

Application of Fiqh Principles in Shopee E-Commerce On the Shopee Barokah Feature

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Abstract:

According to Musthafa al-Zarqa, Qawaidul Fiqhiyah are the basics of general and concise fiqh in the form of laws containing general sharia laws regarding various legal events that fall within the scope of these rules. The benefit of having qawaidul fiqhiyah is to provide more practical guidance derived from the text and spirit of the original text, namely the Koran and Al Hadith, which were generalized very carefully by previous scholars by paying attention to various fiqh cases that have occurred, so that the results are now easy to apply to the public. Fiqh rules are not only used in ubudiyah, but in the muamalah kulliyah aspect there are also fiqh rules. The application of fiqh rules follows the development of economic transactions, one of which is at Shopee Barokah. With qualitative research methods and a descriptive approach, analysis and data collection uses the five principles of jurisprudence by Dr Abbas Arfan. The results of this research are that shopee barokah is in accordance with the five principles of fiqh, including the principles of Taba'dul al-Mana'fi in the Islamic transaction menu, the principles of equality and justice in the ZISWAF menu and shopee sharing food, the principles of pleasure and consent in every transaction at shopee barokah, the principle of honesty in the menu of halal raw materials and halal shopee food, as well as the principles of goodness and piety in the Qibla menu, prayer schedules and the Qur 'an

Keywords: Shopee Barokah, Contemporary Fiqh Rules

Abstrak:

Menurut Musthafa al-Zarqa, Qawaidul Fiqhiyah adalah dasar-dasar fiqh yang umum dan ringkas dalam bentuk kaedah hukum yang digunakan untuk menentukan hukum syariah umum mengenai berbagai peristiwa hukum yang termasuk dalam lingkup aturan-aturan tersebut. Manfaat qawaidul fiqhiyah adalah untuk memberikan panduan yang lebih praktis yang berasal dari teks dan makna tersirat dari teks asli, yaitu Al-Qur'an dan Al-Hadits, yang digeneralisasi dengan sangat hati-hati oleh para ulama terdahulu dengan memperhatikan berbagai kasus fiqh yang telah terjadi, sehingga hasilnya mudah diterapkan secara luas. Kaidah fiqh tidak hanya digunakan dalam ubudiyah, tetapi dalam aspek muamalah kulliyah juga terdapat kaidah fiqh. Penerapan kaidah fiqh mengikuti perkembangan transaksi ekonomi, salah satunya adalah di Shopee Barokah. Dengan metode penelitian kualitatif dan pendekatan deskriptif, analisis dan pengumpulan data menggunakan lima prinsip fiqh oleh Dr. Abbas Arfan. Hasil dari penelitian ini adalah bahwa Shopee Barokah sesuai dengan lima prinsip fiqh Islam, termasuk prinsip Taba'dul al-Mana'fi dalam menu transaksi Islam, prinsip kesetaraan dan keadilan dalam menu ZISWAF dan Shopee berbagi makanan, prinsip ridha dan kerelaan dalam setiap transaksi di Shopee Barokah, prinsip kejujuran dalam menu bahan baku halal dan makanan halal Shopee, serta prinsip kebaikan dan ketakwaan dalam menu kiblat, jadwal sholat, dan Al-Qur'an.

Keywords: Shopee Barokah, kaidah Fiqh Kontemporer

INTRODUCTION

As a basis for the daily activities of Muslims in an effort to understand the meaning of Islamic teachings (*maqashid al-syariah*) more thoroughly, the existence of *qawaid Fiqhiyyah* is something very important. In the eyes of both *ushul* and *fuqaha* experts, an understanding of *qawaid Fiqhiyyah* is absolutely necessary to carry out *ijtihad* or reform of thinking in matters of worship, *muamalah* and priority scales. Many *fiqh* rules are narrower in scope and coverage and contain less content. This kind of rule only applies in certain branches of *fiqh* and is called *al-qawaid al fiqhiyyah al-khashshah* or also called *al-dhawabith* by some scholars.

The benefit of the existence of *al-qawaid al fiqhiyyah* is to provide more practical guidance derived from the text and spirit of the original texts, namely the Al-Quran and Al-Hadith which were generalized very carefully by previous scholars by paying attention to various *fiqh* cases that have occurred, so that the results now easy to apply to the wider community.¹ According to Musthafa al-Zarqa, *Qowaidul Fiqhiyyah* are the basics of general and concise *fiqh* in the form of laws containing general sharia laws regarding various legal events that fall within the scope of these rules.²

Islam pays great attention to the economy of its people, this can be seen from the many verses of the Koran, *Sunnah*, and *Ijtihad* of the *ulama* that talk about the economy. Even the longest verse in the Koran actually contains economic issues, not issues of *mahdhah* worship or creed. The longest verse is verse 282 in *surah Al-Baqarah*, according to Ibn 'Araby this verse contains 52 economic laws. The Koran as a way of life for Muslims has explicitly regulated business activities, and contains business as a profitable and enjoyable job, so that the Koran really encourages and motivates Muslims to carry out business transactions in their lives.³

Economic activity is currently experiencing progress, including the emergence of many e-commerce sites⁴ such as Tokopedia, Lazada, Shopee and so on. Shopee is one of the e-commerce companies that has high achievements in Indonesia. This company was introduced to Indonesia in 2015. Starting from Singapore. That means, this is the fifth year this marketplace has developed in our country. What's interesting, in this fifth year, the total downloads of this platform application on the Play Store reached more than 50 million. This figure could be a sign that the number of users on this marketplace continues to increase every day. Whether you are only a buyer or also a seller. The above achievements cannot be separated from the advantages of this marketplace in terms of product fulfillment, competitive prices (even very cheap), and ease of payment.⁵

¹Iwan Permana, Application of Fiqh Rules in Economic Transactions in Sharia Financial Institutions, *TAHKIM: Journal of Islamic Civilization and Law*, Vol 3 No 1, pp 17-37

²Abd. Rahman Dahlan, *Ushul Fiqh*. (Jakarta: Amzah, 2005) p. 13.

³Muhammad Ali al-Sayid, *Tafsir Ayat al-Ahkam*, Juz. 2, (Bayrut: Dâr al-Fikr, 1996), p. 86

⁴E-Commerce is all buying and selling activities or transactions carried out using electronic media (Internet)

⁵Gama Pratama, Analysis of Online Buying and Selling Transactions via the Shopee Marketplace Website According to Business Concepts During the Covid 19 Pandemic, *ECOPRENEUR: Journal of Islamic Economics and Business*, Vol 1 No 1, pp 21-34

In Shopee there are various services such as product catalogues, orders, purchases, payments, and Shopee Barokah as well as many other features. Shopee Barokah is an additional service on Shopee which provides special features, namely buyers can find and buy halal products and make transactions in accordance with Islamic principles using contracts, including sale and purchase contracts (ba'i), loans ('ariyah), wadiah, jualah and gifts.⁶

Many of the Shopee e-commerce research studies that have been carried out previously have examined the concept, influence and role of Shopee. Only a few of these studies focus their research on the principles of muamalah fiqh that are applied in Shopee. The research conducted by Gama Pratama focused its study on analyzing the Shopee business concept in the Covid 19 pandemic era⁷. Research conducted by Nur Laili Hidayati focused her study on shopee purchasing decisions in Surabaya.⁸ Research conducted by Eka Septiana and Anna Widiyanti focused their research on the role of Shopee as a media for promoting MSME products in Blitar City.⁹ Research conducted by Marinda Aghestia focuses on Islamic legal analysis of Shopee pay later loans.¹⁰ The research conducted by Adityo and Vishnu focused their research on the conceptual model of consumer PEU and PU among Shopee users in Surakarta.¹¹

Based on the search above, it can be seen that the research that focuses on Islamic studies is only one researcher. Therefore, this research will also discuss Shopee, more specifically Shopee Barokah, from the rules of muamalah fiqh.

RESEARCH METHODS

The method used in this research is a qualitative method using a descriptive analysis approach which aims to provide an overview of the rules of fiqh and the practice of economic transactions in sharia financial institutions. The data collection technique is by collecting the rules of fiqh and dhawabith fihiyyah¹² related to muamalah kulliyah to be implemented in Shopee e-commerce on the Shopee Barokah service.

RESULTS AND DISCUSSION

Qawaid (قواعد) is the jama' of the word qoidah (قاعدة). And etymologically, it means principle (اساس) which means the base, basis, principle of everything. And fiqh (الفقه) is understanding or knowing. According to the terms used by fiqh experts (fuqaha'). Fiqh is a

⁶ <https://help.shopee.co.id>, accessed on 10 October 2023 at 09.45 WIB

⁷ Gama Pratama, Analysis of Online Buying and Selling Transactions via the Shopee Marketplace Website According to Business Concepts During the Covid 19 Pandemic, ECOPRENEUR: Journal of Islamic Economics and Business, Vol 1 No 1, pp 21-34.

⁸ Nur Laili Hidayati, The Influence of Viral Marketing, Online Consumer Reviews and Prices on Shopee Purchasing Decisions in Surabaya, JPTN: Journal of Commerce Education, Vol 06 No 3, pp 77-84

⁹ Eka Septiana and Anna Widiyanti, Shopee Marketplace as a Sales Promotion Media for MSMEs in Blitar City, COMPETITIVE: Marketing Journal, Vol 04 No 1, pp 133-142

¹⁰ Marinda Aghestia, Islamic Law Analysis of Shopee Pay Later Electronic Money Loans in E-Commerce, Thesis at UIN Sunan Ampel Surabaya, 2020.

¹¹ Adityo and Wsinu, Conceptual Model of Perceived Ease of Use and Perceived Usefulness of Consumers in Using the Shopee Application in Surakarta with Discount as a Moderating Variable, SNPK: National Seminar on Tourism and Entrepreneurship, E-ISSN No: 2829-2006, pp. 360-368.

¹² This term is often used by fiqh scholars to refer to specific (specific) fiqh rules directly related to certain problems.

science that explains Islamic Sharia law taken from its detailed postulates.¹³ According to Al-Zarqa', fiqh in terms is general decisions which usually cover most of its parts.¹⁴

Meanwhile, muamalah (معاملة) linguistically comes from the word (يعامل - عامل) which means mutual action, do each other and practice each other. Meanwhile, according to the term Muamalah, it is the exchange of goods or something that provides benefits in a specified manner. When connected with fiqh lafaz, it contains the meaning of rules that regulate relationships between a person and other people in social life in the world.¹⁵

In the life of muamalah maliyah, the use of qawaidul fiqhiyah is something very important. As time goes by, the need for more qaidah seems unavoidable.¹⁶

Many human businesses are related to goods and services. Of course, the development of science and technology, as well as the increasing demands of society, have given birth to new transaction models that require settlement from the perspective of Islamic law which originates from the Koran and Sunnah. Another source of Islamic law after the Sunnah is ijma'.¹⁷ After ijma' is qiyas, the rules of fiqh are then born to answer and resolve life's problems which continue to develop over time.

An Islamic solution that is able to solve real life problems, of course, is by using the following rules:¹⁸

"Basically, all transactions are permissible until there is an argument that prohibits them."

The meaning of this rule is that in every muamalah and transaction, basically it is permissible, such as buying and selling, renting, pawning, cooperation (mudharabah or musyarakah), representation (wakalah), etc., except those which are expressly prohibited, such as resulting in harm such as deception (tadlis), uncertainty (taghrir), gambling and usury.

In economic transactions that occur in Shopee e-commerce on the Shopee Barokah service, there are several service menu options including, Qibla,¹⁹ Prayer Times²⁰, Al-Qur'an,²¹ Ziswaf,²² Islamic Transactions²³, Shopee Share food²⁴, Halal raw materials shop²⁵, shopee food Halal²⁶ and so forth.

¹³Iwan Permana, Application of Fiqh Rules in Economic Transactions in Sharia Financial Institutions, TAHKIM: Journal of Islamic Civilization and Law, Vol 3 No 1, pp 17-37, 2020

¹⁴Shaykh Ahmad bin Shaikh Muhammad al-Zarqa', syarhu al-Qawaid al-Fiqhiyyah, (Damascus: dar al-Qalam 1989), cet. 2, p. 33.

¹⁵<http://www.psycholovegy.com/2012/05/pengertian-dan-ruang-lingkup-fiqh.html> accessed 10 October 2023 at 11.00 WIB

¹⁶Toha Andiko, Qawaidul Fiqhiyyah Science: A Practical Guide in Responding to Islamic Legal Problems, (Yogyakarta, Teras, 2011), pp. 160-161.

¹⁷Siska Lis Sulistiani, Comparison of Islamic Law Sources, TAHKIM, Journal of Islamic Civilization and Law. Vol. 1 No. 1 (March, 2018), p. 114.

¹⁸A. Djazuli, Rules of Fiqh, (Jakarta: Kencana, 2006), p. 129

¹⁹Service menu that shares Qibla direction guidelines for Shopee Barokah users.

²⁰Service menu that presents the five daily prayer schedules for Shopee Barokah users

²¹A service menu that facilitates shopee barokah users with online Al-Quran manuscripts, with a choice of per juz and per surah.

²²The service menu that facilitates shopee blessing users in terms of Zakat Infaq Shodaqoh Waqf with 30 target options, both orphanages and LAZ.

There are many opinions of Islamic jurisprudence scholars regarding Shopee, one of which is the opinion of Dr. Abbas Arfan as outlined in his book 99 rules of fiqh. Biography of Dr. Abbas Arfan as follows²⁷; H. Abbas Arfan, Lc., MH, was born on Tuesday evening, Wednesday, 8 Dzul Qa'dah 1392 H or 12 December 1972 AD in Sindanglaut village, Cirebon. His full name is Abbas bin Abdurahman bin Abdullah bin Muhammad bin Umar bin Ahmad, bin Sa'ad, and so on. Arfan Baraja al-Zuhrî al-Qurasyî, Bayt al-'Ulamâ' wa al-Shâlihîn, comes from Tarim, which is famous as the city of Ulama and Auliya in Yemen. He is the fourth child of H. Abdurahman Arfan Baraja and Sunita. Since childhood, he has been part of Islamic boarding school education and life. Morning school at SDN Cipejuh I Sindanglaut-Cirebon, religious school at MI Khiyarushibyan II Sindanglaut-Cirebon, and reciting the Koran and small books in the evening after sunset at the surau.

After completing elementary school and MI in 1985, he continued his formal education at MTs NU Putra II Buntet. Apart from that, he was a student at one of the oldest Islamic boarding schools in Indonesia, Pondok Pesantren Buntet-Cirebon, until 1988. He studied from many Kiayi and Ustadz in Buntet, such as KH. Abdullah Abbas (late) and Ust. Abd. Basith Zen (late). After completing MTs, he decided to leave the boarding school and go to high school near his house, SMAN 1 Sindanglaut. However, only a few months later, he again missed the scientific atmosphere and discipline of the Islamic boarding school. Therefore, he decided to migrate to East Java and became a student at the al-Falah Salafi Islamic Boarding School in Ploso-Moyo-Kediri from 1988-1991. He studied from KH Zainuddin Djazuli and KH Nurul Huda Di Ploso, his ability to read the Yellow Arabic Book was getting better, fluently and honed, but he felt there was something missing, namely the fashâhah of the Qur'an and spoken Arabic. After searching for information and conducting a survey, he found PIQ (Islamic boarding school for Al-Qur'an science) in Singosari-Malang, where he studied there.

He really wanted to study science in the Middle East (Tim-Teng) until he rejected the offer of a scholarship through the achievement route to study at one of the State Universities in the city of Malang. He has always been at the top of the class since class 1-3 MA and even since SD-MT he has always got the highest ranking, even becoming a star student in MT. Therefore, since graduating MA in 1994, he tried to register and take exams at three Tim-Teng universities. He was accepted at two of these universities except Medina, even though he really hoped to meet the Prophet Muhammad SAW there. However, bad luck made him choose to study in Egypt in 1995. However, while in Cairo, he was discouraged because of the unpleasant study climate and many bad temptations from friends and the environment. Therefore, in 1996, after taking his second year from al-Azhar, he decided to move to Jâmi'ah

²³Service menu for shopee barokah users which prohibits the use of Shopee Pay Later (S-paylater) because there is still riba in it.

²⁴Shopee barokah service menu in sharing food in partnership with NU CARE-LAZISNU, Dompot Dhuafa, Rumah Zakat, Daarul Quran, and Kitabisa.

²⁵The shopee barokah service menu provides halal raw materials sourced from vegetable (natural) sources.

²⁶The service menu for shopee barokah users is to avoid foods that are clearly haram because everything in this service is halal.

²⁷ <https://independent.academia.edu/AbbasArfan/CurriculumVitae> accessed on Thursday 16 November 2023, at 20.00 WIB

al-Ahqâf Tarim, Yemen, straight into his second year, because the campus had only opened in 1995. He also lived and studied at Ribath Tarim, the oldest Islamic boarding school in Yemen, which was founded in 1301 H by al-'Allâmah al-Habîb Hasan bin Abdullah al-Syâthirî (late) and assisted by his younger brother al-'Allâmah al-Habîb Sâlim bin Abdullah al-Syâthirî (late).

because of his busy Koran and lecture schedule. Because classes take place every day starting after dawn and last until Asar time. He returned to Ribath after Asr, but had to remain with the pilgrimage until sunset. After sunset, the halaqah of reciting the Koran continues until around 9 pm. After dinner, he was asked to help teach nahwu and sharaf to new students from Indonesia or Arabia twice a week, at 10-11 pm. This means that he can only sleep between 11-12 at night and has to wake up again at 3 in the morning. That's the daily routine that is very busy until he gets tired. After several months, he prayed for the Istikharah prayer. However, his parents and siblings opposed his decision. He decided to return to study in Egypt after completing his education in Ribat and getting permission from his caretaker. Luckily, in mid-1997, he was declared a graduate and given permission to leave Ribat, so he flew back to Cairo to complete his studies. The Egyptians said, "Man Syarib nîl, 'âda ilâ mashr". After returning to Cairo several months later, he was asked to stay at Sahah Rifâ'iyah (Tarekat al-Rifâ'î Islamic Boarding School) which was covered by Shaykh Ibrâhim Khalafullah al-Rifâ'î. Automatically, he must take allegiance to the Rifâ'iyah order until he obtains the title of Khalîfah Rifâ'iyah for the island of Java.

He graduated from Al-Azhar Sharia University in Cairo, Egypt, in December 2000. However, he did not go home, but returned to Yemen to fill his time while waiting for his diploma to come out in four to five months, while also going on the sixth Hajj. He used this opportunity to recite the Koran and obtain Hadith sanads and Turâts books from al-'Allâmah Abuya Sayyid Muhammad bin Alwi bin Abbas al-Mâlikî al-Hasnî (late), a leading scholar from Mecca, and from several students of Shaykh Yâsin al -Fadânî Makkah (deceased), because he allowed Allah to visit the Baitullah and Kanjeng of the Prophet SAW every year during the month of Ramadhan until the Hajj season. A noble sanad relationship is expected from the Prophet Muhammad Shallallahu Alaihi Wasallam. In April 2001, he was reunited with his wife, Aminah Ahmad al-Atas, whom he had married in Malang in August 1998 and had left to return to study in Cairo. He has two soul mates from his marriage: Iklil Athroz Arfan (1999) and Nawal Rajwa (2003).

Starting at the end of 2001, he has worked in the academic field as a lecturer in Arabic at the Special Arabic Lecture Program (PKPBA) at UIN Maulana Malik Ibrahim Malang until now, as well as a lecturer in Fiqh wa Ushûluluh at the Faculty of Sharia at UIN Malang from 2005 until now. This. He has also taught in several other places before, such as Yudharta Pasuruan University and the al-Maarif Singosari Malang Foundation. Apart from that, he is still active as a preacher and has several ta'lim assemblies in Malang and surrounding areas, which focus on Islamic studies and tarekat. Since 2007, he has joined the Naqsyabandiyyah Haqqaniyyah congregation led by Sheikh Nazim Adil al-Haqqani from Cyprus. He graduated with a master's degree at the Islamic University of Malang (UNISMA) in Malang at the law faculty in 2004. Then, in 2009, he started studying a doctoral degree in Islamic Studies at IAIN Sunan Ampel Surabaya with a concentration in Islamic Law. He took the open examination for the doctoral program in early 2013 and graduated with a cum laude score. He has written a large number of scientific works, such as "Geneology of the Plurality of Schools in Islamic Law" (2008), "Kauniyyah Verses" (2009), "Practical Fiqh of Worship from a Comparative

Perspective of Schools" (2011), "99 Rules of Fiqh Muamalah Kuliyah: Typology and its Application in Islamic Economics and Sharia Banking" (2013).

The basic law in muamalah fiqh is a principle that can be said to be a theory that forms laws in the economic field. Dr Abbas Arfan in his book 99 rules of muamalah kuliyah fiqh wrote five principles:²⁸

1. The first principle is *Taba'dul al-Mana'fi*, namely that all forms of muamalah activities must provide benefits and advantages for the parties involved. For example, Shopee Barokah on the Islamic transaction service menu prohibits the use of S-pay later because there is still one party who feels disadvantaged.
2. The second principle is the principle of equity and justice, namely the principle in the form of the principle of justice in the field of muamalah which requires that wealth is not only controlled by a few people so that wealth must be distributed evenly among people, both rich and poor. For example, in Shopee Barokah on the Ziswaf service menu and Shopee sharing food, in this case the distribution or equal distribution of wealth occurs by Shopee partners who take care of this.
3. The third principle is consent and willingness, this principle states that every form of muamalat between Muslims or between parties must be based on the willingness of each. This has happened to Shopee Barokah because the people who checked out must have gone through previous blessings.
4. The fourth principle is the absence of fraud or can be said to be the principle of honesty in transactions. In this case, it is found on the shopee barokah menu, namely the halal raw material shop and halal shopee food because these two menus have passed the test from the Halal Product Guarantee Organizing Agency (BPJPH).
5. The fifth principle is the principle of goodness and devotion, in this case Muslims must do everything for goodness and increase their devotion to Allah Shubhanahu Wa Taala. This is provided in Shopee Barokah in the Qibla menu, prayer schedule and Al-Quran. So that it can increase and support increased devotion to Allah Shubhanahu Wa Taala.

CLOSING

Shopee Barokah with its features has fulfilled several principles of muamalah fiqh rules, such as the principle of *Taba'dul al-Mana'fi* contained in the Islamic transaction menu, the principles of equity and justice contained in the Ziswaf and Shopee food sharing menus, the principles of pleasure and willingness contained in every Barokah Shopee transaction, the principles of honesty in transactions contained in the menu of halal raw material stores and Halal Food Shopee, as well as the principles of goodness and devotion found in the Qibla menu, prayer schedule, and the Koran.

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²⁸Abbas Arfan, 99 Muamalah Kuliyah Fiqh Rules, (Malang: UIN Maliki Press, 2013), pp.103-105.

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