

# Legal Analysis of Online Buying and Selling Transactions in the Perspective of Sharia Economic Law

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## ABSTRACT

Online buying and selling contracts in the perspective of Sharia Economic Law must meet sharia principles so that the transaction is legal and in accordance with Islamic teachings. This study aims to analyze the law of online buying and selling transactions from the perspective of Sharia Economic Law. The research method used is qualitative descriptive with qualitative analysis data analysis. The results of the study show that goods and services that are traded must be halal, in accordance with Islamic teachings. Products that are haram or have haram elements are prohibited in sharia transactions. All information regarding goods, prices, and transaction terms must be conveyed clearly and honestly to avoid gharar (ambiguity) and fraud. The transaction process must include clear offers and receipts, sharia-compliant payments, and fair and transparent delivery and receipt of goods. Sustainability in sharia e-commerce is also an important aspect that needs to be considered, including in products, packaging, and shipping. Despite the challenges in its implementation, long-term benefits such as consumer trust, general welfare, and regulatory support make the application of Sharia Economic Law in e-commerce an important and beneficial strategy.

## 1. INTRODUCTION

With the rapid development of information and communication technology, online buying and selling transactions have become integral to daily life. E-commerce allows consumers to buy goods and services easily without having to meet the seller in person, which offers various conveniences and efficiencies in transactions.

Islam as a comprehensive religion regulates various aspects of life, including economics and business. Sharia Economic Law aims to ensure that economic activities are carried out in accordance with sharia principles, which prioritize justice, transparency, and the welfare of the people. Therefore, there needs to be clear guidelines and regulations on how online buying and selling transactions must be carried out in order to remain in accordance with Islamic teachings (Ahmad Bisri Musthafa, 2022).

In practice, online buying and selling transactions often face problems such as fraud,

dishonesty, uncertainty, and usury. This encourages the need for a legal approach that can overcome these problems by using the principles of Sharia Economic Law. For example, gharar (uncertainty) and riba (interest) are two elements that are prohibited in transactions according to sharia law and are often the main concern in online transactions.

Maqasid al-Shariah or the purpose of Islamic law includes the protection of religion, soul, intellect, heredity, and property. In the context of online buying and selling transactions, the protection of assets and the rights of consumers and sellers is very important. Sharia Economic Law aims to ensure that transactions are carried out in a way that does not harm one party and maintain the economic welfare of the ummah (Rijaludawa & Yanti Nurniati, 2023).

Consumer trust is very important in online buying and selling transactions. By applying the principles of Sharia Economic Law, it is hoped that

it can increase consumer confidence in e-commerce. Consumers will feel safer and more secure, so they are more comfortable making online transactions (Mujahidin & Susilo, 2023). With clear regulations and guidelines based on Sharia Economic Law, the quality of the e-commerce market in Muslim-majority countries can improve. It includes not only aspects of legality and fairness, but also ethical and moral aspects of doing business, ultimately contributing to a healthier and more sustainable economy.

There are still many people who do not fully understand the principles of Sharia Economic Law in online transactions. Therefore, it is important to increase education and socialization related to this matter, both among sellers, buyers, and the e-commerce platform itself. Online buying and selling transactions present various legal issues that need to be overcome to protect the interests of consumers and sellers. Consumers often feel deceived and have difficulty getting compensation. Uncertainty regarding the condition of goods, inaccurate product descriptions, or ambiguity in the terms and conditions of the transaction. This can create conflicts between sellers and buyers.

Thus, research on the Law of Online Buying and Selling Transactions in the Perspective of Sharia Economic Law is not only beneficial for the Muslim community, but also for the development of fairer, more transparent, and ethical e-commerce regulations and practices as a whole.

## **2. THEORETICAL FRAMEWORK**

Online transactions often involve sellers and buyers from different countries, so the applicable laws can vary. Cross-border dispute resolution has become highly complex and often inefficient. Cyberattacks, such as hacking and phishing, can harm both sellers and buyers. In addition, technical problems such as system glitches or errors in e-commerce platforms can also cause financial losses (Mujahidin & Susilo, 2023). Sustainability and business ethics aspects are also a concern, especially related to fair and environmentally friendly production and distribution practices. Many consumers are starting to care about the origin of the product and its impact on the environment (Nur &

Palembang, 2019).

By identifying and addressing these issues, online buying and selling transactions can become safer, fairer, and more trustworthy for all parties involved. Research on the Law of Online Buying and Selling Transactions in the Perspective of Sharia Economic Law is very important for various reasons (Rijaludawa & Yanti Nurniati, 2023). This research helps ensure that online transactions that are increasingly dominant in global trade are in accordance with sharia principles. This is important to maintain the integrity and trust of the Muslim community in e-commerce. By understanding and developing clear sharia legal guidelines for online transactions, Muslim consumers can be protected from unfair practices, fraud, and transactions involving prohibited elements such as *riba* and *gharar*.

## **3. RESEARCH METHOD**

The research method used in this study is qualitative descriptive (Creswell, 2009; Sugiono, 2015). Qualitative descriptive research methods are research approaches used to describe, analyze, and understand phenomena based on participant perspectives. This approach focuses not only on data collection but also on in-depth interpretation and analysis.

Qualitative descriptive research uses an inductive approach that focuses on collecting in-depth and rich data from research participants. This data is then used to describe the phenomenon being studied. The goal is to understand and describe social phenomena or human behavior in detail from the perspective of those directly involved.

The data is analyzed inductively by identifying patterns, themes, and categories from the collected data. The coding process is done to organize the data into smaller units, which are then grouped into larger themes. Triangulation is used to ensure the validity and reliability of findings by comparing data from different sources or data collection methods.

## **4. DATA ANALYSIS AND DISCUSSION**

### **4.1. Halalness of Goods and Services in the Perspective of Sharia Economic Law**

Halal goods and services is one of the main principles in Sharia Economic Law which ensures that all economic activities, including buying and selling transactions, are carried out by the rules and values set by sharia (Islamic law) (Estijayandono, 2019). This halal principle refers to the legality and ethics of traded goods and services, which must be by Islamic teachings. Halal is something that is allowed or allowed according to Islamic law. This includes goods, services, activities, and behaviors by sharia. Meanwhile, haram is something that is prohibited or not allowed according to Islamic law. This includes goods, services, activities, and behaviors that are contrary to sharia.

Halal goods are goods that are allowed to be consumed or used, such as halal food (does not contain pork or alcohol), clothes that cover the awrah, and products that are not harmful to health. Goods and services must come from halal sources. For example, food must come from animals slaughtered according to sharia rules. The process of production, processing, and distribution of goods and services must be free from contamination with haram elements. Goods and services must provide good benefits and do not harm individuals or society. Products and services that have the potential to damage health, morals, or the environment are not considered halal.

In the perspective of Sharia Economic Law, halal goods and services are the foundation that ensures that economic transactions are not only legal but also ethical and beneficial to individuals and society (Nabila A'yun dkk., 2021). By applying halal principles, the economy can develop in a sustainable way and in accordance with Islamic values.

Halalness in Sharia Economic Law refers to the status of legality and validity of goods and services according to sharia principles. These principles are based on the teachings of the Qur'an, Hadith, Ijma' (consensus of scholars), and Qiyas (analogy) (Putra, 2019). The halalness of goods and services in the perspective of Sharia Economic Law is a fundamental principle that ensures that all economic activities are carried out in accordance with Islamic teachings. By understanding and applying these halal principles, not only do Muslim consumers feel safe and comfortable in transacting, but they also

help create a more ethical and sustainable market. Challenges in halal enforcement can be overcome through education, regulation, and cooperation between various stakeholders, including the government, producers, and consumers.

#### **4.2. Online Buying and Selling Agreements in the Perspective of Sharia Economic Law**

Online buying and selling contracts the perspective of Sharia Economic Law must meet Sharia principles so that the transaction is legal and according to Islamic teachings. In the context of Islamic law, a contract is a binding agreement or contract between two or more parties. The contract in buying and selling involves the seller and the buyer agreeing to exchange goods or services at an agreed price (Khisom, 2019).

The seller must provide complete, accurate, and honest information about the products sold, including specifications, prices, and other relevant conditions. In online transactions, *ijab* and *qabul* can be done through digital platforms such as websites or applications (Mahfudhoh & Santoso, 2020). The seller provides an offer through the product description, and the buyer provides acceptance by pressing the 'buy' or 'checkout' button. Payments must be made by sharia, using halal methods and without usury. Payments can be made via bank transfer, e-wallet, or other methods that are by sharia (Fitria, 2017).

The process of delivering goods must be carried out by the agreement in the contract. The seller is responsible for ensuring the goods are received by the buyer in the promised condition. The buyer has the right to *khiyar*, which is the right to cancel the transaction if the goods received are not as promised or there are hidden defects that are not notified in advance. All information related to goods, prices, and transaction terms must be conveyed clearly to avoid *gharar*.

The seller must be honest about the condition of the goods, and the buyer must be honest about the ability to pay. E-commerce platforms must guarantee the security of personal data and transaction information. There is a mechanism for returns, replacements, or refunds if there is a problem with the product received. An e-commerce platform that specifically operates under sharia

principles, ensuring that all products sold are halal and transactions are carried out in accordance with Islamic law (Nabila A'yun dkk., 2021). Products sold through online platforms must have halal certification from a recognized authority to guarantee the halalness of the product. A feature within the platform that allows buyers to cancel a transaction or request a return if it doesn't match the description.

The risk of fraud in online transactions is still high. Sellers and e-commerce platforms must work hard to ensure integrity and honesty in transactions. Online buying and selling contracts in the perspective of Sharia Economic Law must meet sharia principles, including halal goods and services, honesty, transparency, and no elements of *riba* or *gharar* (Panggabean & Tanjung, 2022). By ensuring that all of these elements are met, online transactions can be carried out legally and ethically in accordance with Islamic teachings. This not only increases consumer confidence but also supports the sustainable growth of e-commerce and is in line with Islamic values.

An agreement or contract that is binding between two or more parties in various transactions, including buying and selling (Achmad Zurohman & Eka Rahayu, 2019). In Sharia Economic Law, contracts must meet sharia principles in order to be valid and in accordance with Islamic teachings. Online buying and selling contracts in the perspective of Sharia Economic Law must meet sharia principles, including halal goods and services, honesty, transparency, and no elements of *riba* or *gharar*. By ensuring that all of these elements are met, online transactions can be carried out legally and ethically by Islamic teachings (Hadiat, 2022; Salim, 2017). This not only increases consumer confidence but also supports the sustainable growth of e-commerce and is in line with Islamic values. Implementation challenges can be overcome through proper regulation, consumer education, and increased oversight of business practices.

#### **4.3. Delivery and Receipt of Goods Bought and Sold Online: Sharia Economic Law Perspective**

In Sharia Economic Law, the delivery and receipt of goods are an integral part of the contract

of sale and purchase. The basic principles are that the goods sent and received must be halal and by the agreed description. Transactions must be conducted fairly and transparently, without any fraud or obscurity (*gharar*). Sellers and buyers must maintain each other's trust in carrying out transactions, including in the process of sending and receiving goods.

The item must be properly packaged to ensure that it is not damaged during shipping. The seller is responsible for choosing a reliable delivery service (Wulandari & Djakfar, 2022). The seller must provide complete information regarding the status of the shipment, such as the receipt number, estimated time of arrival, and how to track the package. The buyer should inspect the item received to ensure it is in accordance with the order and that there is no damage or defect.

The delivery and receipt of goods in online buying and selling must meet the principles of Sharia Economic Law, namely halal, fairness, transparency, and trust. Good implementation includes the use of reliable delivery services, real-time tracking, and responsive customer service. Challenges such as ambiguity in the shipping process and high shipping costs need to be addressed through proper regulation and increased oversight. Thus, online buying and selling transactions can be carried out legally, ethically, and by Islamic teachings, thereby increasing the trust and comfort of Muslim consumers.

#### **4.4. Sustainability of Online Buying and Selling in the Perspective of Sharia Economic Law**

Sustainability in Sharia Economic Law includes efforts to maintain a balance between economic, social, and environmental needs. This principle is in line with Islamic values that emphasize responsibility for the environment, social justice, and sustainable economic well-being. Humans are responsible as caliphs on earth, which means protecting and preserving nature. Upholding justice in every aspect of life, including the distribution of wealth and the treatment of fellow creatures.

Islam teaches us not to overdo it and to avoid wasting resources. All economic activities must aim to achieve general welfare and common prosperity. Provide and promote products that are

environmentally friendly and have minimal impact on the environment. Using recyclable or biodegradable packaging materials to reduce waste (Achmad Zurohman & Eka Rahayu, 2019).

Educating consumers on the importance of choosing sustainable products and providing information about the environmental impact of the products they buy. Working with suppliers who also implement sustainable practices, ensuring that the entire supply chain adheres to sustainability principles. Undertaking initiatives to reduce waste, such as packaging return programs or incentives for recycling. The implementation of sustainable practices often requires a high initial investment. The level of consumer awareness about sustainability may still be low, so there needs to be intensive education efforts.

Sustainability in online buying and selling from the perspective of Sharia Economic Law is a principle that emphasizes the balance between economic, social, and environmental needs. Islamic principles such as caliphate, adl, israf, and masalahah underlie sustainable practices that are not only beneficial to the environment but also to the welfare of society and the economy. Despite the challenges in implementation, the long-term benefits and growing regulatory support make sustainability an important strategy for e-commerce that wants to remain relevant and trusted by consumers. By implementing sustainable practices, sharia e-commerce can contribute significantly to environmental conservation and community welfare in general.

## 5. CONCLUSION

Goods and services that are traded must be halal, by Islamic teachings. Products that are haram or have haram elements are prohibited in sharia transactions. All information regarding goods, prices, and transaction terms must be conveyed clearly and honestly to avoid gharar (ambiguity) and fraud. Sellers and buyers must maintain each other's trust in carrying out transactions, including in the process of sending and receiving goods. Transactions must be free from the element of riba (interest), both in the form of payment and in the process of sending and receiving goods. Legal

Analysis of Online Buying and Selling Transactions in the Perspective of Sharia Economic Law emphasizes the importance of fulfilling sharia principles such as halal, fairness, transparency, trustworthiness, and freedom from usury. The transaction process must include clear offers and receipts, sharia-compliant payments, and fair and transparent delivery and receipt of goods. Sustainability in sharia e-commerce is also an important aspect that needs to be considered, including in products, packaging, and shipping. Despite the challenges in its implementation, long-term benefits such as consumer trust, general welfare, and regulatory support make the application of Sharia Economic Law in e-commerce an important and beneficial strategy.

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