



AL-MUSYARAKAH :

Journal of Business, Finance, Ahwal Syaksyah

P-ISSN: xxxx-xxxx | E-ISSN: xxxx-xxxx | DOI: Volume 3 No 1 Tahun 2023 Hlm. 11-20

E-Commerce :

Review of the Implementation of Sharia Business Transactions

Indah Suwarni ¹

indah.swr@gmail.com

Agus Salim ²

bagoesstudio@gmail.com

^{1,2} Faculty of Islamic Religion, Ibnu Chaldun University, Jakarta

Abstract:

Electronic sales, also known as e-commerce, refers to the buying, selling, and marketing of goods and services through electronic systems. With the rapid development of digital technology, the e-commerce sector has become increasingly competitive, prompting many businesses to innovate in order to survive in this era of disruption. This study focuses on formulating a theory of e-commerce from a Sharia perspective, discussing the definition of e-commerce, the concept and mechanism of e-commerce, and the legitimacy of e-commerce in Sharia business. The study concludes that e-commerce is a trading transaction system that uses electronic instruments for online shopping, similar to as-salam transactions. However, it is important for individuals to exercise caution when engaging in e-commerce transactions, including verifying the security systems of merchants, understanding the norms associated with the commodities being purchased, and checking the date and place of delivery to avoid disputes. Ultimately, this study offers new opportunities for modern Islamic business activities.

Keywords: *Review, Analysis, Sukuk, Finance, Sharia, Pareto*

Abstrak

Penjualan elektronik, juga dikenal sebagai e-commerce, merujuk pada pembelian, penjualan, dan pemasaran barang dan jasa melalui sistem elektronik. Dengan pesatnya perkembangan teknologi digital, sektor e-commerce menjadi semakin kompetitif, mendorong banyak bisnis untuk berinovasi guna bertahan dalam era gangguan ini. Studi ini berfokus pada merumuskan teori e-commerce dari perspektif syariah, membahas definisi e-commerce, konsep dan mekanisme e-commerce, serta legitimasi e-commerce dalam bisnis syariah. Studi ini menyimpulkan bahwa e-commerce adalah sistem transaksi perdagangan yang menggunakan instrumen elektronik untuk belanja online, mirip dengan transaksi as-salam. Namun, individu perlu berhati-hati saat melakukan transaksi e-commerce, termasuk memverifikasi sistem keamanan pedagang, memahami norma yang terkait dengan komoditas yang dibeli, dan memeriksa tanggal dan tempat pengiriman untuk menghindari perselisihan. Pada akhirnya, studi ini menawarkan peluang baru bagi kegiatan bisnis Islam modern.

Kata Kunci: *Review, Analisis, Sukuk, Keuangan, Syariah, Pareto*

INTRODUCTION

The development of technology, especially the internet, has provided many benefits for society. Nowadays, almost all activities are done using internet technology. During the Covid-19 pandemic, learning and working activities were also largely done online through various learning applications and teleconferences. In addition, the internet also makes it easier for people to search for jobs, communicate, and shop. The positive impact of digital technology development is evident from the rapid growth of internet users in Indonesia. According to data from "We Are Social" in January 2016, active internet users in Indonesia reached 88.1 million users or around 34% of the total population in Indonesia (Firdaus Bin Masruhen et al. 2022).

The development of technology also poses challenges and changes in human behavior, interaction among humans, and human relations. Internet technology has created new challenges in regulating social and economic transactions (Dewi 2020). Therefore, we need to use technology wisely and carefully in all activities involving the internet. Although technology is easy and effective (Lubis and Fuad 2019), we must still be cautious to avoid risks such as fraud and personal data security (Hadiwardoyo 2020).

The digital economy formed through the advancement of the internet has transformed the world economy to become more advanced. This is reflected in the increasing trade that utilizes the internet as the main means of communication, collaboration, and coordination. E-commerce has become the most popular trading transaction medium, where more than 95 percent of all activities on the internet are commerce-related. E-commerce is highly dependent on the growth of the internet, and the fact that internet users are increasing has made the internet a very effective medium for companies and individuals to introduce and sell their products/services to consumers around the world. E-commerce has changed the traditional way of trading where interactions between consumers and companies that were previously done directly became indirect interactions. E-commerce has created a model of interaction between producers and consumers in the virtual world, which has reformed the classic business paradigm (Arriagada and Ibáñez 2020).

In e-commerce, the concept of telemarketing has replaced traditional trading systems where sellers and buyers physically or directly meet. The trading system in e-commerce is designed to sign electronically from the time of purchase, inspection, and delivery. Therefore, accurate and precise information about consumers and companies is crucial in e-commerce. Security is an important aspect of all e-commerce management. Cryptography, the science related to codes, is used to analyze e-commerce security systems. The AES (Advanced Encryption Standard) method is a standard symmetric key encryption algorithm that can encrypt and decrypt. These security and encryption aspects are crucial to ensure transaction security in e-commerce (Hijriah 2016).



AL-MUSYARAKAH :

Journal of Business, Finance, Ahwal Syaksyah

P-ISSN: xxxx-xxxx | E-ISSN: xxxx-xxxx | DOI: Volume 3 No 1 Tahun 2023 Hlm. 11-20

The development of digital technology has had a significant impact on various aspects of human life, including economic, social-cultural, and legal aspects. One of its impacts is the formation of a free market in the virtual world, which has significantly changed the model of trading transactions. E-commerce or electronic trading has become the preferred choice for people to shop and conduct online buying and selling transactions. In addition, e-commerce also has great potential to be developed in the Islamic business sector, where the values and norms in trade are maintained in accordance with Islamic business principles (Kangean and Rusdi 2020).

However, the advancement of the digital economy also has weaknesses and threats. Competition between countries that are becoming borderless can be a threat if not addressed properly. This can affect the domestic and global market share of a country if it is unable to compete with other countries. Therefore, efforts are needed to improve the quality of human resources in creating innovative and creative products in order to capture domestic and global market share. This research aims to identify opportunities and challenges in the development of e-commerce in Indonesia, as well as explore the legitimate position of e-commerce in Islamic business (Dawam, Ibrahim, and As-salafiyah 2021).

RESEARCH METHOD

This study employs qualitative analysis technique by conducting a literature review on the opportunities and challenges of e-commerce development in Indonesia. The descriptive analysis approach and library research method are used to understand e-commerce and gain a more concise understanding of the issues related to opportunities and challenges, self-critical awareness, and sophisticated complexity and ambiguity of the discussion (Martin and Soetjipto 2022).

RESEARCH RESULTS AND DISCUSSION

E-Commerce: Concept, Mechanism, and Business Process

E-commerce is a term derived from English, which stands for Electronic Commerce. E-commerce is a system of trading transactions that uses electronic instruments for online purchasing. The main purpose of e-commerce is to facilitate transactions, especially in online buying and selling that is safe and trustworthy. To provide secure services in e-commerce transactions, a conducive legal framework and policies are needed. Buying and selling in Islam is regulated in mu'amalah, and e-commerce is essentially a model of buying and selling. However, e-commerce is categorized as modern commerce because it implies technological innovations.

There are many ways to classify e-commerce, one of which is by looking at the participants who conduct the transactions. The three main types of electronic commerce include business-to-consumer, business-to-business, and consumer-to-consumer. Business-to-consumer involves selling products and services retail to individual buyers. Business-to-business involves selling products and services between companies. Consumer-to-consumer involves consumers who sell directly to consumers, such as auctioning goods and accepting the highest bids. Another way to classify e-commerce transactions is by the form of physical connection using the web.

Although e-commerce has many advantages, there are also disadvantages that need to be considered. The advantages of e-commerce transactions include shortening distances, expanding markets, expanding business partner networks, and efficiency. This speeds up customer service, makes it more responsive, and reduces paper-related costs such as postage, printing, reporting, and so on, thereby increasing revenue. On the other hand, the disadvantages of e-commerce transactions include increasing individualism, sometimes causing disappointment, the weak regulation of e-commerce business, and the lack of universal quality, security, and reliability standards.

E-commerce in The Perspective Of Sharia Business

Buying and selling in the Quran can be found in Surah Al-Baqarah verse 275 and Surah An-Nisa' verse 29. The Quran states that buying and selling is halal, while riba (usury) is haram. Riba in Islamic law is when a borrower is forced to increase the amount of their debt because they cannot pay, and this is an act that has been prohibited. The prohibition against cheating in buying and selling is also explained in hadith. Therefore, Muslims must engage in buying and selling with honesty and not consume the property of others in an unjust manner. A valid transaction is a transaction that is carried out with mutual consent and without fraud (Majdid 2018).

E-commerce in the perspective of Sharia business must pay attention to the principles established in Islam. E-commerce transactions must be carried out honestly and not violate Islamic rules about buying and selling. This can be achieved by ensuring that transactions are conducted voluntarily, without fraud, and without involving riba. Therefore, there needs to be a legal framework and policy that aligns with Sharia principles in conducting e-commerce business. Thus, e-commerce can become a halal business alternative and can benefit society in general.

The Opinion of Scholars on E-commerce

The majority of scholars allow transactions conducted through writing, such as fax or internet, even if it is intended for someone who is not present in the transaction assembly. This is considered permissible because there is mutual agreement between both parties, even if the willingness of the second party is not directly realized. According to the majority of scholars, as long as there is a qobul



AL-MUSYARAKAH :

Journal of Business, Finance, Ahwal Syaksiyah

P-ISSN: xxxx-xxxx | E-ISSN: xxxx-xxxx | DOI: Volume 3 No 1 Tahun 2023 Hlm. 11-20

(statement of acceptance) when the letter reaches the second party, then the transaction is valid. However, some Shafi'iyah scholars do not allow it (Joeliaty, Ahmad Faisal, and Wendra 2020).

Meanwhile, transactions conducted through voice, such as telephone, can be considered the same as transactions conducted by shouting from a distance. According to An Nawawi in Al-Majmu' 9/181, the transaction is valid if there are two people who shout at each other from a distance, without any dispute. However, scholars require the unity of the assembly for other transactions besides gifts, wills, and delegations. Ijab (offer) and qobul (acceptance) must be done sequentially, and the standard for sequential is based on urf (local customs).

The majority of scholars, except for Shafi'iyah, consider that qobul is not required to be done immediately to prevent any party from being harmed and to provide an opportunity to think. If ijab is done through a letter, then the qobul from the second party must be done when the letter reaches their hands. Similarly, it is required that there is a correspondence between ijab and qobul and no indication that one of the parties involved in the transaction has canceled it. According to the majority of scholars, the party that issues ijab (the first party) may retract it if necessary.

E-Commerce Transactions and As-Salam Transactions

Transactions or contracts are an important element in an agreement. In Islam, transactions are very important and must be upheld in every aspect of human life, as transactions are an integral part of agreements. In Islamic commerce, there are transactions that are physical, by presenting the goods during the transaction, or without presenting the ordered goods, but by stating the nature of the goods concretely, whether delivered directly or delivered later within a certain time limit, such as in as-salam transactions and al-istisna transactions (Hakim 2016).

As-salam transactions are a form of transaction with a system of immediate/cash payment but deferred delivery of goods. Meanwhile, al-istisna transactions are a form of transaction with a system of immediate or deferred payment according to agreement and deferred delivery of goods. As-salam and al-istisna transactions existed even before the arrival of Prophet Muhammad. As-salam transactions provide convenience for humans to interact with each other, especially in matters of exchanging wealth, such as buying and selling on credit. In as-salam transactions, there is mutual cooperation that can benefit both parties. With the payment, the seller gains profit from receiving money faster than delivering goods, while the buyer can buy goods at a cheaper price (Salam 2016).

The As-Salam transaction is allowed based on the Qur'an and As-Sunnah. The implementation of e-commerce business transactions, at a glance, is almost similar to the As-Salam transaction in terms of payment and delivery of commodities used as the object of the transaction. Therefore, to analyze whether transactions in e-commerce over the internet can be aligned with the principles of transactions that exist in As-Salam transactions, it can be examined through the parties involved in the transaction, the process of declaring the transaction agreement, and the object of the transaction. In electronic trading transactions (e-commerce) over the internet, payment instructions involve several parties besides the buyer and seller. There are three parties involved in this transaction, namely the payment gateway, acquirer, and issuer. The presence of these parties is necessary in online transactions because in transacting, buyers and sellers do not meet directly or even know each other. Therefore, supporting services are needed to ensure the security, trust, and validity of the transaction.

The payment gateway acts as a witness in the transaction and authorizes payment instructions as well as monitors the online transaction process. Acquirer and issuer are also required in online transactions. The acquirer is the bank trusted by the seller to process and receive online payments from the buyer, while the issuer is the bank that issues the bank card trusted by the buyer to make payments in online transactions.

Although the presence of witnesses and proxies is not mandatory in the as-salam transaction, their presence is highly recommended. This is because there is a possibility of disputes in the future that can be intentionally caused by one party or due to forgetfulness. In formal transactions that have high risks, the presence of administration and witnesses is very necessary to maintain the welfare of the parties involved in the transaction.

In e-commerce, buyers are asked to fill in payment information on the purchase slip form provided by the merchant on their website. After that, authorization is carried out through the payment gateway to determine that the buyer is the rightful and authorized owner. The merchant has a digital certificate from a CA that guarantees their identity and that they are authorized to conduct online transactions. Both parties must have perfect skills and authority to conduct transactions.

In e-commerce transactions, consumers and merchants meet in the virtual world of the internet through a server rented from an ISP. Consumers can see a list or catalog of products for sale with product descriptions on the merchant's website. The statement of agreement can be made through chatting, video conference, email, or directly through the merchant's website. The statement of agreement in e-commerce transactions is basically the same as the statement of agreement in as-salam transactions, which means that the statement can be understood in meaning by both parties who are conducting the transaction, and before the statement of agreement occurs, various considerations based on accurate and well-managed information must be made.



AL-MUSYARAKAH :

Journal of Business, Finance, Ahwal Syaksyah

P-ISSN: xxxx-xxxx | E-ISSN: xxxx-xxxx | DOI: Volume 3 No 1 Tahun 2023 Hlm. 11-20

In e-commerce transactions, the payment/price is the amount of money and currency that has been agreed upon. The payment is made through representatives/intermediaries from each party involved in the transaction, namely the issuer and acquirer. Payment is made immediately according to the agreed upon amount and currency after the authorization process has been successfully carried out. To prove to the buyer that the payment process has been carried out properly, the company or bank can provide notification via email, electronic document delivery via email or related websites, or record the payment transaction by the bank and provide a report at the end of the month. The price in this case is property that has value and benefits according to sharia for the parties involved in the transaction and payment is made immediately/prioritized and can be determined and known by the parties involved in the transaction according to the provisions of the as-salam transaction.

Regarding e-commerce, the items offered by the seller can be legal or illegal according to the offer from the seller. However, in as-salam transactions, the commodity that becomes the object of the transaction must be legal to trade according to Islam. Therefore, as long as the goods traded are legal according to Islam, as-salam transactions can be carried out. The commodities traded in e-commerce can be digital or non-digital. Digital commodities can be delivered directly to consumers through the internet, while non-digital commodities must be shipped through a courier service according to the agreement. In e-commerce transactions, consumers can browse the seller's website to check the information about the items offered. The items sold must be clearly identifiable and must be recognized as debts. The digital certificate provided by the CA to the merchant website can be used as a guarantee that the seller has the goods to be traded/capable of fulfilling the agreement between the two parties that are transacting. In addition, the seller also provides services to consumers to submit complaints or questions through consumer support that can be accessed at any time through email, telephone, and so on.

E-Commerce Transactions in Indonesia

The development of the internet in Indonesia, including e-commerce, has grown rapidly in recent years. This growth is due to the increasing number of internet users in Indonesia, which is one of the countries with the largest number of internet users in the world. E-commerce in Indonesia was pioneered by Sanur, an online bookstore inspired by Amazon. The development of e-commerce in Indonesia is still hindered by security factors and the cultural use of credit cards, which is still limited. Therefore, e-commerce sites in Indonesia offer various payment methods, including cash on delivery and offline transactions. The mechanism of e-commerce transactions in Indonesia can be categorized

as online transactions and payments, online transactions with payment after the goods are received, and transactions and payments in the real world. Based on the types of transactions and payments made, e-commerce in Indonesia not only includes as-salam transactions, but also ordinary buying and selling and al-istishna.

CONCLUSION

E-commerce, which refers to electronic commerce, involves online trading using electronic instruments. In Islamic law, e-commerce transactions can be allowed based on the principle of *maslahah*, which is to fulfill human needs and avoid weaknesses and deviations from *sharia*. However, there is an exception that e-commerce transactions cannot be carried out for goods or services that are prohibited in Islam.

In e-commerce transactions, the commodities traded can be anything, whether legal or illegal according to Islamic law. This is different from as-salam transactions, which require that the commodities traded must comply with Islamic law. In addition, e-commerce transactions can also involve both digital and non-digital commodities. Digital commodities are not included in the as-salam transaction requirements because in as-salam transactions, the commodity must be deferred for delivery until a certain period of time, while in e-commerce transactions, digital commodities are delivered directly to the consumer via the internet, just like in regular buying and selling transactions.

SUGGESTION

In internet-based e-commerce, supporting infrastructure is crucial for building trust between the parties involved in a transaction. Therefore, e-commerce businesses must pay attention to transaction security, ensure that the technology used is always updated in accordance with technological developments, provide the best service to consumers, and consider legal and moral aspects in every transaction. Before conducting e-commerce transactions, consumers must also be careful by checking the security system owned by the merchant, having knowledge about the commodities to be purchased to avoid violating applicable norms, and clearly checking the delivery date and place of delivery to avoid disputes in the future. All of this can open up new opportunities in modern Islamic business, with the belief that the wealth possessed has the rights of others that must be fulfilled through *zakat*, *infak*, *sedekah*, and *wakaf* (Lubis and Latifah, 2019).

DAFTAR PUSTAKA

Arriagada, Arturo, and Francisco Ibáñez. 2020. "You Need At Least One Picture Daily, If Not, You're Dead': Content Creators and Platform Evolution in the Social Media Ecology." *Social*



AL-MUSYARAKAH :

Journal of Business, Finance, Ahwal Syaksyah

P-ISSN: xxxx-xxxx | E-ISSN: xxxx-xxxx | DOI: Volume 3 No 1 Tahun 2023 Hlm. 11-20

Media and Society 6 (3): 1–12. <https://doi.org/10.1177/2056305120944624>.

Dawam, Khaerud, Muhammad Yusuf Ibrahim, and Aisyah As-salafiyah. 2021. “Christian Tithe Vis-a-Vis Islamic Zakat Concept : A Comparative Study in Socio-Economic Scope.” *Al Tasyree Jurnal Bisnis, Keuangan Dan Ekonomi Syariah* 01 (02): 124–35.
<https://journal.ptiq.ac.id/index.php/altasyree/article/view/321>.

Dewi, Wahyu Aji Fatma. 2020. “Dampak COVID-19 Terhadap Implementasi Pembelajaran Daring Di Sekolah Dasar.” *Edukatif : Jurnal Ilmu Pendidikan* 2 (1): 55–61.
<https://doi.org/10.31004/edukatif.v2i1.89>.

Firdaus Bin Masruhen, Mohmed, Rahmat Mulyana, Arip Rahman, and Rusdi Hamka Lubis. 2022. “Evaluasi Praktek IMBT Di Bank XYZ Dengan Pendekatan Maqashid Syariah.” *Al-Tasyree* 2 (01): 34–54.

Hadiwardoyo, Wibowo. 2020. “Kerugian Ekonomi Nasional Akibat Pandemi Covid-19.” *Baskara: Journal of Business and Entrepreneurship* 2 (2): 83–92.
<https://doi.org/10.24853/baskara.2.2.83-92>.

Hakim, Rahmad. 2016. “Islamisasi Ekonomi Madzhab Mainstream: Tinjauan, Model Dan Implikasi.” *Iqtishodia* 1 (1): 79–94.

Hijriah, Hanifiyah Yuliatul. 2016. “Spiritualitas Islam Dalam Kewirausahaan.” *Tsaqafah* 12 (1): 187.
<https://doi.org/10.21111/tsaqafah.v12i1.374>.

Joeliaty, Joeliaty, Yudi Ahmad Faisal, and Wendra Wendra. 2020. “An Analysis of Strategy Formulationfor Halal Hotel Human Resources in Indonesia.” *Cogent Business and Management* 7 (1): 1–15. <https://doi.org/10.1080/23311975.2020.1842008>.

Kangan, Sharen, and Farid Rusdi. 2020. “Analisis Strategi Komunikasi Pemasaran Dalam Persaingan E-Commrece Di Indonesia.” *Prologia* 4 (2): 280.
<https://doi.org/10.24912/pr.v4i2.6504>.

Lubis, Rusdi Hamka, and Ahmad Fuad. 2019. “Implementasi Teori Pertukaran Pada Lembaga Keuangan Syariah Di Indonesia.” *Jurnal Ekonomi Syariah* 7 (2): 38–48.
<http://www.ejournal.fiaiunisi.ac.id/index.php/syariah/article/view/259>.

Majdid, Saleha. 2018. “Prinsip-Prinsip (Asas-Asas) Muamalah.” *Jurnal Hukum Ekonomi Syariah* 2 (1). <https://doi.org/>, DOI:10.26618/j-hes.v2i1.1353.

Martin, Martin, and Budi Eko Soetjipto. 2022. “Literatur Review : Kajian Literasi Keuangan Pada Usaha Mikro Kecil Dan Menengah (UMKM).” *JURNAL SYNTAX IMPERATIF : Jurnal Ilmu*

Sosial Dan Pendidikan 2 (6): 57. <https://doi.org/10.36418/syntax-imperatif.v2i6.131>.

Salam, Hani. 2016. "Pengaruh Kualitas Produk, Harga Dan Citra Merek Terhadap Customer Trust Dan Dampaknya Pada Kepuasan Konsumen (Survey Pada Pengguna Sepeda Motor Yamaha Mio Di Fakultas Ekonomi Universitas Pasundan Bandung)." Unpas Bandung. <http://repository.unpas.ac.id/12101/5/BAB II.pdf>.