



Selling Ihtikaar Goods in Islamic Economics Perspective (The Study of Wahbah Az-Zuhaili's Thoughts)

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ABSTRACT

The objective of this research is to investigate the sharia economic perspective regarding the practice of the sale and distribution of commodities. This investigation employs a librarianship methodology, utilizing a descriptive framework. The dataset for this inquiry is derived from secondary sources, specifically the Kitab Fiqih Islam Wa Adillatuhu authored by Wahbah az-Zuhaili. The findings of this research indicate that Ihtikaar is deemed impermissible if it satisfies three specific criteria: first, the commodities in question are acquired through the procurement of goods that have been brought in by third parties, rather than through direct importation; second, the commodities hoarded are categorized as foodstuffs, encompassing both human and animal consumables; and third, the individual undertaking this action engages in practices that limit the ability of the community to access these commodities. Furthermore, it is mandated that the hoarded goods be sold to those in need at the original purchase price, devoid of any markup. In instances where the purchase price is indeterminate, the goods should be sold at the price prevailing at the time the owner commenced accumulation.

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Introduction

The phenomenon of commodity hoarding is prevalent in developing nations, manifesting not solely among affluent classes but also within lower socioeconomic strata. This behavior is particularly pronounced in developing regions, attributable to factors related to education and environmental context (Lidyana, 2020). According to Police Information No. MAK/01/VIII/2015, business operators are expressly forbidden from intentionally stockpiling or retaining quantities that exceed the permissible limits or that are deemed unreasonable, with



the intent to secure profits that lead to exorbitant pricing of essential food items. It is critical to store essential goods and/or commodities in a specified quantity or duration during periods of scarcity, price volatility, and/or trade obstacles. Should a business entity engage in such illicit activities, they may be prosecuted under Article 133 of Law No. 18 of 2012 concerning Food, facing a maximum imprisonment of 7 years or a fine not exceeding Rp 100 billion, as well as Article 107 of Law No. 7 of 2014 pertaining to Trade, which entails a potential prison sentence of no more than 5 years or a fine not surpassing Rp 50 billion (Sigapura, 2015).

Hoarding practices are typically initiated well in advance of significant religious observances, such as Idulfitri and Ramadan, wherein stockpiles are maintained in warehouses in anticipation of heightened demand from small-scale traders and the general public, thereby allowing for price manipulation. Individuals who engage in hoarding frequently begin their accumulation at the onset of Ramadan and subsequently yield substantial profits as Idulfitri approaches. These individuals tend to release their stock only when demand peaks ahead of Idulfitri, at which point consumers are often less vigilant regarding pricing or are compelled to purchase at inflated rates due to urgent needs that cannot be deferred (BBC News Indonesia, 2018). Several instances of commodity hoarding that have transpired in Indonesia include:

1. In early March 2020, the Kabareskrim identified 14 cases involving the hoarding of masks and hand sanitizer. Regarding the still-scarce sugar commodity, the Food Task Force and the government uncovered producers in Lampung possessing significant but undocumented reserves. Ultimately, the producer was directed to offload 33,000 tons of sugar onto the island of Java (Lidyana, 2020).
2. In early March 2022, the Regional Police (Polda) of South Kalimantan executed a significant operation resulting in the dismantling of a warehouse utilized for the unlawful storage of packaged cooking oil, leading to the confiscation of 16,850 units, equivalent to 31,320 liters of said commodity. This cooking oil, derived from seven distinct brands, was systematically stored within 1,000 boxes during the enforcement action conducted at the facility situated on Jalan Governor Soebarjo, Tatah Layap Village, Banjar Regency. The modus operandi employed by the perpetrators involved the strategic hoarding of cooking oil, with the intent to resell it at inflated prices amidst the prevailing crisis of cooking oil scarcity and escalating market prices (Firman, 2022).
3. On June 10, 2023, an individual identified by the initials KHS, aged 38, was apprehended by law enforcement authorities in Manokwari, West Papua, on allegations of illicitly stockpiling subsidized diesel fuel amounting to 1,255 liters or 1.2 tonnes. The diesel was procured by the suspect from two distinct Public Refueling Stations utilizing a motor vehicle. This diesel fuel was intended for immediate distribution to the public; however, the accused engaged in the practice of purchasing and subsequently reselling it at an exorbitant price. The standard market price is established at Rp 6,800 per liter, whereas it is being sold at Rp 11,500 per liter, reflecting a substantial increase of nearly one hundred percent over the normative price. For this transgression, the perpetrator is subject to prosecution under Article 40, paragraph 9 of Law No. 11 of 2020 concerning Job Creation, which amends Article 55 of Law No. 22 of 2001 concerning Oil and Gas. The accused faces a potential sentence of up to five years of incarceration (Nasir, 2023).

In light of the aforementioned cases, the present study was initiated to critically analyze the practice of commodity trading from the perspective of Sharia economics.

Literature Review

Ihtikaar

The term ihtikar is etymologically derived from the Arabic word hakara, which conveys the concept of az-zulm (persecution) and isa' al-mu'asyarah (exacerbating moral decay). In a commercial context, it denotes the act of stockpiling merchandise in anticipation of a price



increase. According to Imam Ash-Shaukani (d. 1834), a notable scholar in hadith and Islamic jurisprudence, ihtikar refers to the hoarding of goods to the detriment of market circulation. Imam al-Ghazali interprets this practice as the act of a food seller who withholds his stock to sell it at a premium once prices escalate. Scholars from the Maliki school assert that producers possess the right to store commodities, encompassing food, clothing, and any items that may adversely affect market stability. Collectively, these interpretations converge on the definition of hoarding essential goods and marketing them post-price inflation; however, they diverge on the specific categories of goods subject to stockpiling. Notably, both Imam Ash-Shaukani and the Maliki scholars do not delineate the precise items that may be hoarded, in contrast to Imam al-Ghazali, who focuses exclusively on food items (Sasongko, 2019).

Case for Prohibition of Ihtikaar

The rationale for the prohibition of ihtikaar is firmly grounded in the Quranic text, which delineates that any acts of oppression, including such practices, are impermissible according to religious doctrine (Al Baqarah [2]: 279; Al Maidah [5]: 2 and 6; and Al Hajj [22]: 78).

Al Baqarah [2]: 279

فَإِنْ لَّمْ تَفْعَلُوا فَأْذَنُوا بِحَرْبٍ مِّنَ اللَّهِ وَرَسُولِهِ وَإِنْ تُبْتِغُوا فَلََكُمْ رُدُّهُنَّ أَمْوَالِكُمْ لَا تَظْلِمُونَ وَلَا تُظْلَمُونَ ﴿٢٧٩﴾

This verse conveys that failure to desist from such actions will result in an imminent and significant conflict from God and His Messenger. However, should one sincerely repent, they are entitled to reclaim the principal amount of their wealth. It is imperative that one does not inflict harm or engage in discreditable conduct.

Al-Ma'idah [5] : 2

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَحِلُّوا شَعِيرَ اللَّهِ وَلَا الشَّهْرَ الْحَرَامَ وَلَا الْهَدْيَ وَلَا الْقَلَائِدَ وَلَا ءَامِينَ الْبَيْتِ الْحَرَامَ يَبْتَغُونَ فَضْلًا مِّن رَّبِّهِمْ وَرِضْوَانًا وَإِذَا حَلَلْتُمْ فَاصْطَادُوا وَلَا يَجْرِمَنَّ شَتَآنُ قَوْمٍ أَن صَدُّوكُمْ عَنِ الْمَسْجِدِ الْحَرَامِ أَن تَعْتَدُوا وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

In other words: O you who profess faith, do not transgress the sacred symbols of Allah, and do not infringe upon the sanctity of the prohibited months, do not disrupt the creatures designated for sacrifice, nor the animals marked for pilgrimage, and do not impede those who visit the Sacred House as they aspire for the exaltation and mercy of their Lord. Upon the completion of the Hajj, you may then engage in hunting. Furthermore, do not harbor animosity towards any individuals who obstruct your access to the Masjid al-Haram, nor provoke them. Advocate for righteousness and justice, and do not assist in sinfulness and transgression. And be mindful of Allah; verily, Allah is severe in His retribution.

Al-Ma'idah [5] : 6

يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِذَا قُمْتُمْ إِلَى الصَّلَاةِ فَاغْسِلُوا وُجُوهَكُمْ وَأَيْدِيَكُمْ إِلَى الْمَرَافِقِ وَامْسَحُوا بِرُءُوسِكُمْ وَأَرْجُلَكُمْ إِلَى الْكَعْبَيْنِ وَإِنْ كُنْتُمْ جُنُبًا فَاطَّهَّرُوا وَإِنْ كُنْتُمْ مَّرْضَىٰ أَوْ عَلَى سَفَرٍ أَوْ جَاءَ أَحَدٌ مِّنْكُمْ مِنَ الْغَائِطِ أَوْ لَمَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا فَامْسَحُوا بِوُجُوْهِكُمْ وَأَيْدِيكُمْ مِنْهُ مَا يُرِيدُ اللَّهُ لِيَجْعَلَ عَلَيْكُمْ مِنْ حَرَجٍ وَلَكِنْ يُرِيدُ لِيُطَهَّرَكُمْ وَلِيُتِمَّ نِعْمَتَهُ عَلَيْكُمْ لَعَلَّكُمْ تَشْكُرُونَ

This indicates that, O you who believe, when you prepare to engage in prayer, cleanse your face and your hands up to the elbows, and wash your head and your feet up to the ankles. If you should take a full ablution, or if you find yourself in a state of illness, traveling, or returning from a place of excretion, or if you happen to touch a woman, and water is unavailable, then



utilize the earth. Maintain cleanliness; purify your face and your hands by means of the earth. Allah does not wish to impose any burden upon you, but rather desires to purify you and to complete His favor upon you, so that you may express gratitude.

The arguments used as the basis of the scholars are several hadiths of the Prophet Muhammad Saw, including (NU, 2022):

- a. hadith narrated through Umar RA:

الجالب مرزوق والمحتر ملعون

‘The one who brings (food) will be blessed, while the hoarder will be cursed.’

- b. The hadith narrated through Mu'ammarr al-'Adwiy:

لا يحتكر الا خاطئ

‘No one will hoard goods except the wrongdoer.’

- c. Hadith narrated through Ibn Umar:

من احتكر طعاماً أربعين ليلة، فقد برئ من الله ، وبرئ الله منه

‘Whoever hoards food for 40 nights, then he has disregarded Allah, and Allah has disregarded him.’

- d. Hadith narrated through Abu Hurairah:

مَنْ احْتَكَرَ حُمْرَةً يُرِيدُ أَنْ يُغْلِيَ بِهَا عَلَى الْمُسْلِمِينَ فَهُوَ خَاطِئٌ

‘Whoever hoards goods in order to make them more expensive when sold to Muslims has done wrong’.

- e. Hadith narrated by Ibn Majah, and its sanad is hasan according to al-Hafiz Ibn Hajar al Asqalani (may Allah have mercy on him):

من احتكر على المسلمين طعامهم ضربه الله بالجذام والإفلاس ”رواه ابن ماجه وإسناده حسن

‘Whoever hoards the food of the Muslims, Allah will curse him with leprosy and bankruptcy.’ (Ibn Majah, sanad of this hadith hasan)

Previous Research

Some previous studies related to ihtikaar have been conducted by researchers including :

1. Jannah (2020) concluded that according to Yusuf Qardhawi, hoarding goods is ‘storing and holding goods from circulation in the market which causes the price to rise’. Yusuf Qardhawi forbids hoarding on all types of goods, both food, clothing and medicine. Yusuf Qardhawi forbids hoarding at all times, both in times of difficulty and in times of food surplus.
2. Mutmainah (2019) concluded that hoarding of goods was carried out in the run-up to Eid al-Fitr then commodity goods were stockpiled for 1-2 weeks because in the middle of the month of Ramadan the whole community needed these commodity goods such as eggs, sugar, chillies and even meat which aimed to gain multiple benefits and enrich themselves. In practice, the goods that are hoarded exceed the needs of the community, the goods are hoarded in an effort to wait for the price to rise and hoarding is done when the community



- needs it. The fiqh scholars who do not allow or forbid ihtikaar because of the content of the universal values of the Qur'an which states that every action is wrong and can harm and misery others.
3. Riyani (2022) concluded that the hoarding of cooking oil staples at Iqbal's shop in Sribasuki Village, Kotabumi District, North Lampung Regency when viewed in Islamic economic law includes Ihtikar or hoarding of goods whose law is haram because it fulfils one of the conditions of ihtikar, namely that the person is waiting for the moment when the price of goods peaks in order to sell it at a higher price because people really need the goods to him. And the fiqh scholars who do not allow or forbid ihtikar because of the content of the universal values of the Qur'an which states that every act is wrongful and can harm and the livelihood of many people.
 4. Anggraini (2022) concluded that hoarding of goods is carried out during the rainy season, when the month of Ramadan approaches until the end of December. With the aim of getting multiple profits and enriching themselves. The hoarding of goods is an attempt to wait for the price to rise and is done when the community needs it. The scholars of fiqh, the Qur'an, and hadith that hoarding goods is strictly prohibited and haram law in Islam. Because hoarding of goods is an act of persecution, and can harm and misery of others.
 5. Nurandari & Anwar (2021) concluded that the practice of ihtikar carried out by Toko Lailaqueen began during the Covid-19 pandemic, and the type of goods hoarded were One Care 3ply masks with medical grade quality. The purpose of this ihtikar practice is carried out in order to get multiple profits, resulting in the misery of others because masks become scarce in the market.
 6. Dalung et al (2023) concluded that the regulation of the criminal act of hoarding cooking oil is based on Article 29 of Law Number 7 of 2014 concerning Trade. Criminal sanctions against the perpetrators of cooking oil hoarding are regulated in Article 107 of Law Number 7 of 2014 concerning Trade, as well as Articles 52 and 53 of Law Number 18 of 2012 concerning Food.
 7. Elpariana (2022) concluded that first, the results of researchers' analyses related to the practice of hoarding staples in the Baraka image market were only an issue, where what researchers found was only related to the stocking of goods carried out by traders so that these basic goods were not difficult to obtain. However, in this case there is a scarcity of staples which has an impact on price stability in the market, such as the price of basic necessities rising dramatically and in this case it is included in an economic crime which certainly has a huge impact on people's lives. Secondly, the excessive supply of staples will damage the market mechanism if it continues to run rampant without regard to the governing law so that the perpetrators who do it feel that it is normal to do and in this case it is very contrary to Islamic law because the content of the universal values of the Koran which states that every act of persecution and can harm and torment others is strictly prohibited.
 8. Jannatunnain (2020) concluded that the speculative buying and selling of consumptive goods in North Aceh Regency, because sellers (producers) of consumptive goods generally take advantage of the situation and conditions of consumers (buyers) who have a weak understanding of the market price of goods. Supervision of industry and trade office is not entirely good, because some business people do not comply with market regulations set by industry and trade office. The agency also does not take firm action or impose sanctions on those who speculate on consumer goods in the area.



9. Kurniawan (2020) concluded that people who hoard goods do not understand Islamic business ethics which contains values and rules in business and people who hoard goods they do not pay attention to six principles in Islamic business ethics, namely the principle of truth, the principle of trust, the principle of sincerity, the principle of brotherhood, The principle of truth, the principle of trust, the principle of sincerity, the principle of brotherhood, the principle of knowledge and the principle of justice and people who hoard goods do not understand the consequences that will occur after they hoard goods and it is like they will get a very painful torment if seen in Islamic law and seen from the consequences that occur with the economy, the price of basic necessities such as groceries will increase dramatically.
10. Syamsuar et al (2022) concluded that first, in the concept of muamalah fiqh, hoarding of goods is prohibited except for storage to prepare for future difficulties. Second, traders in the Meulaboh business bina market do not carry out hoarding but only stock up on goods on certain days this is to avoid scarcity this is due to the Meulaboh business bina market still depends on the production and supply of goods from outside the area.

Based on previous research, there is no research that discusses Wahbah Az-Zuhaili's thoughts regarding with selling ihtikaar goods in the book Fiqh Islam Wa Adillatuhu.

Research Methods

This research is a library research that uses a descriptive approach. The data source of this research is secondary data, namely Fiqh Islam Wa Adillatuhu written by Wahbah Az-Zuhaili.

Research Results and Discussion

Haraam Ihtikaar

Wahbah Az-Zuhaili (2007) in his book Fiqh Islam Wa Adillatuhu explains that according to the Hambali Madzhab, ihtikaar that is haraam is one that fulfils the following three conditions:

1. The goods that are hoarded are obtained through the purchase of goods brought in by others, not bringing in themselves from outside (importing). Thus, if someone brings in an item from outside or brings in his own agricultural produce and then stores it, then he is not called an ihtikaar. This is based on the words of the Prophet Muhammad:

الْحَالِبُ مَرْزُوقٌ وَالْمُخْتَكِرُ مَلْعُونٌ

'The one who brings goods from outside (his country) gets sustenance while the one who hoards is cursed'.

2. The goods that were bought and then hoarded were foodstuffs, such as grains and so on. The reason is that these are the things that are generally needed by the whole community. As for hoarding side dishes, sweets, honey, oil or fodder, this is not one of the haraam acts of ihtikaar.
3. The perpetrator takes steps that make it difficult for people to obtain these goods. These measures include:
 - a. If the hoarding is carried out in a country where it is difficult for the people to obtain the goods, then it is not haraam to hoard in a country where there are many gateways for goods to enter and import, because such actions usually do not affect the people.
 - b. It is done when the community is in need. For example, when a merchant fleet is about to enter a country, the rich people there buy it up immediately, so that the wider community does not have the opportunity to buy it. In this situation, there is no difference between small and large countries. As for the act of buying something when it is available



and cheap, in a way that does not make it difficult for anyone to buy or obtain it, that is not haraam.

Types of Goods That Fall Under The Category of Ihtikaar

Furthermore, Wahbah Az-Zuhaili (2007) concludes the opinion of the majority of scholars that the act referred to as hoarding is hoarding specifically related to foodstuffs (both food for humans and animals). This is in view of the precise reason for its prohibition, which is to prevent harm to humans. The type of commodity that usually has the potential to cause this effect is staple food. However, the Maliki madhhab forbids hoarding for all types of goods. However, if the hoarding is only done for a short time, it is not called an act of ihtikaar because it does not cause harm. It is only referred to as ihtikaar if it is done over a long period of time because, in that condition, harm will clearly be realised.

When can a person be said to have committed Ihtikaar?

Wahbah Az-Zuhaili (2007) explains that there are different opinions. According to one opinion, the size or period of time called hoarding is if it is done for forty days. This is based on the hadith, namely;

مَنْ اخْتَكَرَ طَعَامًا أَرْبَعِينَ لَيْلَةً فَقَدْ بَرِيَ مِنَ اللَّهِ
وَبَرِيَ اللَّهُ مِنْهُ

'Whoever hoards food for forty days is deprived of Allah's mercy and Allah is deprived of him.'

According to another opinion, the limit is one month. This is because usually a period of less than a month is still called a short period, but if it is a month or more, it is called a long period. In another opinion, it is also said that the stipulation of this period of time is only to indicate the period for which the punishment for hoarding is appropriate. As for the sin, the perpetrator is already entitled to it, even if he hoarded for a short period of time.

Selling Hoarded Goods

Wahbah Az-Zuhaili (2007) explains that according to the Hanafi madzhab, a judge may order the hoarder to sell the part that is beyond his needs and the needs of his family. If the person refuses to do so, insists on continuing to hoard, and brings the case back to court, then the judge must advise him (stop his actions) and threaten him. If he still does not comply and he comes back to the judge, then he may be imprisoned and punished in retaliation for his bad behaviour. Then the judge must force him to sell the hoarded goods, or the judge may take over the sale. This is the consensus among the Hanafis on what the judge should do in this case, according to the more correct view among them. As for the sale of the stockpiled goods, it should be done at the same price at which the owner bought them.

Wahbah Az-Zuhaili (2007) states that according to the Maliki madhhab, the stockpiled goods should be sold to those who need them at the same price at which they were bought, without any increase in price. If the price is not known, then it should be sold at the same price at the time the owner started hoarding it. The Hanafi madhhab adds that if the ruler fears that the people of a country will perish (due to lack of food), then he may confiscate the food that the hoarders have hoarded and distribute it to the people. When the situation has been restored, the ruler may return to the hoarders as much as he confiscated. This action is based on the emergency situation at the time. The situation is similar to when a person is forced to take someone else's property, because otherwise he might be harmed. In that situation, it was permissible for him to take the other person's property without his consent and then pay the



price. The need to pay the price because of the emergency does not invalidate one's right of ownership in the property that was taken.

Conclusion

Based on the discussion above, it can be concluded that *Ihtikaar* is forbidden if it fulfils three conditions: the goods that are hoarded are obtained through the purchase of goods brought in by others, not bringing in themselves from outside (importing); the goods that are hoarded are in the form of foodstuffs (both food for humans and animals); the perpetrator takes steps that narrow the movement of the community to be able to obtain these goods. Furthermore, The Maliki and Hanafi schools of thought agree that the stockpiled goods must be sold to those who need them at the same price at which they were bought, without any increase in price. If the price is not known, then it should be sold at the same price at which the owner started hoarding it.

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