

ISLAMIC OVERVIEW ON *QABDH* IN ONLINE SHOPPING AT SHOPEE MARKETPLACE

Hendra Karunia A.^{1)*} dan Marhamatul Barokah²⁾

¹Sekolah Tinggi Ilmu Syariah Husnul Khotimah (STISHK) Kuningan

²Sekolah Tinggi Ilmu Syariah Husnul Khotimah (STISHK) Kuningan

Email: hendra@stishusnulkhohimah.ac.id

ABSTRACT: Shopee apps is a marketplace-based mobile commerce application and it acts as an intermediary between the two. In the context of Islamic law, transaction process used in this application considered having severity issues, such as 1) how *qabdh* (transfer of ownership) in online shopping on the Shopee platform is implemented; and 2) how the implementation of the concept of *qabdh* online shopping on the Shopee platform is viewed from Islamic law perspective. The purpose of this study is to find out the concept of *qabdh* in online shopping on the Shopee platform and to review concept of *qabdh* from the Islamic law views. This research is a qualitative research which is descriptive in nature and tends to use qualitative data analysis. The results of this study show that the *qabdh* is considered in accordance with sharia provisions. According to Islamic law view, the implementation of the concept of *qabdh* in online shopping on the Shopee platform has also been considered to fulfill the principles of agreement according to sharia.

Keywords: *qabdh* concept, online transaction, shopee platform

INTRODUCTION

According to (Muslich, 2013) trading is the exchange of anything, either goods for goods, goods for money, or money for money. Islam does allow exchanging or buying and selling of goods and services and prohibits taking the property of others in vanity ways.

Allah says in surah An-Nisa'[4]: verse 29

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ وَلَا تَقْتُلُوا
أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا - ٢٩

O you who have believed, do not consume one another's wealth unjustly but only [in lawful] business by mutual consent. And do not kill yourselves [or one another]. Indeed, Allah is to you ever Merciful (Sahih International, 2022).

Ibn Kathir commented on this verse and said: It is as if Allah had said; "Do not

carry out (conduct) the causes that are forbidden in seeking wealth, but with the lawful brokerage, which occurs upon mutual pleasure between the seller and the buyer, so do it and make it a cause in acquiring property”. Then he quoted the words of Imam Shafi’i saying that buying and selling is not valid except with *qabul* (acceptance). (Tafseer Ibn Kathir, 2003:279).

Based on the interpretation above, it is very clear that it is forbidden to take others’ belonging except in the case of buying and selling which has been agreed upon. It is better to borrow than to take the rights of others without the consent of the owners.

The scholars and all Muslims agree on the permissibility of buying and selling because it concerns human needs in general. In the reality of everyday life, not everyone has what they need. Someone’s needs is sometimes owned by the other else. Buying and selling make humans helping each other to meet their needs. Thus economic life will go well and the buying and selling they do will benefit both parties (Muslich, 2013).

Buying and selling in Muslim world is growing in accordance with the change of times and technology. In this case, of course, it will be a challenge for Muslims to be able to examine the transactions they have. With the development of technology, people are tend to spoil themselves because of the ease of buying and selling activities carried online. Online buying and selling is a sale and purchase that occurs in electronic media, where buying and selling transactions do not require sellers and buyers to meet directly, but rather it is done by determining the characteristics and types of goods through online system; once the bill is paid, then the goods are delivered (Hasan & Si, 2018).

However, the problem that frequently occurs in buying and selling is determining the *Qabdh*. *Qabdh* in Islamic law is the legal condition of goods holder/owner in buying and selling. *Qabdh* in language is derived from the word - قَبْضًا - which means to hold (Yunus, 2010). The term *Qabdh* is known as justified acceptance (*tasarruf*) or dealing with the property received (Qal’ahji, 1985). Al-Kasani (1998) also defines *qabdh* as an effort to deal with the assets received. *Qabdh* may be concluded as mastery and ownership of something which usually refers to something *uqud mu’awadat* (exchanging of contract) (Khilmy & Rahim, 2014).

Qabdh is divided into two, *qabdh hukmi* and *qabdh haqiqi*, because of the clarity of the transactions carried out and in accordance with the rules of buying and selling in Islam. So from a review of Islamic law, it has described the types of buying and selling and the types of buying and selling that are prohibited in Islam.

As explained in Islamic law that buying and selling must meet the legal requirements of buying and selling and the existence of *qabdh* in the sale and purchase transaction with a meeting between the seller and the buyer, while in online buying and selling there is no meeting between the seller and the buyer, and the handover of the goods is only through delivery. In fact, it is not uncommon for resellers to share advertisements for a product that they themselves do not know whether the item is still owned by the manufacturer, while the handover of goods is carried out here not

through the reseller but from the producer to the consumer. Therefore, in this study the authors review the concept of qabdh at online buying and selling in shopee.

Until this article was made, researchers have not been able to find a previous study that is exactly the similar to current research, especially entitled "Islamic Overview on Qabdh in Online Shopping at Shopee Marketplace". However, the authors found related studies that conducting similar issues but with different approach and perspective.

The results of the first study that became a reference for researchers were the work of Ambarwati (2019) with the title "Online Buying and Selling Analysis Using the Droshipping System in the Study of Islamic Economics". This study used qualitative methods and the results found that all types of transactions in buying and selling is not in accordance with business ethics in Islam and does not meet the conditions of buying and selling is not justified for a Muslim.

The second research conducted by previous researchers as a reference for researchers is the work of (Nur Khuzaimah, 2019) with the title "Online Buying and Selling With Dropshipping Fiqh Muamalat Perspectives". what is being done is not fully in accordance with the principles of muamalat in Islamic economics, which still contains elements of buying and selling gharar, namely the characteristics and specifications of goods are not clear, selling goods is not in accordance with reality.

The third research conducted by previous researchers as a reference for researchers is the work of (Dwi Yunita, 2016) with the title "Sales and Purchases Transactions Through Electronic Media On Online Websites Judging From Aspects of Islamic Law". buying and selling through electronic means must have the same validity as a conventional agreement as long as it can be proven by the fulfillment of the terms of sale and purchase in the terms of online buying and selling.

The fourth research conducted by researchers who previously became a researcher's reference was the work of (Eka Wahyu Pradani, 2019) with the title "Review of Islamic Law Against Buying and Selling Android Applications Online". online android applications that are carried out on Instagram accounts @jualAppVip and @jualpremiumvip are invalid (forbidden) because they are not in accordance with the law and the terms of sale and purchase.

The fifth research conducted by previous researchers as a reference for researchers is the work of (Taufiq, 2017) with the title "Implementation of Buying and Selling Through Online Shops in the Islamic Economic Perspective". the implementation of online buying and selling at the Wulan Kokula Shop, Lhokseumawe is allowed and legal, because buying and selling transactions that meet sharia economic principles, namely fulfilling the principle of monotheism, the principle of justice, the principle of nubuwwah (prophecy), the principle of helping, the principle of prohibiting buying and selling containing gharar, the principle of prohibiting selling buying and selling contains zhalim, the principle of prohibiting the sale and purchase of maysir and the principle of prohibiting the sale and purchase of illicit goods.

RESEARCH METHODS

Method

The research method used by the author is qualitative research, because this research will be carried out based on descriptions of books, literature reviews, documentation, interviews, and others. The main information here is an interview with a seller who is in shopee, it is hoped that later they will provide information related to the implementation of the *qabdh* concept used. Supporting information that will contribute to the author to strengthen the data is taken from interviews with buyers who make online buying and selling transactions at Shopee.

In this study, researchers obtained data by conducting structured interviews. A structured-planned interview is a form of interview in which the interviewer, in this case the researcher, prepares a detailed and systematic plan or guide to questions according to a certain pattern using a standardized format. In this case, the interviewer only reads the questions that have been prepared and then records the answers to the sources of information appropriately (Yusuf, 2014:376). This interview will be conducted openly with an interview guide. This technique is carried out in order to obtain in-depth data about the theme which is the central object of this research. Observations of this research were carried out at shopee regarding the implementation of the *qabdh* concept carried out. While the analysis of legal materials in this study used descriptive qualitative analysis. Where after obtaining primary data and secondary data and knowing what are the problems to be studied, the next step is to analyze in a descriptive way so that researchers can describe the object of research in detail so that they can get the right conclusions. In describing the research data, the researcher uses a review in the form of fiqh books.

Research Type

This research is descriptive, this descriptive study aims to obtain information about the current situation and see the relationship between the existing variables. Meanwhile, the analysis technique in this study uses qualitative analysis techniques. The qualitative method is a research based on post-positivism philosophy, used to examine the condition of natural objects, (in the beginning it was an experiment) where the researcher was the key instrument (Sugiyono, 2013) .

In this study, the authors combine these two types of data. First, the writer takes data obtained from field research in the form of observations and interviews with related parties at shopee. After that, the authors use library data (library research) in the form of book sources, written works in the library and related to the required research titles and then processed into articles.

Data Source

Data sources contain all information obtained from documents for research purposes. In this study there are usually two types of data analyzed, namely primary data and secondary data.

Data Collection

In collecting data, the author uses a field research methodology, namely research carried out by being actively involved in the shopee application. In this study, researchers used various data collection techniques, namely interviews, observation, and documentation.

Data Analysis

The analysis of legal materials in this study uses descriptive qualitative analysis. Where after obtaining primary data and secondary data and knowing what are the problems to be studied, the next step is to analyze in a descriptive way so that researchers can describe the object of research in detail so that they can get the right conclusions. In describing the research data, the researcher uses a review in the form of fiqh books.

RESULT AND DISCUSSION

Shopee Platform

Based on information from the official website of the shopee platform, it was obtained that shopee's profile information was that, initially this shoppe was an e-commerce company under the auspices of Garena and changed its name to SEA Group, an internet company in Southeast Asia. Then run the C2C mobile marketplace business and Shopee was officially introduced in Singapore in 2015 followed by Malaysia, the Philippines, Taiwan, Thailand, Vietnam, and Indonesia. Carrying the vision of "Being the Number 1 C2C Mobile Marketplace in Southeast Asia". Shopee is under the auspices of a CEO named Chris Feng and he is the best man graduated from the National University of Singapore who allows users to buy or sell goods through applications available on Ios and Android platforms (<https://shopee.co.id/>).

Shopee is an online Marketplace application where buying and selling transactions via mobile phones are easy and fast. Shopee usually offers a variety of products ranging from fashion products to daily necessities products and shopee is present in the form of a mobile application to make it easier for users to do online shopping activities without having to open a website through a computer device (<https://shopee.co.id>). id/).

Then shopee started to enter the Indonesian market at the end of May 2015 and Shopee just started operating at the end of June 2015 in Indonesia. Shopee is a subsidiary of Garena based in Singapore and Shopee itself has a presence in several countries in the Southeast Asia region such as Singapore, Malaysia, Vietnam, Thailand, the Philippines, and Indonesia. And in Indonesia, shopee's address is at Wisma 77 Tower 2, Jalan Letjen. S. Parman, Palmerah, Special Capital Region of Jakarta 11410, Indonesia.

Currently, the download number of Shopee has reached one hundred and fifty one million downloads on the Google Play Store. Shopee's target users are young people who are currently used to doing activities with the help of gadgets, including

shopping activities. For this reason, Shopee is present in the form of a mobile application to support easy and fast shopping activities. The product categories offered by Shopee are more focused on fashion, make-up and household products (<https://shopee.co.id/>).

Qabdh Implementation in Online Shopping on Shopee

Based on information from the official website of the shopee platform, it was obtained that shopee's profile information was that, initially Shopee was an e-commerce company under the auspices of Garena and changed its name to SEA Group, an internet company in Southeast Asia. Then run the C2C mobile marketplace business and Shopee was officially introduced in Singapore in 2015 followed by Malaysia, the Philippines, Taiwan, Thailand, Vietnam, and Indonesia. Carrying the vision of "Being the Number 1 C2C Mobile Marketplace in Southeast Asia". Shopee is under the auspices of a CEO named Chris Feng and he is the best man graduated from the National University of Singapore who allows users to buy or sell goods through applications available on Ios and Android platforms (<https://shopee.co.id/>).

Shopee is an online Marketplace application where buying and selling transactions via mobile phones are easy and fast. Shopee usually offers a variety of products ranging from fashion products to daily necessities products and shopee is present in the form of a mobile application to make it easier for users to do online shopping activities without having to open a website through a computer device (<https://shopee.co.id/>).

Then shopee started to enter the Indonesian market at the end of May 2015 and Shopee just started operating at the end of June 2015 in Indonesia. Shopee is a subsidiary of Garena based in Singapore and Shopee itself has a presence in several countries in the Southeast Asia region such as Singapore, Malaysia, Vietnam, Thailand, the Philippines, and Indonesia. And in Indonesia, shopee's address is at Wisma 77 Tower 2, Jalan Letjen. S. Parman, Palmerah, Special Capital Region of Jakarta 11410, Indonesia.

As explained in the previous discussion from the results of interviews with sellers and buyers that transactions made at shopee only really end and the perfect transfer process occurs when the goods sent by the seller to the consumer or buyer have been received directly, then the consumer confirms on the shopee application. that the goods sent have arrived and were received.

The receipt of funds by the seller can also only occur when the buyer has actually received the goods, when the goods have been sent by the seller and the buyer has not confirmed that the goods have been received, the money has not been transferred from the shopee to the seller. So here there is a connection that the goods are received by the buyer and then the money is received by the seller, that's when the movement of goods occurs perfectly and the position of the shopee here is only as an intermediary.

Judging from this transaction, we can see that qabdh here occurs when the buyer has stated that he received the goods then the money is transferred from the shopee and received by the seller, and usually qabdh that occurs like this is called *qabdh*

hukmi.

Qabdh hukmi occurs when everything that states the transfer of ownership rights according to the current online buying and selling habits without the involvement of hands in the consent process. In contrast to *qabdh haqiqi*, the transfer of ownership of the goods must go through a touch with a direct handshake between the seller and the buyer (Aaoifi, 2017).

Fiqh Muamalat Overview on Qabdh in Online Shopping on Shopee Apps

Qabdh is a perfect transfer or control and ownership of a case which usually refers to an exchange contract (Khilmy & Rahim, 2014: 6). Qabdh has two parts called *qabdh haqiqi* and *qabdh hukmi*, in *qabdh haqiqi* it is explained that the transfer of ownership of an item is done through touching or receiving from hand to hand. Apart from that, *qabdh haqiqi* also has two parts, namely the form of objects or goods that cannot be moved and in the form of goods that can be measured and kilos such as food and grains (Annawawi, 2017:268-270).

Whereas in *qabdh hukmi* itself it is also explained that the transfer of ownership of an item is carried out without the involvement of the hand element and the movement of immovable and movable goods must go through registration first then the goods can become buyer's property (Aaoifi, 2017: 498) .

In the Shopee platform, the transfer of goods released by a seller to a buyer after a transaction or agreement between the two parties is followed by the delivery of goods from the seller to the buyer and the goods sent are received by the buyer directly, then the buyer confirms on the shopee application that the goods have been shipped and received. The funds, however, will be received by the seller when the goods arrive at the buyer and is immediately confirmed by the buyer, then the shopee will also immediately confirm that the funds have been sent to the seller. This means that when the seller has sent the goods, the seller has relinquished his ownership and is just waiting for a response from the buyer, whether to accept and agree to the contract and confirm the contract.

When the buyer wants to buy the goods and the buyer transfers the money, then the goods are received and the buyer checks the goods and the buyer feels that the goods purchased are appropriate and the buyer confirms, then at that time there is a transfer of ownership of the goods from the seller to the buyer and the disbursement of funds from the shopee platform to the seller . Here we can see that *qabdh* occurs when the buyer has stated that he has received the goods then the money is transferred from the shopee and then received by the seller and the *qabdh* that occurs here is called *qabdh hukmi*.

For *qabdh hukmi* provisions only occur when fully registered first, such as letters or documents that have been signed or have been received. In this case on the shopee *qabdh* platform it occurs when the buyer clicks the confirmation button, because when the buyer has clicked confirmation then the payment has been disbursed to the seller's account, the sale and purchase cannot be canceled anymore, the buyer has no right to return and the seller has no more right to asking for the goods to be sent back, this

means that the ownership has moved completely, if seen from this, the qabdh provisions in shopee are in accordance with the regulations set out in muamalat fiqh.

CONCLUSION

From the explanation above, several conclusions can be drawn including, the mechanism in the shopee platform can be seen from the buyer ordering goods and transferring money then the seller sends the goods and waits for the buyer's confirmation if the goods have arrived at the buyer. Then the seller receives funds from the shopee when the buyer has confirmed that the goods have arrived. This is the qabdh in buying and selling online at shopee.

In addition, the Qabdh that occurs in online transaction on the Shopee platform is classified as Qabdh Hukmi, where the transfer of ownership of the goods occurs when the buyer confirms that the goods have been received and the seller receives the money transferred from the Shopee. The elements that are required *Qabdh hukmi* has been fulfilled, so that qabdh hukmi in this shopee platform is in accordance with *fiqh muamalat*.

BIBLIOGRAPHY

- Aaoifi. (2017). *Al Ma'ayir Al Syariyah*. Sabb.
- Ambarwati, D. R. (2019). Analisis Jual Beli Online Dengan Menggunakan Sistem Dropshipping Dalam Kajian Ekonomi Islam. *Sustainability (Switzerland)*, 11(1), 1–14.
- Annawawi. (2017). *Raudhotul Tholibin*. Al- quds.
- Hasan, A. F. (2018). *Fiqh Muammalah dari Klasik hingga Kontemporer (Teori dan Praktek)*. Uin-Maliki Malang Pres.
- Khilmy, A., & Rahim, A. (2014). *Al-Qabd (Pemilikan) dan Pelaksanaanya Dalam Surat Kredit-i Murabahah Oleh*.
- Moleong, L. J. (2017). *Metodologi Penelitian Kualitatif*. Remaja Rosdakarya.
- Muslich, A. W. (2013). *Fiqh Muamalah (1st ed.)*. Amzah.
- Sugiyono. (2013). *Motode Penelitian Kuantitatif Kualitatif Dan R&D*. Alfabeta,CV.
- Yunita, D. (2016). *Transaksi Jual Beli Melalui Media Elektronik Pada Website Online Ditinjau Dari Aspek Hukum Islam*. June.
- Yunus, M. (2010). *Arab Indonesia*. Mahmud Yunus Wa Dzurriyyah.
- Yusuf, M. (2014). *Metode Penelitian (1st ed.)*. Fajar Interpretama Mandiri.