadvantaged because they feel mutually pleased and like each other. Therefore, buying and selling at the Berkah Lestari 3 Garbage Bank is not included in ghararan or can be called legal buying and selling.

b. Contract Validity

According to contract experts, the relationship between consent and Qabul is in accordance with the will of the Shari'a, which determines the influence of legal consequences on the object of the agreement.

Buying and selling have occurred if the terms and conditions have been fulfilled. Rukun is an element that must be fulfilled in every legal act, while the requirements are complementary elements of every legal act. In general, there are three pillars of sale and purchase:

1. The person who entered into the contract (seller and buyer)
2. Items contracted (ijab kabul)

The conditions that must be fulfilled in the sale and purchase agreement are:

1. Conditions for 'iqad (the occurrence of the contract)
2. Conditions for the validity of the sale and purchase agreement
3. Conditions for continuity of buying and selling
4. Binding conditions (luzam conditions) (Hama, Miss Nuryani, Neneng Nur Hasanah, 2017).

Sighot is an agreement between the perpetrators and shows that they mutually agree that a transaction is not valid if one of the parties is forced to do it. If there is fraudulent coercion or inconsistency between the objects of the contract, it will become invalid even though the consent has been carried out because all of these things can cause dissatisfaction between one of the parties.

Lafadz ijab qobul is the words of the seller, for example, I am selling this item, that's all, while qobul is the words of the buyer, for example, I accept, I'm buying for that price, the explanation is the verse which says that buying and selling is like and like and also the words of the Prophet Muhammad, in fact, buying and selling is only it is legal if it is done like and likes (HR Ibnu Hiban) (Hakim, 2012).

According to the opinion of Shafi'iyah scholars, even buying and selling small items must be agreed and qabul, but according to Imam An-Nawawi and Muta'akhirin Syafi'iyah scholars are of the opinion that buying and selling small items is permissible without consent and qabul as in, buy a pack of cigarettes (Suhendi, 2005).

According to the Hanafi Madzhab, buying and selling are carried out with two pillars, namely consent, and Kabul. The pillars of buying and selling for the Hambali school of thought are something that shows mutual acceptance in the exchange of ownership, whether through words or deeds. The scholars have agreed that the contract is considered valid by pronouncing the wording of the agreement. However, they differ in opinion as to whether the agreement is valid by simply handing over the goods. Namely, a seller hands over goods, and a buyer hands over money as payment without any words from either of them ((P3EI), 2008).

1. By means of writing, for example, when two people who have a sale and purchase transaction are far apart, the consent is granted by means of writing (kitbah)
2. By means of gestures, for people who cannot enter into a sale and purchase agreement by means of speech or writing, they may use gestures
3. By means of ta'ahi (giving each other), for example, a person makes a gift to another person, and the person who is given gives a reward to the person who gave it without determining the amount

of the reward; 4). By means of verbal al-hal, according to some scholars say, if someone leaves goods in front of other people, then that person leaves and the person left behind by the items remains silent, it is considered that there has been a contract *ida'* (entrusted) between the person who placing entrusted goods by way of al things.

Basically, the contract can be done orally even though there are differences in language in buying and selling transactions and the difficulty of communication between the two parties. Thus, a sale and purchase contract transaction that uses a different language can be said to be valid by showing willingness (like and like) between the two parties, namely the seller and the buyer. That willingness cannot be known clearly except by expression, because the feeling of liking depends on the hearts of both parties. According to the opinion of most scholars. However, several other scholars are of the opinion that the pronunciation does not become harmonious, only according to customs and habits. As well as differences in language in the pronunciation of the contract. If according to custom, such a thing is considered a sale and purchase, that alone is enough, because there is no clear argument to make the pronunciation obligatory. One of the pillars of the sale and purchase contract is *sighah al-aqad*, which means an expression from both parties (*aqidain*) in the form of consent and *qabul* to obtain a legal consequence. The form of sale and purchase contract transactions in the Bangkalan Region in the pronunciation of the consent *qabul* occurs in language differences in its activities. So that there are often difficulties in the expression of statements from the traders and buyers. The explanation regarding the validity of buying and selling using different languages above, in essence, can be said to be buying and selling according to Islamic law, can be seen from several things, namely; First, the provisions of *sighah al aqad* which can be carried out in three ways, namely verbal, written and gestures. In this case, the parties use verbal means even though there is the use of different languages. Second, mutual *ridla* (willingness). There are communication difficulties in buying and selling contract transactions so that there is no reason for one of the parties to continue the contract. Third, buying and selling is not enough with the word agreement. Here the use of a different language can be said to be valid as well because it has paid attention to the pillars, other terms and conditions.

4. Conclusion

In conclusion, the study sheds light on the waste buying and selling transactions within the savings-based system at Bank Sampah Berkah Lestari 3. The process involves customers depositing their waste at the bank or having it collected by bank representatives. The bank then sorts and weighs the collected waste, determining its value. Each customer's earnings are recorded in a ledger to facilitate future withdrawals, and the categorized waste is eventually sold to recyclers.

However, it's important to note that this waste transaction system raises concerns of *gharar* (excessive uncertainty) due to the lack of transparency in the weighing, pricing, and recording processes, particularly when waste is collected directly from customers' homes and weighed at a central location. Despite this uncertainty, the transactions comply with the basic requirements of Islamic commercial contracts, as the sellers are mature and of sound mind, and the objects being sold (certain types of waste) retain some utility.

Additionally, with regard to the savings aspect of Bank Sampah Berkah Lestari 3, the bank deposits its funds with a Sharia-compliant bank using the *Wadi'ah* contract, specifically *Wadi'ah yadh adh-dhamanah*, which allows the recipient to utilize the deposited funds responsibly and be responsible for any loss or damage. All benefits and profits from the use of these funds belong to the depositor, and the bank is responsible for safeguarding and returning the deposited funds at the depositor's discretion. This underscores the Islamic principles of trust and responsibility in financial transactions.

5. References

- [1] N. J. Sindua and J. E. Kaihatu, "Community Respond to Waste Treatment Base on 3R (Reduce, Reuse and Recycle) in The Settlement Environment of Moronge Village, Moronge District, Talaud Islam Regency," in *E3S Web of Conferences*, 2021, vol. 328, doi:

- 10.1051/e3sconf/202132808019.
- [2] S. Sunarti *et al.*, "Social learning activities to improve community engagement in waste management program," *Glob. J. Environ. Sci. Manag.*, vol. 9, no. 3, pp. 403–426, 2023, doi: 10.22035/gjesm.2023.03.04.
- [3] P. Sridan and P. Surapolchai, "A systemic approach to integrated sustainable solid waste management through community engagement: A case study of Tan Deaw sub-district, Saraburi province," in *IOP Conference Series: Earth and Environmental Science*, 2020, vol. 463, no. 1, doi: 10.1088/1755-1315/463/1/012167.
- [4] J. Dururu, C. Anderson, M. Bates, W. Montasser, and T. Tudor, "Enhancing engagement with community sector organisations working in sustainable waste management: A case study," *Waste Manag. Res.*, vol. 33, no. 3, pp. 284–290, 2015, doi: 10.1177/0734242X14567504.
- [5] A. Brotosusilo and S. Hilya Nabila, "Community engagement and waste management policy: A comparative analysis," in *E3S Web of Conferences*, 2020, vol. 211, doi: 10.1051/e3sconf/202021103022.
- [6] A. Sewak, S. Deshpande, S. Rundle-Thiele, F. Zhao, and R. Anibaldi, "Community perspectives and engagement in sustainable solid waste management (SWM) in Fiji: A socioecological thematic analysis," *J. Environ. Manage.*, vol. 298, 2021, doi: 10.1016/j.jenvman.2021.113455.
- [7] R. M. Q. Fauzi, A. T. Alfarisyi, and I. W. Indrawan, "Empowerment of waste bank in Islam: Case study of Bank Sampah Induk Surabaya (BSIS)," *Int. J. Innov. Creat. Chang.*, vol. 10, no. 12, pp. 329–338, 2020, [Online]. Available: <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85079767267&partnerID=40&md5=52ce140c9e46eb6ac6a91a031eadf05d>.
- [8] R. E. Baskoro and H. Santoso, "Analisis Penerapan Sustainability Bank Hijau Pada Bank Pendahuluan Metode Penelitian," *Industrial Engineering Online Journal*. 2015.
- [9] M. S. Apriantoro, I. N. Rahayuningsih, and S. Sarwanto, "Implementation of Green Economy Through Integrated Urban Farming as Family Economic Resilience During The Pandemic: Maqasid Sharia Perspective," *IQTISHODUNA J. Ekon. Islam*, vol. 11, no. 1, p. 1, Apr. 2022, doi: 10.54471/iqtishoduna.v11i1.1593.
- [10] E. Sulistiawati, I. Rosyadi, A. Akbar, and M. S. Apriantoro, "Review of Islamic Law against Multi-Contract on Electronic Money in LinkAja Application," in *Proceedings Book The International Conference On Islamic Economics, Islamic Finance, & Islamic Law (ICIEIFIL)*, 2023, pp. 57–68.