

APPLICATION OF AKAD AND SHARIA COMPLIANCE TO ONLINE SHOP SHOPEE IN AN ISLAMIC ECONOMIC PERSPECTIVE

Munifa¹, Syarifah Aini²

¹Zainul Hasan Genggong Islamic University, Probolinggo

²Institut Agama Islam Syarifuddin, Jl. Pondok Pesantren Kiai Syarifuddin Lumajang,
67358, Indonesia

E-mail: ¹munifaifa90@gmail.com, ²sharifahaini106@yahoo.com

Abstract: *The goal of this study is to clarify how contract law and shariah compliance are applied to the online store shopee in order to provide an overview and conclusions that can be recognized and understood regarding whether the shopee mechanism complies with Islamic economics. The approach taken is descriptive qualitative, and it entails reading the relevant literature and keeping an eye out on the Shopee platform. According to the study's findings, wakalah and ijarah contracts were used in the online shop shopee's contracting system. While regulations and policies for sharia compliance or sharia compliance from online shops like Shopee are implied and are written in clear, detail, and are in conformity with the terms and conditions in Islamic buying and selling.*

Keywords: Akad, Shariah Compliance, Shopee, Islamic Economics.

Introduction

The buying and selling model using electronic media for transaction is the muamalah phenomena that is currently expanding quickly. One of the newest kinds of business, electronic commerce, also known as e-commerce, offers convenience to its customers as buyers and sellers. E-commerce is a recent term that denotes the process of purchasing and selling items and exchanging services using information networks

(world, wide, web). According to the general public, e-commerce is better known in its specific sense, which is online buying and selling.¹

Shopee is one of the internet stores that is now quite popular and developing quickly. This rapid expansion is inextricably linked to the different marketing tactics and service delivery models that Shopee uses to facilitate transactions between buyers and merchants. However, along with this convenience comes a lack of clarity and problems,

¹Shame on Harman. 2017. Marketing Management. Bandung: Alfabeta. Matter. 292.

particularly from an Islamic perspective. These issues include those relating to the quality of the products being sold, the high potential for fraud because it can occur when a payment has been made, the goods do not reach the buyer, and the occurrence of violations in accordance with the Shari'a because it is very likely that the goods being traded are forbidden items, as well as the implementation or application of Shari'a.

So based on these problems, this article will review how the implementation of contracts and shariah complaints on online shop shopee so that they can provide an overview and conclusions that can be accepted and understood whether shopee in its mechanism is in accordance with the perspective of Islamic economics.

RESEARCH METHODS

The research methodology employed in this study was descriptive qualitative, which involved gathering data from relevant and related written sources, including books, journals, and various digital writings. The online purchasing and selling application known as Shopee is the subject of the study, and one of the sources being examined is the variety of menus presented on the Shopee platform as well as the regulations or policies posted on the Shopee application.

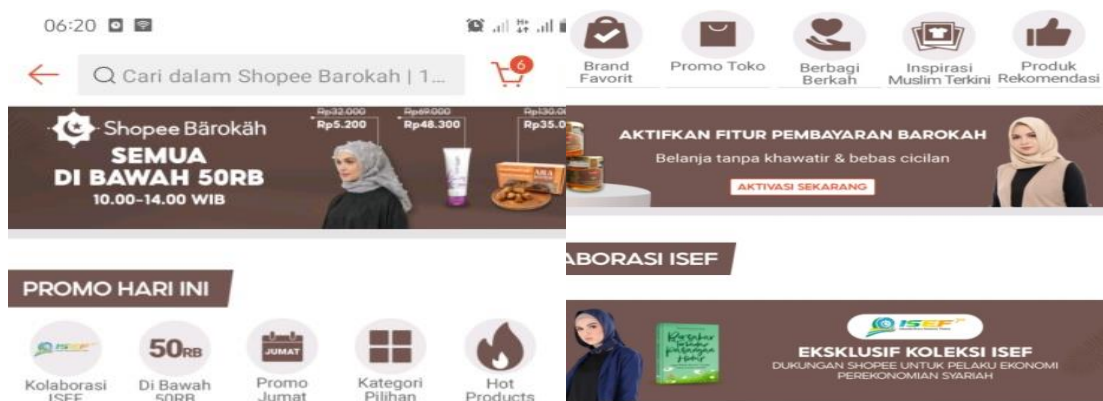
DISCUSSION

Platform Online Shop Shopee Features

A business arm of the Sea Group, Shopee is an online marketplace whose goal is to use technology to better the lives of customers and small business owners. Shopee offers convenience in shopping that can be accessed via a smartphone, either by using an app that can be downloaded on the AppStore and Playstore, or by visiting the Shopee website. Shopee is the preferred e-commerce in Southeast Asia.

On the Shopee platform, various features or menus can be easily accessed by Shopee users. The description on the platform is like the various visuals of the products being marketed. The visuals in question are in the form of photos or videos, including product prices, product specifications and descriptions, there are names and addresses of shops or sellers, number of products that have been sold, rating ratings in the form of asterisks and there is a filter menu which can help buyers find cheap prices. or standart and look for the closest or farthest area.

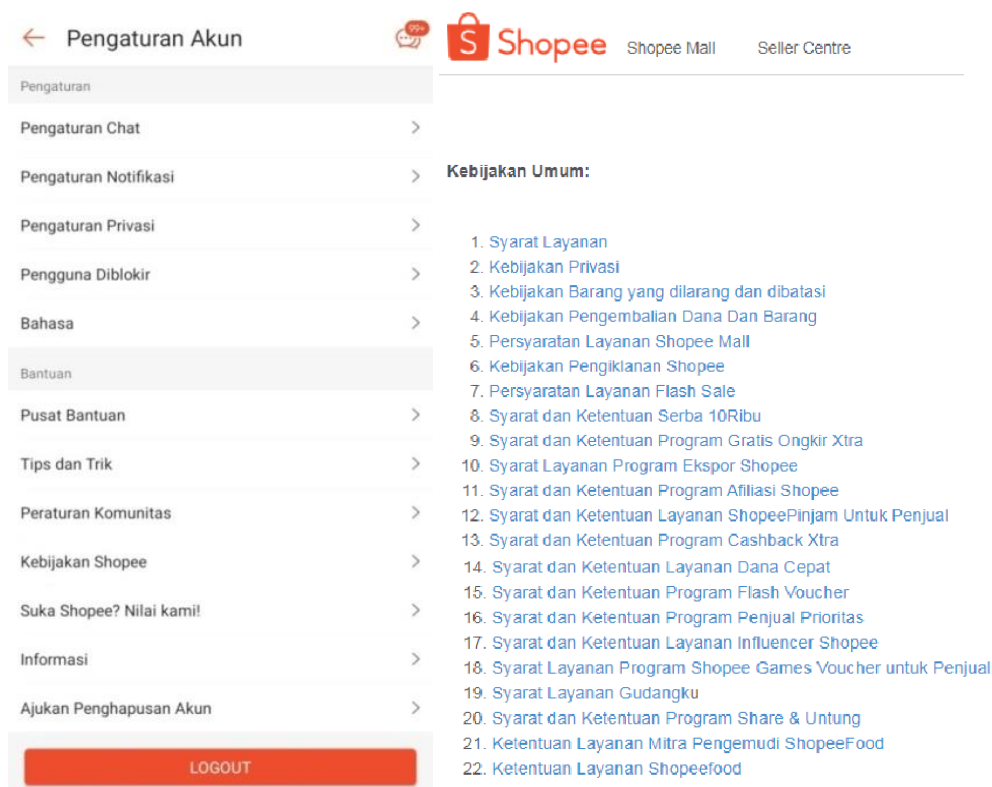
One example of an interesting menu is "Shopee Barokah" with the following menu description



Shopee Barokah is one of the features of the Shopee online shop in which there are a variety of sharia products and services, such as Muslim clothing, various halal-certified beauty products, halal food and beverages, and Islamic books. Shopee Barokah also collaborates with several humanitarian organizations such as BAZNAS, Dompot Dhuafa, SCT, and Rumah Zakat which will later be useful as zakat fund distributors. This feature is certainly very useful for Muslims.

Rules And Policies At Online Shop Shopee

As one of the largest online shop containers in Indonesia, Shopee also makes written rules and policies that are used as guidelines for its users in making transactions. In addition, users can find out the conditions that are allowed and which are not allowed when making transactions at this Shopee. . The following is a picture of the written policies and regulations on the shopee platform:



Based on this image, the following is a description of the various general rules and policies that are on the shopee menu²:

1. Community Rules

These community rules are aimed at shopee sellers and buyers with the aim of maintaining a safe and pleasant online environment for transactions. This regulation is a guide to find out what is recommended and prohibited in shopee, such as being prohibited from placing advertisements, being polite sellers and buyers, maintaining store reputation, using valid and relevant product names and details, product photos not containing pornographic

elements, not uploading products duplicates, manipulating prices, counterfeiting of identities, counterfeit and imitation goods sold, to product return policies.

2. Terms of Service

This service provides information about service terms that shopee users must pay attention to. Among others are :

- a. Shopee sellers cannot be children under the age of 17, and those who are still under guardianship. This regulation is contained in the introductory part no. 1.1.
- b. It is not allowed to post or upload content that violates the law, prohibited and restricted items, content that displays minors without supervision

²Shopee App, Account Settings and General Policies, accessed on 29 January 2023

with the aim of harming, impersonating, using services or uploading content in a way that deceives, deceives, falsifies, misleads or deceives, manipulate prices, and things that are considered deviant and detrimental to others. This regulation is contained in the service terms policy no. 6.2.

- c. Service regulation no. 35 describes the fraud and suspicious activity. If both the seller and the buyer are detected committing fraud or carrying out activities that are contrary to the law and the terms and conditions that have been enforced, then shopee has the right to take action to protect shopee, sellers, and buyers, one of which is by closing, suspending or limiting access to shopee account.

3. Privacy Policy

This regulation was made to properly manage, protect and process the personal data of Shopee users. With this policy, Shopee plays a role in collecting, using, disclosing and managing personal data belonging to Shopee users.

4. Prohibited and Restricted Items Policy

This policy is a guide made by shopee to find out which items are prohibited and restricted. In these guidelines, it explains the list of prohibited and restricted items

including: Liquor or alcoholic beverages; all types of cosmetics that do not have an official distribution permit and used cosmetics; food and drink that can harm users who do not have a distribution permit from the Food and Drug Supervisory Agency (BPOM) and contain hazardous substances; some restricted electronic goods such as communication equipment or cell phone/handphone products that do not have a technical permit from the competent authority; goods related to Intellectual Property Rights, content, and services; general goods. such as animals or animals that are prohibited from being traded under the laws of the Republic of Indonesia,.

Akad Scheme in Buying and Selling Online Shop Shopee

According to Syafei³The legal basis for buying and selling is explained in the Al-Qur'an Surah An-nisa' verse 29:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبُطْلِ إِلَّا أَنْ تَكُونَ تِجَارَةً
عَنْ تَرَاضٍ مِّنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ
بِكُمْ رَحِيمًا

Meaning: "O you who believe, do not eat each other's wealth in a vanity way, except by way of trade which is done voluntarily. And do not kill yourselves, verily Allah is

³Syafei, Rachmat MA.. 2011. Fiqh Muamalah. Bandung: Faithful Library. matter. 75.

Most Merciful to you.” (QS. An-Nisa': 29).

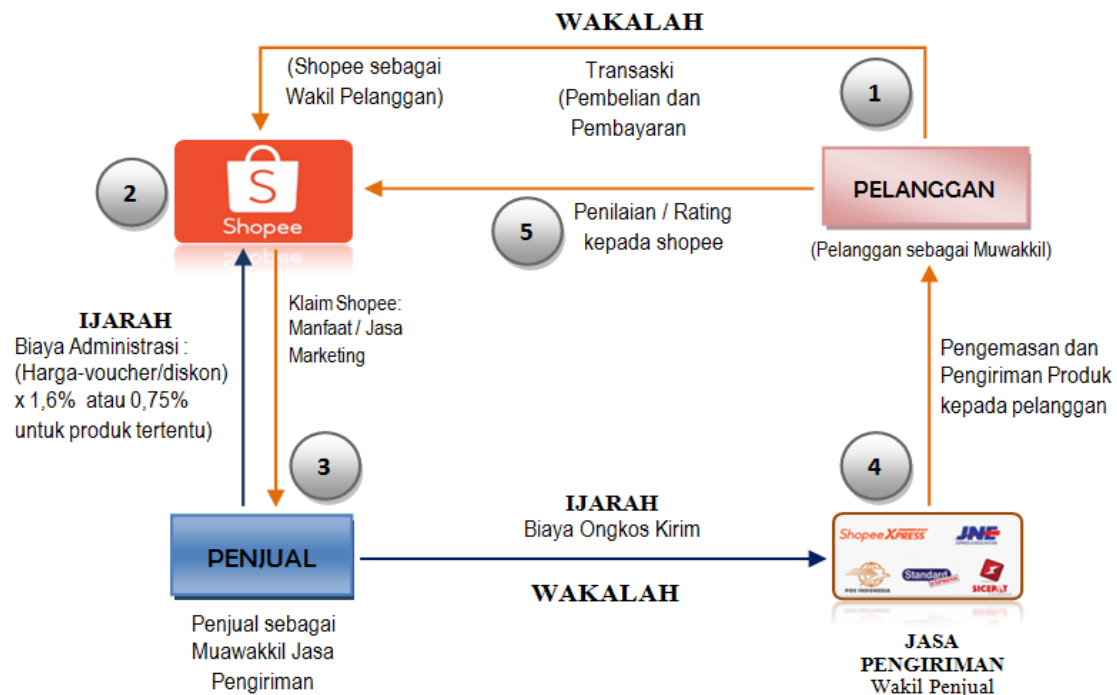
Meanwhile, according to Mzonline buying and selling as a muamalah activity between buyers or musyadari and sellers or ba'i which is carried out not by meeting face to face, but by using technology called the internet⁴. With this online transaction can take place anywhere and without any time limit.

While the contract is something that can be said in the form of a statement or word to show a willingness to enter into a contract between two or more people, so as to avoid or get out of a bond that is not based on syara'. Therefore in Islam not all forms of agreements or agreements can be categorized as contracts, especially agreements that are not based on the pleasure and Islamic law.⁵

In transactions that occur on the online shope-shopee, there are two contracts, namely the waklah contract and the ijarah contract. The following is a description or scheme of the contract on the online shop shopee.

⁴Mz, Shofiyullah. 2008. E-commerce in Islamic Law (Study on the Views of Muhammadiyah and NU). Journal of Religious Research. hal. 571

⁵Syafei, Rachmat MA.. 2011. Fiqh Muamalah. Bandung: Faithful Library. matter. 45.



The scheme can be explained as follows:

First, is a scheme between the buyer and the shopee. Buyers as muwakkil who make purchases through the shopee application to buy products from sellers listed on the shopee platform. While the shopee is a representative who facilitates the contract process between the seller and the buyer. Sighat in this case is in the form of written text regarding product information available on the shopee platform as well as customer procedures in making a decision to buy or not. So in this scheme there is a wakalah contract between the buyer and the shopee. Where the wakalah contract according to the term h anafiyah is someone who replaces the position of people in management.

The legal basis for this wakalah contract according to the Qur'an is contained in Surah Aal-Kahf verse 19 namely:

وَكَذَلِكَ بَعَثْنَاهُمْ لِيَتَسَاءَلُوا بَيْنَهُمْ قَالَ قَائِلٌ مِّنْهُمْ كَمْ لَبِئْتُمْ قَالُوا لَبِئْنَا يَوْمًا أَوْ بَعْضَ يَوْمٍ قَالُوا رَبُّكُمْ أَعْلَمُ بِمَا لَبِئْتُمْ فَابْتَغُوا أَحَدَكُمْ بَورِقِكُمْ هَذِهِ إِلَى الْمَدِينَةِ فَلْيَنْظُرْ أَيُّهَا أَزْكَى طَعَامًا فَلْيَأْتِكُمْ بِرِزْقٍ مِنْهُ وَلْيَتَلَطَّفْ وَلَا يُشْعِرَنَّ بِكُمْ أَحَدًا.

up so that they ask one another among themselves. One of them said: how long have you been (here?). They replied: "We are (here) a day or half a day". Said (another one): "Your Lord knows better how long you have been (here). So send one of you to go into town with your silver, and bring some food for you, and let him be gentle and never tell anyone about you." (QS. Al-Kahf (18): 19).

In principle, wakalah is the giving and maintenance of mandates. Therefore, both the person representing and the person representing who has entered into a collaboration or agreement is obligatory for both of them to carry out their rights and obligations, trust each other, eliminate suspicion and prejudice. In this way, mutual tolerance will appear⁶.

Second, is a scheme between the shopee and the seller. Sellers who register to sell through the shopee application site with contracts that are claimed as ijarah⁷ i.e. transactions that provide benefits in exchange for a fee or in other words the rental of stall services and marketing facilities, with the terms of compensation or administrative costs, namely: for sales of >100 completed orders, an administrative fee will be charged (Price-voucher/discount x 1.6% / 0.75% for certain products)⁸. the clarity of administrative costs is in line with the terms of ijarah, namely wages or rent in a contract must be clear and have useful value.⁹

According to the Qur'an, the legal basis for this ijarah contract is contained in Surah Al-Qasas verse 28, namely:

قَالَتْ إِحْدَاهُمَا يَأْبَىٰ اسْتَعْجِرُهُ إِن خَيْرٌ مِّنْ اسْتَجَارَتِ الْقَوَىٰ
الْأَيْمِينَ

⁶Abu Azam Al Hadi, Contemporary Muamalah Jurisprudence, Rajawali Pres: Depok, 2017. hal. 142.

⁷Abu Azam Al Hadi, Contemporary Muamalah Jurisprudence, Rajawali Pres: Depok, 2017.p.80.

⁸The Shopee application on the General Terms and Policies menu, accessed in January 2023

Meaning: "One of the two women said: "Yes, my father, take him as a person who works (for us), because actually the best person you take to work (for us) is a person who is strong and trustworthy" (QS .Al-Qasas (26): 28).

Third, the scheme between the seller and the delivery service. In this scheme there are two contracts, namely the wakalah contract where the seller is the muwakkil, the delivery service is the representative and the ijarah contract is the delivery service to the seller in the form of shipping costs. Delivery service as a representative of the seller whose job is to deliver the goods / products ordered to the buyer.

In conclusion, the contract scheme illustrates that the contract at the online shop shopee has harmony or similarities with the wakalah and ijarah contracts.

Implementation of Shariah Compliance in Buying and Selling Online Shop Shopee

Sharia Compliance or sharia compliance is the application in accordance with sharia principles in every business transaction.¹⁰Veitdzal is of the opinion that sharia compliance is related to the

⁹Abu Azam Al Hadi, Contemporary Muamalah Jurisprudence, Rajawali Pres: Depok, 2017.p.80.

¹⁰Zainal, Arifin, Fundamentals of Islamic Bank Management. Tangerang : Aztera Publisher, 2009. Hal. 2.

compliance of business people with the rules and conditions that have been stipulated in Islamic law.¹¹ Meanwhile, in the opinion of Sutedi¹² that sharia compliance is sharia compliance operationally as compliance with the National Sharia Council which is an embodiment of sharia rules that must be obeyed and carried out by all business people.

Obligations in carrying out sharia, implied in QS. Al-Maidah verse 48 namely:

وَأَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ مُصَدِّقًا لِمَا بَيْنَ يَدَيْهِ مِنَ
الْكِتَابِ وَمُهَيْمِنًا عَلَيْهِ فَاحْكُم بَيْنَهُم بِمَا أَنْزَلَ اللَّهُ وَلَا تَتَّبِعْ
أَهْوَاءَهُمْ عَمَّا جَاءَكَ مِنَ الْحَقِّ لِكُلِّ جَعَلْنَا مِنْكُمْ شِرْعَةً
وَمِنْهَا جَا وَلَوْ شَاءَ اللَّهُ لَجَعَلَكُمْ أُمَّةً وَاحِدَةً وَلَكِنْ لِنَبْلُوَكُمْ
فِي مَا آتَيْنَاكُمْ فَاسْتَبِقُوا الْخَيْرَاتِ إِلَى اللَّهِ مَرْجِعُكُمْ جَمِيعًا
فَيُنَبِّئُكُمْ بِمَا كُنْتُمْ فِيهِ تَخْتَلِفُونَ

Meaning: "We have sent down the Book (Al-Qur'an) to you with the truth, which justifies the previously revealed books and guarded them, so decide them according to what Allah has revealed and do not follow their desires by leaving the truth that has come to you. For every ummah among you, We give rules and a clear path..." (QS. Al-Maidah (5): 48).

One of these regulations is the pillars and conditions that become provisions in buying and selling. These pillars and conditions include: the presence of a seller and a buyer,

mature and reasonable, there is willingness (no coercion)¹³, the existence of goods in buying and selling (ma'qud 'alaih), not selling prohibited and useless goods such as khamar, goods and prices can be known, and there is a shighat or consent granted.

Based on the terms and conditions buying and selling in an Islamic perspective, shopee on its platform has explained in writing the terms and policies for buying and selling transactions. And what happens to shopee, the seller and the buyer are in one online communication, the shighat or consent qabul is reflected in the procedures for conducting transactions at the shopee, where in the transaction there are no provisions or steps that force the buyer's will to make a decision, but the steps are The steps can be chosen to continue buying or not. The platform clearly provides an overview and description of the products or items being sold, both in the form of product photos and videos. In terms of shopee service in preliminary regulation no. 1.1. that the seller cannot be a child under the age of 17, This is of course in accordance with the pillars and the second requirement, namely being an adult. In addition, in the terms of service, there are prohibitions against committing fraud, harming, cheating,

¹¹Zainal, Veithzal Rivai and Djaelani, Firdaus, Basalamah Salim, Yusran, Husna Leila, Veithzal, Andria Permata. Islamic Marketing Management. Jakarta: Bumi Aksara, 2018. Pg. 181.

¹²Sutedi, Ardian. 2009. Sharia Banking, Review and Some Legal Aspects, Jakarta: Gramata Publishing. Matter. 145.

¹³Syafei, Rachmat MA.. 2011. Fiqh Muamalah. Bandung: Faithful Library. matter. 84.

deceiving, selling alcoholic beverages, illegal drugs and others. So based on these provisions, the conclusion is that the pillars and conditions for buying and selling in accordance with sharia or sharia compliance have been implied in the rules and policies managed and determined by shopee.

CONCLUSION

The presence of the online shop shopee makes it easy and advantages in conducting transactions both as a seller and a buyer. However, even so, users can also understand how the implementation and transaction mechanisms are, both in terms of the contract and in terms of sharia compliance.

As in the discussion above, which has been reviewed and explained based on an Islamic economic perspective, the shopee in the transaction or contract process illustrates that the steps in the transaction are in line with the provisions of the wakalah and ijarah contracts. And also shopee in determining rules and policies whose mechanisms imply compliance with the pillars and conditions that apply in Islam. This means that sharia compliance or sharia compliance has been fulfilled at the online shop shopee.

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