

QAWAID FIQHIYAH'S REVIEW OF BUYING SHOES WITH A PAID LOTS SYSTEM AT TOIDIHOLIC STORE BANDAR LAMPUNG

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Abstract: Abstract, In the practice of buying and selling at the Toidiholic Store there is one system, namely a paid lottery. This is done in the sale and purchase of limited edition shoes with a large demand. The focus of this research is how Qawaid Fiqhiyah analyzes the practice of buying and selling shoes with a paid lottery system at the Toidiholic Store Bandar Lampung. This study concludes that this lottery is a lottery that is permitted by Islamic law because it is carried out solely to create a sense of justice and prevent chaos and prevent wholesale buying of shoes if sold normally or without a lottery. Although the cost of the lottery coupon is sold for Rp. 20,000, - but the fee is still within reasonable limits as a registration or administration fee for holding a lottery activity, considering that the benefit element in this lottery is greater than the harmful element.

Keywords: buying and selling, lottery system, Qawaid Fiqhiyah.

Keywords: Corrupt Behavior; Multi-Strategy; Education-Cultural Strategy; Political-Legal Strategy.

Abstrak, Dalam praktik jual beli di Toidiholic Store terdapat salah satu sistem yaitu undian berbayar. Ini dilakukan pada jual beli sepatu limited edition dengan permintaan (demand) yang besar. Fokus penelitian ini adalah bagaimana analisis Qawaid Fiqhiyah terhadap praktik jual beli sepatu dengan sistem undian berbayar di Toidiholic Store Bandar Lampung. Kesimpulan penelitian ini bahwa undian ini termasuk undian yang diperbolehkan oleh hukum Islam karena dilakukan semata-mata agar terciptanya rasa keadilan dan mencegah terjadinya keributan serta mencegah pemborongan terhadap pembelian sepatu apabila dijual secara biasa atau tanpa undian. Meskipun biaya kupon undian dijual seharga Rp.20.000,- namun biaya tersebut masih dalam batas kewajaran sebagai biaya registrasi atau administrasi untuk mengadakan kegiatan undian, mengingat unsur kemaslahatan dalam undian ini lebih besar daripada unsur kemudaratannya.

Kata kunci: jual beli, sistem undian, Qawaid Fiqhiyah.

Introduction

Buying and selling are of ne jobs taught directly by the Prophet Muhammad. he is a merchant.¹ The law of origin of buying and selling is permissible (permissible). Whether or not a sale is permitted is related to the pillars and conditions stipulated in Islam. Buying and selling are legal if all the pillars and conditions are met.² The pillars of buying and selling agreed upon by the majority of scholars are the existence of a seller, buyer, shigat (ijab qabul), and the object of the contract (Ma'qūd Alaih).³ Currently, buying and selling that is practiced by the community is different from the buying and selling that was practiced by ancient people, because of the many factors that influence it, one of which is the development of science and technology.⁴

In this day and age, people's habits and trends change from time to time. Buying and selling today is not only an agreement between the two parties, then there is an exchange of goods for money only. But there are some additional mechanisms and requirements that must be wed by each party so that buying and selling can be carried out. Like buying and selling shoes found in Toidoholic stores, which sell shoes not only through the usual buying and selling mechanism but using a paid lottery system.

This paid sweepstake is a

ssweepstaketo get the opportunity to buy a rare item at retail prices. Even in some events sometimes the price set is cheaper than the retail price. Prospective buyers who won the lottery were entitled to buy the shoes. Toidiholic stores often hold buying and selling with this paid lottery system. In a paid lottery, the party who wins the lottery gets the right to buy it.

In the law of the lottery (qimar), scholars differ. The scholars who allow the lottery are the majority of scholars from Malikiyah, Syafi'iyah, and Hanabilah. However, the scholars who allow this lottery think on that no problems have to be done by lottery, if the problem can be reached without the stipulation of a lottery, then there is no need to do a lottery. The scholars who forbid the lottery are Hanafi scholars.⁵

In addition to the indication of an element of speculation, in the paid lottery there is also a combination of conditions in the sale and purchase, namely those who wish to participate in the paid lottery must obtain a raffle ticket on the condition that they must pay an initial fee or registration. The discussion of the combined sale and purchase with one condition is included in the murakkabah contract (multi-contracA t). A Murakkabah contract in terms is an agreement of two parties to carry out a muamalah which includes two or more contracts.⁶ There are differences of opinion in the legal position of the murakkabah contseveralber of hadith indicate a prohibition on the use of this murakkabah contract. However, some scholars allow this multi-contract, for example, the National, Sharia Council. This multi-contract permissibility must also be accompanied by conditions so that there are no elements prohibited by Islamic law.⁷

¹ Muhammad Rizqi Romdhon, *Jual Beli Online Menurut Imam Asy-Syafi'i*, (Tasikmalaya: Pustaka Cipasung, 2015), p.11

² Harun, *Fiqh Muamalah*, (Surakarta: Muhammadiyah University Press, 2017), p. 71

³ Jaih Mubarak dan Hasanudin, *Fiqh Muamalah Maliyah Akad Jual-Beli*, (Bandung: Simbiosia Rekatama Media, 2017), p. 10

⁴ Juni Iswanto, Mas'ut, Alfin Yuli Dianto, *Implementation Of Maslahah In Modern Business Practices*, *Jurnal Dinamika Ekonomi Syariah* Vol 9, No.2, 2021, p.121-128, <http://ejurnal.iaipd-nganjuk.ac.id/index.php/es/article/view/232>, accessed on December,2. 2021

⁵ Ahmad Zain An-Najah, *"Hukum Undian dalam Islam*, (Jakarta : Gramedia, 2007), p. 9

⁶ *Ibid.*

⁷ *Ibid.* p. 25

Related previous studies include Shofie Nidaul Jannah's research entitled "Selling and Buying Lottery Coupons at the Dies Natalis IAIN Purwokerto Perspective of Islamic Law." The findings of this study are that in practice there are far more coupons sold and entered in the lottery box than the participants themselves. The practice of buying and selling lottery coupons at the IAIN Purwokerto Anniversary event is legal and permissible if extravagant and extravagant elements can be eliminated.⁸ Mamanda Layyinul Qulub's research entitled "Sales and Purchase Transactions in the Form of Lottery at Bukalapak Fun Assault in the View of Malang City MUI and Conventional Law". The findings of this research are that the practice of buying and selling transactions in the form of the lottery at Serbu Seru Bukalapak contains elements of the legal requirements of buying and selling that are not met. According to the Malang City MUI cleric, buying and selling transactions in the form of a lottery at the Serbu Seru Bukalais is not legal.⁹ Salma's research entitled "Analysis of Islamic Economic Law Against the Sale and Purchase of Lottery Prizes (Study in Tiroang, Pinrang Regency)is ."Based on the results of the study, in the practice of buying and selling puppet toys packaged in the form of a lottery, there is an indirect gambling element (maisir) for both parties.¹⁰From the several scientific works above, it is clear that

⁸ Shofie Nidaul Jannah "Jual Beli Kupon Undian Berhadiah Pada Acara Dies Natalis Iain Purwokerto Perspektif Hukum Islam", *Thesis Jurusan Muamalah Fakultas Syariah*, (Purwokerto: IAIN Purwokerto, 2018), p. iii

⁹ Mamanda Layyinul Qulub "Transaksi Jual Beli Berbentuk Undian Di Serbu Seru Bukalapak Menurut Pandangan Mui Kota Malang Dan Hukum Konvensional". *Thesis Jurusan Hukum Bisnis Syari'ah Fakultas Syariah*, (Malang: UIN Maulana Malik Ibrahim, 2019), p. ii

¹⁰ Salma, "Analisis Hukum Ekonomi Islam Terhadap Jual Beli Undian Berhadiah (Studi di Tiroang Kabupaten Pinrang)", *Thesis Jurusan Muamalah Fakultas Syariah dan Hukum Islam*, (Pare Pare : IAIN Pare Pare, 2018), p. iii

the differences in the research conducted by the author are regarding the practice of buying and selling shoes with a paid lottery system at the Toidiholic Store Bandar Lampung..

Method

This research is included in the type of field research (field research).¹¹Qualitative descriptive¹² in nature in this study the researchers tried to understand and interpret an interaction event related to human behavior in certain situations according to the researchers themselves.¹³ Primary data were obtained directly from informants through interviews with the seller, namely the owner, employees of the Toidiholic Store Bandar Lampung and buyers who bought shoes with a paid lottery system.¹⁴ The secondary data of this research are writings or articles that support the discussion in this study. Data collection methods in this study are: interviews, observation, and documentation.¹⁵The analysis process was carried out during a collection process, then conclusions were drawn inductively.

The theory of Qawaid Fiqhiyah

In muamalah fiqh, some principles are the basis or theory that forms the laws in the economic field. Abbas Arfan stated five principles in the Fiqh of Muamalah, namely:

1. The principle of tabādul al-manāfi', namely all forms of muamalah activities must provide benefits and benefits for the parties.
2. The principle of equity and justice is the

¹¹ Kartini Kartono, *Pengantar Metodologi Sosial*, (Bandung : Madar Maju, 2006), p. 32

¹² Hadari, *Metode Penelitian Bidang Sosial*, Cet. 8, (Yogyakarta : Gajah Mada University Press, 2001), p. 63

¹³ Kartono, *Pengantar Metodologi Sosial...*, p. 78

¹⁴ Syarifudin Hidayat, *Metodologi Penelitian*, (Bandung : Mandar Maju, 2002), p. 6

¹⁵ Emzir, *Metodologi Penelitian Kualitatif Analisis Data*, (Jakarta : PT Raja Persada, 2010), p. 39

principle of justice in the field of muamalah which requires that property is not only controlled by a few people but that the property must be distributed evenly.

3. The principle of contentment and willingness is that every form of muamalat must be based on the willingness of the parties.
4. The principle of no fraud is the principle of honesty in transactions.
5. The principle of goodness and piety that every Muslim in muamalah is based on goodness and increasing his piety.¹⁶

Furthermore, according to as-Subki as quoted by Abdullah bin Sa'id Muhammad Ubbadiy, Qawa'id fiqhiyah is:

الأمر الكلى الذى ينطبق عليه جزئيات كثيرة تفهم أحكامها منها

"A kulli case (general rules) that applies to all parts or its many branches by which the law is known."¹⁷ Al-Qawa'id al-fiqhiyah can be divided into several aspects:

1. Quality

In terms of quality, fiqh rules can be divided into several types, namely:

- a. Key rule. The key rule in question is that all fiqh rules can be returned to one rule, namely:

دَرْءُ الْمَقَاسِدِ مُقَدِّمٌ عَلَى جَلْبِ الْمَصَالِحِ

"Rejecting damage (ugliness) takes precedence over getting the benefit."

The above rules are key rules because the formation of fiqh rules is so that humans avoid damage and

automatically get benefits.

¹⁸ According to Izzuddin further, there are three kinds of benefits, namely those that are permissible, sunnah, and mandatory. The masa dah (damage) is divided into two, namely damage which is makruh and haram if done.¹⁹

- b. Human rights are fiqh rules whose level of validity is recognized by all schools of Islamic law. The five rules are very well known among the Shafi'i schools in particular and other schools in general, although the order is not always the same. The rules of fiqh are:

الْأُمُورُ بِمَقَاصِدِهَا

"The action/case depends on the intention"

الْيَقِينُ لَا يَزَالُ الشَّكَّ

"Faith does not disappear with doubt"

الْمَشَقَّةُ تَجْلِبُ التَّيْسِرَ

"Difficulty brings ease"

الضرر يزال

"Address must be removed"

الْعَادَةُ مُحْكَمَةٌ

"Customs can be taken into account in determining the law"

However, some scholars argue that the main rules are six, they add the rule:

لا ثواب إلا بالنية

"There is no reward except by

¹⁶ Abbas Arfan, 99 *Kaidah Fiqh Muamalah Kulliyah*, (Malang : UIN Maliki Press, 2013), p.103-105.

¹⁷ Abdullah bin Sa'id Muhammad Ubbadiy, *Idāh al-Qawā'id al-Fiqhiyyah*, (Mesir: t.p, 1998), p. 10

¹⁸ Izzuddin bin Abd al-Aziz bin Abd as-Salam, *Qawā'id al-Ahkām fi Masālih al-Anām*, (Beirut: Dār al-Kutub al-Ilmiyyah, 1999), p. 10

¹⁹ Ibid, p. 19

intention.²⁰

This rule is in line with the rule of al-umūru bimaqāsidihā. Therefore, it is natural for scholars to have different opinions as to whether this rule can be included in the al-umūru bimaqāsidihā rule or not.

- a. Jurisprudence accepted by all schools of Sunni law. The rule of jurisprudence accepted by all schools of Sunni law is "Majallah al-Ahkam al-Adliyyat", this rule was made in the XIX century AD, by Lajnah Fuqaha Usmaniah.²¹
- b. The rules of fiqh are disputed among the Sunnis.

The rules in dispute are those that are accepted by certain schools of thought but rejected by other schools of thought.

2. In terms of function. In terms of function, fiqh rules can be divided into two, namely central and marginal. Jurisprudence rules play a central role because these rules have such broad scopes. This rule is known as al-Qawa'id al-Kubra al-Asasiyyat, for example:

الْيَقِينُ لَا يَزَالُ بِالشَّكِّ

"Faith cannot be eliminated because of doubt²²

الأصل في الأشياء الإباحة حتى يدل الدليل على التحريم

.

" The law of origin of something is permissible until there is evidence that

²⁰ Fathurrahman Djamil, *Filsafat Hukum Islam*, (Jakarta: Logos, 1999), p. 78

²¹ Jaih Mubarak, *Kaidah Fikih; Sejarah dan Kaidah Asasi*, (Jakarta: Raja Grafindo Persada, 2002), p. 105

²² Jalal ad-Din Abd ar-Rahman bin Abi Bakr as-Suyuti, *al-Asybah wa an-Nazhair fi al-Furu'*, (Semarang: Maktabah wa Mathba'ah Thoha Putra, t.th), p. 55

forbids it."²³

This rule by scholars is widely used in establishing law in the field of muamalah.²⁴ In other words, the law of muamalah origin is allowed until there is a proposition that forbids it. For example, the practice of usury has been allowed since the days of ignorance until the beginning of the advent of Islam. However, the practice of usury was then forbidden by the revelation of the verse that allowed buying and selling and forbidding usury. Since then, the practice of usury is forbidden in all its forms.

3. In terms of mustasnayat. In terms of sources of exceptions, the rules of fiqh can be divided into two, namely: rules that do not have exceptions and those that have exceptions. The rule of jurisprudence that has no exceptions is the words of the Prophet Muhammad. For example:

الْبَيِّنَةُ عَلَى الْمُدَّعِي وَالْيَمِينُ عَلَى مَنْ أَنْكَرَ

"Evidence is charged to the plaintiff and the oath is charged to the defendant."²⁵

Another fiqh rule is a rule that has exceptions. This rule belongs to the rules that are still debated by scholars of its existence.

Jurisprudence rules are said to be important from two angles:

²³ Mubarak, *Kaidah Fikih*, p. 102

²⁴ Meichio Lesmana, Ahmad Suminto, Siti Nurma Rosmitha, *Pembiayaan Property Indent (Kpr Syariah) Ditinjau Dari Maqashid Syariah Dan Qawaidul Fiqhiyyah*, *Journal of Islamic Economics and Philanthropy (JIEP)*, Vol. 04, No. 02, Agustus, 2021, p. 1274-1275, <https://ejournal.unida.gontor.ac.id/index.php/JIEP/article/view/6576>, accessed on November, 6, 2021

²⁵ Mubarak, *Kaidah Fikih*, p. 103

1. From the source point of view, according to Abu Muhammad Izzuddin Ibn Abbas Salam as quoted by Usman, rules are a medium for mujtahids to understand and master maqāsid ash-Syarī'ah, because by studying several texts, scholars can find essential problems in one issue.²⁶
2. In terms of istinbāt al-ahkām, according to Abdul Wahab Khallaf as quoted by Usman, the rules of fiqh cover several issues that have and have not occurred. Therefore, the rules of fiqh can be used as a tool in solving problems that occur for which there are no provisions or legal certainty.²⁷

Islamic law has two dimensions, one is qat'i and one is Zanni. Laws that are Qat'i, understood as they are, are an example of the problem of worship. While the law that is Zanni can change in line with the times. many laws accept changes in muamalah issues. Therefore, the law in the field of muamalah does not use detailed provisions but refers to generalities so that leaders and scholars have the flexibility to apply and explore laws so that the benefit of the people can be realized.

The rules related to this research are:

الأصل في الأشياء الإباحة حتى يدل الدليل على التحريم

"The original law in everything (muamalah) is permissible until there is proof that shows it is forbidden."²⁸

The purpose of this general rule is that

²⁶ Muhliah Usman, *Kaidah-Kaidah Ushuliyah dan Fiqhiyah*, (Jakarta: Raja Grafindo Persada, 1996), p. 105 dan Iwan Permana, *Penerapan Kaidah-Kaidah Fiqih Dalam Transaksi Ekonomi Di Lembaga Keuangan Syariah*, TAHKIM, Jurnal Peradaban dan Hukum Islam. Vol.3 No.1 (Maret, 2020), <https://www.neliti.com/publications/335032/penerapan-kaidah-kaidah-fiqih-dalam-transaksi-ekonomi-di-lembaga-keuangan-syariah>, accessed on November, 15, 2021

²⁷ Muslih Usman, *Kaidah*, p. 104

²⁸ A. Djazuli, *Kaidah-Kaidah Fikih*, Jakarta: Prenada Media Group, 2007, p. 10

in every muamalah and transaction,²⁹ it is permissible, such as buying and selling, leasing, pawning, cooperation (mudārabah or musharakah), representation (wakālah), and soother things, except those that are strictly forbidden, such as causing harm such as deception (tadlīs), uncertainty (taghrīr), gambling and usury.³⁰ This rule opens up space for innovation and creativity in muamalah. On the bias based on, someone who prohibits a type or business model, then he must explain the argument for the prohibition in detail. This rule is the main rule in every form of the legality of all forms of economic and financial transactions unless there is a syar'i reason that prohibits it.³¹

A Brief History of Toidiholic Store Bandar Lampung

Toidiholic Store is one of the clothing stores in the city of Bandar Lampung. In 2012 an entrepreneur named Abiyasa Binar founded a business shop that sells clothing items that are used daily such as clothes, pants, and shoes. Abiyasa Binar founded this shop starting from his hobby or interest in the fashion world. For this reason, he thinks that this hobby can be turned into a business that can be developed in the future.³²

Along with the development of the

²⁹ Sandy Rizki Febriadi, Neneng Nurhasanah, Maman Surahman, *Pengembangan Kaidah Fikih Fatwa Ekonomi Syariah DSN-MUI*, Jurnal at- Taqaddum Vol. 12 No. 2 (2020) 201-222, p. 220, <https://journal.walisongo.ac.id/index.php/attaqaddum/article/view/6540/pdf>, accessed on November, 15, 2021

³⁰ A. Djazuli, *Kaidah-Kaidah*, p. 130

³¹ Irwan Maulana, *Implementasi Qawaid Fiqhiyyah Dalam Ekonomi Dan Industri Keuangan Syariah*, Jurnal asy-Syukriyyah Vol. 19 No. 2, October 2018, p. 82. <http://jurnal.asy-syukriyyah.ac.id/index.php/Asy-Syukriyyah/article/view/3429>, accessed on November, 15, 2021

³² interviewed with Abiyasa Binar (owner Toidiholic Store), on July, 15. 2021.

times, the needs of the community are also growing. As is the case with young people, many of them want to look cool by wearing branded clothes. With this development, Abiyasa Binar's pioneering business developed. The business which was initially only managed alone with the help of a friend is now progressing to have several employees.³³

In developing his shop, Abiyasa always adheres to his principle of always giving the best to customers by always paying attention to the quality of the goods he sells. The products sold by Toidiholic Store are products from brands, both from Indonesia and abroad. The number of competitors in similar products makes Toidiholic Store have to compete with other stores. But for him, nothing is in vain as long as he continues to prioritize customer satisfaction.³⁴

By prioritizing the quality of the store, the Toidiholic Store is now increasingly recognized, this is evident from the number of followers owned by one of its social media accounts, namely Instagram. Until now, Toidiholic Store's followers on Instagram are 55,200 people.³⁵

1. Toidiholic Store Location Bandar Lampung

At the beginning of its establishment, Toidiholic Store was located at Jalan Amir Hamzah No. 5 Gotong Royong, Bandar Lampung. In 2014 it moved to Jalan Way Rarem, then moved again in 2017 to Jalan Nusa Indah, Sumur Batu, Teluk Betung Utara District, Bandar Lampung City until now.³⁶

Geographically, Toidiholic Store is bordered by:

West : Jalan Nusa Indah III
North : Jalan Nusa Indah
East : Streamland Culinary

South : Toko Kaffah³⁷

From a geographical point of view, this Toidiholic Store is located in the middle of urban centers and shops so that it is easily accessible by all levels of society because it is on the edge of the highway. With the strategic location the of Toidiholic Store, this store is becoming more well known and growing rapidly.

2. Organizational structure Toidiholic Store

The organization is a process of interaction, namely the relationship between functions, authority, and responsibility for each person to the work that is charged. As a process of interaction, the word organization is alive, developing, and moving. Thus it is clear that the organization consists of a group of people who work together to achieve the same goal. There are three characteristics of an organization, namely:

- a. There is a group of people
- b. Relationships occur in harmonious cooperation
- c. Cooperation is based on the rights, obligations, and responsibilities of each.³⁸

These various characteristics must be interrelated with each other to form a chain of activities in achieving company goals. So in this organizational sense, it can be stated as a system of mutual influence between people in a group who work together to achieve certain goals.³⁹

In this sense, the organization is also considered as a grouping of activities necessary for the organization horizontally and vertically. For the function of an organization to be carried out mentally as expected, it is necessary to have a clear and firm division of tasks and authorities. The form of the division of tasks and authority which is the

³³ Ibid.

³⁴ Ibid.

³⁵ Observasi yang dilakukan penulis pada akun instagram Toidiholic Store

³⁶ interviewed with Abiyasa Binar (owner Toidiholic Store), on July, 15. 2021.

³⁷ interviewed with Nana Wulan, (employee at store manager in Toidiholic Store), on July, 15, 2021.

³⁸ Sukanto Reksohadiprodjo dan Hani Handoko, *Organisasi Perusahaan Teori Struktur dan Perilaku*, (Yogyakarta: BPFE UGM, 2001), p. 6

³⁹ Ibid.

implementation is then outlined in a structure which that defined as the relationship between functions or activities within the organization, so that the organizations in question are clear. Thus, the organizational structure is a framework between the relationships of organizational units in which there are officials, duties, and authorities, each of which has a certain role in a unified whole.⁴⁰

The form of organization in each company is different. This is adjusted to the company's conditions and company needs. The organizational structure used by Toidiholic Store is in the form of a line used by an owner who has a line of command.

Job desk can be described as follows:

- a. Theowneris the highest leader who has the task of setting goals and policies to be carried out by the Toidiholic Store.
- b. Store Manager (Nana Wulan) is in charge of planning and directing the daily operations of the store, training and guiding other employees at the store, developing strategies to improve service at the store to provide satisfaction to customers, as well as encouraging and increasing store sales.
- c. Finance & Stock (Darmawan Arifin) is in charge of managing finances and product stock in stores, managing company finances, conducting company financial transactions, as well as detailing the entry and exit of money and goods so that finances and stock of goods or products in the store remain controlled and organized.
- d. The photographer (Bobby Adia) is in charge of taking photos or taking pictures and recording videos of products from the Toidiholic Store so that they are interesting to see as a way of introducing the products being

sold.

- e. The editor (Paijo) is in charge of editing photos or product videos that have been taken by photographers which will then be uploaded on Toidiholic Store's social media, as one of the promotional media for goods.
- f. Shopkeeper (Miun) serves as a shopkeeper, namely maintaining the tidiness, cleanliness, and safety of the store, providing services to customers wisely, quickly, and responsively as well as being a cashier or serving sales transactions at Toidiholic Store stores with predetermined working hours.⁴¹

Selling and Buying Shoes with a Paid Lottery System at Toidiholic Store Bandar Lampung

Toidiholic Store is one of the stores that sells human clothing needs, this is because Toidiholic Store sells clothes that humans need in living their daily lives.

Clothing needs that are sold by Toidiholic Store are clothes, pants, and shoes. The products sold by Toidiholic Store are products from well-known brands both domestically and abroad. However, apart from selling products from well-known brands, the Toidiholic Store also sells products from their production.⁴²

Until now, there have been many models of clothes that Toidiholic Store has successfully produced sales system carried out by Toidiholic Store is a general buying and selling system. Everyone who wants to buy Toidiholic Store products is welcome to come directly to the store. However, apart from selling offline (coming directly to the store), Toidiholic Store also serves online sales through online purchasing applications such as Shopee. This certainly makes it easier for everyone to buy Toidiholic Store products wherecanre so that Toidiholic

⁴⁰ Ibid., p. 7

⁴¹ interviewed with Nana Wulan, (employee at store manager in Toidiholic Store), on July, 15, 2021.

⁴² Ibid

Store is able to widen its marketing reach.⁴³

One of the interesting things that Toidiholic Store does is enforce a paid lottery system. The paid lottery system is a lottery system that is carried out to get the opportunity to buy a rare item at the original price of the store (retail). More specifically, a paid lottery is an additional system in buying and selling where the seller does not directly sell the goods to the buyer, but a lottery is held first to the prospective buyer. However, to enter the lottery, buyers must first purchase or pay for the coupons that have been provided. Based on the results of interviews that the authors conducted in this study, several opinions were obtained, namely as follows:

1. According to the seller (Toidiholic Store)

a. Owner of Toidiholic Store

Abiyasa Binar the owner of the Toidiholic Store said that it was true that the Toidiholic Store had several times carried out a paid lottery system. This paid lottery is carried out on shoe products, this is due to demand for shoe products, while the number of stock of goods is limited (limited edition). This paid lottery system is carried out to minimize the risk of chaos that could occur if using the usual buying and selling system. This is because people are competing to get the shoes and also minimize the occurrence of wholesalers by an individual to resell at a price that is double the original price so that it causes people to find it difficult to get the shoes at the market price or the original price.⁴⁴ In this paid lottery usually the shoes that are drawn are:

- 1) Compass gazelle black : Rp.298.000,-
- 2) Compass gazelle bluesky : Rp.298.000,-
- 3) Compass gazelle capuccin: Rp.298.000,-
- 4) Compass gazelle red : Rp.298.000,-
- 5) Compass gazelle R&D full black : Rp.408.000,-⁴⁵

Based on the shoes above, Toidiholic stores usually prepare 200 coupons to be drawn with each shoe stock

uncertain depending on availability in each lottery. For example, during the paid lottery on September 08, 2020, 72 pairs of shoes were available, then during the paid lottery on November 04, 2020, there were 85 pairs of shoes and during the paid lottery on December 30, 2020, 44 pairs of shoes were available. From every lottery that has been conducted by Toidiholic Store, it is clear that the lottery coupons provided are always sold out. Likewise with the stock of shoes that were drawn, during the draw on September 8, 2020, and December 30, 2020 all The lottery shoes are sold out. However, unlike the shoes that were drawn during the draw on November 4, 2020, in the draw on November 4, not all of them were sold, but 2 pairs of compass gazelle cappuccino shoes remained. This is because the size desired by the lottery participant does not match the size of the remaining shoes.

b. Toidiholic Store's finance & stock employee

Darmawan Arifin as Toidiholic Store's finance & stock department said that the paid lottery is one of the systems chosen by Toidiholic Store to sell limited editions at original retail prices. Usually, limited editions are only given to shops or resellers of these shoe products with little or limited stock. Therefore, in this paid lottery system one person can only buy one coupon and one coupon is sold for Rp. 20,000,-. Each coupon purchased is written with the name, mobile, type, and shoe size. For size each coupon buyer must fill in according to his own size. However, size filled in on the coupon has size an alternative size tolerance, for example, a coupon buyer can fill in a size 41/42 or 42/43 and others. This is done by Toidiholic Store in order to avoid reselling the shoes so as to create comfort and fairness for all Toidiholic Store customers.⁴⁶

Every time there is a sale and purchase of shoes with a paid lottery system, the

⁴³ Ibid

⁴⁴ Ibid

⁴⁵ Ibid

⁴⁶ Interviewed with Darmawan Arifin (employee at financial & stock in Toidiholic Store), on July, 15, 2021

Toidiholic Store usually only provides approximately 200 coupons and the number of winners depends on the stock of shoes. If when he wins the lottery the size he wants has run out (in store inventory) then the coupon will automatically be forfeited and then it will be re-drawn or drawn again until he gets the winner with the the desired size according to size shoe Based on data, so far Toidiholic has made 3 buying and selling times with a paid lottery system, namely on 08 September 2020, 04 November 2020 and 30 December 2020.⁴⁷

c. employee Store manager at Toidiholic Store

Nana Wulan as the store manager said that buying and selling with a paid lottery system is usually carried out with the following mechanisms:

- 1) Participants buy and fill in lottery coupons at Toidiholic Store
- 2) Participants collect lottery coupons into the box provided, no later than the specified time. If the coupon collection is later than the specified time, the participant will be automatically disqualified.
- 3) The paid lottery program will be announced at the specified time and during the draw the participant whose name was chosen during the draw will be called. If the called winner is not present during the specified time, the winner is considered void and transferred to another selected participant.
- 4) Toidiholic has the right to impose sanctions on lottery participants in the event of misuse of coupons or fraud and violations for participants who do not follow the rules during the lottery process.
- 5) The valid winner must bring an identity card (KTP or SIM or Student Card) and cannot be represented.
- 6) Toidiholic's decision is absolute and

cannot be contested.⁴⁸

So far Toidiholic Store has held 3 raffles with 200 coupons available for each draw, namely on 08 September 2020, 04 November 2020 and 30 December 2020 with the following details:

Table 1

Stock of Paid Lottery Shoes on 08 September 2020

Stock Overall	Stock	Name	Availability Size
72 pairs of shoes	50 pairs	Compass gazelle black	a. 38 = 4 pairs
			b. 39 = 5 pairs
			c. 40 = 7 pairs
			d. 41 = 15 pairs
			e. 42 = 10 pairs
			f. 43 = 5 pairs
			g. 44 = 4 pairs
	22 pairs	Compass gazelle bluesky	a. 39 = 2 pairs
			b. 40 = 5 pairs
			c. 41 = 5 pairs
			d. 42 = 5 pairs
			e. 43 = 5 pairs

Data Source: Interview with store manager at Toidiholic Store Bandar Lampung

Table 2

Stock Lottery Shoes Paid On November 04, 2020

Overall Stock	Stock	Name	Availability Size
85 pairs shoes	45 pairs	Compass gazelle black	a. 38 = 2 pairs
			b. 39 = 4 pairs
			c. 40 = 8 pairs
			d. 41 = 15 pairs
			e. 42 = 10 pairs
			f. 43 = 4 pairs
			g. 44 = 2 pairs
	35 pairs	Compass gazelle capucino	a. 38 = 2 pairs
			b. 39 = 3 pairs
			c. 40 = 7 pairs
			d. 41 = 13 pairs
			e. 42 = 8 pairs
			f. 43 = 2 pairs
	10 pairs	Compass gazelle red	a. 41 = 10 pairs

Data Source: Interview with store manager at Toidiholic Store Bandar Lampung

⁴⁷ Ibid.

⁴⁸ interviewed with Nana Wulan, (employee at store manager in Toidiholic Store), on July, 15, 2021.

Table 3
Stock Lottery Shoes Paid On December 30,
2020

Stok	Name	availability Size
44 pairs shoes	Compass gazelle R&D full black	a. 38 = 3 pairs
		b. 39 = 4 pairs
		c. 40 = 8 pairs
		d. 41 = 12 pairs
		e. 42 = 10 pairs
		f. 43 = 4 pairs
		g. 44 = 3 pairs

Data Source: Interview with store manager at Toidiholic Store Bandar Lampung

1. According to the shoe buyer with a paid lottery system
 - a. Ari Wibowo, a 21-year-old student at the University of Lampung, said that he was interested in buying shoes with a paid lottery system at the Toidiholic Store because he liked the shoe product. He stated that he had participated in this paid lottery sale and purchase three times, namely in September, November, and December. According to Ari, to enter the lottery, he must first buy a coupon with a price of Rp. 20,000, then the coupon is filled with data such as name, cellphone and type and size of the desired shoe (the shoe size can be filled for example 39/40 or 40/ 41 and so on). However, from the three paid lotteries that he participated in, he only won the lottery once, in September by getting compass gazelle black shoes for Rp.298.000,-. According to him, when will he be able to get his favorite shoe product at a price that matches the retail.⁴⁹
 - b. Rizky Azhim, a 24-year-old student of UIN Raden Intan Lampung, said that he participated in the sale and purchase of shoes by means of this paid lottery because the shoes that were drawn had become his coveted shoes. or retail , which is

around Rp. 650.000,- for compass gazelle black shoes. Rizky Azhim also admitted that he only participated in the paid lottery once, namely on November 08, 2020 and on that occasion he immediately won the lottery. The shoes that he got by means of the paid lottery were compass gazelle black shoes which he bought at the original or retail of Rp.298.000,-⁵⁰

- c. M. Fadil, a 22-year-old UIN Raden Intan Lampung student, said that he was a customer of the Toidiholic Store. He has bought a lot of t-shirts from the brand ToidiholicFor the shoe sale and purchase program with a lottery system, he himself said that he participated in it in December 2020. For every purchase of a lottery coupon, it is true that a fee of Rp. 20,000 per coupon is charged as registration fee and one person can only buy one coupon. If he does not win the lottery, the Rp. 20,000 will automatically be forfeited. Usually the shoes that are drawn are compass gazelle black, bluesky, compass gazelle R&D full black and so on. However, it is unfortunate that M. Fadil has not been able to win the lottery.⁵¹
- d. M. Jihar, a 22-year-old student at the University of Lampung, said that he participated in the sale and purchase of shoes with a paid lottery starting as a fad because he followed his friends.shoes limited edition that are the target of shoe lovers. M. Jihar also admitted that he had only participated in the paid lottery once, which was on November 04, 2020. At that time, his target shoes were compass gazelle capucino shoes and unfortunately he could not win the lottery.⁵²

⁵⁰ Interviewed with Rizky Azhim (visitor at Toidiholic Store), on July, 16, 2021.

⁵¹ Interviewed with M. Fadil (visitor at Toidiholic Store), on July, 16, 2021.

⁵² Interviewed with M. Jihar (visitor at Toidiholic Store), on July, 16, 2021.

⁴⁹ Interviewed with Ari Wibowo (visitor at Toidiholic Store), on July, 16, 2021.

- e. Akhmad Syaitoni, a 23-year-old student at the University of Lampung, said that he always participates in every paid lottery held by Toidiholic Store, both on September 08, November 04 and the draw held on December 30. However, from the three draws he only won two, namely on November 04 and December 30. On November 4, Akhmad won a lottery so that he could buy compass gazelle capucino shoes for 298,000,- and on December 30, Akhmad bought compass gazelle R&D full black shoes for Rp. 408,000,-. Akhmad admitted that when he won the lottery and got the right to buy the shoes he was after, he felt a certain satisfaction.⁵³
- f. Toni Hermawan, a 27-year-old temporary employee, said that he participated in the sale and purchase of shoes with this paid lottery system because he wanted to get the compass shoes for his sister's birthday present. Toni has only participated in the lottery once, namely on December 30, 2020. When participating in the lottery, Toni said that he had to fill in his name, cellphone and size on the lottery coupon. The size itself is filled with alternative numbers, for example, such as 40/41 or 41/42. According to him, the system of buying and selling shoes with a paid lottery carried out by Toidiholic Store is a good system. By holding a sale and purchase with a lottery, all lovers of compass shoes feel they have the same right to buy, even though this system is back in a lucky event.⁵⁴
- g. Agung Erland an employee at PT. 25-year-old Fumakilla said that at first he learned that there was a sale and purchase of shoes with this paid lottery system from a friend. After he found out, it was true that Toidiholic was selling shoes at the original price

from retail, but the condition was that they had to buy a raffle coupon of Rp. 20,000,-. Agung Erland felt that this was a lucky system, so he had no problem spending Rp. 20,000.00. Agung himself has only participated in the lottery once, in December which unfortunately he himself was not lucky in the draw. A little suggestion for Toidiholic Store from Agung Erland that in the future the organizer or Toidiholic Store can be more active or hold the program more often and can add more stock of shoes to be drawn.⁵⁵

- h. Andre Atmaja, a 24-year-old cafe waiter, said that he only participated in a sale and purchase with a paid lottery system at the Toidiholic Store, which was on September 08, 2020. When he entered the lottery he won the lottery and bought compass gazelle bluesky shoes. Andre admitted that he participated in this paid lottery sale and purchase because he found it very difficult to get compass shoes which he had been eyeing for a long time. According to him, even though the compass shoes are in other places, they are usually sold at a price many times the original or retail because the seller is an reseller unofficial. So with the existence of these shoes in the Toidiholic Store, even though they were sold by way of a paid lottery, he didn't mind.⁵⁶

Based on interviews from various parties above, the authors conclude that the Toidiholic Store sells and buys with this paid lottery system in order to reduce the risk of buying or hoarding goods and reducing the risk of chaos because the shoes sold are limited edition which will certainly become a bone of contention for lovers of the brand's shoes.. The system of buying and selling shoes by way of this lottery is a lucky

⁵³ Interviewed with Akhmad Syantoni (visitor at Toidiholic Store), on July, 16, 2021.

⁵⁴ Interviewed with Toni Hermawan (visitor at Toidiholic Store), on July, 16, 2021.

⁵⁵ Interviewed with Agung Erland (visitor at Toidiholic Store), on July, 16, 2021.

⁵⁶ Interviewed with Andre Atmaja (visitor at Toidiholic Store), on July, 16, 2021.

system, where if you win you will get the right to buy shoes at the original store price (retail) but if you don't win, the coupon will automatically be forfeited. Even though this sweepstakes is a paid raffle, the raffle followers don't mind because when they can get compass shoes at the original store (retail) price.

Result and Discussion

Qawaid Fiqhiyah's Analysis of the Practice of Paid Lottery in the Sale and Purchase of Shoes at the Toidiholic Store Bandar Lampung

The sale and purchase contract is certainly a contract that is allowed in Islam as Allah says in the letter Al-Baqarah verse 275: "Those who eat (transact with) usury cannot stand up, except like a person who staggers up because of the devil's trance. This happens because they say that buying and selling is the same as usury. In fact, Allah has justified buying and selling and forbade usury..." QS. Al-Baqarah (2): 275.

The legal determinant of the sale and purchase is determined by whether or not the pillars and conditions of the sale and purchase are fulfilled. Based on Islamic law or Sharia Economic Law, most scholars are of the opinion that there are four pillars of buying and selling, namely:

1. People who have contract (seller and buyer)
2. Sighat (pronunciation/pronunciation of consent and acceptance)
3. There are items purchased
4. There is a replacement exchange rate for goods.⁵⁷

If viewed from the pillars and conditions of buying and selling, buying and selling at Toidiholic Stores has fulfilled or complied with the pillars and conditions of buying and selling according to Islamic law. However, in this study, there is a combination of conditions in buying and

selling, namely the buyer must get a ticket or raffle coupon first on condition that he pays a fee or registration at the beginning of IDR 20,000.

The agreement of two or more parties to perform muamalah with two contracts is called a *murakkabah* contract. There are differences of opinion regarding *murakkabah* or multi-contract contracts, but the National Sharia Council itself clearly allows these multi-contracts on the condition that they do not contain elements or things that are prohibited by Islamic law.

The willingness between the two parties who interact in the sale and purchase must be realized. Allah commands that there must be a willingness in a transaction as the word of Allah swt QS. an-Nisā': 29⁵⁸ In addition, Islam also recognizes the principle of *lā darara wa lā dirār* in all fields of law, especially regarding the relationship between two people who interact in the field of muamalah.⁵⁹

Promotion strategy is one of the important factors for companies in increasing sales. In the face of increasingly fierce business competition, every entrepreneur demands to increase the promotion of their products to consumers.⁶⁰ Among them with a lottery system that is held occasionally, such as at certain events or at the turn of the year and birthdays.⁶¹ This lottery system has become a strong

⁵⁸ Syabbul Bahri, Hukum Promosi Produk Dalam Perspektif Hukum Islam, Jurnal Epesteme, Vol. 8, No. 1, Juni 2013, p. 139, <http://178.128.61.209/index.php/epis/article/view/41>, accessed on November, 15, 2021

⁵⁹ Ibid dan Ana Fitra Rozmi, Jumailah, Dahrul Muftadin, Jurnal El Hisbah, Volume: 1 Nomor: 1 Tahun 2021, p. 84, [e-journal.iainpekalongan.ac.id/index.php/el_hisbah/article/download/3809/1914](http://journal.iainpekalongan.ac.id/index.php/el_hisbah/article/download/3809/1914), accessed on November, 15, 2021

⁶⁰ Rika Andriani, Strategi Sales Promotion Store Manager Dalam Upaya Meningkatkan Jumlah Pelanggan Pada PT. Ramayana Lestari Sentosa, Tbk Palu, Social Humanity: Jurnal Ilmu Sosial dan Humaniora Volume 1 No. 1 (Desember 2017) 08-16, p. 8, <http://jurnal.untad.ac.id/jurnal/index.php/JH/article/view/9634/7644>, accessed on November, 6, 2021

⁶¹ Ibid, p.16

⁵⁷ M. Ali Hasan, Berbagai Macam Transaksi dalam Islam Muamalah. (Jakarta: PT. Raja Grafindo, 2004), p. 118

magnet in the midst of society.⁶² Using advertising methods or the like such as sweepstakes can invite consumers to buy, on the other hand word of mouth information is less effective.⁶³ Regarding the lottery element contained in the sale and purchase of these shoes, Allah has clearly said in the letter As-Shaffat which reads:

وَلَنْ يُؤْتِيَ لِمَنْ الْمُرْسَلِينَ ۚ إِذْ أَتَى إِلَى الْفُلْكِ
الْمَشْحُونِ ۚ ١٤٠ فَسَاهَمَ فَكَانَ مِنَ الْمُدْحَضِينَ ١٤١

"Verily, Yunus was truly one of the apostles, (remember) when he fled to a ship full of cargo, then he joined the lottery and he was among the losers in the lottery." QS. As-Shaffat (37): 139-141.

From the verse above, it is explained that Allah swt once punished Prophet Yunus with worldly punishments, then Allah swt saved him because of his faith and deeds. At that time the Prophet Yunus left his people in a state of anger and then ran to the ship which was full of passengers and goods so that the burden was getting heavier. With the full cargo of the ship, it is clear that the ship will sink if the cargo is not reduced. Therefore, a lottery was held, where whoever lost the lottery would be thrown into the sea and Prophet Yunus was one of the losers in the lottery. This lottery is clearly carried out solely for the sake of justice and benefit which is certainly permissible. Apart from this verse there is also a Sahih Bukhari hadith which reads:

عَنْ عَائِشَةَ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذَا أَرَدَ سَفَرًا أَقْرَعَ

بَيْنَ نِسَائِهِ فَأَيُّهُنَّ خَرَجَ سَهْمُهَا خَرَجَ بِهَا مَعَهُ (رواه البخاري)

"From Aisha ra said, when the Messenger of Allah was about to travel, he drew lots between his wives. Whoever's name comes out, it means he will be traveling with him." (Narrated by Bukhari)⁶⁴

The above hadith narrates that the Messenger of Allah had several wives in which all wives had the same birth rights so that all had the right to accompany the Prophet on his journey. In such a situation, a lottery was held to determine who had the right to accompany him. In the case of the lottery told by Aisyah ra, this is certainly a lottery which is also allowed. This is also in line with Qawaid Fiqhiyah that in principle everything in the field of muamalat is permissible. As long as there is no evidence forbidding or declaring the prohibition. It is in line with *maqāsid ash-Syari'ah* because it is an essential thing in a problem.⁶⁵ Qawaid Fiqhiyah is one of the tools in solving problems that occur for which there are no provisions or legal certainty.⁶⁶

Based on the verse, hadith, and Qawaid Fiqhiyah that have been described above, this means that a lottery is allowed for Muslims as long as it is solely for the benefit and justice of various parties and does not contain *maisir* or gambling in it. The lottery can be done in two circumstances, namely:

1. When there is *ibham al-huqūq* (it is not known who is entitled)
2. When there is *tazammum al-huqūq* (conflict of rights of several people involved).

In this study, the lottery carried out refers to the two conditions above. Where the sale and purchase of shoes is held with a lottery system

⁶² Rudi Eka Putra, Asril, Wilma Sriwulan, Simulasi Kim dalam Sejarah dan Perkembangannya, Pantun Jurnal Ilmiah Seni Budaya Vol. 3 No. 2 Desember 2018, p. <https://jurnal.isbi.ac.id/index.php/pantun/article/view/967>

⁶³ Rusnawati, Cut Ayu Mauhidah, Sistem Promosi Madu Dalam Perspektif Hukum Islam (Studi di Gampong Buloh Seuma Aceh Selatan), Jurnal Nur El-Islam, Vol 5 No 2 (2018): (Oktober) 2018, <https://www.ejurnal.iaiyasribungo.ac.id/index.php/nur-elislam/article/view/114>, accessed on November, 15, 2021

⁶⁴ Ahmad Sunarto, *Shahih Bukhari*, Juz VII, (Semarang: Asy Syifa, 1993), p. 133.

⁶⁵ Usman, *Kaidah-Kaidah*, h. 104 dan Hengki Firmada, *Syari'ah Card* (Kartu Kredit Syariah) Ditinjau Dari Asas Utilitas Dan Masalah, Jurnal Ilmu Hukum Volume 4 NO. 2 Februari-Juli 2014, p. 265-267, <https://jih.ejournal.unri.ac.id/index.php/JIH/article/view/2793>, accessed on December, 1, 2021

⁶⁶ Usman, *Kaidah-Kaidah*, p. 105

by Toidiholic Store because of the large number of requests or enthusiasts for *limited edition*, which makes all buyers have the same rights to own the shoes. So if the shoes are sold normally or sold without a lottery, it will bring harm, because it can trigger riots and buy-outs that prevent the shoes from falling into the hands of buyers evenly or unfairly. Although this lottery is done by having to buy a coupon for Rp. 20,000, - but the fee of Rp. 20,000, - is still within reasonable limits as a registration or administrative fee to hold a raffle activity. Therefore, from the results of this analysis, the author concludes that buying and selling shoes with a paid lottery system carried out by Toidiholic Stores is allowed under Islamic law, considering that the benefits in this lottery are greater than the elements of harm.⁶⁷

Conclusion

Based on the discussion and analysis carried out, the following conclusions are obtained: According to Qawaid Fiqhiyah's review, the practice of buying and selling shoes at Toidiholic Stores is a permissible practice. This is because the practice of buying and selling shoes is a practice of buying and selling by means of a paid lottery which is carried out in order to create a sense of justice and prevent chaos and prevent wholesale buying of shoes if they are sold normally or without a lottery. Although the cost of this lottery coupon is sold for Rp. 20,000, - but the fee is still within reasonable limits as a registration or administration fee in holding lottery activities, considering that the benefit element in this lottery is greater than the harm element.

⁶⁷ Edi Susilo, Penyelesaian Problem Hukum Melalui Pendekatan Maqasid Shari'ah, Jurnal Nizham, Vol. 8, No. 01 Januari-Juni 2020, p. 12-13, <https://ejournal.metrouniv.ac.id/index.php/nizham/article/view/2091>, accessed on November, 6, 2021, Munadi, Sabri Samin, Kasjim Salenda, Kurniati, Transaksi Perdagangan Di Wilayah Perbatasan Kabupaten Sambas Perspektif Masalah, Jurnal Diskursus Islam, Vol 5, No 2 (2017), p. 25-31, http://journal.uin-alauddin.ac.id/index.php/diskursus_islam/article/view/7002, accessed on November, 6, 2021

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