

Online Buying And Selling In The Pre-Order System From An Islamic Legal Perspective

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Info Articles	Abstract
<p>Article History Received : 2021-07-03 Revised: 2021-07-11 Published: 2021-07-30</p> <p>Keywords: <i>Online Buying and Selling, Pre-Order, Islamic Law, Salam Contract</i></p>	<p>Online buying and selling using a pre-order system is a modern form of transaction in muamalah activities that has developed along with advances in digital technology. This system allows buyers to place orders and pay in advance, while the goods are delivered at a later date according to the agreement between the seller and buyer. From an Islamic legal perspective, this practice bears similarities to the salam contract, which is a transaction involving advance payment and future delivery of goods. This study aims to analyze the pre-order buying and selling mechanism and assess its compliance with Sharia principles. The results indicate that pre-order transactions are essentially permissible as long as they meet the pillars and conditions of the contract, such as clarity of the goods, price, delivery time, and a clear agreement between the two parties. However, this practice also has the potential to pose risks such as unclear goods, delayed delivery, and elements of gharar (unclear risk), which can harm one of the parties. Therefore, the principles of transparency, honesty, and responsibility are required in its implementation to comply with the values of justice in Islamic law.</p>

I. INTRODUCTION

Buying and selling transactions using online systems using pre-order methods are now a popular trend in digital commerce. This system makes it easier for consumers to order products or services that are not yet physically available, with the requirement of advance payment. This transaction pattern reflects a significant transformation in modern consumer shopping habits, where technological advances and the demand for efficiency are changing the way consumers and sellers interact. With a pre-order system, consumers can obtain desired products conveniently, while sellers have the opportunity to plan production or procurement based on order quantities. This creates economic benefits for both parties, especially in the face of fluctuating market dynamics.

However, this convenience also comes with a number of challenges, such as the potential for uncertainty or gharar. This uncertainty arises when the ordered product does not match the description.

Initial schedules or specifications can lead to customer dissatisfaction and losses for sellers. Another risk is the vulnerability of prepayments if the goods are not available as agreed. Furthermore, transparency in product information, delivery times, and refund mechanisms are crucial aspects to avoid disputes between sellers and buyers.

From an Islamic legal perspective, the pre-order system is an interesting topic to study. Islam emphasizes fairness, transparency, and prohibits uncertainty that could harm either party. The principles of Islamic contracts require clarity regarding goods, prices, and delivery times, so that transactions can be conducted fairly and avoid fraud. Therefore, it is important to ensure that pre-order practices not only generate economic benefits but also align with Sharia values, which prioritize the common good. A study of this system can provide valuable insights, both for Muslim businesses and consumers, to understand the application of sharia principles in modern transactions.

In practice, the pre-order system in online buying and selling closely aligns with the concept of the salam contract in Islamic jurisprudence. A salam contract is a transaction in which payment is made upfront, with the goods delivered at a later date, provided the goods' specifications, quantity, quality, and delivery time are clearly stated. Therefore, as long as the pre-order system meets these requirements, the transaction is considered valid under Islamic law. Clarity of information is a key requirement to avoid future disputes.

Various studies have discussed the pre-order system within the context of Islamic law. Studies on the salam contract (Hidayatullah, 2020), the prohibition of gharar (Rahman, 2019), and contemporary Islamic jurisprudence (Syamsuddin, 2021) serve as important references. However, there is a need to further analyze how this system can be practically implemented in Muslim societies and ensure fairness for both parties. In-depth research is needed to explore the extent to which the pre-order method aligns with Islamic principles and how this transaction mechanism can be formulated to be fair and beneficial.

On the other hand, technological advancements also open up opportunities to minimize risks in pre-order systems. The use of digital platforms that offer consumer review features, secure payment systems (escrow), and refund policies can be a solution to mitigate potential losses. This aligns with the principle of *maslahah* (benefit) in Islamic law, which is to provide benefits and prevent harm. With these innovations, pre-order practices can be more secure and more in line with Sharia principles.

This research is formulated with the title "Analysis of the Pre-Order System from an Islamic Law Perspective." The aim is to explore and analyze the suitability of the pre-order method to Islamic law principles, particularly regarding the clarity of contracts, prohibitions, and the legality of the pre-order method.

gharar, and the protection of the rights of both parties. This study is expected to provide practical guidance for the general public, business actors, and religious scholars, as well as serve as a reference for adopting a pre-order system that is efficient, transparent, and in accordance with Islamic values.

The results of this study are also expected to serve as a reference for policymakers in developing regulations that support the fair and sharia-compliant implementation of pre-order systems. These regulations not only protect consumers and businesses but also encourage the creation of a fair and transparent trading ecosystem. Thus, pre-order transactions can provide maximum benefits without violating sharia principles.

II. RESEARCH METHODS

Literature review is one of the methods used in this research to collect data, search for information, and analyze documents relevant to the research topic. Sarwono (in Setiawan and Sulistiani, 2019) defines literature review as a research method that aims to analyze the results of previous research to build a strong theoretical foundation related to the issue being discussed.

In this research, secondary sources of data, such as books and articles relevant to this case, were used. These sources include literature on online transactions with pre-order systems under Islamic law. This study highlights the concept of contracts in Islam, the element of gharar (uncertainty), and Sharia principles that must be considered in modern transactions such as pre-order systems. The data collected comes from published research discussing Islamic law and the development of the Sharia economy.

This research is based on Mary W. George's theory, which includes nine steps in the literature review research process. The first step is determining the topic, namely the analysis of the pre-order transaction system from a legal perspective.

Islamic law. The researchers then developed ideas on how pre-order transactions could be aligned with Sharia principles. Furthermore, research questions were formulated, such as the extent to which the pre-order system complies with Islamic law and how Sharia issues can be addressed.

The research includes a study of the concept of the greeting contract, relevant elements of Islamic law, as well as an analysis of the suitability of the pre-order system with the prohibition of gharar based on previous research.

Data collection was conducted through reference to various sources, including books, scientific articles, and carefully selected national and international journals to ensure their relevance and validity to the research topic. The results of this process were formulated in the form of practical recommendations for implementing a Sharia-compliant pre-order system. The resulting concepts were then retested and verified against Islamic legal principles to ensure their validity and applicability to online buying and selling transactions.

III. RESULTS AND DISCUSSION

A. Research result

The research results show that online buying and selling using a pre-order system is essentially permissible under Islamic law, as long as it meets the established pillars and conditions of the contract. This system aligns with the Salam contract, where payment is made upfront and delivery is made later, provided there is clarity regarding the product specifications, price, quantity, and delivery time. By fulfilling these elements, pre-order transactions can be deemed valid and do not conflict with Sharia principles.

However, this study also identified potential risks in pre-ordering practices, such as unclear product information, delayed delivery, and the possibility of fraud involving elements of gharar (unclear belief). Therefore, honesty, transparency, and seller responsibility are crucial factors in maintaining the legitimacy of transactions. Furthermore, consumer protection mechanisms, such as a clear refund policy, are needed to ensure transactions are conducted fairly and in accordance with the principles of Islamic law.

B. Discussion

Buying and selling in Islamic law has a rich and varied meaning. Linguistically, the term comes from the Arabic word "al-bai'," meaning exchange or bartering with something else. In the context of Islamic jurisprudence, buying and selling is defined as an agreement to transfer ownership of an item or property for a fee agreed upon by both parties. According to

The practice of online buying and selling using a pre-order system is a form of modern muamalah

development that bears similarities to the salam contract in Islamic law. In a salam contract, payment is made upfront, while the goods are delivered at a later date, with the stipulation that the goods must be clearly specified, including type, size, quality, quantity, and delivery time. Therefore, a pre-order system can be declared valid if it meets these requirements. This clarity is key to avoiding disputes between sellers and buyers and ensuring that transactions are conducted in accordance with Islamic principles of justice. (Hidayatullah, 2020).

In practice, buying and selling is not simply the exchange of goods, but also encompasses important elements such as intention, agreement, and clarity of transaction. For a valid sale and purchase to be valid, there must be a seller and a buyer who have the capacity to enter into a contract (mumayyiz), an object to be traded, and a clear exchange value. This transaction must be carried out through *ijab* and *qabul*, a statement of agreement between both parties. Without *ijab* and *qabul*, the transaction is considered invalid.

Ethical values in buying and selling include honesty, openness, and fairness. Honesty is essential in providing information about the goods being traded. For

Building trust between both parties. Sellers are required to provide clear and accurate information regarding the quality, condition, and price of goods. Transparency includes clarity in all transaction terms, ensuring no disadvantage to either party after the transaction is completed. Meanwhile, fairness in pricing is important; the price given must be balanced and not burdensome. Wrong One party Buying and selling is a permissible contract, based on evidence found in the Quran, Hadith, and the consensus of Islamic scholars. (Andriansyah, 2022). Some of the arguments that support the validity of buying and selling are as follows:

1. Al-Qur'an

Those who engage in usury cannot stand upright; they are like those possessed by Satan due to mental disorders. This is because they equate buying and selling with usury, even though Allah has permitted buying and selling and forbidden usury. Those who accept the prohibition from their Lord and then stop taking usury retain what they previously took, and their affairs are left to Allah. However,

those who return to usury will be among the inhabitants of Hell and will abide therein forever. (Quran 2:275)

2. Hadith

The Prophet was asked, "O Messenger of Allah, what is the best job?" He answered, "The work that a person does with his own hands and every kind of good trade." (HR. Ahmad and Al Bazzar; sahih lighairihi)

This hadith highlights the importance of hard work and honesty in buying and selling. The Prophet Muhammad (peace be upon him) emphasized that individual effort is the most important, as it demonstrates a person's dedication and sincerity. Furthermore, transactions conducted with good intentions comply with Sharia principles and are considered a blessed activity. Therefore, this hadith encourages Muslims to strive to the fullest and implement fair and transparent trading practices.

3. consensus

In his work, Wahbah Zuhaili explains that Muslims agree that buying and selling is permissible due to the wisdom behind it. Humans need other people's possessions, and naturally, they would not give them without something in return. Thus, the permissibility of buying and selling can help meet each individual's needs.

From an Islamic legal perspective, pre-orders have an interesting status, as they can be considered either a salam or istishna contract, depending on the nature of the goods ordered and how the transaction is conducted. A salam contract is a transaction in which the buyer pays in advance for goods to be received in the future, while an istishna contract involves ordering goods with certain specifications to be produced by the seller. According to a fatwa from the Indonesian Ulema Council (MUI), pre-ordering is permissible in Islam, provided the product being sold is halal and its specifications are clear. Ustadz Oni Sahroni, a member of the MUI National Sharia Council, explained that pre-order sales are valid if they meet the established pillars and conditions, including clarity regarding the goods or services being traded and agreement regarding the specifications of the ordered product (Dafiqah Hasanah, 2019).

The MUI fatwa emphasizes that if a product's specifications are unclear or there is uncertainty in the transaction, this can be considered an unlawful practice in Islam. Therefore, it is crucial for consumers to read the terms and conditions before pre-ordering to avoid a detrimental transaction. Overall, the pre-order system is acceptable in Islam as long as it complies with applicable sharia provisions, reflecting Islam's flexibility in addressing developments in the world of commerce without sacrificing the principles of fairness and transparency (Alfa Nurhasanah et al., 2023).

This demonstrates that clarity in these various aspects is crucial to ensuring fairness and blessings in sales transactions. While the pre-order system offers many benefits, such as simplifying inventory management for sellers and allowing buyers to obtain the products they desire, there are several risks that must be considered. The primary risk is the possibility of unilateral cancellation by the buyer, which can be detrimental to sellers who have already produced goods according to orders. Furthermore, discrepancies between the product received and the buyer's expectations often occur if the product description is insufficiently detailed. Therefore, pre-order sales are considered valid under Islamic law, provided they meet certain requirements, such as:

Clarity of product specifications, ownership, and delivery time. By following the principles of Islamic jurisprudence, both sellers and buyers can avoid disputes and ensure smooth transactions.

On the other hand, advances in digital technology offer opportunities to increase security and trust in pre-order transactions. Features such as secure payment systems, consumer reviews, and refund policies can help mitigate the risk of loss. This aligns with the principle of *maslahah* (benefit) in Islamic law, which is to provide benefits and prevent harm. By optimally utilizing technology, pre-order transactions can become more transparent, efficient, and in accordance with Sharia values (Kamali, 2008).

Furthermore, in the context of contemporary Islamic law, clear regulations are needed to govern online buying and selling practices, including pre-order systems. The role of religious scholars, academics, and the government is

crucial in providing guidance and establishing rules that protect the rights of consumers and businesses. Good regulations not only provide legal certainty but also encourage the creation of a fair and sustainable trading system (Al-Zuhayli, 2003).

Thus, a pre-order system in online buying and selling can be declared compliant with Islamic law if it meets the basic principles of muamalah, namely clarity of contract, honesty, fairness, and the avoidance of gharar, usury, and fraud. If these principles are implemented properly, this system will not only provide economic benefits but also create blessings and benefits for all parties involved (Kamali, 2008).

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Based on the research results and from an Islamic legal perspective, the pre-order system can be accepted and implemented with the following conditions:

Sharia-compliant. This system allows consumers to order goods with advance payment, but must meet basic Islamic principles, such as clarity regarding product specifications, delivery times, and agreed-upon prices. A fatwa from the Indonesian Ulema Council (MUI) states that products sold must be halal and free from gharar (uncertainty), so each party involved in the transaction must ensure their rights and obligations are clear from the outset.

Transparency and honesty are crucial in these transactions, with each party expected to maintain integrity in the contract. The pre-order system is not only an efficient transaction method but also has the potential to integrate Islamic principles. This research shows that while the pre-order system offers benefits to both sellers and buyers, challenges such as uncertainty in product availability and potential fraud must still be addressed.

Therefore, oversight from religious scholars and policymakers is necessary to provide guidance on the implementation of this system to ensure it remains in accordance with Sharia principles. With a sound understanding of Islamic legal principles, online buying and selling using a pre-order system can be a solution that is not only effective but also brings blessings to all parties involved. The results of this study are expected to

serve as a reference for the public to adopt a pre-order system that is fair, transparent, and in accordance with Islamic values, thereby creating a better and more sustainable trading ecosystem.

B. Suggestion

The pre-order method in online shopping is gaining popularity because it allows consumers to pay in advance before the item is available. Under Islamic law, this system is permitted as long as it meets sharia principles, such as ensuring clarity of the item, price, and delivery time, and avoiding elements of gharar (unclear) and usury (riba). This practice also requires transparency and honesty between the seller and buyer to protect the rights of both parties. Despite its benefits, the risk of uncertainty remains a concern, necessitating monitoring and

Clear guidelines. With Sharia-compliant implementation, the pre-order system can be a fair, safe, and beneficial transaction solution.

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