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Online Buying and Selling in the Perspective of Fiqh between Islamic Law and Ethics

Zaenal Abidin[1], Nurhayatul Hasanah[2*], M. Agus Samporno[3]
[1]Institut Islam Al-Mujaddid Sabak, Indonesia
[2]Institut Islam Al-Mujaddid Sabak, Indonesia
[3]Universitas Sunan Bonang, Indonesia
*Corresponding Author: sanahbell19@gmail.com

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Abstract:
Online buying and selling is a form of transaction that has rapidly developed, driven by advancements in information and communication technology. However, despite becoming a common practice, the phenomenon of online trading requires an assessment within the context of Islamic law (fiqh) to ensure that the transactions comply with sharia principles. This article aims to examine the legal and ethical aspects of online buying and selling from a fiqh perspective, focusing on the validity of transactions, transparency, clarity of goods and price, as well as their impact on society. Using a literature review approach, both classical and contemporary sources, the research findings show that online buying and selling can be accepted in Islamic law as long as it meets fundamental principles such as the absence of gharar (uncertainty) and riba, and adheres to Islamic ethical obligations. This article also emphasizes the importance of adapting to technological changes in conducting transactions that remain in accordance with Islamic principles.

Keywords:
Online buying and selling, Fiqh, Islamic law, Islamic ethics.

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INTRODUCTION

Buying and selling is one of the economic activities that has existed since ancient times and has a fundamental role in human life (Afrizal & Lelah, 2021). In Islam, buying and selling is not only seen as a trading activity, but also as part of worship that must be carried out with principles in accordance with the sharia. Therefore, the laws and ethics related to buying and selling are strictly regulated in Islam to ensure that the transactions carried out are not only economically profitable, but also in accordance with the morals and spirituality of Islamic teachings. In this context, buying and selling transactions in Islam must meet several basic principles, such as fairness, openness, and avoiding elements that are detrimental to other parties, such as riba and gharar (uncertainty) (Ramadan & Ryandono, 2015).

Along with the rapid development of information and communication technology, the world of trade has undergone a massive transformation. One form of this transformation is the emergence of online buying and selling, which allows transactions to be carried out without a physical meeting between the seller and the buyer (Alam et al., 2023; Setiawan, 2018). Through digital platforms such

as e-commerce and marketplaces, people can make buying and selling transactions more easily and quickly. The advantages offered by online trading, such as the convenience of shopping, ease of payment, and a wider market reach, make it increasingly popular among modern society.

There are many conveniences and benefits, the practice of buying and selling online also raises a number of problems that need to be watched out for (Zulfa Qur'anisa et al., 2024). One of the main issues that arises is related to the suitability of online buying and selling with the principles of Islamic law, especially in the aspect of fiqh. In general, Islam emphasizes the importance of clarity in the objects being traded, transparency in transactions, and fairness in setting prices. In the world of online buying and selling, this problem is often the main problem because sometimes the objects sold are unclear, the price listed can fluctuate, or there are fraudulent practices that harm one party (Rika Widianita, 2023). Therefore, it is important to analyze more deeply how online buying and selling practices can be in accordance with Islamic law.

One of the aspects that need to be considered in online buying and selling is the clarity of the object being traded (Munandar & Hasan Ridwan, 2023; Qamaruddin, 2022). In many cases of online trading, buyers can only see the image or description of the product without being able to physically inspect the item. This of course risks causing uncertainty or gharar, which in Islamic jurisprudence is considered to be something that must be avoided in buying and selling transactions. In this context, it is important for online buyers to ensure that the goods being sold have a clear description, and that information about the quality and condition of the goods is available transparently to buyers (Rika Widianita, 2023).

The prices offered in online buying and selling must also be clear and transparent (Suhandi, 2023). In Islamic jurisprudence, price transparency or the practice of price fraud is considered to violate the principles of fairness in transactions (Azzahra, 2024). In the world of online trading, this problem can arise due to unexpected price fluctuations or additional costs that are not informed in advance. This can lead to dissatisfaction and injustice, which is clearly contrary to Islamic teachings that emphasize transparency and fairness in every transaction (Rika Widianita, 2023).

Buying and selling transactions must also be free from the element of usury. Riba, which is forbidden in Islam, can appear in several forms, such as interest on loans or unfair profits earned in transactions (Individual et al., 2016; Sularno & Akbar, 2023). Therefore, in the practice of online buying and selling, it is necessary to ensure that there is no element of usury involved, either in the form of hidden additional costs, or in unfair price structures. For example, some online trading platforms may charge unclear transaction fees or commissions, which could potentially lead to the practice of usury. Therefore, it is important to check whether this practice is in accordance with sharia principles.

Online buying and selling must also pay attention to Islamic ethics that govern interaction between sellers and buyers (Ridwan et al., 2023; Ruslang et al., 2020). Islamic ethics teach the importance of mutual respect, honesty, and fairness in every transaction. Fraudulent practices, misleading advertising, or exploitation of consumers are certainly not in accordance with the teachings of Islam. In this context, business actors involved in online buying and selling must

maintain their morals and integrity by providing correct information, not deceitful, and upholding the principles of justice (Permata et al., 2024).

The regulation of the payment system in online buying and selling is also an aspect that needs attention. In Islamic jurisprudence, buying and selling transactions involving payment must be in accordance with principles that do not involve elements of uncertainty or tyranny. Therefore, the payment system used in online buying and selling must be clear, without any element of usury or fraud. Some payment methods that allow installments or interest need to be carefully checked whether they meet sharia provisions or not.

This online buying and selling phenomenon must also be seen in the context of globalization, where transactions can occur across countries and cultures. This poses new challenges, as universal Islamic law must be able to accommodate technological developments and the needs of modern society, without sacrificing sharia principles. In the face of this phenomenon, it is important for scholars and jurists to continue to study and provide fatwas that are relevant to the context of the ever-evolving times.

From the various problems above, it is important to further analyze how the practice of online buying and selling can be accepted from the perspective of Islamic law, as well as how sharia guidelines and principles can be applied in the world of digital transactions. Therefore, this article aims to comprehensively discuss online buying and selling from the perspective of Islamic jurisprudence, focusing on aspects that need to be considered in maintaining the conformity of transactions with sharia principles.

The urgency of this research is very important to provide a better understanding of online buying and selling practices in accordance with Islamic law, especially in the rapidly growing digital era. Given the high intensity and volume of online buying and selling transactions, this research can make a significant contribution in providing the right guidance for the public and business actors to carry out transactions that are not only economically profitable, but also in accordance with Islamic ethics and law. Thus, this research is expected to help bridge the gap between technological developments and sharia principles, as well as maintain integrity and fairness in every transaction.

METHOD

This research method uses a qualitative approach with literature studies as the main technique to collect and analyze data (Candra Susanto et al., 2024). The qualitative approach was chosen because the main purpose of this study is to explore an in-depth understanding related to the practice of online buying and selling in the perspective of Islamic jurisprudence, which does not only rely on numerical or statistical data, but rather on interpretive analysis of the existing literature. Literature studies are carried out by reviewing various sources, both classical literature such as fiqh books from the four main schools (Hanafi, Maliki, Shafi'i, and Hanbali) as well as the works of contemporary scholars, which discuss the topic of buying and selling in the context of Islamic law. In addition, contemporary literature that examines technological developments and their impact on economic transactions is also an important part of this study. Using these resources, researchers can develop a

comprehensive understanding of the law of buying and selling, including issues related to transparency, fairness, and clarity of objects and prices that apply in online buying and selling.

The analysis process is carried out descriptively, namely by describing and explaining how Islamic law views online buying and selling based on relevant fiqh principles. The researcher examined the thoughts of previous scholars regarding buying and selling in uncertain conditions (gharar), as well as the potential for usury that may arise in online buying and selling transactions. In addition, a study of the thoughts of contemporary scholars was also carried out to see how they adapted the fiqh fatwas to the times, especially related to digital technology that allows remote buying and selling transactions. Thus, this study not only provides an analysis of the applicable law, but also seeks to connect fiqh theories with real practices in modern society, so that it can contribute to understanding and providing practical guidance for the community in carrying out buying and selling in accordance with sharia principles.

RESULTS AND DISCUSSION

Before presenting the results of the research, it is important to provide an overview of how the basic principles in Islamic jurisprudence are applied in buying and selling transactions, especially in the context of online buying and selling. Although online buying and selling transactions operate outside of a physical meeting between the seller and the buyer, basic principles such as clarity of object and price, as well as the existence of an agreement between the two parties, remain the main reference in determining the validity of such transactions according to Islamic law. With the advancement of technology and the diversity of e-commerce platforms that exist today, it is very important to analyze the extent to which these transactions meet the criteria set in fiqh, as well as evaluate potential problems that may arise, such as uncertainty (gharar) or fraud in the buying and selling process. Therefore, in this section, the results of research on the application of fiqh principles in online buying and selling will be revealed, as well as discussing the challenges that arise related to transparency, fairness, and ethics in these transactions.

Results

The results of the study show that the basic principles in Islamic buying and selling law, such as clarity of object (mabi'), price (thaman), and approval (iqd), remain relevant in online buying and selling transactions (Ulum, 2020). Although in online buying and selling there is no physical meeting between the seller and the buyer, as long as there is a clear agreement between the two parties regarding the object being traded and the agreed price, then the transaction is still valid according to Islamic law. In addition, the absence of an element of gharar (uncertainty) or riba in online buying and selling transactions is an important factor in assessing the validity of the transaction.

Another problem arises in terms of information transparency, where in online buying and selling often sellers do not provide clear information about the quality of goods or products sold. This can create uncertainty for buyers, which is contrary to the principles of fiqh that demand clarity and openness in transactions. In addition, some online buying and selling practices can also involve fraudulent elements, such as price quotes that do not match the quality of the goods, which must also

be considered in the context of Islamic ethics (Arangga et al., 2023).

Discussion

The discussion of the law of buying and selling in Islam emphasizes two important elements that underlie every transaction: fairness and transparency (Ilham et al., 2024). In this context, the first principle regulated in Islamic jurisprudence is the prohibition against gharar or uncertainty. Gharar refers to a situation where there is confusion or ambiguity regarding the object being traded, price, or other conditions associated with the transaction. This is especially relevant in online buying and selling, where buyers cannot physically see or inspect the goods before the transaction is made. One of the most frequent examples of online buying and selling is a seller who does not provide a clear and accurate description of the condition of the goods being sold. This can create uncertainty that risks causing gharar and making the transaction invalid according to Islamic law.

One form of gharar that is widely encountered in online buying and selling is the lack of clarity regarding product information. Many e-commerce platforms facilitate transactions between sellers and buyers, but there are often no standards governing how products should be described. Without sufficient and clear information, buyers cannot make the right decisions regarding whether the items they buy fit their needs or not. This can cause buyers to feel deceived after receiving items that do not meet their expectations. Therefore, it is very important for sellers to present complete and honest information about the products being sold so as not to create uncertainty and to meet the principles of transparency emphasized in Islamic law.

Delivery of goods is also one of the factors that can add an element of gharar in online buying and selling transactions. Uncertainty about the delivery time and condition of the goods when they arrive in the hands of buyers can cause tension and dissatisfaction. In Islamic law, every transaction must be clear about the time and place of the handover of goods, as well as the condition of the goods purchased. Therefore, if there is ambiguity regarding the delivery of goods, such as uncertain estimated delivery time or the condition of the goods damaged due to poor packaging, then the transaction will violate the principles of maqasid al-shariah, which demands certainty and fairness in every aspect of the transaction.

From the perspective of Islamic law, in addition to gharar, the element of riba is also an important concern in online buying and selling. Riba, in the context of buying and selling, refers to transactions that involve unauthorized profits, usually through additional fees or hidden interest. For example, some e-commerce platforms or payment apps may offer installments with hidden interest that is detrimental to buyers. This kind of practice is clearly contrary to the Islamic principle that prohibits usury in all its forms. In the context of online trading, it is important for merchants and platform providers to ensure that there is no element of usury involved in the transactions they facilitate. Therefore, online business people must strive to adapt their business models to sharia principles, avoid adverse interest, and offer transparent and reasonable prices.

Keeping from engaging in the practice of usury also involves a good understanding of the payment methods used in online buying and selling transactions. Some modern payment methods,

such as credit or installments, often contain hidden interest that can be detrimental to consumers. Therefore, in order to comply with Islamic principles, e-commerce platforms must ensure that transactions are conducted in a fair, transparent, and free manner from unauthorized interest. Education for users and platform providers on how to recognize and avoid the element of usury is very important, so that transactions are always in accordance with Islamic values and avoid elements of fraud that harm the parties involved.

In addition to the legal aspects related to gharar and usury, ethics also play a very important role in online buying and selling. In Islam, the intention and purpose of every transaction is very much considered. Every trader or seller is expected to maintain their intentions so that the transactions made benefit both parties and avoid losses or fraud. In online trading, this means that sellers must be honest about the condition of the goods they are selling and not hide any defects or damage that exist in the goods. Sellers are also expected not to engage in manipulative or lying practices, such as providing product descriptions that do not match the actual condition of the goods. This is becoming increasingly relevant considering that in online transactions, buyers cannot directly inspect goods before buying, so honesty is indispensable to maintain the integrity of transactions.

As part of Islamic ethics, every transaction must be carried out with the aim of bringing halal profits and avoiding losses. Therefore, every seller in online buying and selling is obliged to be responsible for the goods they sell and ensure that the goods can be used as promised. In addition, they must also provide good service, including timely delivery of goods and with conditions that are in accordance with the description that has been given. Thus, ethics in online buying and selling from an Islamic perspective not only includes honesty in information, but also fair service and does not harm consumers.

The bigger challenge in online buying and selling is how to maintain these ethical standards in the midst of technological advances and increasingly complex digital platforms. In cyberspace, interactions between sellers and buyers often don't happen in person, which makes control over ethical behavior more difficult. For this reason, it is important for platform providers to establish clear regulations regarding the seller's obligation to provide accurate information, maintain product integrity, and provide good service. In addition, continuous education to online traders about the importance of carrying out transactions with good intentions and in accordance with Islamic teachings is also a very important step.

In an effort to improve the quality of ethics in online buying and selling, the government and religious institutions need to work together in providing guidance and training on sharia principles in online business. This will help ensure that online trading platforms not only adhere to the rules of Islamic law, but also apply high ethics in every aspect of transactions. The government can provide incentives for e-commerce platforms that meet sharia standards, while religious institutions can provide certification or supervision of buying and selling practices carried out by online business people.

By keeping sharia principles applied in every online buying and selling transaction, the profits obtained from the transaction will be halal and bring blessings to both parties. It will also

create a fair and transparent market, which in turn can increase consumer trust in e-commerce platforms and online merchants. Therefore, a deep understanding of Islamic law and the ethics that govern buying and selling transactions is essential to ensure that online buying and selling is not only financially profitable, but also in accordance with Islamic values.

In closing, the biggest challenge in online buying and selling from an Islamic perspective is how to align technological advances with sharia principles that govern justice, transparency, and ethics. It is important for every party involved in online transactions to understand and implement these principles so that online buying and selling is not only a profitable economic means, but also an activity that is in accordance with the guidance of the Islamic religion.

CONCLUSION

Online buying and selling is acceptable from the perspective of Islamic law (fiqh) as long as it fulfills the basic principles of Islamic transactions such as clarity of object, price, and agreement between the two parties. The validity of the transaction depends on the absence of elements of gharar and riba, as well as the importance of transparency and honesty between the seller and the buyer. Nonetheless, online buying and selling practices must be continuously monitored to avoid fraud and violations of Islamic ethics in transactions. Overall, online buying and selling in accordance with Islamic principles is acceptable as long as it meets the rules of fiqh and maintains Islamic ethical values in every transaction. For this reason, there is a need for further education for sellers, buyers, and buying and selling platforms to understand and implement Islamic laws and ethics in online buying and selling transactions. Thus, online buying and selling carried out in the right way can be a tool to empower the economy of Muslims effectively and in accordance with sharia principles.

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