

## MUSLIM COMMUNITY HAMPERS BUSINESS ON NON-MUSLIM HOLIDAY CELEBRATIONS FROM THE PERSPECTIVE OF MAQASHID SYARIAH

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### Abstrak:

This study examines the differences of opinion between classical and contemporary scholars about whether or not it is permissible to provide needs or facilities for non-Muslim religious holidays. This is a promising business opportunity that can generate large profits. Muslim communities in Indonesia and in Samarinda City do a lot of hamper businesses on Muslim and non-Muslim holidays. In this case, there are three formulations of the problem in this study, namely, related to the background of Muslim communities doing hamper buying and selling businesses on non-Muslim holidays, then, the condition of the hamper business in Muslim communities during non-Muslim holidays, and also the Muslim community's hamper business on non-Muslim holidays from the perspective of maqashid sharia. This type of research is field research using normative legal and sociological legal approaches. The data sources used are secondary data sources and primary data. Data collection techniques are observation, interviews, documentation. Data analysis techniques in this study are data reduction, data presentation and drawing conclusions and inductive thinking patterns to draw conclusions. The results of this study indicate that the existence of hamper orders or the increasing number of consumer requests can help others, especially in non-Muslim holiday celebrations and sellers can take advantage to meet their needs, so this is the background for Muslim communities to do hamper business on non-Muslim holidays. The condition of the hamper business on non-Muslim holidays is very busy ordering and buying hampers. As for the maqashid sharia, it does not conflict with Islamic values based on the rules of fiqh, namely "all forms of muamalah are permitted as long as there is no evidence that prohibits it" and during his life the Prophet Muhammad SAW also had good relations with non-Muslims in terms of social, political and muamalah relations. During his lifetime, the Prophet Muhammad SAW once committed muamalah with non-Muslims, namely pawning armor to buy basic food.

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**Keywords:** Hampers Business, Muslim Community, Non-Muslim Holiday, *Maqasid*

*Syariah*

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**A. INTRODUCTION**

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Indonesia is an archipelago. That is what makes Indonesia have a lot of diversity with various differences from tribes, nations, customs, cultures, regional languages and religious beliefs. With these differences, Indonesia is still able to become a unified whole

country. Like the motto of the Indonesian nation "Bhinneka Tunggal Ika" which means different but still one. Indonesia is a country that recognizes the existence of religious differences, which are spread throughout Indonesia.<sup>1</sup>

It is undeniable from the beauty of the diversity it has, Indonesia has a dense population and is included in the developing countries. Therefore, the economy in Indonesia is still unstable. In addition, the increasing number of years the human population also increases, that is what makes humans continue to compete to improve the economy. So it is increasingly difficult to find income, one of which is in doing business. Business is an effort made by humans individually or in groups by offering goods or services to make a profit.<sup>2</sup>

The increasing and increasingly difficult competition is what makes people do various kinds of businesses to generate income to meet their living needs by selling various goods and offering services. One of the businesses that sells services and handmade creations is the hampers business. Hampers are generally given on special days, for example, Eid al- Fitr, Christmas, New Year, or Chinese New Year. On holiday celebrations, it will feel lacking without giving hampers as gifts to those closest to you. With hampers, holiday celebrations become more memorable.<sup>3</sup>

Muslim communities who do hamper business, make special hampers for Eid celebrations and then add decorations in the form of sash paper that says congratulations on the Eid celebration, for example, "Merry Christmas and Happy New Year". Eid is a religious holiday, which is specially celebrated on that day to commemorate an event as a form of worship in each respective religion.

Doing business buying and selling with non-Muslims for religious celebrations other than Islam, according to several scholars have the view or opinion that it is not permissible.<sup>4</sup> One of the opinions of scholars who does not allow buying and selling for non-Muslim

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<sup>1</sup> Mas Fierna Janvierna Lusie Putri dan Rannisa Genki Mubarak, "Bhinneka Tunggal Ika Sebagai Identitas Bangsa Indonesia", dalam *Jurnal of Citizenship Values*, edisi No. 01, Vol. 01, (2023), h. 2.

<sup>2</sup> Raba Nathaniel, *Pengantar Bisnis*, Cet. 1, (Ponorogo: Uwais Inspirasi Indonesia, 2020), h. 8.

<sup>3</sup> Farahdina Bachtiar et al., "Pengembangan Bisnis Hampers 'Rayain' Berbasis Kartu Ucapan Digital," *Jurnal Inkubator Bisnis* 1, no. 1 (May 25, 2024): 1-10.

<sup>4</sup> Dewi Mustikasari Immanuel and Sherin Brigitta Yuwono, "ANALISIS KEPUTUSAN PEMBELIAN PRODUK HAMPERS (STUDI EMPIRIS PADA KONSUMEN PRODUK HAMPERS DI SURABAYA),"

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holidays is the opinion of Imam Syafi'i who said that a Muslim is not allowed to sell something such as food, clothing or anything else on the Eid of an infidel, then the law is forbidden. But there are also several opinions of scholars who allow it, one of which is the contemporary scholar Sheikh Mustafa Ahmad Zarqa.

There is a discrepancy between the opinions of several scholars who are of the opinion that buying and selling for non-Muslim holidays is not permissible, such as the opinion of Imam Syafi'i or Imam Maliki. Not only that, but there are also differences of opinion between previous scholars and contemporary scholars. From the discrepancy, a problem arises. So the question arises how the hamper business is carried out by some Muslim communities for the celebration of Eid which is a special day of worship for non- Muslim religions. Because of this, researchers are interested in knowing more deeply.

In addition, the researcher wants to know the background of the Muslim community selling hampers for non-Muslim religious celebrations. The researcher is also interested in looking at it from the perspective of maqashid sharia because he wants to know if from the perspective of maqashid sharia it is included in the category of dharuriyyat, hajiyyat or tahsiniyyah. So the researcher links the Muslim community's hamper business for non- Muslim religious celebrations in the perspective of maqashid sharia.

## B. RESEARCH METHODOLOGY

This type of research is field research using qualitative descriptive methods.<sup>5</sup> Qualitative descriptive is by analyzing a phenomenon or problem that occurs in society, then collecting data from observations or interviews on the problems that have been studied in the field. After that, it is explained and summarized in a narrative form clearly and in detail so that it is easy to understand. In this field research, data collection is carried out, then a direct review of the Muslim community who run a hamper business in Samarinda City, then interviews the Muslim community to obtain more in-depth information.

In this study, there are two elements of the approach used, namely:

1. Normative legal approach. According to Soerjono Soekanto (2003), it is a legal research approach that is carried out by reviewing library materials or secondary

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<sup>5</sup> Soejono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: UI Press, 1981). p.5.

data as a basis for research, conducting searches for regulations or literature related to the problem to be studied.

2. The sociological legal approach is research that aims to obtain legal knowledge empirically by studying the influence or behavior of society on the law to determine the extent to which symptoms in society can influence the law by directly observing people's behavior and conducting interviews. The sociological legal research in this study was conducted by collecting secondary data as initial data obtained from previous studies, then continued by collecting primary data through interviews or questionnaires with Muslim communities who do hampers and parcel business for non-Muslim holiday celebrations. Data collection is an activity by searching for data in the field to answer research problems.<sup>6</sup>

Data collection in this study, namely:

1. Observation, is an activity carried out by observing the object to be studied to obtain information and data to be collected. Researchers obtained data from observations, namely 30 hamper sellers in the city of Samarinda. Researchers also observed 3 non-Muslim hamper buyers.
2. Interviews, are one of the activities of collecting data or searching for valid data, which is carried out by both parties, researchers and informants by conducting questions and answers to one or more people to obtain more accurate information from people who know and understand the problems related to the research. In this study, researchers conducted direct interviews with 8 Muslim communities selling hampers and parcels at non-Muslim religious celebrations and 3 non-Muslims who had bought hampers from Muslim sellers in the city of Samarinda.
3. Documentation, is the process of collecting data by storing information data in the form of evidence of interview results such as photos, pictures, videos, recordings, quotes, or writing. Documentation in this study can be proven when conducting interviews with hamper sellers by collecting and storing evidence of the interview results in the form of voice recordings and attaching evidence of the interview in the form of photos.

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<sup>6</sup> Ahmad Rijali, "ANALISIS DATA KUALITATIF," *Alhadharah: Jurnal Ilmu Dakwah* 17, no. 33 (2018): 81-95, <https://doi.org/10.18592/alhadharah.v17i33.2374>.

Data analysis is the process of finding solutions to problems in research and compiling the results of data collection by systematically arranging the data obtained from observations, interviews, and documentation by analyzing data that has been simplified by drawing conclusions so that it is easy to understand.<sup>7</sup>

In this study, the results obtained from observations and interviews, using data analysis techniques with three activity flows, namely:

1. Data Reduction, is the process of processing data that has been obtained from the results of observations or interviews then summarizing important things according to what is being studied by selecting and sorting data to obtain the data needed. In this case, during data collection after conducting interviews with hamper sellers in the Muslim community, the researcher will summarize important things from the results of the interviews and also summarize data from reviewing literature on maqashid sharia.
2. Data Presentation, is a process of displaying data from summarizing and summarizing the results of data collection, namely observations and interviews. In this study, data is presented from interviews with hamper sellers in the Muslim community for non- Muslim religious holidays from the perspective of maqashid sharia, then presented in the form of text that is clearly narrated so that it is easy to understand.
3. Drawing Conclusions, is the final stage of the data analysis process. In drawing conclusions is the final process of the analysis will answer the problems in this study, namely about how the Muslim community hampers business for non-Muslim holiday celebrations in the perspective of maqashid sharia.

## C. DISCUSSION

Hampers Business is Hamper business is a business that focuses on making and selling gift packages, usually containing various products such as food, drinks, beauty products, or other items that are tailored to a certain theme. Hampers are often used as gifts for special occasions such as birthdays, holidays, weddings, or other special moments. In this

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<sup>7</sup> Zainuddin Ali, *Metode Penelitian Hukum* (Sinar Grafika, 2021). p.12.

business, creativity in arranging and packaging products is the main selling point, in addition to the quality of the products offered.<sup>8</sup>

The hamper business on non-Muslim holidays is also widely run by Muslim businessmen, this is done because of the business and business processes that must be carried out. so if it is limited to Muslim consumers only, this will certainly have an impact on a businessman's income.<sup>9</sup>

In Islam, the law of hamper business intended for non-Muslim holidays, especially for a Muslim businessman, requires consideration based on sharia principles. There are several perspectives of scholars on this matter that consider aspects such as interaction with non-Muslims, business ethics, and compliance with Islamic teachings.

In the view of sharia, participating in or directly supporting non-Muslim religious rituals, especially those that contradict Islamic teachings, is prohibited. Therefore, if the hamper contains symbols or products that support or promote non-Islamic religious activities, such as knick-knacks related to religious rituals, then it is considered not permissible.<sup>10</sup>

As long as the contents of the hampers are permissible (allowed in Islam) and do not contain any forbidden elements (such as alcohol or non-halal food), and are not used to promote religious rituals, then the law is permissible. In this case, Muslim businessmen are allowed to sell hampers for non-Muslim celebrations if the contents do not conflict with Islamic principles.

Islam teaches the importance of maintaining good relations with non-Muslims as long as it does not involve violating sharia. In a business context, selling halal products to non-Muslims and providing good service is permissible. As long as the transaction is neutral and not related to the promotion of teachings that are contrary to Islam, then it is

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<sup>8</sup> Piska Sintia Pebiolinda, et.al, "TINJAUAN FIKIH MUAMALAH TERHADAP PRAKTIK JUAL BELI HAMPERS DI MAGETAN OVERVIEW OF MUAMALAH FIKH ON THE PRACTICE OF BUYING

AND BUYING HAMPERS IN MAGETAN," *Maro; Jurnal Ekonomi Syariah Dan Binsin* 5, no. 1 (2022): 1.

<sup>9</sup> Anindita Yana I, "PERANCANGAN MODEL BISNIS HAMPERS UNTUK PEMBERDAYAAN UMKM DI YOGYAKARTA: PENDEKATAN CUSTOMER ENGAGEMENT DAN PRODUCT ENRICHMENT" (Universitas Gadjah Mada, 2022), <https://etd.repository.ugm.ac.id/penelitian/detail/208578>.

<sup>10</sup> Rani Maylinda and Wirman Wirman, "Analisis Transaksi Akad Istishna' dalam Praktek Jual Beli Online," *Jurnal Ilmiah Wahana Pendidikan* 9, no. 6 (March 30, 2023): 482-92, <https://doi.org/10.5281/zenodo.7785395>.



permissible.

Some scholars allow buying and selling to non-Muslims, including for their celebration of Eid, on condition that the products sold are halal and do not support aspects of rituals or beliefs that are contrary to Islam. They base this opinion on the principle of muamalah which allows business interactions as long as there are no haram elements involved. Some scholars advise caution (ihtiyat) in this business, especially if there is the potential to trigger the perception that Muslim businessmen support non-Muslim religious rituals. This caution is recommended to avoid misunderstandings or negative implications in terms of belief.<sup>11</sup>

#### **a. Background Analysis of Muslim Community Hampers Business for Non-Muslim Religious Holiday Celebrations**

Researchers conducted data collection through observation and interviews with informants, namely Muslim hamper or parcel sellers in Samarinda City. From the results of the interview research with 8 Muslim hamper and parcel business actors, it can be analyzed that the background of the Muslim community selling hampers or parcels on non-Muslim holiday celebrations is several factors, namely as follows:

- a. To meet the needs of life.
- b. There is demand from consumers.
- c. Has the potential for good business opportunities and large profits.
- d. Has the ability or skills in the field of handicrafts.
- e. Helps establish kinship relationships (Silaturahmi).
- f. Helps facilitate and provide happiness to others.
- g. To achieve welfare and prosperity.

Based on the background of the cause of the hamper business on non-Muslim holidays, many Muslim businessmen are engaged in because of the many requests from non-Muslim consumers, and of course to meet the needs of Muslim businessmen. This business is widely engaged in because the sense of tolerance and friendship between religions must continue, considering that Indonesia is a country with diverse religions, tribes and nations,

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<sup>11</sup> Yoppi Hendriyanto and Bambang Iswanto, "Tinjauan Fikih Muamalah Terhadap Praktik Akad Pemesanan Barang Di Percetakan Digital Printing Lineza Dan Dokter Printing," *Ghaly Journal of Islamic Economic Law* 1, no. 1 (January 9, 2023): 1-17, <https://doi.org/10.21093/ghaly.v1i1.5842>.

so there are many religious holidays that will be celebrated, as well as cultural customs that all have special days to celebrate together.

For hamper businessmen, the moment of holidays and religious days is the day where they harvest income turnover, this is because, Indonesian culture likes to give gifts to each other, and also giving hampers is part of connecting friendship.

**b. Analysis of Hampers Business Conditions for Muslim Communities During Non- Muslim Religious Holiday Celebrations.**

Analysis of conditions during non-Muslim religious holidays, based on the results of interviews with 8 Muslim people doing hamper or parcel business, that 6 people said they experienced a spike in sales and increased significantly. So that this makes hamper sellers get bigger profits compared to normal days. And 2 other people said they did not experience a spike in sales, so they get the same income as normal days.

On average, they said that sales conditions increased. This is also because many consumers buy hampers and become more crowded with buyers than usual days, namely days other than holidays. Because the condition of hamper sales has increased, so they get more profit than normal days. If they do not sell for non-Muslim holidays, they say they will experience a decrease in profit for the income they get.

In general, seasonal businesses like this have high peaks of income and very busy buying and selling activities even though only at certain times. However, if the time from that moment has passed, then the activity of this buying and selling will decrease. Selling hampers on holidays has a good side, namely it can help with economic difficulties.

As for the condition of the hampers business from the buyer's perspective, based on the results of interviews conducted with non-Muslim buyers, it can be concluded that the condition of the hampers business contains values of tolerance, values of mutual assistance between humans, there is no element of coercion where both parties do it on the basis of mutual consent, and there are no detrimental elements such as fraud, extortion or usury. Buyers make purchases by ordering the hampers they want and then making payments.

Non-Muslim holidays, such as Christmas, New Year, Deepavali, or Chinese New Year, have a strong tradition of gift-giving. In many countries, this tradition is an important part of the celebration. Hampers as a form of gift have become popular because they can

combine various products in one package, often including food, drinks, and other consumer goods of symbolic or aesthetic value.

Impact on Demand: 1) Desire to Share: During celebrations such as Christmas or Chinese New Year, the spirit of sharing and gift-giving is highly emphasized, making hampers a practical and popular choice. 2) Symbol of Togetherness and Appreciation: Hampers are often used as a symbol of togetherness and appreciation for family, friends, and colleagues. This increases the demand for hampers, especially during the festive season.

In the context of a multicultural and plural society, giving hampers as cross- community gifts is also increasingly common. In many cases, hampers are used by non- Muslim communities to appreciate professional or social relationships with individuals from different communities, including Muslims.

The existence of hampers in the context of non-Muslim celebrations is a means to strengthen good relations between religions. Pluralistic societies often buy hampers for colleagues or friends from various religious backgrounds. In business circles, hampers are part of an appreciation strategy for employees or business partners, increasing demand especially during the holiday season.

The demand for hampers during non-Muslim holidays is also related to seasonal consumption trends. During holidays, consumers tend to increase their spending, including on gifts and consumer goods. Hampers offer practical value because buyers can buy one package containing several products, which overall may be more economical than buying items separately. Consumers tend to be more generous in spending during the holiday season. They prefer to buy hampers because of their attractive packaging and the impression of being a valuable gift. Hampers are often offered with various discounts or promotions, which increase consumer interest in buying them, both for personal use and gifts.

Modern consumer trends show a change in preference for more practical and personal gifts. Hampers are a popular solution because they can be customized to the recipient's tastes and needs. In addition, technological advances and the ease of online shopping make hampers more accessible to various groups. Consumers tend to prefer hampers that can be personalized according to the recipient's preferences, such as healthy food choices, luxury products, or items specific to a particular theme.

**c. Analysis of Muslim Community Hampers Business from the Perspective of Maqashid Syariah in Celebrating Non-Muslim Religious Holidays**

Regarding the sale and purchase of hampers during non-Muslim holidays, classical and contemporary scholars have different opinions. The existence of differences of opinion among scholars is not only because there is no evidence in the Qur'an and Hadith that explains in detail, firmly and clearly, but also because it has causes such as internal and external factors. Internal factors are differences in understanding, studying, or analyzing the Qur'an and Hadith, as well as differences in compiling the ijihad method. While external factors are differences in socio-cultural which are differences in social, cultural and regional conditions.

According to several scholars, buying and selling hampers during non-Muslim holidays is forbidden, including classical scholars, because it helps or assists non-Muslims in matters of disobedience or infidelity because it is considered to be able to damage the faith or belief of a Muslim.

Interviews that researchers have conducted with 8 Muslim sellers of hampers during non-Muslim religious holidays. In the results of the interview, they said that when approaching the celebration of the holiday, orders for hampers and parcels become busy and the income earned also increases. From the interview results, that 4 people said that it was very influential if they did not sell on non-Muslim holidays, because in the conditions of income and profits obtained also experienced a decline. So that it has a bad influence on income.

Although the majority of Samarinda City is Muslim, this can make hamper sellers have the most profit or orders on Eid al-Fitr. However, as explained, the hamper and parcel business can be said to be a seasonal business, namely a business that can only sell a lot or can only be sold at certain moments, such as Eid al-Fitr, Christmas and Chinese New Year which only occur once a year. From this, although the most sales are on Eid al-Fitr, they only occur once a year. So if you only sell hampers, if you don't sell them on other religious celebrations, you don't get any income. Not only does your income decrease, you don't even get any income in the following months for 1 (one) year. From the results of this study, in the perspective of maqashid sharia, if seen according to the view of Imam al-Syatibi in his work entitled *al-Muwaffaqat*, it is included in the level of hajjiyyat which is a secondary need,

namely maintaining the soul (*hifdzul al-Nafs*) fulfilling the needs of life through *muamalah*. Where if this need is not met then it will get difficult or in this case it can complicate the life of the hamper seller. Entering the level of *hajyyat* because hampers are gifts or presents sold on big days and as a complement.

However, regarding the law of buying and selling religious equipment such as idols or attributes that can be used for non-Muslim religious worship, it is forbidden. According to the Shafi'i school of jurisprudence, the goods being traded are pure or sanctified and provide benefits according to sharia, can be handed over quickly or slowly according to agreement, are owned by oneself and can be known (seen). The reason (*'illat*) for the invalidity of buying and selling alcohol, carcasses, and pork is that they are unclean. While the *'illat* of idols is that they are not useful. The law of selling crosses is likened (analogized) to idols. It is also forbidden to carve and make them. So in this case, buying and selling non-Muslim holiday attributes which are equipment as symbols or tools for non-Muslim religious worship is forbidden.

#### D. CONCLUSION

Based on the results of the research, data analysis, and discussion in the previous chapters regarding the Muslim community hamper business during non-Muslim religious holidays from the perspective of *maqashid shariah*, the conclusion is:

1. In the explanation of the previous chapters, it can be seen that the background of the Muslim community hamper business during non-Muslim religious holidays has several underlying factors, namely: 1) To meet the needs of life, 2) There is a demand for the purchase of hampers from consumers to sellers, 3) There is a potential for business opportunities that run well and the profits obtained are quite large, 4) Have a passion in the field of handicrafts, 5) Can help others in terms of establishing good relationships in kinship or friendship, 6) Help by making it easier for others if they want to give gifts to others, and can provide happiness to others with good hamper products and, 7) To achieve welfare and prosperity in the hamper seller community.
2. From the explanation above, in the previous chapter regarding the condition of the hamper business for the Muslim community during non-Muslim religious holidays,

it can be concluded that the situation is quite busy with buyers ordering hampers. Many people buy directly, by coming to the store to buy offline or ordering indirectly, namely by ordering online. During the celebration of non-Muslim holidays, hampers are quite popular and the income obtained has increased significantly compared to ordinary days other than religious holidays.

3. Based on the results of the analysis of the sale and purchase of hampers by Muslim communities on non-Muslim holidays, it has fulfilled the law and conditions of sale and purchase. From the results of the analysis, there are several sellers who only sell hampers without other income who say they have difficulties and experience a decrease in income so that they cannot meet their living needs properly. In this case, if viewed from the opinion of classical scholars, it is not allowed because selling hampers on non-Muslim holidays is the same as helping in matters of disbelief. However, if viewed from the opinion of contemporary scholars, it is allowed, because in addition to there being no prohibition on doing good or making sales to non-Muslims, selling hampers before non-Muslim holidays is only limited to making sales (*muamalah*). It is allowed as long as there is no element of polytheism, namely not believing in non-Muslim religious beliefs and there is no element of worship as a symbol of non-Muslim religion. In the results of interviews with several hamper sellers on the *maqashid sharia*, according to Imam al-Syatibi, it is included in the level of *hajiyat*.

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