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Online Shopping Business Ethics in Sharia Maqasid

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ABSTRAK

Abstrak: Bisnis online menjadi usaha yang paling banyak dijalankan para pelaku usaha dimana pembeli dan penjual tidak bertemu langsung. Sering terjadi permasalahan antara pembeli dengan produk yang diterimanya, keterlambatan pengiriman dan permasalahan lainnya. Tujuan penelitian ini untuk melihat bagaimana bisnis online dapat dilakukan sesuai Syariat Islam meliputi semua ketentuan, baik yang dijelaskan melalui ketentuan langsung dari Al-Quran dan Sunnah maupun ketentuan-ketentuan yang digali dari dalil-dalil lainnya. Penelitian ini menggunakan studi literatur yang diambil dari berbagai sumber yang relevan. Dengan penerapan maqashid syariah dalam menjalankan bisnis online agar tidak terjadi pertentangan dan permasalahan antara pembeli dan penjual. Maqashid syariah adalah tujuan-tujuan syariat dan rahasia yang dimaksudkan Allah dalam setiap hukum dari keseluruhan hukum-Nya untuk dapat di jalankan dalam bisnis online. Dengan menjalankan syariah islam dalam bisnis online maka suatu bisnis telah menerapkan maqashid syariah maka bisnis online diperbolehkan dengan dasar untuk memenuhi kebutuhan. Belanja online memberikan kemudahan dan kebermanfaatan bagi umat.

Kata Kunci: *Al-Qur'an; Al-Hadist; Hukum Syaria; maqashid syariah.*

Abstract: Online business is the most widely run business by business people where buyers and sellers do not meet directly. There are often problems between buyers and the products they receive, delivery delays and other problems. The purpose of this study is to see how online business can be carried out in accordance with Islamic Sharia covering all provisions, both those explained through direct provisions from the Quran and Sunnah as well as provisions extracted from other postulates. This research uses literature studies taken from various relevant sources. With the application of sharia maqashid in running an online business there are no conflicts and problems between buyers and sellers. Maqashid sharia is the purpose of sharia and the secret that Allah intends in every law of His entire law to be carried out in online business. By running Islamic sharia in online business, a business has implemented sharia maqashid, so online business is allowed based on meeting needs. Online shopping provides convenience and benefits for people.

Keywords: *Qur'an; Al-Hadith; Sharia Law; maqashid sharia*

A. INTRODUCTION

Islam is a perfect religion, setting clear rules for its adherents. Islam has its origin in two laws that cannot be changed and replaced by anything, namely the Qur'an and the Sunnah. With these two sources, Muslims refer to every activity and problem that occurs in life. The Quran and sunnah are the guidelines for the life of Muslims which contain three elements aqidah, sharia,

and morals. . Islam is a complete guide to life, it has provided guidelines and rules for every level of society (Soemitra, 2008).

Sharia in its broadest sense includes all provisions, both those explained through the provisions of the direct postulates of the Qur'an and the Sunnah of the Messenger and provisions extracted from other postulates. In a narrow sense, sharia is limited to legal provisions that have a firm and definite proposition, contained in the Book and Sunnah that are shahih or stipulated by Ijma'. **(**Ahmad Zaki Yamani, 1977). Sharia law has a strong link to fiqh. Sharia is the source or foundation of fiqh and fiqh is a provision that explains how to understand sharia itself. So it is often said to be Sharia law or fiqh. Understanding Islamic Sharia is understanding the nature of Islam itself. By understanding the Islamic Sharia will know how Allah sets rules and to enforce them (Rohidin, 2016).

Sharia law is the provision of implementing Sharia law. Sharia law is categorized as a nash-nash of revelation derived from the Qur'an as well as the sunnah itself. Understanding nash-nash sometimes requires thought and sometimes it can be understood directly. The result of this understanding is formulated as Shar'i law formulated with ra'yu that remains related to revelation formulated systematically, such as through istihsan and mashlahat mursalat or paying attention to the customs of many people who do not contradict the general principles of revelation so as to achieve maqashid sharia. With the implementation of maqashid sharia in the life of mankind as a servant of Allah, the overall shari'i law that has been established aims to become a law that can be used by the ummah in dealing with any changes that occur in the life of the behavior of an increasingly diverse and advanced society. Like the current digital era where people in general are accustomed to online shopping.

Online shop is a must that is currently done even more routinely than offline shopping for fashion products. This condition requires the existence of rules from sharia law so that the activities carried out do not deviate from the legal provisions set by both the seller and the buyer. Consumers will prefer to shop *online*, because consumers feel the comfort and pleasure of getting products / services at low prices despite the risks..(Jufrizen et al., 2020). The problem that often occurs in online shopping is the mismatch of the products ordered with those received by consumers, both colors, shapes, sizes, even sometimes the products sent are not ordered products which often harm buyers. This is certainly contrary to sharia principles where buying and selling carried out must have elements of willingness of buyers and sellers. With so many problems in buying and selling online, it is a problem that needs to be raised to be solved in this paper.

B. LITERATURE REVIEW

Maqashid sharia is a form of the existence of laws that Allah subhanawata'ala has ordained for every human being to implement. Maqashid sharia indicates the existence of the purposes of sharia and secrets set by Allah in every law of all the laws of Allah. Wahbah al-Zuhaili (1986:1017) define

maqashid shari'ah by the meanings and purposes maintained by shari'ah in all its laws or most of its laws, or the ultimate goal of the Shari'ah and the secrets laid by the Shari'a on each of its laws (Shidiq, 1970). Maqshid syariah established as a law that applies to overcome the problems faced by humans as a whole. Maqashid is established by means of; 1) see what explicit expressions are commands and what are forbidden; 2) see clearly what the orders and prohibitions mean; 3) see clearly the intent of his actions; 4) Establish sections towards prohibitions or orders when the information of sharia has not been determined. *Maqashid* is plural of the word *maqsud* which means demand, intention or purpose (Nasrullah Kartika MR & Noor, 2014). *Sharia* is a policy (*wisdom*) and the achievement of protection for everyone in the life of this world and the hereafter. The meaning *of maqashid al-sharia* in terms is *al-ma'aaniallati syuri'at laha al-ahkam which means values that are the purpose of establishing law* (Betawi, 2019).

Classical scholars, such as Al Shatibi, set the maqashid levels *of sharia* to be *al maqashid dharuriyat, al maqashid hajiyyat* and *al maqashid tahsiniyat. Al maqashid dharuriyat* places more emphasis on the maintenance of primary needs. If this need is not met, it can threaten the safety of the world and the hereafter. At this level, there are five safeguards, namely the care of religion (hifz ad diin), the care of the soul (hifz an nafs), the care of the mind (hifz al 'aql), the care of offspring (hifz *an nasl*), and the care of property (*hifz al maal*).

Maqashid sharia becomes a tool to find out the understanding of legal verses and hadiths. Understanding it will make it easier to learn the laws of sharia in Usul Fiqh. Sharia maqashid is very important in studying and setting rules in Islamic economics. Sharia maqashid is a corridor in running an online business that is shown by sharia-compliant business ethics.

Business is an action that many individuals and groups carry out from the past to the digital era. Business is an activity that plays a very important role in meeting the needs of every human being. As Muslims, we have shown examples in doing business that can be used as examples of good business ethics, from Rasulullah Muhammad SAW. Nabi Muhammad SAW is highly trusted by the Makkah community because of his honesty and the behavior of the prophet Muhammad can be a role model in running a business. (Hardiati, 2021), namely: 1) honest; 2) fair; 3) friendly; 4) capable; 5) happy to help customers; 6) safeguarding consumer rights and; 7) Not demonize other people's businesses.

Exemplified behavior or character Rasulullah is the behavior on which Muslims conduct business. The character exemplified becomes an example based on clear propositions; 1) Honesty must be possessed by every business person based on hadith Nabi narrated by Ibn Majah, "*It is not permissible for a Muslim to sell a disgraceful thing unless he explains his disgrace".*2) It is fair that business people in treating every buyer or consumer are treated equally. 3) friendliness that giving hospitality to buyers is based on the words of the Prophet *"Allah has mercy on a person who is friendly and tolerant in doing business"* (H.R. Al Bukhari). 4) Cakap that business people must have the ability to what they sell, according to the words of the prophet . Rasulullah SAW,

“The best work is buying and selling in accordance with the Shari'a and one's work with one's own hands" (H.R. Ahmad and At Tabrani). 5) Happy to help customers that every businessman is happy to help his buyers, not only to make a profit but like to help or be *ta'awun* (help each other. 6) maintain consumer rights that sellers should not influence consumers on what they want to buy but give freedom In buying, according to the word Rasulullah *Both parties to a trade transaction reserve the right to cancel the transaction as long as they have not separated. If they tell the truth and explain things clearly, their transaction will get a blessing. But if they hide something and lie, the blessings that are in their transactions will be erased”* (H.R. Al Bukhari), 7) It is not demonizing other people's businesses that sellers are forbidden to demonize other businesses in order to prevent people from buying business by day, said Rasulullah who meant *"Let not one of you sell with the intention of demonizing what others sell"* (Muttafaq ‘Alaih)

The growth of trust starts from the involvement of sellers to consumers. Involvement is defined by providing wholehearted service, being honest, fair, friendly, capable and happy to help customers. While safeguarding consumer rights and not demonizing business competitors is a code of ethics that the Prophet always maintains in order to support the growth of trust from consumers, business partners and the community. Accelerating the growth of consumer trust is a process determined by self-quality (professionalism) and commitment in upholding ethical and moral values (Antonio, 2010).

Sale and purchase is an agreement to exchange objects or goods that have a happy value between the two parties, one receives the objects and the other party accepts them in accordance with the agreement or provisions that have been allowed by sharia 'and agreed. The pillars of buying and selling are: 1) There are sellers and buyers who both must be reasonable, of their own volition, adults / puberty and not mubadzir or not being extravagant. 2) There are goods or services that are bought and sold and exchanger goods such as money, gold dinars, silver dirhams, goods or services. For items that are not visible because maybe elsewhere the name is greeting. 3) There is ijab qabul i.e. is a transaction greeting between the one who sells and the one who buys (seller and buyer) (Nur fitria, 2017). The pillars of buying and selling are: a. There is a Seller: b. There is a Buyer; c. There is money; d. There are goods; e. Ijab kabul (handover) between seller and buyer (Mujiatun, 2013). Furthermore, Bay*' al-salam and Bay*'al-istihsna' became the most popular buying and selling contracts where a person could buy the goods he wanted to buy with installments or cash and had first established an agreement to be obeyed together. This agreement supports problems in online shopping (Hasanah, 2018)

Online shopping is the most frequent activity done by individuals today. Online shopping provides convenience for everyone so that it is more routine to do it. In sharia law, online purchases or online purchase decisions are legally permissible by following rules that do not conflict with sharia law. Online shopping or making purchasing decisions online is the action of individuals or consumers to decide to buy products or goods needed in the online market.

Online purchasing decisions are part of consumer behavior Consumer behavior is the study of how individuals, groups, and organizations choose, buy, use, and how goods, services, ideas or experiences to satisfy their needs and desires (Kotler & Amstrong, 2012).

C. METHOD

This research method uses descriptive research methods. Descriptive research is intended to be a type of research that aims to present a complete picture of a social condition or is intended for exploration and clarification regarding a phenomenon. The source of research data is taken from library research consisting of Qur'anic tafsir, Shahih Hadith, scholarly opinions, google scholar indexed journal literature, and indexed international journals. Furthermore, the data cited in the review, then analyzed and interpreted for the results and Novalty of this study**.**

D. RESULT & DISCUSSION

Shopping is an activity that involves sellers and buyers. Buying and selling according to language means exchanging something for something, while according to shari'i it means exchanging property for treasure according to certain ways. Prophet Muhammad (peace be upon him) said which means:

> "*of Rifa'ah (r.a) that the Prophet Muhammad SAW (peace be upon him) was asked: "What is the best search?". He answered, "He who works with his hands, and every trade is clean*." (H.R. Al-Bazar and endorsed by Hakim).

Online shopping or online purchasing decisions are activities that can be done. The foundation of postulate is something that is familiar to a society because it has become a habit and blends with their lives either in the form of deeds or words. Online purchase decisions may be based on:

> Something that is familiar to a society because it has become a habit and blends into their lives either in the form of deeds or words*"*

In Q.S. Al Baqaroh (2/275) Allah affirms that: "...*Allah justifies buying and selling and forbids usury..."*. The interesting thing about the verse is that there is a prohibition of riba which is preceded by the legalization of buying and selling, provided that as long as it is done correctly in accordance with the guidance of Islamic teachings. Furthermore, in Q.S. Annisa (4/29) it is intended that believers, do not eat wealth in a vanity way among you, but Allah allows seeking wealth through commerce, where the business gives rise to willingness to buy and sell each other in business. Indeed, Allah is merciful to His servants.

From the verses of the Qur'an si above are verses that support human activities in conducting trade or buying and selling that still have a good impact (*maslahah*) for all parties. *Maslahah* or goodness can be formed from *the maqashid of sharia*. In maintaining the *maqashid of sharia* and fulfilling *the maslahah* when trading, the trade must be in accordance with the rules in Islam, as exemplified by the Holy Prophetsa in every act of trading. In the hadith it is stated:

"Honest and trustworthy merchants will be raised up with the Prophets, the shiddiqs and the martyrs'". (HR Tirmidzi).

The above hadith explains that when an honest and trusted merchant or businessman will be resurrected with the Prophets, trusted people and martyrs. If we see, honest and trusted traders, of course, do not want to deceive their consumers and this will provide good (*maslahah*) for all parties. (Purnama, 2021)

Later in the hadith narrated by Bukhari and Muslim, Rasulullah said: Sellers and buyers are given the opportunity to think while they have not separated. If they are honest and make an explanation of the goods being sold, they will get blessings in their trade. If they deceive and keep secret about what should be explained about the goods being bought and sold, then the blessing is erased. (Bukhari & Muslim, 2020)

In the terms of scholars, maqashid sharia *is the goal that is the target* of nash and particular laws to be realized in human life, both in *the form of* commandments, prohibitions and mubah. For individuals, families, pilgrims and people (Qardawi, 2007). Based on the above postulates it is intended for offline transactions. Now what about online transactions in this day and age? When we talk about online business, there are many kinds and types. However, broadly speaking, it can be interpreted as *buying and selling goods and services through electronic media, especially through the internet or online*. *E-commerce* is one of the transaction mechanisms that uses electronic communication networks such as the internet used by both developed and developing countries, so that its activities can no longer be limited by geographical restrictions and can increase the efficiency and speed of business administration. (Wulandari et al., 2017). One example is the sale of products/goods online via the internet such as Lazada, *Tokopedia, Buka Lapak, Blibli, Elevania, Shopee etc*. In this business, support and service to consumers using certain sites or websites via laptops or computers; Or applications that can be downloaded from gadgets or mobile phones via Playstore.

The law on online purchases is stipulated in MUI Decree No. 146 of 2021 concerning online shops based on sharia principles. The National Sharia Council-MUI has issued fatwas in conducting online buying and selling in accordance with sharia law: 1) the existence of a firm and clear sale and purchase contract and understood by the party implementing the contract; 2) the existence of ijab (proof of delivery of goods) when the seller offers his product on the online market; 3) Qabul (proof of goods offered by the seller), received by the buyer (check out); 4) ijab qabul (delivery of goods from seller to buyer) is carried out in a contract assembly in an online store platform, such as making orders in ecommerce applications; 5) Sellers must not violate sharia rules in offering their goods, such as describing products that are not in accordance with actual conditions (tadlis) or excessive in explaining the conditions or advantages of their products (tanajusy /najsy) and making false tetimoni (ghisysy); 6) Furthermore, the seller must explain clearly about the criteria for the goods sold, the price (tsaman), delivery time and the fees charged for shipping costs.(DSN-MUI, 2021)

By conducting business ethics in accordance with the provisions set by sharia, online shopping activities are allowed. Such as having an honest nature by showing the shortcomings and advantages of the products sold, being honest about the quality and number of existing products (Ruslang, 2021). But when problems occur, the problems must be resolved so that the business carried out does not contradict sharia. The existence of an online business will make it easier for buyers to meet their needs. Online business provides a lot of convenience, time efficiency can make transactions anytime and anywhere. Based on maqashid syariah online shopping is allowed, shopping is done in order to meet the needs of self and family. Fulfilled needs and not behaving consumptively so that it will provide blessings in life.

Prosperity in Islamic economic principles must be able to realize the goals of sharia, known as *maqashid sharia,* which includes safeguarding the five elements of life, namely the protection of religion, soul, reason, offspring and property. The fulfillment of these five elements will have an impact called *maslahah* (Jauhar & (Kuwais), 2009). Sharia maqashid is the basis for developing the Islamic economy. With the implementation of an economy guided by the application of sharia maqoshid, welfare will be realized for every human being and the environment, the balance of wealth and property in the community as well as in individuals and families.

E. CONCLUSION

Maqshid sharia is established as the law that applies to overcome the problems faced by humans as a whole. The existence of sharia Maqashid will be a law that restricts online business activities in accordance with the laws that have been established and explained in detail by the Indonesian ulema mahelis institution in shopping rules The law of online purchases is stipulated in MUI Decree No. 146 of 2021 concerning online shops based on sharia principles. Furthermore, online shopping must be carried out by prioritizing business ethics that will support the occurrence of sharia-compliant online business. The achievement of an online business that implements sharia maqashid will provide blessings in the business of both sellers and buyers.

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