

Legal Review Concerning Online System Buying and Buying of Goods in Islamic Economic Perspective: Case Study in Kedungwuni Pekalongan MSME Market

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Abstract

The Islamic system prohibits every economic activity including buying and selling (trade) which contains elements of coercion, mafsadah (opposite of benefits), and garar (fraud). Everyone always has different motivations for running their business and business. However, this freedom does not apply absolutely, this freedom is limited by other human freedoms. When humans violate each other's needs, there will be conflicts with each other. The formulation of the problems in this study are: (1) How about buying and selling goods in the online system? (2) What is the perspective of Islamic economics regarding buying and selling online systems? and (3) How is the legal study of buying and selling online systems in the perspective of Islamic economics with case studies at the Kedungwuni Pekalongan MSME Market? The purpose of this study is to find out (1) about buying and selling goods online system. (2) an Islamic economic perspective on the sale and purchase of online system goods, and (3) a legal study of the sale and purchase of online system goods in an Islamic economic perspective with a case study at the Kedungwuni Pekalongan MSME Market This type of research from writing this thesis is library research. Where the research used is a study of books or literature. While the approach is qualitative, namely an approach in research that emphasizes its analysis on drawing conclusions with statements. Sources of data obtained on the division of primary data and secondary data. Analysis of the data using deductive and inductive methods and the context of data analysis. The legal review of buying and selling online systems in the Islamic economy that occurs in the Kedungwuni Pekalongan MSME market based on mu'amalah origin law is al-ibaahah (permissible) as long as there is no argument against it. However, that does not mean there are no signs that regulate it. Online transactions are permissible according to Islam based on the principles that exist in trading according to Islam, specifically analogous to the principle of as-salam transactions, except for goods/services that are not allowed to be traded according to Islamic law

Keywords: Buying and selling goods online system, Islamic economics

A. Introduction

The problems of life cannot be separated from economic problems which are the wheels in fulfilling the needs of human life. The recommended economic activity in Islam is buying and selling activities. Buying and selling

activities are a form of mu'amalah which is regulated in Islam, where the role of religion regulates so that mu'amalah matters are really to achieve the benefit of the people. (Nasrun Haroen, 2007: 7).

The interests of everyone in social life give rise to rights and obligations in mu'amalah interactions. Everyone has rights that must be considered by others and at the same time also bears obligations that must be given to others. The relationship between rights and obligations is regulated by legal rules to avoid conflicts of interest from various parties. The legal rules governing the relationship between rights and obligations in social life are known as mu'amalah law.

The problem of mu'amalah is always evolving, but it is necessary to pay attention so that this development does not cause life difficulties for certain parties due to pressure from other parties. One form of mu'amalah prescribed by Allah SWT is buying and selling. In managing life, Islam always pays attention to various benefits and eliminates all forms of harm. Included in this maslahat is something that Allah prescribes in buying and selling with various rules that protect the rights of business people and provide various conveniences in its implementation.

Besides discussing the issue of ritual worship that is mahdah in nature, Islam also discusses the issue of buying and selling in detail. In Islam there is no known dichotomy between worldly activities and the hereafter. Every activity in the world is always closely related to the activity in the hereafter so that it must be within the framework of Islamic teachings (KH. Ali Yafie, 2001:9).

Islam encourages its people to try to find sustenance so that their lives will be good and enjoyable. The best way in economic activity that is prescribed in Islam is through trading or buying and selling. As stated in the following QS an-Nisa: 29:

“O you who believe, do not eat each other's wealth in a vanity way, except by way of trade that applies with mutual consent between you. and do not kill yourself, Verily Allah is Most Merciful to you. (Q.S. an-Nisa': 29)

In the hadith, Rasulullah SAW gave encouragement to his people to seek sustenance by trying and trading. In a hadith it is stated: "One time the Prophet SAW, was asked about the best livelihood. He replied, 'A person works with his hands and every trade that is acceptable. (Narrated by Bajjar, the judge who validated it from Rifa'ah Ibn Rafi'). The meaning of mabrur in the hadith is buying and selling that avoids deception and harms others.

Muslims in their quest for glory and running their business are required to make Islam as the basis and to please Allah as the final and main goal. Making a profit in trading is one of the goals, but it should not defeat the main goal. In the Islamic view, business is a means to worship Allah and is Fardu kifayah, therefore business and trade cannot be separated from the role of Syari'ah Islamiyah.

Even though Islam encourages its people to trade, it does not mean that it can be done at will and according to human wishes. Adab and business ethics in Islam must be respected and obeyed if traders and business people want to

be included in the group of prophets, martyrs and siddiqin. This attitude must be held by traders so that in carrying out buying and selling transactions in accordance with Islamic law.

The Islamic system prohibits every economic activity, including buying and selling (trade) which contains elements of coercion, mafsadah or damage (as opposed to benefits), and gharar (fraud). Everyone always has different motivations for running their business and business. Everyone also has freedom in carrying out his business and freedom is a basic human element in managing himself in meeting existing needs. However, this freedom does not apply absolutely, this freedom is limited by other human freedoms. When humans violate each other's needs, there will be conflicts with each other (Yusuf Qudrowi, 2003:38).

In Islam, there is Shari'a. Shari'a contains various laws, namely halal, haram, mubah, makruh. In this law there are Islamic principles in relation to life. Both to do with the relationship to God and his relationship with humans. If humans have forgotten the existence of the Shari'a, they tend to carry out activities to meet their needs and tend to only follow their desires. To avoid this, Islam provides signs in human life. Because if it is left unchecked it will cause harm to humans themselves. These signs are called Fiqh. In fiqh there are rules for mu'amalah and in mu'amalah there are rules for buying and selling.

The mutual like between sellers and buyers can be manifested in the form of oral speech, so that the majority of scholars require a sale and purchase contract. Thus, viewing the contract as one of the pillars of buying and selling and being the main basis of buying and selling transactions. In practice, buying and selling must be carried out correctly, consistently and can provide benefits to the parties concerned. In addition, Islamic principles in regulating economic business in this case buying and selling are very strict, such as prohibiting fraudulent practices, exploitative practices in various forms of business, including buying and selling with dishonesty, extortion and all forms of actions that harm others.

This provision is intended so that economic behavior in each of its activities is always within the framework of the Shari'a, so that each party will feel satisfaction in doing business and establishing the general benefit. Thus, Islamic rules regarding the economic system in terms of buying and selling are clear and it is hoped that Muslims will use and practice them so that their economic activities run in accordance with Islamic teachings. (Abdul Aziz, 2010:8).

Islam prohibits any form of buying and selling that contains dangerous actions for others, is too one-sided and very detrimental to other parties because the contract is not clear and the goods being sold are in uncertain circumstances. Likewise, all forms of fraud and deception in buying and selling make it prohibited. Currently, what is in demand at the Kedungwuni Pekalongan MSME Market is the buying and selling of goods using the online system in the Covid 19 pandemic situation or what is known as the

corona, which in practice in economic transactions sometimes buying and selling of goods that are still not clear becomes a transaction made online.

Based on that, the author is interested in raising Islamic law regarding the economic activities of buying and selling goods in the online system by following the principles of Islamic economics with the title; "Legal Review of the Online System of Buying and Selling Goods in the perspective of Islamic Economics (Case Study in the Kedungwuni Pekalongan MSME Market)".

B. Method

This type of research is field research. In this case, the activity of buying and selling goods with an online system at the Kedungwuni Pekalongan MSME market. The approach used in this study is a qualitative approach. In this case, it is related to the case of buying and selling goods using an online system at the Kedungwuni Pekalongan market.

Primary data sources In this case observations and interviews were carried out with traders and buyers at the Kedungwuni Pekalongan MSME market.¹ a book by Yusuf Al-Qudrawi, entitled *Halal and Haram in Islam*, trans. Muammal Hamidy, (Surabaya: Science Development, 1993), a book by Abdul Aziz Muhammad Azam, entitled *Fiqh Muamalat, Transaction Systems in Islamic Fiqh*, (Jakarta: Amzah, 2010) and so on.

Data collection such as the Observation Method This method is used by researchers to obtain data about the general condition of the Kedungwuni MSME market, Pekalongan Regency. Interview or interview method. This method is used by researchers to gather data about the activities of buying and selling goods with an online system at the Kedungwuni Pekalongan MSME market. Documentation Method This method is used by researchers to obtain data about buying and selling activities with an online system at the Kedungwuni Pekalongan MSME market.

The data analysis method that the author uses in this study is a qualitative data analysis method. This research is focused on studying the law of buying and selling goods online in the perspective of Islamic economics, so that the analysis process can be more focused and optimal.

C. Results and Discussion

As mentioned regarding the legal basis for greeting transaction requirements or those that are not directly visible in Islamic law, that at first glance may lead to the prohibition of online transactions (E-commerce), due to the lack of clarity of place and the absence of both parties involved in the venue.

However, if we examine it further by trying to collaborate between the expressions of the Koran, hadith and *ijmā'*, with a foundation: "In the beginning all muamalah are allowed so there are arguments that show their prohibition" As stated by Abdullah bin Mas'ud: That what what has been seen as good by Muslims is good before Allah, but vice versa. And the most important thing is honesty,

¹, Nasrun, Haroen. *Fiqh Muamalah*, Jakarta: Gaya Media Pratama, Cet. 2, 2007.

fairness and clarity by providing complete data, and there is no intention to deceive or harm others, as Allah says in Surah Albaqarah verses 275 and 282.

Steps that can be taken so that buying and selling online is permissible, lawful and legal according to Islamic law:

- a. Halal Products. The obligation to maintain halal-haram laws in commercial objects continues to apply, including in online commerce, bearing in mind that Islam forbids the proceeds of trade in goods or services that are illegitimate, as confirmed in the hadith: "Indeed, if Allah has forbidden a people to eat something, He also forbid the proceeds of its sale." (HR Ahmad, and others). It may be that when doing business online, the feeling of shyness or aversion to other people disappears or decreases. But you must realize that Allah 'Azza wa Jalla keeps a record of your halal or haram trade.
- b. State Clarity. Among the important points that must be considered in every trade is clarity of status. Is it as the owner, or at least as a representative of the owner of the goods, so that he is authorized to sell the goods. Or is it only offering goods procurement services, and for this service requires certain compensation. Or is it just a trader who does not own goods but can bring in the goods offered.
- c. Price Compatibility With Goods Quality. In buying and selling online, it is often found that many buyers feel disappointed after seeing the goods that have been purchased online. I don't know if it's the quality of the fabric, or the size that doesn't fit. Before this happens, you should really consider whether the price offered is in accordance with the quality of the goods to be purchased. It is also best to ask for real photos of the condition of the goods to be sold.
- d. Honesty. Doing business online, even though it has many advantages and conveniences, does not mean it is without problems. Various problems can arise in online commerce. Especially issues related to the level of trust of both parties.

It could be that someone made a purchase or order. But after the goods were sent to him, he did not make payment or did not pay off the rest of the payment. If as a buyer, it could be that after making a payment, or at least sending a down payment, it turns out that the seller is a traitor, and doesn't deliver the goods. It could be that the item sent does not match what is described on the website or does not match what was wanted.

Buying and selling goods through online on the one hand can provide convenience and benefit the community. However, if these conveniences and benefits are not accompanied by strict cultural and legal ethics, it will be easy to get caught up in deception, cheating and oppressing one another. This is where Islam aims to protect humanity at any time so that there are legal rules of buying and selling in Islam that are in accordance with the provisions of the Shari'a so that they are not trapped by rampant greed and tyranny. Business transactions via online if in accordance with the rules mentioned above will bring progress to society and the country.

D. Conclusion

In the review of Islamic law, buying and selling or business is a means to worship Allah and is Fardu kifayah, therefore business and trade cannot be separated from the role of Syari'ah Islamiyah. Islam sees the concept of buying and selling as a tool to make humans more mature in thinking patterns and carrying out various activities, including economic activities. As mentioned above, the original law of mu'amalah is al-ibaahah (permissible) as long as there is no argument against it. However, that does not mean there are no signs that regulate it. Online transactions are permissible according to Islam as long as they do not contain elements that can damage them such as usury, injustice, fraud, cheating and the like and fulfill the pillars and conditions in buying and selling. Online transactions are permissible according to Islam based on the principles that exist in trading according to Islam, specifically analogous to the principle of as-salam transactions, except for goods/services that are not allowed to be traded according to Islamic law.

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