

**Research Article**

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Buying and Selling Online in View of Islamic Law**Risdianto Hermawan*; Wafa Aerin**

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Corresponding email: ianhermawanr@gmail.comDOI: <https://doi.org/10.24090/isj.v3i1.10023>**Abstract**

The development of technology and communication is so fast, penetrated into all aspects of life, not least also in business or trade. Buying and selling online is currently much loved by people in Indonesia, even the world. Online buying and selling system is a system that works for transactions (exchange of goods and services) that produce selling value that is done online. This system is much loved because people do not need to bother going to the seller to buy the desired item without limited space and time. Islam itself views online buying and selling as one of the tools in economic activity. However, there are many assumptions in the community about the law of buying and selling according to the view of Islamic law. There are criteria for allowing and prohibiting buying and selling according to Islamic views, as well as in the case of buying and selling done online.

Keyword: buying and selling online; islamic law**INTRODUCTION**

Buying and selling or trading is one of the business activities recommended in islamic teachings in opening the door to sustenance. In fact, the Prophet Muhammad (peace be upon him) once said that nine out of ten doors of sustenance are through the door of business or trade. This means that through trading it will be able to open the door of sustenance and radiate the gift of Allah SWT. In the teachings of Islam, trading is one way to get the sustenance allowed. This is stated in one of the Qur'anic verses that means "whereas Allah has legalized the sale and prohibiting riba" (QS. 2:275), with the record during the sale and purchase must be adapted to the teachings of Islam.

Trading exemplified in ancient times by the Prophet Muhammad (peace be upon him) was trading directly (offline). In the process, the buyer can see directly the goods he will buy, and can watch when the process of measuring the goods to be purchased. So that the

seller and buyer will have a discussion and make a deal after the buyer matches the goods he will buy. After that, then the transaction or payment of buyer funds will bring the goods he bought. Such is the process of trading in the time of Rosululloh SAW. Along with the development of the times and technological advances, trading has not only been done offline, but also done online in various ways and types. However, in general the intent and purpose of buying and selling online or buying and selling through electronic media is the same as buying and selling online basis.

There are many terms and media in buying and selling that are done online, but the principle is the same, namely trading either in the form of goods or services. From this understanding, then we can understand some characteristics in buying and selling that are done online, first, there are buying and selling transactions between buyers and sellers; second, the process of exchanging goods, services, or information; Third, use the internet as the main medium in the buying and selling process.

Looking at some of the characteristics mentioned above, then we can conclude that distinguishes buying and selling online and secar offline is in the process of the contract or transaction, as well as the main media in the process. In business, the contract has the most important position. Business in Islamic teachings generally exemplifies and explains the existence of transactions conducted inline or physical nature, by presenting goods to be purchased during the transaction process, or not presenting goods to be ordered but explained the criteria concretely, either given directly at the time of the transaction or given at a later time in accordance with mutual agreement (Salim 2018). From some understanding and views about buying and selling online and offline that have been mentioned above, then in this paper will discuss about buying and selling online in view of Islamic law.

RESEARCH METHODS

The methods used in this study are qualitative descriptive. This research aims to provide interpretation and tell data that have a relationship with the current conditions, a phenomenon that exists among the public about differences in perception about online buying and selling. In this study, researchers used literature studies to trace information either through journals, books, or other literature that can be used as a foundation in this research. (Arikunto 2013). The object of study in this study is texts that have a relationship with the law of buying and selling online which is a debate among the public until now.

RESULT AND DISCUSSION

1. The Fact of Buying and Selling

The word buying and selling is formed from two words, namely the word sell and the word buy. Actually, these two words have interpretations that contradict each other. The word sell means the existence of work or selling activities, while the word buy has the meaning of buying activities (Suhrawardi 2009). When viewed from the meaning of language, then buying and selling can have the meaning of exchanging something with something, either in the form of goods or services. While on the other hand, buying and selling according to syar'i is an exchange between property and property using agreed ways. From the definition, we can know that the core of buying

and selling is a value goods exchange agreement, done voluntarily by both parties by receiving money as compensation for goods, and of course must be in accordance with the provisions and agreements that are justified. Islam as a religion rahmatan lil ' alamin reinforces the validity and legality of buying and selling in general, and rejects and prohibits the concept of riba.

Buying and selling is an activity to exchange goods with other goods in a certain way. Included in this is the service and also the use of mediums of exchange such as money. Buying and selling itself is: exchanging goods for goods for money by releasing property rights from one to the other on the basis of giving up each other (Hidayat 2015). From some of the above definitions it is understood that buying and selling is an agreement to exchange objects or goods that have a good value between the two parties, one receives objects and the other party accepts them in accordance with the agreement or provisions that have been justified and agreed. The pillars of buying and selling are:

- a. There are sellers and buyers who both must be wise, of their own accord, mature / puberty and not redundant alias not being wasteful
- b. There are goods or services traded and exchange goods such as money, gold dinars, silver dirhams, goods or services. For items that are not visible because it may be elsewhere the name is salam.
- c. There is ijab qabul which is a transaction greeting between the selling and the buying (seller and buyer).

2. Buying and Selling Online

Buying and selling online or E-Commerce is interpreted as buying and selling goods and services through electronic media, especially through the internet or online. Ecommerce is a trading procedure or buying and selling mechanism on the internet where buyers and sellers are met in cyberspace. E-commerce can also be defined as a way of shopping or trading online or direct selling that utilizes Internet facilities where there are websites that can provide "get and deliver" services. E-commerce will change all marketing activities and also at the same time cut operational costs for trading activities (trading) (Samawi 2020).

Buying and selling online is interpreted as buying and selling goods and services through electronic media, especially through the internet or online. One example is the sale of products online through the internet as done by bukalapak.com, berniaga.com, tokobagus.com, lazada.com, kaskus, olx.com, etc. According to Suherman in his book, buying and selling via the internet is " (a buying and selling agreement done using electronic means (internet) both in the form of goods and services)" (Suherman 2009, 179), Or buying and selling via the internet is "an agreed agreement by determining certain characteristics by paying the price first while the goods are handed over later" (Urnomo 2000, 4).

Based on the above understanding can be concluded that buying and selling via the internet is a buying and selling that occurs in electronic media, where the buying and selling transaction does not require sellers and buyers to meet directly or stare

directly at each other, by determining the characteristics, types of goods, while for the price paid first just handed over the goods.

Just like business in general, online business in sharia economy is also divided into halal and haram, legal or illegal. Online businesses that are prohibited are online gambling businesses, trafficking of prohibited goods such as drugs, pornographic videos, copyright-infringing goods, weapons and other objects that have no benefits. In essence, an online business is a business based on muamalah. Online business is permitted (Ibahah) as long as the business does not contain prohibited elements. Online sales transactions where goods are based solely on descriptions provided by the seller are considered valid, but if the description of the goods is not appropriate then the buyer has the right to allow the buyer to continue the purchase or cancel it.

3. Buying and Selling Online in view of Islamic Law

After discussing the understanding of buying and selling and buying and selling online and its characteristics, we can find out the difference between buying and selling and buying and selling that is done online. Here is the law of buying and selling in view of Islamic law;

Al Baqoroh: 275

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ
ذَلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا فَمَنْ جَاءَهُ
مَوْعِظَةٌ مِنْ رَبِّهِ فَانْتَهَى فَلَهُ مَا سَلَفَ وَأَمْرُهُ إِلَى اللَّهِ وَمَنْ عَادَ فَأُولَئِكَ أَصْحَابُ
النَّارِ هُمْ فِيهَا خَالِدُونَ

"Those who eat (take) riba cannot stand but like the establishment of one who enters satan because of mad disease. Their situation is because they say, indeed the sale and purchase is the same as riba, even though Allah has legalized the sale and prohibited usury. Those who have come to him for the prohibition of his Lord, and continue to cease (from taking usury), then for him what he has taken before (before the prohibition comes); And it is up to God. He who returns, then he is the inhabitants of hell. They remain in it.

An Nisa: 5

وَلَا تَوْتُوا السُّفَهَاءَ أَمْوَالَكُمُ الَّتِي جَعَلَ اللَّهُ لَكُمْ قِيَمًا وَارْزُقُوهُمْ فِيهَا وَاكْسُوهُمْ
وَقُولُوا لَهُمْ قَوْلًا مَعْرُوفًا

"And do not leave it to those who are not perfect in mind, the treasures (of your power) which God has made the subject of life. Give them shopping and clothes and say to them a good word. "

Based on the criteria and some of the verses that have been listed above, we can conclude that online buying and selling is allowed while it does not violate the terms of trade in Islamic law such as the existence of elements of *riba*, monopolizing trade, *kezhaliman*, and also fraud. The Prophet indicated that buying and selling is *halal* while consensual (*Antaradhin*). Because buying and selling or doing business like through online has a positive impact because it is considered practical, fast, and easy. But buying and selling through online must have certain conditions may or may not be done.

The basic conditions for allowing buying and selling online include:

- a. Not violating the provisions of religious *shari'ah*, such as prohibited business transactions, fraud, fraud and politics
- b. There is an agreement between two parties (seller and buyer) if something untoward happens between the agreement (*Alimdha'*) or cancellation (*Fasakh*).

As stipulated in the *Fikih* on the forms of options or alternatives in the buying and selling agreement (*Alkhiarat*) such as *Khiar Almajlis* (right of cancellation on the spot if there is an incompatibility), *Khiar Al'aib* (right of cancellation if there is a defect), *Khiar As-conditionh* (right of cancellation if ineligible), *Khiar At-Taghrir / Attadlis* (right of cancellation in the event of fraud), *Khiar Alghubun* (right of cancellation in the event of fraud), *Khiar Tafriq As-Shafqah* (right of cancellation because one of the two parties was cut off before or after the transaction), *Khiar Ar-Rukyah* (the right of cancellation of deficiency after being seen) and *Khiar Fawat Alwashaf* (right of cancellation if not in accordance with its nature).

There are strict and clear controls, sanctions and legal rules from the government (competent institutions) to ensure the permissible business conducted through online transactions for the community.

If the business through online is not in accordance with the terms and conditions described above, then the law is "*Haram*" is not allowed. The benefit and protection of the people in business and business must be in the protection of the state or competent institutions. So that nothing happens that brings drama, deceit and destruction to the people and countries. An online business is just like an offline business. Some are *halal*, some are illegal, some are illegal. The basic law of online business is the same as the buying and selling agreement and the *as-salam* agreement, this is allowed in Islam. As for the prohibition of online business for several reasons (Fitria 2017):

- a. The system is illegal, like money gambling. Gambling is illegal both on land and in the air (online).

- b. Goods / services that are the object of transactions are prohibited goods, such as drugs, pornographic videos, online sex, copyright infringement, sites that can bring visitors into adultery.
- c. For violating the agreement (TOS) or containing an element of fraud.
- d. And others that do not bring benefits but actually cause harm

In the Qur'an it is also explained to the inability to carry out buying and selling either online or offline. This is stated in surat Al Muta'afifin verses 1-3 as follows;

وَيْلٌ لِّلْمُطَفِّفِينَ^١

"Woe to those who cheat."

الَّذِينَ إِذَا أَكْتَالُوا عَلَى النَّاسِ يَسْتَوْفُونَ^٢

"Those who, when they receive a measure from others, ask to be fulfilled."

وَإِذَا كَالُوهُمْ أَوْ وَزَنُوهُمْ يُخْسِرُونَ^٣

"And when they measure or weigh (for others), they reduce."

Meaning of the word "وَيْلٌ" (lake of hell jahannam; kalamat hardik; Woe) in the Qur'anic verse above, shows that Allah Almighty curses people who do business by cheating (لِّلْمُطَفِّفِينَ^١). The Qur'anic verse and the rules of Jurisprudent above expressly advocate in business there must be honesty, fairness, not cheating each other and there must be a firm and clear legal umbrella that aims for the benefit of society, the state and the people.

The steps that we can take so that online buying and selling are allowed, halal, and legal according to Islamic sharia:

- a. Halal products.

The obligation to keep the halal-haram law in the object of business remains valid, including in online business, considering that Islam prohibits the business results of goods or services that are haram, as asserted in the hadith: "Verily, if Allah has forbidden a people to eat something, he must also prohibit the proceeds of its sale." (Ahmad, and others). It could be that when trading online, the feeling of hesitation or reticence to others disappears or decreases. But you must realize that Allah 'Azza wa Jalla still records the halal or haram of your business.

- b. Translate the whole document.

Among the important points that you should pay attention to in every business is the clarity of your status. Whether as the owner, or at least as a representative of the owner of the goods, so authorized to sell goods. Or do you

only offer procurement services, and for this service you require certain rewards. Or is it just a merchant who does not have goods but can bring the goods you offer.

c. Price Compatibility with Quality of Goods.

In buying and selling online, often we find many buyers feel disappointed after seeing clothes that have been purchased online. Whether it's the quality of the fabric, or the size that turns out not to fit the body. Before this happens back to you, you should consider whether the price offered is in accordance with the quality of the goods to be purchased. It is also a good idea to ask for a real photo of the state of the item to be sold

d. Your honesty.

Trading online, although it has many advantages and conveniences, but it does not mean without problems. Various problems can arise in online businesses. Especially issues related to the level of trust of both parties.

It could be that someone is making a purchase or order. But after the goods you send to him, he does not make payments or does not pay off the rest of the payment. If you are a buyer, it could be that after you make a payment, or at least send a down payment, it turns out that the seller betrayed, and did not send the goods. It could be that the item sent turns out not to match what he describes on his site or does not match what you want.

CONCLUSION

Doing business through online one side can provide convenience and benefits for the community. But the ease and advantage if not accompanied by a firm cultural and legal ethics will be easily caught up in the ruse, cheating each other and abusing each other. This is where Islam aims to protect humanity at any time so that there are rules of buying and selling laws in Islam in accordance with the provisions of sharia so as not to be trapped with greed and tyranny that rule lela. Business transactions through online if in accordance with the rules mentioned above will bring progress to society and the country.

When we go into online business, there are many temptations and challenges how we should do business in accordance with the corridors of Islam. That's why we have to be more careful. Do not because you want to get a lot of profit and then justify all kinds of ways. As long as we do business online in accordance with Islamic principles and beneficial to others, of course the benefits obtained will be a blessing.

As already mentioned above, the original law of mu'amalah is al-ibaahah (may) as long as there is no proposition that forbids it. However, that does not mean there are no signs that set it. Online transactions are allowed according to Islam as long as they do not contain elements that can damage it such as usury, kezhaliman, fraud, fraud and the like and meet the pillars and conditions in buying and selling. Online transactions are allowed according to Islam based on the principles that exist in trade according to Islam, especially analogous to the principle of transactions as-salam, except on goods / services that should not be traded in accordance with Islamic sharia.

REFERENCES

- Arikunto, S. (2013). *Prosedur Penelitian Suatu Pendekatan Praktek*. Jakarta: Rineka Cipta.
- Fitria, T.N. (2017). "Bisnis Jual Beli Online (Online Shop) Dalam Hukum Islam Dan Hukum Negara." *Jurnal Ilmiah Ekonomi Islam* 3 (01): 52–62. <https://doi.org/10.29040/jiei.v3i01.99>.
- Hidayat, E. (2015). *Fiqih Jual Beli*. Bandung: PT Remaja Rosdakarya.
- Salim, M. (2018). "Jual Beli Secara Online Menurut Pandangan Hukum Islam." *Al Daulah : Jurnal Hukum Pidana Dan Ketatanegaraan* 6 (2): 371–86. <https://doi.org/10.24252/ad.v6i2.4890>.
- Samawi, M.L. (2020). "Tinjauan hukum islam mengenai jual beli online." *Ad-Deenar: Jurnal Ekonomi dan Bisnis Islam* 4 (01): 52–64. <https://doi.org/10.30868/ad.v4i01.616>.
- Suherman, A.M. (2009). *Aspek Hukum Dalam Ekonomi Global*. Jakarta: Ghalia Indonesia.
- Suhrawardi, L. (2009). *Hukum Ekonomi Islam*. Jakarta: Sinar Grafika Offset.
- Urnomo, W.A. (2000). *Konsumen Dan Transaksi E-Commerce*. Jakarta: Yayasan Lembaga Konsumen Indonesia.