

## Journal of Islamic Economics Lariba

Available at <https://journal.uui.ac.id/JIELariba>



### E-Commerce Practice in the Light of Mashlahah Mursalah

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#### Article Info

##### Article history:

Received: December 13, 2022

Revised: December 29, 2022

Accepted: December 30, 2022

Published: December 31, 2022

##### JEL Classification Code:

G11, G14, G23

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uin-suka.ac.id

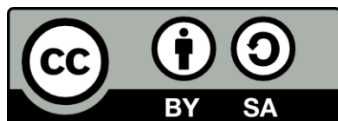
##### DOI:

10.20885/jielariba.vol8.iss2.art12

#### Abstract

Technology has now become a vessel that plays a role in meeting the needs of people's lives from various fields, especially in many sectors of the real economy. Since the emergence of e-commerce, there have been many conveniences for sellers and buyers in meeting their daily needs. This convenience is the initial foundation of Maslahah Al-Mursalah. This study aims to examine e-commerce from the perspective of Maslahah Al-Mursalah. The research methodology used is descriptive qualitative. Sources of data collected are based on primary and secondary data. The research results obtained in this study are e-commerce practices from the perspective of sharia contracts have similarities with As-salam practices. Through this e-commerce, many benefits can be obtained. So it can be seen that muamalah activities, such as buying and selling bai' as-salam contained in e-commerce practices, are a type of maslahah (convenience/providing benefits) at the level of maslahah hajiyyat.

**Keywords:** E-Commerce; Islamic Law; Maslahah Mursalah



## INTRODUCTION

According to the Islamic scholar Ibnu Khaldun, humans have fundamental characteristics as social and civilized beings who need other humans (Utomo 2003). Good cooperative interpersonal relationships are very important to move forward in life and achieve goals (Ya'qub, 1984). One of the many aspects of cooperation is economic studies, especially Islamic economics, which is dynamic according to the dimensions of place and time (Santoso, 2016).

When discussing cooperation in the context of Islamic economics, it is important to note that muamalah, a type of business that develops sharia-approved property rights, is highly relevant to trade. In general, trade in Islam makes it clear that there is a physical transaction by presenting the goods at the time of the transaction or by not presenting the goods ordered, but with the condition that the nature of the goods must be stated clearly, either delivered immediately or delivered later until a certain time (Halim Barkatullah, Abdul & Prasetyo, 2006).

However, since the advent of technology, trading has taken place virtually, that is, there has been no buying and selling activity by directly meeting the parties and objects of trade. Now technology has become one of the places for online trading. The more advanced technology is in every aspect of modern life, including the internet, all human efforts and activities will be made easier (Pradipta, 2015). The invention of the internet has had a significant impact on society. Millions of people from all walks of life around the world are now benefiting from the benefits of the internet, not just those working in information and technology. The economy is one area where the existence of the internet has a direct positive impact (Pratama, 2020).

E-commerce refers to trading activities conducted online. E-commerce is the term for using the internet with virtual goods. Especially in terms of speed, convenience, and sophistication in conducting international transactions without location and time limits, as well as without geographical boundaries between parties, e-commerce has a very positive influence (Hassanah, 2015). What ultimately makes e-commerce a popular medium for conducting business or trading operations is the ease of placing orders via desktop, the ease of checking product availability, and the fast buying and selling process.

The rapid growth of e-commerce can be said to be increasingly central considering that trading through computer networks promises time and cost efficiency as well as customer convenience when compared to traditional transaction patterns (Arda, 2019). Islam has a set of rules in both vertical and horizontal dimensions. In this case regarding online trading activities or in other words from e-commerce is the horizontal dimension. It is called the horizontal dimension because e-commerce practices are human relations with humans.

The rise of e-commerce practices, especially in the era of the industrial revolution 4.0 until now, aims to provide convenience and goodness for every individual (Arimbh, 2019). People find it easy with the internet network as it is today. In Islam the goodness that is obtained from a matter is Maslahah. This e-commerce practice can be dissected from the perspective of Maslahah Al-Mursalah.

In Islam, Ma'lahah Al-Mursalah is a form of maslahah (goodness), and there is no argument supporting its recognition or repeal (Amzah, 2005). Maslahah is known as absolute because it is

not affected by the arguments (evidence) that support it or the arguments that deny it. For example, *maslahah* requested by the companions of the Prophet Muhammad for setting up prisons, production of money, or other *maslahah* requested during a crisis, for different purposes, or for different virtues. The law has not been established, nor has it been recognized or abolished by *syara'*. Therefore, *Maslahah Al-Mursalah* is solely intended as an effort to establish a law that is actualized for mankind to bring benefits and reject harm (Peristiwa, 2019).

E-Commerce is one of the transaction activities via the internet which is included in the discussion of *Maslahah Al-Mursalah*. This is because e-commerce exists and makes it easier for consumers to buy and sell goods to fulfill their daily needs. E-commerce is closely related to internet technology, which has a significant impact on the global economy. E-commerce that emerged as a result of the development of the internet and offers many conveniences for both parties in transactions, has emerged as a promising business choice.

*Maslahah Al-Mursalah* as a source of determination in Islamic economic practices is a must because *maslahah* is the core of all these economic developments (Anam, 2018). It can be said that all forms of Islamic finance practices and innovations are aimed at realizing benefit. The establishment of Islamic banking, the emergence of Islamic credit cards as a means to facilitate various transactions, the rapid development of e-commerce transactions in modern society, and others show how the role of *Maslahah Al-Mursalah* is in the development of Islamic economics. Based on the description above, the focus of this paper is to discuss e-commerce in the perspective of *Maslahah Al-Mursalah*.

## LITERATURE REVIEW

### ***Maṣlahah Al-Mursalah***

The term *Maslahah Al-Mursalah* refers to the morality that underlies Islamic law can also be used to describe positive (beneficial) actions (Uman, 1998). Everything (*maslahah*) for which there is no *syara'* proof in the form of certain texts negates it, according to Al-Ghazali in his book *Al-Mustasyfa*. However, no one realized this. Meanwhile, according to Asy-Syaukani in Ersyad Al-Fuhul's book is *maslahah*, that is, it is not known whether the *syar'i* reject it or take it into account. Then one of the Hambali scholars, Ibn Qudamah, said: "*Maslahah* that no one pays attention to it and there is no special argument that negates it." (Jumantoro, 2005). Furthermore, according to Imam Ar-Razi, *maslahah* is a useful practice that Allah SWT commands His people to take care of their property, religion, soul and mind (Uman, 1998).

*Maslahah* is divided into three parts by scholars (*Usul Ulama*): *Maslahah Dharuriyat* (Main) is the first benefit; it is a necessity for human survival. In other words, if one of the five basic principles of human existence—religion, soul, mind, lineage, and property—did not exist, human life would be meaningless. Therefore God commands everyone to try to meet these needs. Allah forbids it because any business or activity that causes or causes the loss or damage of one of the five elements is wrong (Syarifuddin, 1999). In line with the word of Allah in Surah Al-An'am verse 151. From this verse it is clear that Allah strictly prohibits apostasy to protect religion, murder to protect the soul, drunkenness to protect the mind, adultery to preserve offspring, and theft to preserve wealth.

Second, Maslahah Hajjiyat (Secondary); This is advantageous because he does not need the dharuri way of life. Benefits come in the form of goods that facilitate the fulfillment of human life, not things that directly contribute to the fulfillment of the five basic needs (dharuri). Demanding religious knowledge to defend religion, pursuing information to improve reason, and buying and selling goods to increase fortune are examples of maslahah hajjiyah. All of these are maslahah (good deeds) at the hajjiyah level (Khalab, 1996). Society also needs the hajjiyat problem because it can prevent problems and eliminate narrowness. This applies to matters of worship, custom, muamalat, and other matters. For example, pilgrims perform qashar for travelers when breaking their fast. Hunting and eating fine food, for example, is permissible in terms of custom. In the case of muamalat, sale and purchase of salam is permitted; in particular, placing an order first, followed by the delivery and receipt of the goods by the buyer. Such an example is also a benefit of the hajjiyat category (Abd, 1994).

Third, Maslahah Tahsiniyah is (Tertiary). The demands of human existence do not reach the dharuri or hajjiyah level, but if these needs are met it will make human life complete and beautiful. The five basic human needs are also tied to maslahah in the form of tahsini (Syarifuddin, 1999). The five basic needs of the people are also addressed with maslahah in the form of tahsini. The realms of worship, custom, muamalat, and uqubat all consist of Tahsiniyyah. For example, in the field of worship, a person is required to maintain personal hygiene from uncleanness, dress neatly when going to worship to get closer to Allah, observe sunnah fasting, give alms, and other practices. It is forbidden to sell dirty things, for example in the case of muamalat. For example, it is forbidden to copy scales when making transactions in the uqubat field; similarly, it is forbidden to kill women, children, and the elderly during battle (Abd, 1994).

Each of the three forms of maslahah describes a different degree of power. Maslahah Dharuriyah is the strongest, followed by Maslahah Hajjiyah and Maslahah Tahsiniyyah. In this situation, dharuri must come before hajj and haj before tahsini. Likewise in conflicts between fellow Dharuri, the one with a higher level must be prioritized. Jihad in the way of Allah is encouraged to defend religion, even at the expense of human life and property.

Based on research by scholars, it is clear that Islamic law contains benefits for humans in regulating human life in this world. This is confirmed in the Qur'an: "O mankind, guidance has come to you from your Lord and healing for those in the breasts and guidance and mercy for those who believe" (Surah Yunus: 57). and there are several other verses of the Qur'an which form the legal basis of Maslahah Al-Mursalah.

Imam Malik is one of the scholars who performs or utilizes maslahah mursalah. Allah sent His prophets to lead His people to do good. Bearing in mind that God's law is upheld for the benefit of mankind both in this life and in the hereafter, if it is really sent down for the welfare of mankind, then it is clear to us that this problem is something that religion wants (Kholaf, 2000).

## **RESEARCH METHODS**

This study used a qualitative method with a library research approach. Qualitative descriptive method uses text, data, and images to provide discussion. This type of data collection is based on primary data and secondary data. Primary data is taken from books or

books on Ushul Fiqh and books on electronic commerce. The secondary data is taken from scientific articles, national and international journals and websites regarding e-commerce. And this study uses descriptive analysis by describing and discussing Maslahah Al-Mursalah and electronic commerce (e-commerce) as well as the relationship between maslahah and e-commerce.

## **RESULTS AND DISCUSSION**

### **E-Commerce Practices in Islam**

E-commerce is a term used to describe all types of business transactions involving people and organizations that depend on the processing and transfer of digital data, including text, sound, and images online (Akbar 2020). It also takes into account the results of the exchange of commercial information between its supporting institutions and business operations conducted by the government. Organizational management, discussions, business contracts, legal and regulatory frameworks, and the creation of financial and tax agreements between parties are some examples of activities that can be done digitally.

From a sharia perspective, e-commerce practices are similar to As-salam (Fadhli, 2016). In practice, e-commerce has similarities with buying and selling as-salam. First, the subject of the transaction is the seller and the buyer, who are sometimes referred to as traders and consumers in e-commerce while referred to as al-muslim or al-muslim ilaih in As-Salam. Second, an agreement is required for as-salam and e-commerce transactions. The agreement is made with a statement that can be understood by both parties to the transaction, such as in the form of words, signs or writing. Third, advance payments are made using the as-salam and e-commerce payment systems.

On the other hand, e-commerce and As-Salam have certain differences, including the following: The presence of payment gateways, acquirers and issuers who are considered witnesses and representatives in making payments is required in e-commerce transactions, whereas in Salam transactions, their presence not required but if necessary would not be detrimental or invalidating. that transaction. In fact, their presence is highly recommended in this transaction. Second, greeting transactions can be carried out in various ways, both directly and indirectly, while e-commerce practices are carried out through electronic media and the internet. Third, in terms of transaction objects, there are halal goods and illegal goods that can be traded. The object of the transaction in the practice of salam is limited to goods that are in accordance with the Shari'a. Meanwhile, the transaction object in digitization is not limited by sharia. However, it cannot be denied that in e-commerce, many goods are traded according to Shari'a, even the subjects who play a role in e-commerce transactions are Muslim communities.

The following are some of the advantages that sellers and producers can get from e-commerce: 1) Increasing market size by entering foreign markets; 2) Lowers the cost of creating, processing, distributing, storing, and retrieving information. 3) Support initiatives to reengineer business processes. The benefits of online shopping for customers and consumers include: Customers have more choices thanks to e-commerce, which offers cheap goods and services by visiting various locations and comparing quickly, customers can receive relevant and in-depth

information in seconds; and customers have a place to interact with other customers in the online community and exchange ideas and share experiences. These benefits are available to customers in most locations, 24 hours a day, all year round. In addition, the benefits of e-commerce for the community include: Allowing people to work from home and reducing the need to leave the house frequently to shop; enable those in rural and remote areas to use a variety of goods and services; help provide government-managed social services, such as health care, education, and equity, at a lower cost or higher quality (Yusuf, 2016).

### **Maslahah Al-Mursalah Review of e-commerce Practices**

Wealth is one of the factors that Allah has made to create benefits for people all over the world. (Turmudi, 2017). Trading is one way to earn this reward, as revealed by Allah. (Q.S Adx-Zaariyat). In general, it can be seen that transactions in Islamic trade are physical in nature; whether the goods are delivered at the time of the transaction or not delivered at all, but only on condition that the nature of the goods must be expressly stated, either directly or indirectly (later) up to a certain time limit. Regarding this indirect transaction, it is important to note that this is just another name for the Arabic phrase *as-salam*, which refers to a type of transaction that uses a cash or prepaid payment system. In other words, you have to pay first, then the goods will be sent and delivered (Haroen, 2000).

*As-salam*, like other buying and selling transaction models, that is, there is a seller, a buyer, the object of the contract and the *qabul* consent (Darmawansyah, 2020). Meanwhile, modern technology is more advanced than at that time only relying on the forces of nature, making all human endeavors and work simpler. The internet is a technological advancement that was first created as a way to share scientific and academic information, but has now developed into a tool for everyday life that is accessible worldwide. The world economy has entered a new phase thanks to internet technology, which is more commonly referred to as the "digital economy". Electronic commerce, for example, is becoming increasingly important in commerce (e-Commerce).

The presence of e-commerce has undoubtedly had many advantages as a means of transaction, including for consumers and producers (Romdhon, 2019). By using the internet, business operations can be carried out online while saving money and time (Wibowo, 2014). The practice contained in transactions through e-commerce is similar to that in buying and selling *as-salam* in an Islamic economic perspective, where *as-salam* is a form of transaction with a prepaid payment system, while the delivery of goods is suspended, which directly provides a form of leeway in transactions and provide convenience for consumers, especially in terms of exchanging assets, such as buying and selling with money. The existence of providing convenience and leeway for consumers is the cause of benefit through e-commerce.

E-commerce transactions are a type of *Maslahah* (offer of benefits/conveniences) which are included in the category of *Maslahah Hajjiyyat* in *muamalah* activities, which include the buying and reselling of *bai' as-salam*. If e-commerce transactions are managed properly by users and do not conflict with *sharia*, of course this can provide benefits and prevent harm, so that their implementation does not cause difficulties. E-commerce which is part of *Maslahah* at the

hajjiyyat level is benefit obtained in meeting secondary needs. As the parties involved in e-commerce transactions that between sellers and buyers are mutually beneficial. Both have aims and objectives in digitalized muamalah relations. The seller earns profits from his business so that he can acquire assets, finance family needs, pay for his children's education, and many other purposes. The intent and purpose of consumers through e-commerce practices can obtain the goods or commodities needed without the need to spend on transportation costs to go directly to the goods store. This greatly saves consumers in meeting their needs. The existence of e-commerce besides saving transportation costs, consumers can also make payments by pre-payment, or pay after the goods are received. Thus it is very clear that the practice of e-commerce makes it easy for both parties, namely sellers and consumers or the public in fulfilling their life needs. In sharia, buying and selling through e-commerce is permissible as long as it does not violate sharia provisions. Buying and selling e-commerce has become a new habit in social economic life. So it can be seen that through e-commerce benefits and convenience can be obtained for the parties involved. This digitalized buying and selling has made it much easier for people to meet their daily needs. So it is very appropriate that the practice of buying and selling e-commerce is one of the social activities that provide benefits at the hajjiyyah level.

On the other hand, the practice of buying and selling e-commerce is categorized as maslahah at the hajjiyyah level because the practice of e-commerce is a form of benefit that is not directly related to the maintenance of religion, mind, lineage, wealth and reason. However, if this practice of buying and selling (e-commerce) is not fulfilled, it will experience difficulties, in quotation marks it does not threaten safety as the intent and purpose of e-commerce as explained above. In general, the practice of buying and selling e-commerce is known as fulfilling secondary, not primary, needs.

## **CONCLUSION**

The practice of e-commerce is another name for buying and selling digitally, which is now increasingly being carried out by people in fulfilling their daily needs. Through buying and selling digitization or e-commerce, the sellers and buyers each have their own benefits. Among the benefits obtained by the seller is obtaining profits/assets so that he can finance his family's life both in the economic, social and educational fields. The benefits that consumers get through e-commerce practices are being able to buy the desired goods easily, because they no longer need to go directly to the store, and in this e-commerce the consumer can pay for the item in question by prepaid or after the item ordered has been sent and received by the buyer. In general, e-commerce practices have in common with the practice of buying and selling as-salam. Therefore, e-commerce transactions are a type of Maslahah (offering benefits or convenience) whose degree is Maslahah Hajjiyyat in muamalah activities, which include buying and reselling bai' as-salam.

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