



REVIEW OF ISLAMIC LAW ON THE USE OF BRONG EXHAUST AND THE LAW IN SELLING IT REVIEW OF ISLAMIC LAW ON THE USE OF BRONG EXHAUST AND THE LAW OF BUYING AND SELLING IT

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ABSTRACT

This research discusses the use of brong exhaust and its trading practices in the context of Islamic law. The demand for motorcycle modifications has resulted in the increasing popularity of brong exhausts, which are often used for wild racing and produce annoying noise. In addition, many shops sell brong exhausts without considering the legal consequences. This research uses an empirical method with data collection through direct experience. The results of this study show that the use of a brong muffler is prohibited if it disturbs the comfort of others, even in religious situations such as reading the Qur'an. However, the use of brong exhaust is allowed if it does not disturb others, such as in official racing. In buying and selling practices, the seller is allowed if he does not know that the buyer will use it haram or if he sells it to an authorized racer. However, the seller may not sell the exhaust if he knows that the buyer will use it haram.

Keywords: Islamic Law, Brong Exhaust, Sale and Purchase.

ABSTRAK

Penelitian ini membahas tentang penggunaan knalpot brong dan praktik jual belinya dalam konteks hukum Islam. Permintaan akan modifikasi sepeda motor mengakibatkan popularitas knalpot brong meningkat, yang sering digunakan untuk balap liar dan menghasilkan suara bising yang mengganggu. Selain itu, banyak toko yang menjual knalpot brong tanpa mempertimbangkan konsekuensi hukumnya. Penelitian ini menggunakan metode empiris dengan pengumpulan data melalui pengalaman langsung. Hasil penelitian ini menunjukkan bahwa penggunaan knalpot brong dilarang jika mengganggu kenyamanan orang lain, bahkan dalam situasi keagamaan seperti membaca Al-Qur'an. Namun, penggunaan knalpot brong diperbolehkan jika tidak mengganggu orang lain, seperti dalam balap resmi. Dalam praktik jual beli, penjual diizinkan jika tidak mengetahui bahwa pembeli akan menggunakannya secara haram atau jika menjualnya

kepada pembalap resmi. Namun, penjual tidak boleh menjual knalpot jika mengetahui bahwa pembeli akan menggunakannya secara haram.

Kata kunci: Hukum Islam, Knalpot brong, Jual beli.

INTRODUCTION

Along with the development of the times, there are also more and more motorcycle users, so in this case there is a trend of modification according to what is desired, one part of the modification is the exhaust. Exhaust is one of the important elements in a motorcycle, therefore various models and forms of exhaust appear, especially the brong / racing exhaust model, so that many individuals and companies are competing to make the brong / racing exhaust with as attractive a design as possible so that in marketing consumers / the public are interested in buying it.

So here the problem arises because in its use this brong exhaust is not only racers but most teenagers or young people who are still in school, so it disrupts traffic activities and the surrounding environment, because we often encounter on the streets that the use of this brong / racing exhaust makes a noise that is very disturbing for road users and even worse there are those who use it for wild races, and also many shops that provide and sell this brong exhaust that they only know to sell and do not know the legal consequences.

The connection with the above statement is that it is not permissible to sell goods that can bring mudharat, and in selling this brong/racing exhaust must be adjusted to the use of the motorbike. In the general environment, the use of brong/racing exhausts is increasing, so that it eliminates many benefits in the surrounding environment, but it needs to be recognized that in fact the type of maslahat continues to grow and develop along with the development of Islamic society which is influenced by differences in conditions and places.¹

So it is haraam for a person to sell a lawful object knowing that it will be used for immoral purposes, such as selling grapes to someone who intends to turn them into alcohol, selling a knife to someone who intends to use it to kill himself or others, and selling a loud exhaust to someone who intends to use it for something haraam.

According to Siti Septika Dewi (2019) in her thesis entitled "Buying and Selling Racing Exhausts from the Perspective of Ushul Fiqh", the sale and purchase of racing exhausts is legal for racers if used in certain areas, in addition to the pillars and conditions of buying and selling being fulfilled and bringing benefits to sellers and buyers. If it is not used in certain areas, such as circuits, then the law is haram, because it can interfere with human welfare, besides that this is contrary to Maslahah Mursalah.²

¹ Romli, *Comparative Study of Ushul Fiqh* (Yogyakarta: Student Library, 2014), pp. 228.

² Siti Septika Dewi, "Buying and Selling Racing Exhaust from the Perspective of Ushul Fiqh (Case Study at Iwan Racing Competition Industry Kembaran Kulon Purbalingga)". Thesis (Purwokerto: Purwokerto State Islamic Institute, 2019), cited through <http://repository.iainpurwokerto.ac.id/6332/1/> accessed on November 20, 2022 at 16.30 WITA.

The discussion about the use of exhaust brong / racing and the law in this trade is very interesting to be examined more deeply, because in its use exhaust brong / racing is common around us, and also with this discussion it is hoped that we can find out how Islamic law views the use of exhaust brong and in terms of buying and selling it.

METHODS

This research is an empirical research method, namely research with field data as the main data source and conducted through direct experience.³ And in collecting the data is also done by literature study, which is one type of research conducted by a researcher by collecting data sourced from books, journals, articles and certain writings.⁴

RESULTS AND DISCUSSION

The brong exhaust is one of the components used by racing motorcycles, which functions to channel exhaust gases. In addition, this brong exhaust can increase engine performance, but often in its use the noise produced by this brong exhaust **disturbs the surrounding environment**. So considering this and remembering the words of the Prophet Shallallahu alaihi wasallam :

أَلَا إِنَّ كُلَّكُمْ مُنَاجٍ رَبِّهِ، فَلَا يُؤْذِينَنَّ بَعْضُكُمْ بَعْضًا. وَلَا يَرْفَعُ بَعْضُكُمْ عَلَى بَعْضٍ فِي الْقِرَاءَةِ أَوْ قَالَ: فِي الصَّلَاةِ

"Each one of you is seeking his Lord, so let not some of you harm others. And do not raise your voices above others when reciting the Qur'an or when praying." (HR. Abu Dawud)

This Hadith shows the prohibition for people who in prayer or reading the Qur'an raise their voices so that they disturb the people around them. So, it is clear that in worship alone we are prohibited from disturbing others, especially outside of worship, such as using a brong exhaust on the highway, which can disturb surrounding people or road users because of its loud sound.

As for the sale and purchase of this brong exhaust, then this is included in the sale and purchase of halal goods, but bought for haram purposes. The Prophet said:

مَنْ حَبَسَ الْعِنَبَ أَيَّامَ الْقَطَافِ حَتَّى يَبِيعَهُ حَتَّى يَبِيعَهُ مِنْ يَهُودِيٍّ أَوْ نَصْرَانِيٍّ أَوْ مِمَّنْ يَعْلَمُ أَنَّهُ يَتَّخِذُهُ حَمْرًا فَقَدْ تَقَحَّمَ فِي النَّارِ عَلَى بَصِيرَةٍ

"Whoever holds back grapes during the harvest until he sells them to someone who wants to turn them into wine, then he is entitled to enter Hellfire on his sight." (HR. Thabrani in Al Awsath. Ibn Hajar in Bulughul Marom said that the sanad of this hadeeth is hasan)

³ <http://etheses.uin-malang.ac.id/221/7/10220083%20Bab%203.pdf> accessed on November 20, 2022 at 17.30 WITA.

⁴ Rusdin Pohan, Educational research methodology (Yogyakarta: Ar-Rijal Institute, 2007), p. 85.

This hadith explains that it is forbidden to sell grapes that are later turned into wine because of the threat of Hellfire described in the hadith. If one sells grapes to someone who knows that they will be made into wine, then this is haraam according to scholarly consensus. But if it is not known, then it is permissible, but it is makrooh, because there is some doubt that the grapes will be made into khamr (according to al-adawiyah in Subulus Salam, 4/139, Mawqi' al-Islam).⁵

THE LAW OF DISTURBING OTHERS WITH NOISE

Basically, a brong exhaust is an object that can be used if it does not disturb the surrounding environment or is used in accordance with its place such as an official racing arena. However, when used on the highway, it is not allowed because the **noise** can **disturb the** surrounding environment / disturb other drivers.

In Islam, **disturbing** others is something that is not allowed, the Prophet said:

أَلَا إِنَّ كُلَّكُمْ مُنَاجٍ رَبِّهِ، فَلَا يُؤْذِينَنَّ بَعْضُكُمْ بَعْضًا. وَلَا يَرْفَعُ بَعْضُكُمْ عَلَى بَعْضٍ فِي الْقِرَاءَةِ أَوْ قَالَ: فِي الصَّلَاةِ

"Each one of you is seeking his Lord, so let not some of you harm others. And do not **raise** your voices above others when reciting the Qur'an or when praying." (HR. Abu Dawud)

Based on the hadith above, it is clear that in worship alone (prayer / reading the Koran) we are prohibited from disturbing others, let alone in matters outside of worship, such as using a brong exhaust on the highway, then it can disturb the surrounding environment / disturb other drivers because of the **noise**.

As for the limits of noise in this case, if the noise is not disruptive and does not exceed the normal standard, then it is permissible; and if it exceeds the normal limit and cannot be tolerated, then it is not permissible.⁶

If we relate it to other cases such as the use of loudspeakers in the mosque / playing tapes of the Qur'an or shalawat in the mosque. Then its use is **permissible**, but if the playback of the cassette or the Koran with a long duration, for example more than an hour, in terms of disturbing people who need calm conditions. Playing tapes for too long only makes noise so that it disrupts the activities of some people.⁷

The Ruling On Selling Halal Goods, But Buying Them For Haram Purposes

As mentioned above, the brong exhaust is actually an object that is allowed to be used and even sold, if the brong exhaust is used in the appropriate place.

⁵ <https://rumaysho.com/167-menjual-barang-halal-namun-dibeli-untuk-tujuan-haram.html> accessed on November 24, 2022 at 10.30 WITA.

⁶ <https://islam.nu.or.id/syariah/mengganggu-tetangga-dengan-kebisingan-seberapa-batas-kebolehannya-8AaDu#:~:text=If%20the%20purpose%20is%20disturbing%2C%20then%20the%20law%20is,juz%20II%2C%20page%20316>. accessed on november 24, 2022 at 11.00 WITA.

⁷ <https://islami.co/hukum-mengganggu-orang-lain-dengan-pengeras-suara-masjid/> accessed on November 24, 2022 at 11:00 am.

However, it is haraam for a person to sell a lawful object knowing that it will be used for immorality, such as selling grapes to someone who wants to turn them into alcohol, selling a knife to someone who wants to use it as an instrument to kill himself or others, and so on. The Prophet said:

مَنْ حَبَسَ الْعِنَبَ أَيَّامَ الْقَطَافِ حَتَّى يَبِيعَهُ حَتَّى يَبِيعَهُ مِنْ يَهُودِيٍّ أَوْ نَصْرَانِيٍّ أَوْ مِمَّنْ يَعْلَمُ أَنَّهُ يَتَّخِذُهُ خَمْرًا فَقَدْ نَقَحَ فِي النَّارِ عَلَى بَصِيرَةٍ

"Whoever holds back grapes during the harvest until he sells them to someone who wants to turn them into wine, then he is entitled to enter Hellfire on his sight." (HR. Thabrani in Al Awsath. Ibn Hajar in Bulughul Marom said that the sanad of this hadeeth is hasan)

So, the above prohibition can occur if it is believed or strongly suspected that the object being sold will be used as a means of committing sin, however, if there is any doubt, the law of selling it becomes makruh, but what we must understand here is that even though the sale is punished as haram, it does not mean that the sale contract is invalid. The reason why the sale is haraam is because we are contributing to the facilitation of what is haraam, and Allah, may He be glorified and exalted, says (interpretation of the meaning):

وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ

"And do not help in sin and transgression." (QS An-Nisa[4]: 2)

Any action that leads to sin is haraam, as stated by As-Sharqawi. (Sullam at-Taufiq p. 59).⁸

CONCLUSIONS

The use of brong exhaust is not allowed if it disturbs the comfort of others because in worship alone, for example when we read the Qur'an, we are not allowed to louden the reading to disturb the people around us. And it is allowed if it does not disturb other people, for example, it is used for official racing sports. As for the sale, it is permissible if the seller does not know that the buyer will use it for something forbidden or sell it to an official racer who uses it for official races as well, and it is not permissible to sell the exhaust if the seller knows that the buyer will use it for something forbidden.

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⁸ <https://islam.bangkitmedia.com/hukum-jual-beli-knalpot-racing/> accessed on November 24, 2022 at 11:10 am.

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