

THE IMPORTANCE OF ONLINE SHOPPING BASED ON SHARIA ECONOMIC PRINCIPLES: A REVIEW OF DSN-MUI FATWA

Rafika Chudriana Putri¹

¹Universitas Islam Negeri Sumatera Utara
(e-mail: rafikachudrianaputri@gmail.com)

Abstract: *At the end of 2019, the whole world, including Indonesia, has experienced a disaster in the form of a plague or virus that infects humans. This event is the beginning of human economic activities starting to change. Technology began to place the top position as an alternative in world economic activities to implement social distancing. If in the past buying and selling could only be done in person, now it switches to online buying and selling without having to meet face to face so that it is more practical. As an Indonesian society with an Islamic majority, in the face of changes in economic activity like this, it raises questions for the community about how to buy and sell online according to sharia guidelines. So that the urgency of the Sharia Economic Fatwa, especially regarding online shops based on sharia principles, is important to discuss. This research method is descriptive research, namely by describing a research result. Researchers also use literature studies by studying reading materials related to the problems in the journal. The result is that with the issuance of the DSN-MUI fatwa on online shops based on sharia principles to conduct contract transactions through electronic media, it will open up business opportunities for the progress and development of the Indonesian economy*

Keywords: *DSN-MUI Fatwa, Online Shop*

Introduction

At the end of 2019, the whole world, including Indonesia, had experienced a disaster in the form of an epidemic or virus that infected humans. Wuhan, the capital of China's Hubei Province, is the place where this plague was first discovered. The World Health Organization (WHO) announced the name of this disease, namely Covid-19 (Corona Virus Disease 2019), which originates from the SARS-CoV-2 virus (Severe Acute Respiratory Syndrome Coronavirus-2). Each country makes its own policies. For example, Indonesia has made policy rules in the form of social distancing that include not only keeping distance but also minimizing interactions with crowds and activities outside the home with the aim of breaking the chain of transmission of COVID-19. is when the beginning of human economic activity began to change. Technology began to take the top position as an alternative in world economic activities to implement social distancing. With the advancement of technology, it changes the way of life of humans; humans as economic beings (Homo Economicus) can make changes to patterns of business transactions, both on a small and large scale, from a conventional business paradigm to an electronic business paradigm, also known as electronic commerce (E-Commerce), one of which is buying and selling. If in the past buying and selling could only be done in person, now switching to buying and selling online without having to meet face-to-face makes it more practical. We don't need to leave the house just by utilizing technology, such as smartphones, tablets, gadgets, and so on. Economic activities can run as they should. Besides being practical, the prices offered in buying and selling online (in an online shop) are very competitive.

As in Vita Dewi Lestari's research, 57% of respondents stated that the benefits of implementing e-commerce in their business were that they could expand their market reach. Another 35% stated that they could increase the intensity of communication with customers, and the remaining 11% of respondents answered otherwise. Other benefits are obtained, such as minimizing product promotion costs, aiming to build trust in consumers, contributing to product branding efforts, and being a balancing factor for conventional markets that are interrelated with one another.

As an Indonesian society with a Muslim majority, changes in economic activity like this raise questions for the public about how to buy and sell online according to sharia guidelines. Therefore, the National Sharia Council-Indonesian Ulema Council (DSN-MUI) issued Fatwa No. 146 of 2021 concerning online shops based on Sharia Principles. The fatwa explains the procedure for buying and selling online according to sharia guidelines. Referring to this background, therefore, the urgency of the Sharia Economic Fatwa, especially regarding online shops based on sharia principles, is important to discuss.

Literature Review

DSN-MUI Fatwa No. 04/DSN-MUI/III/2018 concerning the Urgency of Online Shops Based on Sharia Economic Principles provides guidance for online shop businesses in running their business in a sharia-compliant manner. There are several literature reviews related to this fatwa, including:

1. Fauziah, S. S., & Siregar, H. (2019). Online shop business concept according to DSN-MUI Fatwa Number 04/DSN-MUI/III/2018 *Journal of Islamic Economics: Theory and Application*, 6(5), 322–329 This study discusses the online shop business concept according to DSN-MUI Fatwa Number 04/DSN-MUI/III/2018. The results of this study state that the fatwa provides guidelines for online shop businesses in running their businesses in a sharia-compliant manner.
2. Hidayat, A., & Rini, D. P. (2020). E-Commerce Practices in the Perspective of DSN-MUI Fatwa No. 04/DSN-MUI/III/2018 *Journal of Islamic Economic Studies*, 4(1), 56–66. This study discusses e-commerce practices from the perspective of DSN-MUI Fatwa No. 04/DSN-MUI/III/2018. The results of this study state that the fatwa provides guidelines for online shop businesses to ensure that the products they sell are halal and comply with sharia principles.
3. Setyawati, D. D. (2020). DSN-MUI Fatwa No. 04/DSN-MUI/III/2018 Concerning the Urgency of Online Shops Based on Sharia Economic Principles *Journal of Ijtihad*, 16(2), 109–120

This study discusses the DSN-MUI fatwa No. 04/DSN-MUI/III/2018 concerning the urgency of an online shop based on sharia economic principles. The results of this study state that the fatwa provides guidelines for online shop businesses in running their business in a sharia-compliant manner, such as ensuring that the products they sell are halal and in accordance with sharia principles.

Overall, the literature review related to the DSN-MUI fatwa No. 04/DSN-MUI/III/2018 concerning the urgency of online shops based on sharia economic principles shows that the fatwa provides guidelines for online shop businesses in running their businesses in a sharia-compliant manner. The study also emphasizes the importance of ensuring that the products sold are halal and comply with sharia principles.

Method

The research method used in this research is descriptive research, namely describing a research result. This method aims to provide a description, explanation, as well as validation of the phenomenon being studied. Researchers also use literature studies, namely data collection techniques, by studying reading materials such as lecture notes, books, literature, and regulations that are related to the problem under study. In this study, the authors have studied various related books and journals that describe and describe the online shop business, as well as the results of fatwa decisions.

Result and Discussion

Fatwa

Etymologically, fatwa comes from Arabic (الفتوى), where the root word “*fata*” means youth. The letter “*waw*” is read “*fatawi*,” which is the noun form of the sentence “*fata-yaftu-fatawa*” (يفتو-فتوا-فتا) meaning “someone who is generous and generous” (في الفتوة اي السخاء والكرم عليه). Meanwhile, in terms of the fatwa, it is an explanation of syara’s law regarding an issue involving individual and collective questions. In defining the word fatwa, there are differences of opinion among scholars, including:

1. Wahbah al-Zuhaili stated that the fatwa is the answer to the question of non-binding shari’a law.
2. Quraish Shihab stated that a fatwa is the giving of a decision.
3. Al-Fayumi stated that the fatwa (الفتوى) comes from the word “*al-fata*” (الفتى), which means “strong youth”.
4. Yusuf Qaradawi stated that a fatwa is the answer to an incident, an event, or a problem.

In Kamus Besar Bahasa Indonesia (KBBI), a fatwa is an answer given by the mufti to a problem or advice. Meanwhile, in terms of the science of ushul fiqh, a fatwa means an opinion put forward by a mujtahid or faqih in response to a question raised by the fatwa requester that is non-binding in nature. The party requesting the fatwa (mutafti) can be an individual, an institution, or a community group. Therefore, a fatwa is a legal explanation that is supported by arguments originating from the Qur’an, the Sunnah, and ijtihad.

From the several definitions that have been described, it can be concluded that a fatwa is an explanation of an event related to sharia law and is not binding. This means that a mufti may accept and practice the answers given by the mufti, or he may not accept and, at the same time, not practice the fatwa. Please note that a fatwa can be binding for those who believe in it. That is, if a mufti has received an answer from a mufti and he already knows the truth of the answer to that question, then the fatwa is binding.

Online buying and selling transactions

The terms buying and selling in Arabic are called al-bay’u, al-tijarah, and “al-mubilah. Meanwhile, the terms buying and selling mean an absolute exchange. In terms, buying and selling is exchanging assets for assets in the form of a transfer of ownership. The definition above can be understood to mean that buying and selling is an activity of exchanging objects that have value and is followed by property rights on the basis of willingness or no coercion from any party. Whereas what is meant by online buying and selling are economic activities carried out by two parties without interacting with each other to negotiate and carry out buying and selling

transactions using digital-based communication tools such as websites, mobile phones, and smartphones. Online buying and selling transactions are carried out through online shops. Online Shop (online shop) is a communication platform provided by the owner for trade transactions. The flow of buying and selling online is as follows:

1. There is a transaction between two parties.
2. There is an exchange of goods and services as well as information.
3. The existence of the use of the Internet as the main medium in the buying and selling process (ijab-qabul)

Fatwa Online Shop Based on Sharia Principles

Provisions for an Online Shop Based on Sharia Principles are as follows:

1. The seller and the buyer enter into a sale and purchase contract.
2. Goods and services that may be used as the object of the contract in accordance with Sharia and applicable laws and regulations
3. Prices can be paid according to the agreement in ways that are in accordance with sharia principles and applicable laws and regulations, including transfers, using electronic money, or cash at retail outlets.
4. In the case of Mabi' in the form of physical goods, the handover of Mabi' can be carried out directly by the seller to the buyer and may use an expedition service provider.
5. In the case of sending Mabi' using an expedition service provider, an ijarah contract is made between the expedition service provider and the seller or buyer (according to the agreement).
6. In the event that the Mabi' received by the buyer does not match the description given at the time of the contract, the buyer has the right of khiyar.
7. If the Mabi' is damaged because the Expedition Service Provider was negligent (al-taqshir) or exceeded the limit (al-ta'addi) during delivery, the Expedition Service Provider must be responsible for the damage to the Mabi'.

Online Shop Mechanism Based on Sharia Principles

The online shop mechanism based on Sharia principles has been stipulated by DSN-MUI Fatwa No. 146/DSN-MUI/XII/2021 as follows:

1. Merchants offer goods or services and their nominal prices to customers through the online shop platform.
2. The customer agrees to the offer and buys it at the agreed price.
3. Buyers pay the price according to the agreement in ways that are in accordance with sharia principles and applicable laws and regulations, including transfers, using electronic money, or cash at retail outlets.
4. After the sale and purchase agreement is made, the seller:
 - a. send goods to buyers either directly or indirectly (using the services of expedition providers), as in the case of Mabi, in the form of goods.
 - b. send proof of right to service to the buyer either directly or indirectly (using an Expedition Service Provider), in the case of Mabi', in the form of a service.
5. The expedition service provider, on behalf of the seller, sends goods or services to be delivered to the buyer.

Buying and selling online is a sale and purchase transaction without cash. In Islamic buying and selling transactions, the online buying and selling category is the same as the salam contract. If there is an agreement between the seller and the buyer, the seller will ask for some money to make a payment, and then the ordered goods will come. When the goods arrive at the destination intended by the buyer, then khiyar applies with a note that before opening the packaging, a video

or unboxing is taken from the buyer so that if there is a defect in the item, it can be returned. Even in online buying and selling, information is clearly provided by the seller, namely in the form of a description or picture of information on goods such as quality, model, color, and so on, so that buyers can consider the condition of the goods to be purchased.

The main capital in online buying and selling transactions is trust between the seller and the buyer. The form of the agreement between the two is sending a sum of money for goods to be ordered or purchased by transfer (ATM, mobile banking, and so on). Then the seller immediately sent the goods in question. In using this technology, both parties must be wise to avoid mutual deception between one another.

According to Nur Rianto, in his research on online sales, he stated that online sellers have fulfilled the pillars of the contract in accordance with fiqh rules. As is well known, there are four pillars of a contract, namely: (a) there are contracting parties; (b) consent and acceptance; (c) the object of the contract; and (d) the main purpose of the contract is carried out.

The contracted parties in online buying and selling are clear, that is, there are those who act as sellers, and there are those who act as buyers. Sighah in online sales is usually in the form of terms and conditions agreed upon by the consumer. Terms and conditions that are understood can be agreed upon as a statement that must be understood by both producers and consumers. In the case of on-line sales, the form of sale is done by means of writing. For example, if we buy a program on a smartphone, there will be a choice that the consumer has read and agreed to the rules and agreements that have been made.

These terms and conditions are serious and must be understood by both producers and consumers in online sales. Likewise, when we make transactions using social media, the seller must write down what conditions and terms are contained in the transaction so that there is openness between the seller and the buyer. Then the third pillar of contract is the object of the contract in the transaction; in online sales, the object of the contract must be clear and the goods must be perfectly owned by the seller. Not allowed in online sales or face-to-face sales, the goods have not been perfectly controlled by the seller. This aims to prevent fraud by the seller. Sellers in online sales must clearly list the various specifications of the goods being sold, including any deficiencies, if any. The last pillar of the contract is that the purpose of the contract must be in accordance with the Shari'a. So that online sales are not allowed to sell goods that are not in accordance with Shariah rules. Mialnya on sites that trade weapons, drugs, or porn videos. This form of transaction is not permissible because it is contrary to Islamic law.

Islam allows doing business online as long as there are no elements of usury, tyranny, monopoly, or fraud. The basis for the permissibility of buying and selling online includes the following:

1. Does not violate the provisions of religious law, such as business transactions that are forbidden, the occurrence of fraud, fraud, and monopoly.
2. There is an agreement between the two parties (seller and buyer) if something undesirable happens between agreeing (Alimdhah) and canceling (Fasakh).
3. There is strict and clear supervision, sanctions, and legal regulations from the government (competent institutions) to guarantee that it is permissible for the public to conduct business transactions via the Internet.

The Urgency of the DSN-MUI Fatwa Concerning Online Buying and Selling

In Islam, buying and selling transactions are activities that are lawful, as in the Qur'an and Hadith. Likewise, the Prophet Muhammad carried out buying and selling or trading activities

during his lifetime. However, over time, buying and selling activities have changed through technological sophistication, which will make it easier for users. In addition, in a study, Lidya Agustina stated that the advantages of digital technology can affect goods and services when developing, producing, selling, or supplying them, depending on how far the technology can be reached.

Selling online shops does provide convenience and benefits for the community, but if it is not accompanied by strict cultural and legal ethics, it will be easy to get caught up in deception, cheating, and wronging each other. For this reason, Islam aims to protect humanity by establishing legal rules of buying and selling in Islam that are in accordance with the provisions of the Shari'a so that people are not trapped by greed and tyranny that only benefit one party. If online buying and selling transactions can run according to the rules of Islamic law, it will bring progress to society and the country because the legal basis of mu'amalah is al-worship (permissible) as long as there are no arguments prohibiting it and as long as there are signs governing it. Online transactions are permissible in Islam as long as they do not include elements that can harm them, such as usury, injustice, fraud, or cheating, and that they meet the pillars and conditions of buying and selling. Especially in transactions that use the salamander contract contained in the online sale and purchase.

The rapid development of technology that has an impact on online sales through online shops is where the importance of the DSN-MUI Fatwa lies, so that sharia economic practices, especially in buying and selling online, remain in accordance with sharia provisions and provide progress in the economic development of the Indonesian people.

In establishing fatwas, the DSN-MUI always pays attention to the benefit and maqashid syari'ah, so that the existence of the DSN-MUI fatwa can really answer all problems that arise among the community and can become a forum for providing alternatives for running sharia economic business in Indonesia.

For business actors, the DSN-MUI fatwa is indispensable in developing businesses and participating in improving the welfare and economic justice of the Indonesian people, while also providing inner peace because of the sharia signs that have been clearly installed. It is hoped that the fatwa can serve as a guide in carrying out its activities and be used as a source or as a rule of prosecution in making laws and regulations, especially in the field of sharia economics. In other words, online buying and selling transactions through online shops are buying and selling transactions using the mu'athat system, where the buyer or seller only submits and receives without being accompanied by words from both parties. When buying and selling with the online system, it has an impact on the economy, so in the end, Muslim economists make applications to seek business opportunities. This means that the issuance of a DSN-MUI fatwa regarding online shops based on sharia principles for conducting contract transactions through electronic media will open up business opportunities for the advancement and development of the Indonesian economy.

Conclusion

Islam allows doing business online as long as there are no elements of usury, tyranny, monopoly, or fraud. The importance of the DSN-MUI Fatwa addresses the rapid development of technology that has an impact on online sales through online shops so that sharia economic practices, particularly in buying and selling online, remain in accordance with sharia provisions and provide progress in the economic development of the Indonesian people. When buying and selling with the online system, it has an impact on the economy, so in the end, Muslim economists make applications to seek business opportunities. This means that the issuance of a DSN-MUI fatwa regarding online shops based on sharia principles for conducting contract transactions through electronic media will open up business opportunities for the advancement and development of the Indonesian economy.

References

- Adam, Panji. (2018). *Fatwa-Fatwa Ekonomi Syariah: Konsep, Metodologi, Dan Implementasinya Pada Lembaga Keuangan Syariah*. Jakarta: AMZAH.
- Agustina, Lidya dkk. (2019). *Perkembangan Ekonomi Digital di Indonesia: Strategi dan Sektor Potensial*. Jakarta: Puslitbang Aptika dan IKP.
- Al Arif, M.Nur Rianto. (2013). *Penjualan On-line Berbasis Media Social Dalam Perspektif Ekonomi Islam, Ijtihad, Jurnal Wacana Hukum Islam dan Kemanusiaan*, Volume 23, No.1, juni.
- Fitria, Tira Nur. (2017). *Bisnis Jual Beli Online (Online Shop) Dalam Hukum Islam Dan Hukum Negara*, Jurnal Ilmiah Ekonomi Islam, Vol. 03 No. 01, Maret.
- Hermawan, Iwan. (2019). *Ushul Fiqh: Metode Kajian Hukum*. Jakarta: Hidayatul Quran.
- Isnawati, (2018). *Jual Beli Online Sesuai Syariah*. Jakarta, Lentera Islam.
- Lestari, Vita Dwi. (2017). *Analisis Pengaruh Electronic Commerce Terhadap Perkembangan Usaha Mikro Dan Kecil*, Jurnal Ilmiah, Malang, Universitas Brawijaya.
- Levani, Yelvi, Aldo Dwi Prastya, dan Siska Mawaddatunnadila. (2021). *Coronavirus Disease 2019 (COVID-19): Patogenesis, Manifestasi Klinis dan Pilihan Terapi*, Jurnal Kedokteran dan Kesehatan, Vol. 17, No. 1, Januari.
- Luthfi, Hanif. (2019). *Kajian Fatwa: Mengenal Lebih Dekat MUI*. Jakarta: Lentera Islam.
- Marwing, Anita. (2017). *Fatwa Ekonomi Syariah Di Indonesia*, Al-Amwal : Journal Of Islamic Economic Law, Vol.2, No.2 September .
- Ramdhan, Muhammad (2021). *Metode Penelitian*. Surabaya, Cipta Media Nusantara.
- Rukajat, Ajat. (2018). *Pendekatan Penelitian Kuantitatif*. Yogyakarta, Deepublish.
- Salahuddin, Muh. (2017) *Maqasid Al-Syari'ah Dalam Fatwa Ekonomi DSN – MUI* (Mataram, LP2M UIN Mataram).
- Salim, Munir. (2017). *Jual Beli Secara Online Menurut Pandangan Hukum Islam*, Jurnal: Al-Daulah, Vol. 6, No. 2 Desember.
- Sarwat, Ahmat. 2018. *Fikih Jual Beli*. Jakarta, Rumah Fikih Publishing.

Sulistiyowati Ike Nuryanti dan Arfan Muammar, (2018). Transaksi Jual Beli On-Line Melalui Media Instagram @Ppsshop88 Dengan Akad Salam, Jurnal: Justisia Ekonomika, Vol 2, No 1.

Syah, Abdullah. (2013). Butir-Butri Pemikiran Islam. Bandung: Citapustaka Media.