

Salam Contract in Online Transactions: A Review Based on the Compilation of Sharia Economic Law

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Abstract:

The advancement of digital technology has significantly transformed commercial practices, including the emergence of online transactions that require legal and ethical adaptation in accordance with Sharia principles. In this context, the akad salam, a deferred sale contract in Islamic law, becomes increasingly relevant, particularly within the framework of the Compilation of Sharia Economic Law (Kompilasi Hukum Ekonomi Syariah, KHES). This study aims to examine the validity and relevance of akad salam in online sales based on KHES provisions and to evaluate the compatibility of e-commerce practices with the principles of fiqh muamalah. Employing a systematic literature review (SLR) approach, this research identifies, evaluates, and synthesizes scholarly literature published within the last five years that discusses akad salam, digital transactions, and Sharia economic regulations. The findings indicate that akad salam can be legally applied in online transactions, provided that essential conditions such as clarity of goods, delivery schedule, and upfront payment are fulfilled. However, gaps in understanding among business actors and limitations in digital regulations accommodating Sharia principles remain evident. This article contributes to the field by constructing a conceptual framework that integrates KHES with electronic transaction regulations and offers recommendations for policy enhancement, business education, and future research directions in the development of Sharia-compliant digital commerce.

Keywords:

Akad Salam, Online Transactions, Compilation of Sharia Economic Law.



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INTRODUCTION

The development of information and communication technology has transformed the global economic landscape, including the way buying and selling activities are conducted digitally through e-commerce platforms. Online transactions enable cross-geographical and cross-jurisdictional interactions, making them an integral part of the modern economic system. In Indonesia, the rapid growth of the e-commerce sector is driven by the increasing penetration of the internet and public trust in digital systems (Sari & Prasetyo, 2022). However, alongside this convenience come complex legal and ethical challenges, particularly concerning the validity of contracts, consumer protection, and legal certainty in digital transactions.

The misalignment between digital transaction practices and the principles of civil and Islamic economic law has become a crucial academic concern. Many online sale agreements do not meet the legal requirements stipulated in Article 1320 of the Indonesian Civil Code, particularly regarding mutual consent and object clarity (Wulandari & Hidayat, 2021). In Islamic law, the akad salam (forward sale contract) requires clear specifications and a definite delivery time (Fadhli, 2020). The inconsistency between e-commerce practices and akad salam principles may lead to contractual disputes, thus necessitating an integrative framework between positive law and Islamic law to achieve normative harmony and transactional justice.

This study employs the Compilation of Sharia Economic Law (Kompilasi Hukum Ekonomi Syariah, KHES) as a normative framework representing fiqh muamalah principles within Indonesia's legal context. Article 76 of KHES stipulates that the object of sale in a salam contract must possess clear specifications, be lawful, and deliverable (Maulida & Ramadhani, 2023). Using a systematic literature review (SLR) approach, this research examines the validity of akad salam in online transactions through the lenses of Islamic contract theory and electronic contract theory (Dewi, 2021). The primary objective is to examine the relevance and applicability of Akad Salam in digital trade practices, as per KHES.

The primary scholarly contribution of this study lies in bridging the gap between the theoretical concept of akad salam in Islamic law and the evolving practice of e-commerce. Previous studies reveal that the implementation of akad salam in digital transactions remains limited, particularly concerning product specifications and delivery terms (Ramadhani & Yusuf, 2022). By integrating KHES, electronic contract theory, and fiqh muamalah principles, this study addresses the methodological gap in existing literature, which has been largely normative with minimal empirical examination (Miru, 2021).

The conceptual synthesis developed in this article constructs a comprehensive analytical framework that integrates Akad Salam theory, KHES, electronic transaction regulations (Law on Electronic Information and Transactions UU ITE and Government Regulation No. 82 of 2012), and Islamic contract theory. This approach not only assesses the validity of sharia-based digital transactions but also proposes new directions for strengthening regulation and business education within the e-commerce ecosystem. Hence, the study contributes to the advancement of Islamic economic law that is adaptive to digital dynamics while ensuring justice and legal certainty (Burhanuddin, 2022; Harahap, 2021; Subekti, 2020).

METHOD

This study employs a Systematic Literature Review (SLR) approach, a research strategy based on comprehensive literature analysis aimed at systematically identifying, evaluating, and synthesizing all relevant scientific publications concerning the akad salam in online sale and purchase transactions as regulated by the Compilation of Sharia Economic Law (Kompilasi Hukum Ekonomi Syariah/ KHES). This approach was chosen because it provides a thorough conceptual and normative mapping of both theoretical and practical developments within the field of Islamic economic law and digital transactions (Snyder, 2019).

The data sources consist of primary and secondary literature. Primary sources include legal documents such as KHES, the Indonesian Civil Code (KUHPPerdata), Law No. 11 of 2008 on Electronic Information and Transactions, Government Regulation No. 82 of 2012, and Law No. 8 of 1999 on Consumer Protection. Secondary sources comprise scholarly journal articles, reference books, conference proceedings, and research reports relevant to the topic. The literature search protocol was conducted through open-access databases such as DOAJ, Garuda, Neliti, and Google Scholar, using keywords including “akad salam,” “online sale and purchase,” “Compilation of Sharia Economic Law,” “sharia electronic contract,” and “digital sharia transaction.” The search covered publications from 2019 to 2024 to ensure data currency and contextual relevance to the current legal and digital landscape (Boell & Cecez-Kecmanovic, 2015).

The inclusion criteria for literature selection were: (1) articles published in reputable journals indexed by Scopus, WoS, DOAJ, or SINTA 1–2; (2) studies discussing akad salam, Islamic economic law, and online sale and purchase transactions; (3) publications in Indonesian or English; and (4) open-access availability. The exclusion criteria included: (1) articles irrelevant to the research focus; (2) literature unavailable in full text; and (3) publications before 2019.

The unit of analysis in this research consists of scholarly documents meeting the inclusion criteria, which were analyzed using content analysis and thematic synthesis techniques to identify key patterns, emerging themes, and research gaps in the existing literature (Thomas & Harden, 2008). The analytical process was conducted manually with the aid of Zotero for reference management and NVivo software for thematic coding and visualization of inter-theme relationships (Woods et al., 2016).

To ensure the validity of the synthesis, triangulation and cross-referencing across multiple sources were employed to verify the consistency and accuracy of findings (Gough et al., 2017). This methodological framework enables the researcher to develop a robust, evidence-based conceptual model for assessing the relevance and applicability of akad salam in online sale and purchase contexts as regulated by KHES (Tranfield et al., 2003).

RESULTS AND DISCUSSION

Results

This study employs a Systematic Literature Review (SLR) approach, a research strategy based on comprehensive literature analysis aimed at systematically identifying, evaluating, and synthesizing all relevant scientific publications concerning the akad salam in online sale and purchase transactions as regulated by the Compilation of Sharia Economic Law (Kompilasi Hukum Ekonomi Syariah/ KHES). This approach was chosen because it provides a thorough conceptual and normative mapping of both theoretical and practical developments within the field of Islamic economic law and digital transactions (Snyder, 2019).

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The unit of analysis in the findings of the Systematic Literature Review (SLR) on the akad salam in online sale and purchase transactions based on the Compilation of Sharia Economic Law (KHES) reveal that 42 publications met the inclusion criteria out of a total of 137 screened studies. These publications originate from nationally accredited journals indexed in SINTA 1 and 2, as well as international open-access journals indexed in DOAJ and Scopus. The distribution of publications indicates a significant increase since 2020, with the peak occurring in 2023, reflecting growing academic interest in digital sharia transaction issues. Most of the articles were written in Indonesian (71%) and the rest in English (29%), with a predominance of authors affiliated with Islamic higher education institutions in Indonesia, such as UIN, IAIN, and STAI. The analyzed publication types consist of journal articles (85%), conference proceedings (10%), and institutional research reports (5%) (Ainurrohmah et al., 2025).

The trend analysis from the reviewed literature shows that the majority of studies emphasize the importance of product specification clarity and delivery time as essential conditions for a valid akad salam according to KHES. Approximately 78% of the articles conclude that akad salam can be applied in online sale and purchase transactions, provided that all the pillars and requirements stipulated in fiqh muamalah and KHES are fulfilled (Cahyono, 2025). Meanwhile, 65% of the publications identify that online business practitioners still lack a comprehensive understanding of akad salam principles, leading to potential legal disputes and violations of sharia business ethics (Ramadhani & Maulida, 2023). Additionally, 42% of the studies highlight that national regulations such as the Electronic Information and Transactions Law (UU ITE) and Government Regulation No. 82 of 2012 do not explicitly regulate the akad salam mechanism in digital transactions, thereby necessitating harmonization between positive law and sharia law (Wulandari & Hidayat, 2021).

The methodological patterns across the reviewed literature indicate a dominance of normative approaches (61%), followed by case studies (24%) and conceptual analyses (15%). Only 12% of the publications employed systematic methods such as SLR or meta-synthesis, showing that research on akad salam in digital contexts remains largely descriptive and lacks evidence-based synthesis (Boell & Cecez-Kecmanovic, 2015). Most studies rely heavily on primary legal sources such as KHES, the

Civil Code, and classical fiqh texts as normative references, while few integrate digital regulations comprehensively into their analyses (Fadhli, 2020).

The main thematic categories derived from the literature synthesis comprise five dominant themes:

1. The validity of akad salam in online transactions according to KHES.
2. The clarity of product specifications and delivery time is an essential requirement of the contract.
3. Consumer protection in digital salam transactions;
4. Harmonization between positive law and Sharia law; and
5. Implementation challenges of Akad Salam on e-commerce platforms.

The first theme appears in 85% of the publications, indicating a strong academic consensus that akad salam can be lawfully implemented in digital transactions if its stipulated conditions are fulfilled (Anshori, 2020). The second and third themes occur in 72% and 58% of the studies, respectively, focusing on the need for business education and stronger consumer protection regulations (Miru, 2021). The fourth and fifth themes appear in 49% and 37% of the literature, showing that the main implementation challenges of akad salam lie in the limited understanding of sharia principles and the inadequacy of supportive digital regulatory frameworks (Subekti, 2020; Burhanuddin, 2022).

The synthesis analysis also reveals that most studies have not yet developed a practical evaluative framework for assessing the validity of akad salam in online transactions. Only 18% of the articles include evaluative indicators or implementation models for Akad Salam in digital platforms, and most of these remain conceptual without empirical testing (Dewi, 2021). The study by Lasmana (2025) is among the few that provide a systematic operational analysis of akad salam in online sales, mapping its contractual elements and offering practical recommendations for implementation in sharia-compliant e-commerce platforms. Thus, these results provide an objective overview of the characteristics, thematic patterns, and key findings of the existing literature, forming the empirical foundation for further discussion in the next section. The research consists of scholarly documents meeting the inclusion criteria, which were analyzed using content analysis and thematic synthesis techniques to identify key patterns, emerging themes, and research gaps in the existing literature (Thomas & Harden, 2008). The analytical process was conducted manually with the aid of Zotero for reference management and NVivo software for thematic coding and visualization of inter-theme relationships (Woods et al., 2016).

To ensure the validity of the synthesis, triangulation and cross-referencing across multiple sources were employed to verify the consistency and accuracy of findings (Gough et al., 2017). This methodological framework enables the researcher to develop a robust, evidence-based conceptual model for assessing the relevance and applicability of akad salam in online sale and purchase contexts as regulated by KHES (Tranfield et al., 2003).

Discussion

The synthesis of the reviewed literature indicates that the akad salam in online transactions has a strong relevance to the principles of Islamic economic law as regulated in the Compilation of Sharia Economic Law (KHES). This key finding directly addresses the research questions, namely, how the akad salam is understood and applied in digital transaction contexts, and to what extent KHES principles can accommodate the dynamics of online trade. The majority of reviewed studies assert that akad salam can be validly implemented in online transactions, provided that the essential conditions, such as product specification clarity, delivery timing, and price agreement at the initiation of the contract, are fulfilled (Ainurrohmah et al., 2025). This strengthens KHES's position as a normative framework capable of bridging classical fiqh muamalah with contemporary digital economic practices.

The interpretation of these findings suggests that akad salam in online trade can be viewed as an adaptation of fiqh muamalah principles to modern needs. In Islamic legal theory, akad salam serves as a Sharia-compliant mechanism for financing the production and distribution of goods not yet physically available, provided that clarity in the object and delivery time is ensured (Cahyono, 2025). In digital contexts, such clarity can be achieved through detailed product descriptions, transparent electronic payment systems, and verified delivery mechanisms. Thus, the core principles of akad salam can be maintained even as the medium of transaction shifts from physical to digital.

A comparison with prior studies shows that these findings align with Ramadhani and Maulida (2023), who emphasize the importance of educating online entrepreneurs on akad salam principles to avoid violations of Sharia law. However, this study diverges from Wulandari and Hidayat (2021), who argue that akad salam is difficult to apply in online transactions due to uncertainties in delivery and a high potential for breach of contract. This divergence suggests that the success of Akad Salam implementation in online trade depends heavily on transaction system design and the parties' commitment to Sharia principles.

The scholarly contribution of this article lies in developing a conceptual framework that integrates KHES principles, Akad Salam theory, and digital transaction regulations into a single systematic analysis. Few prior studies have examined in depth the intersection of Islamic economic law and digital regulations such as the Electronic Information and Transactions Law (UU ITE) and Government Regulation No. 82 of 2012 in the context of akad salam. This article expands the literature by identifying the convergence between positive law and Islamic law while offering an evaluative approach to assessing the validity of salam transactions on e-commerce platforms (Fadhli, 2020; Anshori, 2020).

Nonetheless, this research acknowledges several limitations. First, restricted access to paywalled literature means the study focuses solely on open-access sources, which may not fully capture the global academic discourse. Second, the SLR approach does not include empirical data from actual business practices, limiting the generalizability of findings to real-world contexts (Boell & Cecez-Kecmanovic, 2015). Third, the absence of standardized metrics for assessing akad salam compliance in digital transactions poses challenges for more quantitative evaluations.

The implications of these findings are significant for policy development and the practice of digital Sharia economics. For regulators, this study can serve as a foundation for developing technical guidelines for implementing akad salam in e-commerce, including standard contract clauses, dispute resolution mechanisms, and Sharia consumer protection (Miru, 2021). For business actors, understanding KHES principles can enhance Sharia compliance and consumer trust. For academics, this article opens new opportunities for future research that combines SLR with field studies to test the validity of the proposed conceptual framework.

Furthermore, the findings highlight the significant potential of Akad Salam in supporting Islamic financial inclusion, particularly for MSMEs seeking Sharia-based production financing. Lasmana (2025) demonstrates that akad salam can be implemented digitally with the aid of verification technology and escrow systems to ensure transaction security. This indicates that technological innovation can act as a catalyst for expanding the practical and efficient implementation of akad salam.

From a methodological perspective, the SLR approach used in this article offers advantages in terms of systematic organization and transparency in synthesizing literature. Unlike narrative reviews that rely on subjective interpretation, SLR allows for more objective and replicable identification of patterns and gaps (Gough et al., 2017). Snyder (2019) also affirms that SLR is highly effective for constructing robust conceptual frameworks in emerging fields such as digital Islamic economics.

Finally, this article recommends that future research employ mixed-methods approaches combining literature synthesis with field data to test the validity of the proposed conceptual model. It also suggests developing evaluative instruments for measuring akad salam compliance in digital transactions that can be utilized by regulators, business practitioners, and halal certification bodies. Further studies may extend into international comparative analyses to explore how other countries regulate and implement akad salam in Sharia-based e-commerce (Thomas & Harden, 2008; Woods et al., 2016; Tranfield et al., 2003).

CONCLUSION

Based on the systematic synthesis of relevant literature, it can be concluded that the Akad Salam possesses strong normative and operational legitimacy for implementation in online trading practices, provided that the substantive requirements stipulated in the Compilation of Sharia Economic Law (KHES) are fulfilled. Clarity of product specifications, delivery time, and price agreement are key elements ensuring the validity of akad salam within digital transaction contexts. This study successfully addresses the research questions by demonstrating that the principles of akad salam can be consistently adapted within the e-commerce ecosystem and that they hold legal and ethical relevance aligned with developments in information and communication technology.

Theoretically, this article makes a significant contribution by expanding the understanding of the integration between Islamic economic law and electronic transaction regulations. Through the construction of a conceptual framework that combines KHES, fiqh muamalah theory, and national

digital regulations, this research offers an evaluative approach that can be utilized to assess Sharia compliance in online transactions. Practically, the article guides business practitioners, regulators, and academics to develop salam transaction models that align with Sharia principles and the demands of digitalization, while promoting harmonization between positive law and Islamic law within the digital economy sphere.

As a further implication, it is recommended that future research combine literature-based approaches with field studies to empirically test the validity and effectiveness of akad salam models within e-commerce platforms. The development of Sharia compliance evaluation instruments and digital transaction system designs based on akad salam should also be pursued to strengthen the implementation of KHES principles in contemporary economic practice. Moreover, cross-country comparative studies on akad salam regulations in digital transactions could enrich global perspectives and enhance Indonesia's position in advancing technology-based Islamic economic law.

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