
UNPAID PLASTIC BAG DISCOUNT ANALYSIS BASED ON ISLAMIC LAW PERSPECTIVE (CASE STUDY ON WARALABA RETAIL X IN PONOROGO)

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ABSTRACT

Trading is one of the economic activities that is always carried out by the community. Trading is considered to be valid if it meets the terms and pillars in Islamic law. The goods must be determined in accordance with the general provisions, so that if there is a shortage or excess of the goods, the goods must be notified to the transacting party, this is intended to guarantee and provide protection to the consumer. Plastic bag is a very effective and inexpensive storage container for consumer items. In shopping activities, sometimes these plastic bags are provided free of charge and there is no sale and purchase agreement in the transaction. The phenomenon that occurs in some X franchise retailers in Ponorogo is to give discounts on plastic bags that are not purchased by consumers, while retailers include them in the list of groceries and the plastic bags are discounted at the time of payment. This type of research uses a qualitative approach and research field as research type with observation techniques, interviews, and documentation. Researchers conducted this study to know the Islamic law perspective on the practice of discounting plastic bags that are not purchased by consumers. The results of research on the practice of price reduction on plastic bags provided by franchise grocery stores is not meet the terms and pillars of transaction. Meanwhile, the price deduction in the Islamic law is basically allowed if it meets the terms and pillars for the transaction.

Keywords: *Trading, retail, discount, islamic law, transaction*

Introduction

The unlimited human needs in terms of primary and secondary needs make humans always try hard to meet their needs in various ways. Islam exists to regulate the fulfillment of these needs so that humans can be controlled in fulfilling their needs and not to harm themselves or others. The needs are unlimited while the resources are limited, so that each individual has problems in making decisions in meeting their needs. According to Al Ghazali, the purpose of human life as a person who always strives to work hard to fulfill his needs and realize his dreams, but he must have a limitation that hard working must still be in accordance with Islamic law (Fawait 2019).

In fulfilling the needs and realizing the humans dreams, Islam manage it in the *fiqh muamalah*. In the study of *fiqh muamalah*, there are provisions of Islamic law that aimed to achieve goodness, security, justice and benefit for humans. In fulfilling their needs, humans need to have assets, *fiqh muamalah* also regulates how humans seek, own, and use their assets. Trading is one of the jobs recommended by the Prophet Muhammad. Rasulullah SAW said:

عَنْ رِفَاعَةَ بْنِ رَافِعٍ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ سُئِلَ أَيُّ الْكَسْبِ أَيْبُ
قَالَ: عَمَلُ الرَّجُلِ بِيَدِهِ وَكُلُّ بَيْعٍ مَبْرُورٍ. رواه البزار وصححه الحاكم

"From Rifa'ah bin Rafi, Rasulullah SAW was asked what was the best effort, then he said:" *The work of a man with his hands and every blessed trading*" (Al Asqalani 1998).

The development of the economy in the trading sector has brought positive things for consumers, it is the increasing choice of goods and services offered, with various types and different qualities. In line with technology and information development, distribution is also getting faster to remote parts of the country. This condition has provided benefits to consumers, but on the other hand, consumers have become the target of business people who expect the maximum profit, either through promotions, discounted prices and other profit-taking techniques. It cannot be denied that the position of consumers is very weak because of the relatively low level of consumer awareness and education. This is even worse with the assumption that if entrepreneurs are willing to do anything with their products without taking care into the losses experienced by consumers, as well as a bad understanding of business principles, they also think that businesses should get as much profit as possible with capital and expense they spend (Rivai 2012).

Islam provides guidance in the form of rules in all aspects, including trading. In trading activities, Islam provides guidelines so that each practice is far from harms, fraud, imbalance, injustice, or losses from the transacting parties. *Fiqh* scholars also provide the complete explanation of various problems in *fiqh muamalah* transactions, the explanations are explained in detail by the scholars either on the object of the contract or things that are related to the goods. It needs to be considered by the Muslim community in conducting transactions in order to avoid cases that are prohibited by *syara'* and avoid harmful problems from these transactions.

The concept of trading in Islam has the principle of *maslahah*, benefit, or profit for the transacting parties. In addition, the principle adopted in the trading concept is based on the principle of *ta'awun* or mutual helps, it is humans as social beings and are interconnected to be able to fulfill their needs. Besides, the principle of trading in Islam must have a divine principle, uphold dignity, and morals / ethics. Meanwhile, the profit of trading in Islam can be obtained from the quantity of goods traded. There are many ways that people do to get benefits, such as giving a discount system, an elegant, transparent, and fair marketing system (Purwanto 2018).

Research Methods

This research is field research, it is research that is carried out in real life (Mardalis 1995). In addition, researcher also uses library research as a support in conducting research by using various literatures available in the library that is relevant to the issue. The nature of this research is descriptive analysis. Descriptive analysis is a method that examines an object that is described systematically and

objectively regarding facts, properties, characteristics, and relationships between existing elements and certain phenomena (Kaelan 2005). The object of this research is the plastic bag discount transaction which is given to the buyer without a sale agreement, while the research subject is the Retail Franchise "X" (which can not be mentioned) in Ponorogo. In this study, the data that has been collected will then be analyzed descriptively and analytically. This analysis is carried out with a deductive method, which is based on general facts, then researched and finally proposed a specific problem solving (Bungin 2013). The collected facts are derived from observations of existing practices in the shopping practice of X franchise retail and interviews with sales people at X franchise retail in Ponorogo.

Trading

The definition of trading in *fiqh* terms is called *al bai* which means selling, replacing, and exchanging something with something else. According to Hanafiyah, trading is the exchange of property or something desired for something equivalent in certain useful ways. Meanwhile, according to Malikiyah, Syafi'iyah and Hanabilah, trading is the exchange of property for property as well in the form of ownership transfer (Mardani 2013). According to *sharia*, what is meant by trading is the exchange of assets voluntarily, or transfer of property rights for justifiable compensation or in the form of legal instruments of exchange (Lubis 2000).

The basis of Islamic law related to trading is explained in the surah Al Baqarah verse 275: "*Allah has made trading legal and forbidden usury*" (Departemen Agama RI 1989) and the Prophet's hadith narrated by Sufyan from Abu Hamzah from Hasan Abi Said: "*From Sufyan from Abu Hamzah from Hasan Dari Said from the Prophet Saw said: Honest and reliable traders are parallel (in heaven) with the Prophets, Shodiqin and Syuhada* " (Mustofa 2016).

Whereas the basis of the trading theory according to *ijma'* ulama after legal provisions based on the Qur'an and as Sunnah, the Jumhur of Ulama say that it is allowed because humans are not able to meet their own needs without the help of other people, so it must be replaced with other items according to their needs (Saebani 2009). In addition, the human need to carry out trading transactions because it is very important because with these transactions a person is able to own the things that they need without violating *syara'*. The practice of trading has also been carried out by humans since the time of the Prophet Muhammad, it shows that people have agreed that trading is allowed (Umum 2016).

The pillars of trading consist of:

1. Transaction actors (sellers and buyers).
2. Transaction object (price and goods).
3. Transaction contract, it is all actions taken by the seller and buyer in term of actions, words, signals and can result in transfer of ownership.

The terms of trading include:

1. Terms of seller and buyer.
 - a. *Baligh* and *'aqil* (not crazy). Transactions carried out by small children, crazy people and stupid people in the transactions are not allowed because they are not good at controlling property. As Allah SWT says in surah An Nisa verse 5, "*and do not give your treasure to a foolish person*" (Departemen Agama RI 1989). This prohibition is because ignorant people are not competent in controlling property as well as small children and crazy people who do not legally commit *ijab qabul* (Sahroni and Hasanuddin 2016).
 - b. For extravagant people in buying and selling, the sale and purchase is not legal, this is because the spenders like to waste property and are unable to maximize the function of objects, or people who like to be extravagant can be categorized as people who do not use their minds properly (Nuraldi 2019).
 - c. There is no enforcement. In the sale transaction, there is no pressure or enforcement on other parties, so that trading if there is an element of enforcement the contract became invalid, as Allah SWT says in surah An Nisa verse 29, "*O you who believe, do not eat each other's*

wealth in an immoral way, except by trading (buying and selling) which applies consensually among you" (Departemen Agama RI 1989).

2. Terms on *ijab qabul*.
The scholars agree that the most important thing in trading is the willingness of both parties. This willingness can be seen during the contract. The *ijab qabul* must be carried out clearly both in oral or written bill as *ijab qabul* makes binding connection between transacting parties, as well in trading and lease agreement. There are several provisions that must be considered (Rahayu 2020):
 - a. *Ijab* and *qabul* are interrelated, that is one of the two deserves to be the answer from the other and is not longer than the *ijab*.
 - b. The second meaning should be consensus (same) even though the *lafadz* is different.
 - c. The two of them are not linked with other matters.
 - d. Not timed. Like a month a year, it isn't legal.
3. Terms on objects
 - a. The goods which are the object of the transaction must belong to the seller. So it is not legal to buy and sell goods if they do not belong to the seller or without the permission of the owner, this is reinforced by the hadith of the Prophet SAW from Abu Daud and Tirmidhi, "*do not sell things that are not yours*" (Rahayu 2020).
 - b. The object of the transaction is the item allowed by the *syara'*. So it is not permissible to sell illicit goods such as narcotics, carcasses, and so on.
 - c. The transaction object must be able to be handed during the transaction.
4. There are some kinds of trading that can be practiced by Muslims, including:
 - a. The trading that is allowed in Islam is trading which contains the principles of honesty, no disguises or elements of fraud, and the absence of usury elements.
 - b. According to Imam Hanafi the types of trading in terms of their nature are divided into two, namely *shahih* trading and *ghairu shahih* trading. *Sahih* trading is trading without damage on its pillars and conditions. Meanwhile, trading of *ghairu shahih* is a trading that is not justified by the *syara'* or a trading that does not fulfill one of the pillars or conditions. For instance, trading carried out by people but the goods being traded are not clear (Nuraldi 2019).
 - c. Based on the object of trading there are three types, namely *bai muqayadah*, *sharf*, and *salam* (Nuraldi 2019).
 - d. Based on the price or size it is divided into three, namely *murabahah*, *tauliyah*, and *musawamah* (Nuraldi 2019).

There are allowed trading and prohibited trading. Trading that is prohibited is trading that contains immorality, compulsion, as well as trading mechanism which is prohibited by the *sharia*. There are types of trading that are prohibited, include (Rahayu 2020):

 - a. *Bathil* trading, it is trading which is legally prohibited by *syara'*. Like selling dogs, pigs, idols, *khamr*, and so on.
 - b. Trading containing *gharar*, usury, and *maisir*. Like selling a cub that is still in its mother's womb. The trading is prohibited because the goods do not exist or have not been materialized, or trading of fruit that is still in the form of a flower on the tree, those are contains *gharar*.
 - c. Selling grape with the aim of making wine, trading a sword or knife with the aim of killing someone.
5. Cancellation and termination of the agreement.
Trading can be said to be canceled if the contract according to its basis and nature is not allowed, such as a contract that does not fulfill one of the pillars and conditions, for example, the contract does not have a legal form, so it cannot cause any legal consequences including buying and selling. Meanwhile, the termination of the contract due to *faskh* is the breaking of the contract that binds the contract parties due to certain conditions or characteristics that undermine its provisions. The Fuqaha argue that the contract can be ended if (Mugianti 1997):
 - a. Has due or expiration of the agreed contract period.
 - b. The objectives of the contract are perfectly achieved, such as trading that has complete terms and conditions, and the ownership of the object is completely transferred.
 - c. The termination of the contract before the contract agreed.

- d. One of the parties who signed the contract died. In this case, the Fuqaha stated that not all the contract ended with the death of one of the parties who made the contract.
 - e. The termination of the contract because there is no authority in the *mauquf* contract. The contract will expire if the contract authority does not allow it.
6. Trading ethics, there are several ethics in trading, include:
- a. Do not take excessive profit. Ulama Malikiyah determines profit limits so that it not cause fraud. Thus a good profit and a blessed profit is one third and above (Rahayu 2020).
 - b. Interacting honestly, not lying on the goods sold so that it will avoid fraudulent in transactions.
 - c. Being tolerant, the seller should to be easy to determine the price by deducting bargaining price, so that the buyer does not try too hard to fulfill the terms of the seller during the negotiation.
 - d. Avoiding perjury, traders are prohibited from committing perjury furthermore carrying the name of Allah SWT in their oaths, because this will damage the character and *aqeedah* of the seller.
 - e. Generating charity, it is recommended for a merchant to multiply the charity as a cleansing for assets obtained from sales or profits.
 - f. Recording debts and witness it. Transactions that are binding on two or more parties should be recorded as in surah Al Baqarah verse 282, "*O you who believe, if you are not in cash for a specified time, you should write it down. And let a writer among you write it correctly. And don't the writer be reluctant to write it down as Allah taught him, then he should write, and let the person who is in debt believe in it and let him fear Allah, the Lord, and do not reduce his debt at all*" (Departemen Agama RI 1989).

Discounts

A discount is defined as a short-term deduction from the listed price of a service when all buyers qualify for the discount (Deza and Lubis 2020). The existence of a discount or price deduction can increase the consumer buying interest. According to Tjiptono, he explained that a discount is a price feature given by the seller to the buyer as an appreciation for certain activities of the purchase that pleased the seller (Tjiptono 2015). Consumers are very interested in getting a fair price, it means the perceived value is appropriate at the time the transaction is carried out.

According to Kotler and Keller, discounts consist of several indicators, namely; rate discount, or functional discount, cash discount, seasonal discount, forward discount (Kotler and Keller 2012). Meanwhile, Syabul Bachri said the price discount was called *al naqis min al tsaman* or reduced price. This discount in Islamic law is on the *muwadla'ah* trading. This contract is part of the trading principle in terms of the comparison between the selling price and the buying price. *Ba'i al muwadlaah* is a trading in which the seller makes transactions at a price lower than the market price or in other words a discount. This sale is usually made for goods that have a very low material value (Arifin 2006).

From some of the above definition we can conclude that a discount is a deduction on the price given by the seller to the buyer at a price lower than the general price for a privilege given and as a seller's marketing strategy to attract consumers' buying interest.

As for the legal basis, it is permissible for discounts on trading transactions in surah An Nisa verse 29, "*O who believe, do not eat each other's wealth in an immoral way, except by way of trade which applies consensually among you. And don't kill yourself. Indeed, Allah is most merciful to you*" (Departemen Agama RI 1989). From the verse it is explained that Allah allows commerce or trading on the basis of consensual and prohibits such transactions if they contain elements of immorality. If it is related to price discounts, basically Islam allows all types of trading transactions on the basis of consensuality of involved parties, unless it contain elements of immorality.

The practice of trading with a discount on an item in Islam is allowed, but this practice puts forward the factor of honesty and avoids fraud. Prophet Muhammad SAW when he goes for trading, his

concept of attracting buying interest from customers is not to exaggerate the products. Rasulullah SAW, stated firmly that a seller must stay away from excessive vows in selling an item.

There are several kinds of discounts, those are: (1) Cash discount, it is a discount for the buyer for paying the bill in cash. This discount should be applied to every buyer who meets the payment, this can help increasing cash sales and reduce the possibility of bad debts and credit collection costs; (2) Quantity discount, is a reduction from the price to attract buyers in large or small quantities. For example, clothes are sold for Rp. 40,000 / unit, or Rp. 100,000 for the purchase of 3 units. These discounts must be offered to all customers and are not justified for the cost savings that the seller accrues from selling in bulk; (3) Price reduction is another form of reduction in the price of the product being offered. For example, discounts when exchanging old goods for new goods; (4) Seasonal discount, price reduction given to consumers who buy goods / services outside the season. For example the Tourism Bureau provides seasonal discounts when consumer frequency is low because it is not the holiday season; (5) Functional discounts, discounts offered by the company to its partners who perform certain functions. For example a manufacturing company offers a different functional discount to all its partners, but for similar trades the company must offer the same functional discount (Machfoedz 2012).

The phenomenon that occurs with a price discount in the community is a cheap price creates the consumptive nature of buyers to buy in large quantities, besides giving discounts will have an impact on consumers, especially on consumer buying patterns that have an impact on sales volume obtained by the company. Offering discounted prices has a positive effect on consumer perceptions in the context of the relationship between product value and supply. The transaction utility theory explains that there are two types of value that can be generated from price discounts (Machfoedz 2012). *First*, discounted prices are able to generate economic standard value by reducing the amount of money to be paid and consumers still get the same benefits from the product. *Second*, a discount creates a condition where the consumer will compare the price that has been discounted with the price he had previously.

Discounts on Unpaid Plastic Bag Discount at Franchise X Retail in Ponorogo.

Basically every *muamalah* transaction that occurs must be clear in term of contract, pillars and the terms of the transaction. This must be carried out so that it is in accordance with the statutory provisions which aim to avoid fraud, injustice, and lies. The practice of paying for grocery bags in the form of plastic is part of the *muamalah* transaction which is included in the purchase transaction for goods at retail X Ponorogo. Based on the *qawaidah fiqhiyah*, the origin of *muamalah* is "*it is permissible until there is a law that prohibits it*", such as trading. In surah Al Baqarah verse 275, "*Allah has made trading legal and forbid usury*" (Departemen Agama RI 1989). From the explanation of the verse it is known that trading transactions are allowed as long as there is no element of usury in it. From the observation at August 10th,2020, the system of plastic bags trading that is practiced at Retail X Ponorogo does not appear verbally with a *ijab* and *qobul*, but is directly printed on the purchase receipt. Furthermore, a discount is made on the receipt, so that the buyer indirectly buys the plastic bag, but the transaction is recorded on the purchase receipt. In addition, the buyer also does not make payments for the transacted plastic bag on the receipt because a price or discount has been made, and the buyer receives a "*plastic bag*" item as a storage place for groceries that have been purchased at retail X.

In Islam, there are seven things that must be avoided in in transaction activities or moral hazard constitute, those are (Alwi 2018): (1) *Maysir* or all forms of gambling that can kill the real sector; (2) *Gharar*, or transactions that are not transparent either the subject, object and purpose of the transaction so that they have the potential to harm one of the parties; (3) *Riba*, all forms of additional on credit or loan transactions and exchanges of *ribawi* goods with the different weight or amount. The prohibition of usury encourages partnership-based enterprises and business norms; (4) *Haram*, it is the object of transactions or business projects that are prohibited by *sharia*; (5) Immoral action, it is business practices that violate morality and social norms; (6) *Ikhtikar*, is the hoarding of goods and

services for the purpose of price play; (7) *Dharar*, all forms of transactions and businesses that endanger individuals or society and are against the *maqashid sharia*.

From the practice of plastic bag transactions carried out in purchase transactions at retail X Ponorogo, if we see from the moral hazard, they still take actions that are contrary to Islamic business even though they are small. And also in terms of the completeness of the pillars and the terms of trading, related to the clarity of the *ijab qabul* or transfer agreement for the ownership of the plastic bag. Basically a plastic bag that functions as a container for groceries must be clear about the transfer of ownership by expressing the consent of the original plastic bag owner, namely retail store X or retail store sales assistant X, so that buyers can do *qabul* upon receipt of plastic bags, so that the contract is clear. If they do it, the transaction will be avoided from *gharar* and not included in enforced transaction that may generate harm.

The existence of a discount on the purchase of a plastic bag at retail store X in Ponorogo is one of the facilities provided from retail store X for the whole buyers. As explained in the explanation above, basically all *muamalah* transactions are allowed until there are arguments against them, so it can be used as the legal basis of the discount facility. Discounts in the perspective of Islamic law are *bai muwadla'ah*. *Ba'i al muwadlaah* is a trading in which the seller makes transactions at a price lower than the market price or in other words a discount. This sale is usually made for goods that have very low material value (Arifin 2006). Discounts that are practiced in Islam must use an Islamic concept that is not against the *syara'* in order to avoid losses or risks that occur to one or all of the transacting parties. The practice of discounting plastic bags at retail stores X Ponorogo is that the price is immediately deducted from the price of the plastic bag. The price listed on the shopping receipt from the plastic bag at retail X Ponorogo is Rp. 1,- then the sales assistant gives a discount for the plastic bag, namely Rp. 1,- from this transaction a positive effect on consumer perceptions in the context of the relationship between product value and X Ponorogo retail offers so that buyers do not feel loss and are not worried about the price on plastic bags (Interview with Ahmad at August 10th, 2020). In terms and pillars, the price discount in Islam can be adjusted to the trading, because the discount is a trading *muwadla'ah*. With the discount on plastic bags at retail X Ponorogo, it is one of the store facilities and as a marketing strategy to do a promotion at retail X Ponorogo.

Conclusion

An in-depth investigation of the plastic bags trading practice at the X Ponorogo retail store shows that the unclearness of the trading agreement can lead to unclear or *gharar* so that if this is done it can cause compulsion to purchase plastic bags that not all buyers want to buy, but indirectly forced and directly listed on the receipt of purchase. It may create damage for the transaction and this is prohibited in Islamic law. In addition, there is a discount on the price of plastic bags given to buyers or retail consumers of X Ponorogo who use plastic bags. Basically, discounting is allowed as long as it doesn't contradict with Islamic law. The discount given is one of the store facilities and as a marketing strategy in this retail so that they might maximize the satisfaction to do shopping at retail X Ponorogo.

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