



BUYING AND SELLING ORDERS IN THE KITAB AL-JAMI' SAHIH MUSLIM: A STUDY OF TAKHRIJ

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Abstract

Kitab Al-Jami', better known as Kitab Sahih Muslim, is a famous kutub al-sittah. This book is attributed to Al-Imam Abu al-Husain Muslim ibn al-Hajjaj al-Qusyairi al-Naisaburi, better known as Imam Muslim. This book discusses hadiths in various spheres of life, such as aqidah, worship, and muamalah. This paper traces the muamalah's study of buying and selling orders in the Muslim Sahih Book. One transaction that has developed along with the advancement of information and technology is buying and selling orders, known as bay' al-salam. Bay al-salam transactions in the modern era are used in online buying and selling transactions. This paper seeks to trace how the position of buying and selling greetings in the hadith of the Prophet is contained in the Book of Sahih Muslim. This paper uses literature research using the takhrij hadith method. The takhrij hadith method is used with a thematic approach (maudhu'i). The results showed that the hadith about buying and selling orders is in the hadith 'aziz with muttasil. The matan of this hadith does not contradict the intellect and postulates of the Qur'an. Order buying and selling transactions in their actualization experience differences in criteria applied in Islamic bank financing products and online buying and selling or e-commerce. Greeting transactions are not only in agriculture but also include various products with a cash payment system at the beginning of the transaction.

Keywords: *Buying and Selling Salam, Takhrij, Contract Actualization.*

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INTRODUCTION

Human beings were created to interact with each other to meet the needs of their lives. One of the areas that mutually needs the existence of others is economic activity. A person's needs will be quickly realized with the help of others through activities such as buying and selling, renting other activities. A widespread economic activity that has been popular for a long time and carried out by humans is always buying and selling transactions. Buying and selling are transactions that continue to experience developments following human culture. We know the models and mechanisms of buying and selling transactions, including buying, and selling goods exchanged for goods or barter systems. Buying and selling goods with currencies that have undergone several changes ranging from money from gold (dinars) and silver (dirhams), banknotes until now electronic money appears.

Technology development is one of the triggers of economic culture, primarily buying and selling activities that have changed. Buying and selling transactions are initially carried out face-to-face. For example, buying and selling transactions in traditional markets allow sellers and buyers to interact with each other for price negotiations. In the digital era like now, buying and selling transactions can take advantage of the internet called online buying and selling. Not only that, but the payment method has also changed, using electronic money or mobile banking.

To make ends meet, humans constantly interact with others to enter various economic transactions. One is buying and selling, which involves two factors: sellers and buyers. The concept of buying and selling is widely written in the popular hadith book and is one of humans most widely carried out transactions. Buying and selling in the concept of hadith are known to use the word *al-bay'*. The word *al-bay'* in the hadith books of the nine imams (*kutub al-tis'ah*) amounts to 177 hadiths. The distribution of these

hadiths is divided into several hadith books. In the book of Shahih al-Bukhari, there are 14 hadiths; in the book of Shahih Muslim, there are 11 hadiths; in the book of Sunan Abu Dawud, there are 13 hadiths found. The book of Sunan Tirmidzi found 19 hadiths; in the book of Sunan Nasa'I, there were 29 hadiths, and in the book of Sunan, Ibn Majah found 13 hadiths. The word al-bay' is commonly found in the book of Musnad Ahmad as many as 73 hadiths, while the least is found in the book of Muwattha' Malik as many as one hadith. Meanwhile, in the book of Sunan Darimi, four hadiths are found.

One developing form of buying and selling is buying and selling with an order system. Usually, the seller is the producer, while the buyer is the consumer. Consumers sometimes need goods that are not or have not been produced by producers, so consumers make buying and selling transactions with producers by way of orders. Hadith on greetings on *the poles of al-tis'ah* Bukhari 4 hadith, Muslim two hadith, Abu Dawud (3004), Tirmidhi (1232), Nasa'I (4537), Ibn Majah (2271), Darimi (2470) 1 hadith. Musnad Ahmad 4 hadith (1771, 1836, 2417, 3198), while Muwatha' does not have hadith.

In Islamic law, buying and selling transactions carried out through this order are called *Salam*. Buying and selling with this *salam* system have existed since the time of the Prophet and continue to develop until now. Even buying and selling with this *salam* system has been used as a product in Islamic banking. For this reason, it is necessary to analyze the practice of buying and selling *salam* in people based on the hadith of Prophet SAW.

Swanty Maharani's research, Akhmad Yusup¹, discussed how buying and selling orders are implemented on shopee e-commerce according to the views of Imam Syafi'i madhab. This research focuses its study on the field of *muamalat* law about the validity of selling goods that do not meet the clarity of the quantity or dosage and scales of products. Meanwhile, the research of David Sukoco, Zulfatus Sa'diah, and Aqif Khilmia² focused on implementing *khiyar* in buying and selling greetings. This study explains that khiyar anticipates losses in greeting buying and selling transactions. In contrast to Ahmad Syaichoni's research, Didik Setiawan³ elaborated on *khiyar al-ru'yah* as a form of producers' responsibility to minimize fraud in buying and selling online.

Other fields in research on buying and selling orders described by Nanang Qosim⁴ focus on buying and selling orders in a unique form, namely on buying and selling transactions stocks. Meanwhile, Faisal Hafid Luthfi, Ifa Hanifa Senjiati, and Fahmi Fatwa Rosyadi⁵ discussed buying and selling sand and stone orders in the study of *muamalah* jurisprudence. In his research, there was a discrepancy between the practice of buying and selling sand and stones with the *salam* contract because there were elements that were not met, namely the clarity of the scales and the dosage. Finally, Yudi Siswadi's research, Andri Soemitra⁶, examined the study of fiqh muamalah on digital business transactions (e-commerce). The practice of transactions through e-commerce can rely on *salam* transactions.

Some of the research above seeks to explore the study of buying and selling orders in various aspects ranging from the law of transactions and the implementation of modern-era din transactions to aspects of protection of its transactions. However, this paper focuses on the study of buying and selling orders in the field of hadith. Hadith texts that deal with buying and selling orders are analyzed and actualized on the transactions of daily life in the modern era.

METHODOLOGY

This research uses the library research method. The primary source in this study is a hadith in the form of Kitab Al-Jami' or Sahih Muslim by Imam Muslim. Secondary sources in the study are books related to buying and selling orders or bay' al-salam such as Fiqh al-Islami wa Adillatuh, Fiqh Sunnah, Bidayat al-Mujtahdi wa Nihayat al-Muqtashid.

The analysis of this study uses the takhrij hadith method using a thematic approach. In this study, researchers looked for hadiths related to buying and selling orders. After the hadith is found, it checks the commentaries of the hadith scholar to help explain the meaning of the hadith.

RESULT AND DISCUSSION

1. Hadith on the Sale and Purchase of Salam

حَدَّثَنَا يَحْيَى بْنُ يَحْيَى وَعَمْرٌو النَّاقِدُ وَاللَّفْظُ لِيَحْيَى قَالَ عَمْرٌو وَحَدَّثَنَا وَقَالَ يَحْيَى أَخْبَرَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ ابْنِ أَبِي نُجَيْحٍ عَنْ عَبْدِ اللَّهِ بْنِ كَثِيرٍ عَنْ أَبِي الْمُنْهَالِ عَنِ ابْنِ عَبَّاسٍ قَالَ قَالَ قَدِمَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْمَدِينَةَ وَهُمْ يُسَلِّفُونَ فِي التَّمَارِ السَّنَةَ وَالسَّنَتَيْنِ فَقَالَ مَنْ أَسْلَفَ فِي تَمْرٍ فَلْيُسَلِّفْ فِي كَيْلٍ مَعْلُومٍ وَوَزْنٍ مَعْلُومٍ إِلَى أَجَلٍ مَعْلُومٍ⁷

2. Translations of Hadith

Have Told us Yahya ibn Yahya and 'Amr al-Naqid and this is lafadz Yahya, 'Amr said; has told us, and Yahya said; has preached to us Sufyan ibn 'Uyaynah of Ibn Abi Najih of 'Abdullah bin Kathir of Abi al-Minhal of Ibn 'Abbas he said; "When the Prophet SAW arrived in Medina, the people of Medina sold fruits for prepayment, while the fruits he sold were promised them within a year or two later. So the Prophet SAW said: "Whoever sells dates by promise should be with a certain measure, a specific scale, and a certain period.

3. Sabab Al-Wurud

The descent of this hadith is related to the buying and selling activities carried out by the people of Medina; namely, when the Messenger of Allah arrived in Medina, he saw the locals buying and selling fruits using a tempo of one to two years, then the Messenger of Allah said that whoever sells dates by pledging, should be with a specific dose, a specific scale, and a certain period.

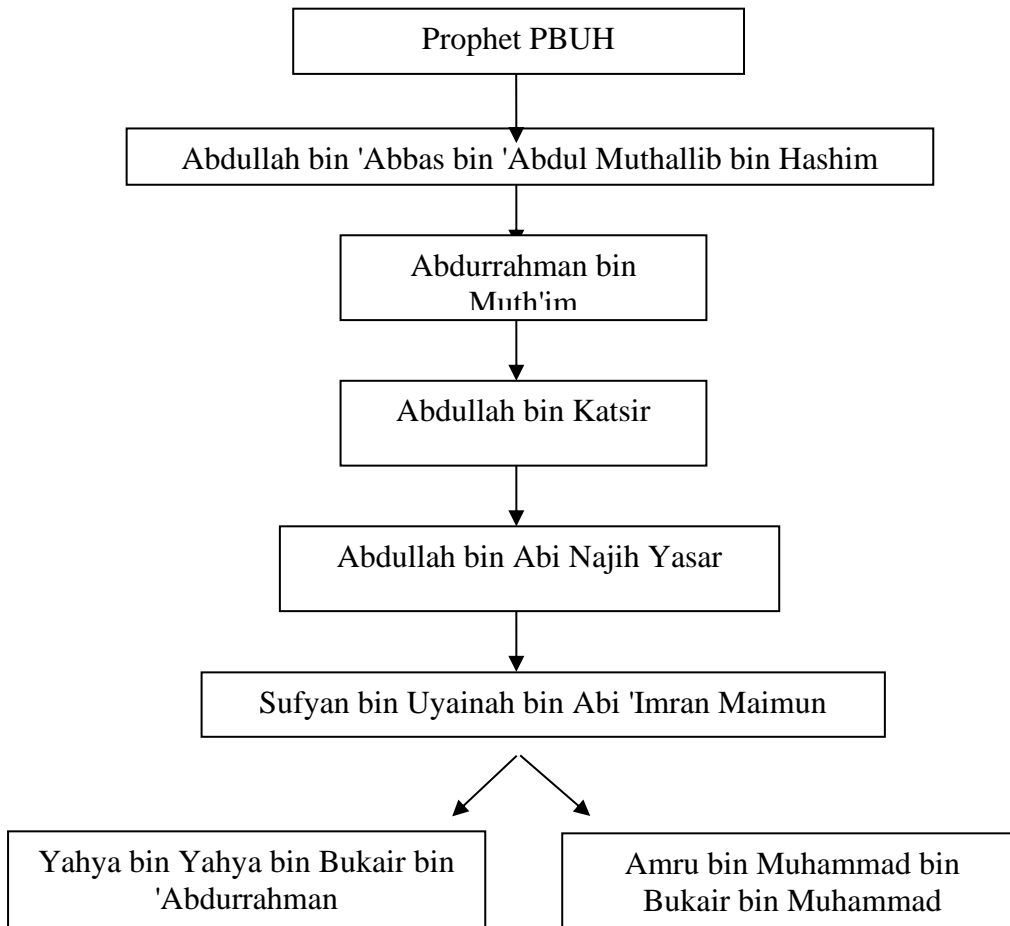
4. Takhrij Hadith

a. Sanad Hadith Scheme

In the hadith above, there are seven *Rawi* hadith, namely:

1. Ibn 'Abbas
2. Abu al-Minhal
3. 'Abdullah bin Kathir
4. Ibn Abu Najih
5. Sufyan bin 'Uyaynah
6. Yahya bin Yahya and 'Amr

The above hadith is narrated by two people, namely Yahya bin Yahya and 'Amr, then there are also two *sanad* paths that are arranged as follows:



5. Summary Analysis of Hadith Narrators

The presentation of data about the narrators of the hadith and its analysis can be mentioned as follows:

i. Yahya bin Yahya

His full name is Yahya ibn Yahya ibn Bukayr ibn 'Abd al-Rahman, he died in 226 H. In the book of Khulasah Tahdhib Tahdhib al-akmal juz 1 page 429 al-Nasa'i says *thiqah*.⁸

ii. Abu al-Minhal

His full name is Abi al-Minhal 'Abd al-Rahman bin Mut 'im. In the book of Tahdhib al-Tahdhib juz 5, page 71, Ibn Hibban mentions *al-Thiqat*. In the Book of Tahdhib⁹ at-Tahdhib juz 6 p. 243, it is mentioned that Abu zar'ah says *thiqah*.⁹

iii. 'Abdullah bin Kathir

His full name is 'Abdullah bin Kathir bin al-Mutallib died in 120 H. In the book, Tahdhib al-Tahdhib juz five, page 321, Ibn Hibban mentioned it in *al-Thiqat*.⁹

iv. Ibn Abu Najih

His full name is 'Abdullah ibn Abi Najih Yasar died in 131 H. Ibn Hibban and referred to him in *al-Thiqat*. Abu Hatim and Ibn Ma'in say *thiqah*.⁹

v. 'Amru

His full name 'Amru bin Muhammad bin Bukayr bin Muhammad died in 232 H. Abu Hatim called it *thiqah*.

vi. Sufyan bin 'Uyaynah

His full name was Sufyan bin 'Uyaynah bin Abi 'Imran Maymun died in 198 H. Ibn Hibban called him *hafidh mutqin*.

vii. Ibn 'Abbas

His full name is 'Abdullah bin 'Abbas bin 'Abd al-Mutallib bin Hashim; he is a companion of the Prophet PBUH, so there is no doubt of his sincerity.

6. Analysis of Matan Hadith

When viewed from the phrasing based on Arabic rules, the matan hadith above does not contain *shadh* (gaffe), nor does it contradict the Qur'an (there is no '*illat*') as mentioned in Q.S al-Nisa's verse 29:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُم بَيْنَكُم بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ ۗ وَلَا تَقْتُلُوا أَنْفُسَكُمْ ۗ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا﴾

In addition, the matan hadith above also does not contradict human common sense. As we know, in naming, especially in buying and selling activities, a person can order the desired goods according to the desired characteristics of the seller (manufacturer). This is because the needs of goods and consumer tastes are different, causing them to have goods not owned by others, so buying and selling with a *greeting* model is allowed.

The above hadith if you look at the sanad path narrated by two people, then it can be said that the above hadith includes the hadith '*Aziz*', and if the above hadith is seen from the connection of sanad from the last *rawi* to the Messenger of Allah, then the hadith includes the *muttasil* hadith, while if you look at the hadith narrated through sanad in it, there is no *rawi* suspected of lying and in terms of matan hadith there is no *gaffe* (*shadh*) and does not contradict the qur'anic propositions (there is no '*illah*') nor is it contrary to human common sense, so the above hadith includes the *sahih* and *maqbul* hadiths.

7. Syarah Hadith

In fiqh, it is known by the name of *al-istisnā'*/*al-salam* or *salaf*. Both words have the same meaning, giving precedence to payment and terminating goods. The difference is that *al-istisnā'*/*al-salam* is used by the people of Hijaz, while the *Iraqi people use al-salaf*. The proof that these two words mean the same is the use of both words in the hadith of the Prophet. It is narrated that the Messenger of Allah when talked about the contract of *bay'al-istisnā'*/*bay'al-salam*. So the two words are synonymous (two words mean the same but in different forms).¹⁰ According to Sayyid Sabiq, *al-salam* or *al-salaf* (preliminary) is the sale of something with specific criteria (which is still located) in dependents with immediate or disseminated payments.¹¹

The fuqaha' define buying and selling *greetings* differently. Fuqaha' Hanafiyah defines buying and selling *greetings* as selling an item whose delivery is delayed or selling an item whose characteristics are precise with an early payment of capital while the goods are handed over later. According to the Compilation of Sharia Economic Law,¹² *salam* is a financing service related to buying and selling whose financing is carried out in conjunction with goods ordering.¹³

Among *fiqh* experts, fuqaha' Malikiyah defines buying and selling *greetings* as buying and selling paid first, while the goods are handed over according to the agreed time. Fuqaha' Shafi'iyah and Hanabilah define it as an agreed contract to make something with specific characteristics by paying the price first, while the goods are handed over to the buyer later.¹⁴

From some of the definitions explained by fuqaha' above, it can be concluded that buying and selling *greetings* is a form of buying and selling goods where consumers buy goods with predetermined terms and characteristics, with payment made before the ordered goods are completed. The delivery is carried out later under the agreed time between the two parties.

According to the Hanafiyah fuqaha, the *Salam* pillar is only *ijab* and *qabul*. Meanwhile, according to other fuqaha, there are four pillars of *Salam*, namely:

a. *Al-'Aqid*

Al-'Aqid is the one who performs the contract. In the *greeting* agreement, the contracting party one is called al-Muslam Ilayh (the person addressed), and the buying party is called al-Muslam or the owner of *al-salam* (who delivers).¹⁵

b. The object of buying and selling *greetings*

The object of buying and selling *greetings* is the price and goods ordered. The goods used as objects of sale and purchase are called *al-Muslam Fih*. The ordered goods must be apparent in their characteristics and time of delivery. The price for buying and selling greetings must be clear and submitted within the contract time.

c. *Sighat* (Ijab and Qabul)

Ijab (statement performs the bond) and qabul (statement of acceptance of the bond) according to the will of the shari'a, which affects the object of the bond. What is meant by "under the will of Shari'a" is that all engagements made by two or more parties shall not be if they are not in line with the will of the shari'a'.

For example: If a trader orders grain to a farmer with agreed criteria, then in this greeting agreement, the farmer should not be limited in his working space, that is, by stating: that the grain imported must be from his field products. However, the farmer must be given freedom so that when it is due, he has the right to hand over grain from his field or from the produce of other people's fields, which he has purchased first.

Another example: A merchant whose store has 100 packs of cement available, @ 50 kg, from a specific brand, when you order 50 packs of cement from that brand that weigh @ 50 kg, for the next four months. So when you entered into a *greeting* agreement with him, neither of you was allowed to require that the cement handed over would be from the 100 packs of cement now owned by the merchant because the cement that was attacked may have existed when it matured to be damaged or stolen by people.

Thus, among the wisdom and purpose of the law of *salam* contract, the booker gets the goods at a low price, and the seller benefits from the business he runs with the funds from the booker that have been paid in advance. Therefore, if the agreed tempo does not meet the wisdom of buying and selling greetings, then there is no benefit to the *greeting* agreement being established.¹⁶

Everything Allah and His Messenger say must have the wisdom it contains. However, because of the busyness of man himself, sometimes man never feels the wisdom contained in it. Man cannot reveal the secret of what God has hinted at. Not infrequently, people assume that if what happens to them is not under expectations, then they sometimes consider God unjust or other things that can close the door to the opening of grace. Likewise, the wisdom contained in the law of the order system, especially by using a *greeting* buying and selling contract, is as follows:

- a. To make it easier for humans to do mu'amalah activities.
- b. To assist in improving the well-being of the human economy.
- c. It is necessary for people who need goods not available in the market.

- d. People who have a company often need money to meet their operational needs, even at any time it can be an obstacle to the progress of their company.
- e. As a medium of help between one human being and another.

ACTUALIZATION OF HADITH

The transaction of buying and selling *greetings* is, when viewed based on history, carried out by the people of Medina during the time of the Prophet, and the contract is still used today. Even the application of greeting buying and selling transactions began to be practiced in the banking world, especially Islamic banking. However, in practice in the Islamic banking world, we need to recognize the application of financing contracts in Islamic banking using skim *salam*, namely buying and selling whose price is paid in advance, while the goods are handed over later according to the agreed time. As to the basis of his ability among the fuqaha', there is a difference of opinion based on *nash* or *istihsan bi al-nash*. Nevertheless, no fuqaha' forbids it. The Salam contract is applied in at least three models in Islamic banking. *First* is the Salam contract model, where the bank buys goods and then goes directly into selling the goods. *Second*, the *Salam Tunggal Hukmi* (formal) contract model, where the bank does not intend to buy goods because, after that, the bank resells them to the first seller with a *Bay' Murabahah bi saman ajil* contract or tells to sell them to other parties with a *wakalah* contract. *Third*, the Parallel Salam contract model, where banks carry out two Salam contracts simultaneously, namely the Salam contract with customers who need goods and *the Salam* contract with customers who need funds to produce goods.

In everyday life, buying and selling greetings are carried out in online buying and selling transactions. The era of modernization and globalization has resulted in the use of the internet in business activities or businesses that utilize the internet proliferating. This makes legal rules must be able to reach businesses through the internet to create order and legal certainty in doing business. In addition, it is also to uphold justice for each party in transactions. Business activities that utilize the internet are often referred to as *electronic commerce* or *e-commerce*.

In the view of scholar contemporary, the *e-commerce* transaction model can be equated with the term *bay' al-salam* transaction, where this transaction model has been known for a long time in Islamic Law. Thus, e-commerce model transactions¹⁷ are acceptable in the Islamic view, but in essence, they must still refer to the rules of Islamic Law relating to *mu'amalah*. Businesses with an internet network system are allowed on the condition that all elements related to *e-commerce* transactions do not conflict with Islamic law, including the products offered are also not forbidden goods in Islam.

HADITH ANALYSIS

In the development of Islamic economic activity transactions, the agreement to buy and sell *greetings* changes line with the development and progress of a nation's economy, although it does not violate the essence and rules in buying and selling *greetings*. If at the time of the Messenger of Allah, the object of buying and selling *greetings* was only about agricultural and plantation products, but now it can be applied in various businesses, and the most we encounter and often do is buying and selling *greetings* for ordering certain clothes. In addition, buying and selling with *the greeting* model is also widely found for buying and selling electronic goods, and even buying and selling cars can also use buying and selling with a *greeting* system.

Furthermore, buying and selling with a *salam* system is even used as a financing product in Islamic banking, as we know that one of the functions of a bank is as an *intermediary* institution. Including Islamic banking, these banks do not feel interested in processing raw materials into finished goods that are ready to be marketed to consumers. These banks provide only funds for financing. Then how can the model of buying and selling *salam* be applied in the current Islamic banking world, and whether it is under the hadith about buying and selling *greetings* contained in *Sahih Muslim*.

To analyze how the buying and selling model works with the greeting system, we need a little courage and willingness to bear the risk so that this *salam* buying and selling scheme does not conflict with the rules and provisions in buying and selling *salam* as explained, namely about the *sharah* hadith about buying and selling *greetings*. This is because the bank must prepare itself for losses from the fall in the price of *Al Muslam Fih* (goods to be handed over).

In sharia banking, buying, and selling *salam* is usually based on purchasing agricultural equipment, industrial goods, and household necessities. Customers who pay a fee to produce industrial goods can apply for financing to the shari'a bank with skim buying and selling *greetings*. The bank, in this case, is positioned as an orderer (buyer) of goods to be produced by the customer. For this reason, the bank pays the price in cash.

At the appointed time, the customer hands the goods to the bank. Next, the bank can appoint the customer as its representative to sell the goods to the third party in cash. Banks can also resell the goods to customers who produce them toughly (*bisaman ajil*) by taking sure profits.

So after the Salam contract is completed by handing over the goods by the customer (seller) to the bank (buyer), several other contracts accompany it. If the bank then appoints the customer as the bank's representative to sell the goods in cash to a third party, then what happens is a contract to buy and sell *murabahah bisaman ajil*. By transferring ownership of the goods to the customer, while he has not paid a penny to the bank, dayn (debt) arises. Furthermore, although it is not mandatory, it is usually followed by a *rahn* contract, where the bank withholds collateral goods in the form of goods that the customer or other goods have repurchased.¹⁸

The reality on the ground shows that banks are not always easy to resell the industrial goods they buy, both from third parties and to customers. For this reason, a parallel Salam contract is then carried out, namely two *salam* contracts that are carried out simultaneously between banks and customers on one party and between banks and suppliers of goods (*suppliers*) on the other party. According to the Supervisory Board of Shari'ah Rajbi Investment Corporation, this parallel *salam* is allowed on the condition of the implementation of the first *salam* contract.¹⁹

In established Islamic banks such as Sudan, Bahrain, and other Middle Eastern countries, transactions are carried out with the Single *Salam* system. Consequently, banks must have *professionally financed inventory* so as not to incur losses. The bank must also provide a warehouse for goods owned and rented from other parties. So the bank, in this case, acts as a trader directly involved in the competition of the commodity business. Whereas in countries still holding the paradigm of banks as *intermediary institutions* where banks do not conduct trade transactions directly, the possible mechanism is parallel greetings. This means that the bank conducts greeting transactions with producers (First greeting) if the bank already has customers as potential buyers (Second greeting). The bank, in this case, does not need to operate a warehouse because the delivery of goods can be done directly from the manufacturer to the buyer. In practice, the dispute between the bank and the prospective buyer (booker) may occur first (*first salam*), and then the bank looks for a manufacturer to fulfill the order (second *salam*).²⁰

CONCLUSION

The hadith contained in the Sahih Muslim book about buying and selling *greetings* if you look at the sanad path narrated by two people, then it can be said that the above hadith includes the hadith '*aziz*, and if the above hadith is seen from the connection of the sanad from the last rawi to the Messenger of Allah, then the hadith includes the *muttasil* hadith, whereas in terms of the hadith narrated through sanad in it, there is no rawi suspected of lying, and in terms of matan hadith there is no gaffe (*shadh*) and does not contradict the postulate of the Qur'an (no 'illah) and does not contradict human common sense, so the above hadith includes the hadith *sahih* and *maqbul*.

The actualization of *the agreement* for buying and selling salam contained in banking is under the rules of sharia. This means that fiqh the application for buying and selling *greetings* has fulfilled the requirement and gets along with buying and selling with the *greeting* system. The actualization of buying and selling greetings in everyday life in the modern era is the emergence of online buying and selling transactions or e-commerce. Although not entirely the same in e-commerce transactions using greeting buying and selling transactions.

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