

Contextualization Of 'Aqd Al-Salam In The Practice Of Selling And Buying The Dropship Model: Study Of Fiqh Al-Hadith

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Abstract.

In the all-digital era, various human activities are increasingly facilitated by increasingly sophisticated media. Various activities in the context of muamalah cannot be avoided by today's technological sophistication. This reality drives all activities in human life along with the times. Among the muamalah practices exemplified by Rasulullah SAW is the salam contract, a transaction which is not directly handed over but by Tempo. Regarding the example of muamalah activity with the salam contract model, it is actualized in value terms in the online buying and selling dropship model. Matters regarding the transaction process that the Prophet once exemplified in several of his hadiths were actualized in online dropship buying and selling transactions.

Keyword: 'Aqd al-Salam, Dropship, Hadith.

Introduction

As social beings, even by nature cannot be separated from other human beings, all individuals in fulfilling their life needs in the continuation of their daily life always need to interact with each other. The interaction aims to be able to help each other to complement the needs of each other, or in the context of economic transactions. A normal and certain transaction in human life is mu'amalah.¹ Buying and selling transactions (bay') cannot be separated from human life which by nature is a

¹Santi Endriani, "The Concept of Money: Islamic Economics vs. Conventional Economics," *Anterior* 15, no. 1 (2015), 70-71

conspiratorial creature, that is, creatures created by Allah by nature to live together in the form of society. The association of life where everyone performs deeds in relation to other people is called muamalah.²

Mu'amalah What happens to fellow human beings continues to experience development, even technological developments that are increasingly sophisticated according to progress in human life, therefore the norms in Islamic law that have existed hundreds of years ago certainly require a new review so that the laws contained therein can be practiced in the modern era.³

At least in the Islamic doctrine the theory states;⁴

“الإسلام صالح لكل زمان ومكان.”

Islam is always in accordance with all times and places.

The theory in the motto developed by the scholars above is an indication of the perfection of Islam. Islam is a flexible religion, even the norms contained therein can adjust to situations and conditions. Islam is a mercy to all nature. However, the flexibility that exists in Islamic law does not apply universally, because there are parts of Islamic norms that cannot be changed. Legal cases that cannot be changed are those that are of a principle nature (ushul), namely the Mahdoh Worship Room, Faith and Aqidah. As for mundane matters, the law of origin is permissible.

Therefore, the application of the above rules so that they are appropriate in place has been explained very beautifully by Ibn Qayyim Al-Jauziyah Rahimahullahu Ta'ala,

وَمَعْلُومٌ أَنَّهُ لَا حَرَامَ إِلَّا مَا حَرَّمَهُ اللَّهُ وَرُسُولُهُ، وَلَا تَأْثِيمَ إِلَّا مَا أَثَمَ اللَّهُ وَرُسُولُهُ بِهِ فَاعِلُهُ، كَمَا أَنَّهُ لَا وَاجِبَ إِلَّا مَا أَوْجَبَهُ اللَّهُ، وَلَا حَرَامَ إِلَّا مَا حَرَّمَهُ اللَّهُ، وَلَا دِينَ إِلَّا مَا شَرَعَهُ، فَالْأَصْلُ فِي الْعِبَادَاتِ الْبُطْلَانُ حَتَّى يَقُومَ دَلِيلٌ عَلَى الْأَمْرِ، وَالْأَصْلُ فِي الْعُقُودِ وَالْمَعَامَلَاتِ الصِّحَّةُ حَتَّى يَقُومَ دَلِيلٌ عَلَى الْبُطْلَانِ وَالتَّخْرِيمِ. وَالْفَرْقُ بَيْنَهُمَا أَنَّ اللَّهَ – سُبْحَانَهُ – لَا يُعْبَدُ إِلَّا بِمَا شَرَعَهُ عَلَى أَلْسِنَةِ رُسُلِهِ، فَإِنَّ الْعِبَادَةَ حَقُّهُ عَلَى عِبَادِهِ، وَحَقُّهُ

²Mighnayanti, Implementation of Salam Contract and Settlement of Buying and Selling Problems in Batik Trusmi Cirebon During the Covid-19 Period” IAIN Sunan Degrees Cirebon

³Disa Nusia Nisrina, "Review of Islamic Law on Online Buying and Selling and Its Relevance to Consumer Protection Law" (UIN Alauddin Makassar, 2015), 3.

⁴Fathurrohman Djamil, Philosophy of Islamic Law, (First Part), (Jakarta, Logical Discourse of Science, 1997), h. 11

الَّذِي أَحَقَّهُ هُوَ وَرَضِيَ بِهِ وَسَرَّعَهُ، وَأَمَّا الْعُقُودُ وَالشُّرُوطُ وَالْمُعَامَلَاتُ فَبِهَا عَفْوٌ حَتَّى يُحَرِّمَهَا⁵

"It is known that there is nothing unlawful, except for what Allah Ta'ala and His Messenger have made unlawful, and there is no sin unless the perpetrator is judged to have committed a sin by Allah Ta'ala and His Messenger. As there is no obligation unless Allah Ta'ala obliges; there is no prohibition, unless Allah Ta'ala makes it forbidden; and there is no religion except that of Allah SWT. stipulate. So, the original law of worship is vanity, until there is an order (statutory worship, pen.). Whereas the original law of various contracts and muamalah is valid (permissible), until there is evidence that the case is false and forbidden. The difference between the two is because Allah Ta'ala is not worshiped except by His Shari'a which was conveyed through the mouth of His Messenger shallallahu 'alaihi wa sallam. Because worship is the right of Allah upon His servants, rights that Allah Ta'ala has ordained, Allah is pleased with, and Allah has prescribed. As for the various types of contracts, requirements (in contracts) and muamalah, those are originally forgiven (permitted), until (there is evidence) they are forbidden."⁶

Practically buying and selling there are two models namely; buying and selling directly and buying and selling indirectly. For example, traditional buying and selling such as in markets and mini markets which are carried out manually and directly. Factually buying and selling in the traditional form, the transaction is directly face to face between the seller and the buyer, during the bargaining process the buyer sees the item directly to be purchased.⁷ While the buying and selling model indirectly, can be described by the selling model which is carried out by transactions using gadgets or smart phones.

Increasingly sophisticated technological media makes buying and selling activities easier, so that today's buying and selling practices have shifted from traditional to social media-based. The use of internet facilities allows buying and selling activities to be carried out anywhere and anytime. The practice of using social media in the business world is known as buying and selling online. The development of information technology in the world has progressed so rapidly. Starting from the

⁵ Rusydi AM, *TAFSIR RESPONSIF (SEBAGAI REFLEKSI ISLAM RAHMATAN LI AL-'ALAMIN)*, Jurnal Ulunnuha Vol.6 No.2/Desember 2016

⁶ Ibn al-Qayyim al-Jauziyyah, *I'laamul Muwaaqi'in*, (Beirut, Dar al-Kutub al-'Ilmiyyah, 1993), j. 1, p.259

⁷ Ibid, h 1.

development of information technology itself has created social, economic and cultural changes.⁸Indonesia itself has also experienced positive and negative impacts, one of which is causing legal problems and the delivery of information and electronic transactions. Online-based transactions get more attention from sellers and consumers, even those sellers who do not keep up with the way they sell online will be left behind and their sales will sell less.⁹

This article attempts to reveal the contextualization of aqd al-salam in the practice of buying and selling dropsiip with a focus on studying the contextualization of aqd al-salam in buying and selling online using the dropsiip model after studying fiq al-hadith

Study Method

The study in this article is a pure literature study, with primary sources of hadiths about aqd al-salam. Therefore, the method used is qualitative which produces descriptive data in the form of written or spoken words from observable people or behavior.¹⁰While the approach used is the fiqh al-hadith approach, so the results obtained are transaction values in aqd al-salam and then contextualized by buying and selling online models.

Terminology of 'Aqd al-Salam

The term greeting in language means al-l'tha' and at-taslif, both words have gifts. For example, in the expression "aslama ats tsauba lil al-khayyath" the meaning of the sentence is "he has handed over the clothes to the tailor" whereas in sharia terminology, the salam contract means the sale and purchase of goods whose nature is said to be dependent in exchange for payment made right away .¹¹Another definition states that the salam contract is the practice of selling an object with a

⁸Belly Riawan and I Made Mahartayasa, "Consumer Protection in Online Buying and Selling Transactions in Indonesia", Kerthan Semaya, Vol. III, No. 1 (January 2015) : 1,

⁹Runto Hadiana & Ahmad Dasuki Aly. 2 (2015) : 41

¹⁰Lexy J. Moeleong, *Qualitative Research Methodology*, (Bandung: PT Remaja Rosdakarya, 2006) h. 4

¹¹Nasrun Haroen, *Fiqh Muamalah*, (Jakarta: Gaya Media Pratama, 2007), p.147 13 Ibid 14 Rozalinda, *Fiqh of Islamic Economics: Principles and Their Implementation in the Islamic Financial Sector* (Jakarta: PT Raja Grafindo Persada, 2016), h. 63

postponed object, or selling something with characteristics, and payment of capital earlier, while the goods are delivered later.¹²

Syafi'iyah and Hanabila are of the view that what is meant by aqd salam is a contract where it is agreed to make something with certain characteristics by paying the price in advance, and the goods are not handed over directly to the buyer, or handed over at a later date. While the Malikiyah emphasized that salam is a form of buying and selling where the capital is paid in advance, while the goods sold will be delivered according to the agreed time.¹³

Based on the description above, it can be understood that what is meant by a salam contract is a form of transaction that occurs between the seller and the buyer, while the transaction model is to pay money in advance while the goods are given according to the agreement of both parties.

The pillars in the aqd al-salam of the majority of scholars are three classifications, a) consent and qabul or a handover agreement, b) contract actors namely the seller and the buyer, and c) there are real goods being traded and also money as a transaction. online buying and selling regarding these pillars has been accommodated in a series of transactions taking place in online media, because sellers and buyers do not meet face to face, goods are also limited to descriptions using sentences, as well as real goods are replaced by sending photos or videos during the transaction which the buyer has done this as proof that he has carried out his obligations, while for mutual security the buying and selling process can use the services of a joint bank.¹⁴

While the terms of the aqd al-salam contract are: 1). Repayment is made in advance or when the contract is made, 2). The seller must clearly state the specifications of the goods to be sold, 3). And the mention or explanation of the specifications along with the price of the goods is carried out at the time the contract is made (in advance) with an agreement that there will be no change in the contract during the agreed period, 4). When the contract takes place, the seller and the buyer also agree on a date for the delivery of the goods being traded 5. There is certainty of the availability of ordered goods at maturity 6.

¹²Nasrun Haroen, *Fiqh Muamalah*, (Jakarta: Gaya Media Pratama, 2007), h. 146-147

¹³Nasrun Haroen, *Fiqh Muamalah*,

¹⁴Sri Nurhayati, *Wasilah, Sharia Accounting in Indonesia*, (South Jakarta: Salemba Empat, 2015),h. 204.

Ordered goods are goods whose procurement is guaranteed by the seller.¹⁵

Fiqh al-Hadith

The steps offered by Yusuf al-Qardhawi in understanding hadith tend to be text-centered. Of the eight steps proposed, seven of them are centered on the text. The seven steps are: 1) understanding the Sunnah according to the instructions of the Qur'an; 2) collect hadiths that are intertwined in the same theme; 3) amalgamation or interpretation of hadiths that seem contradictory; 4) understand the hadith by considering its background and purpose; 5) differentiate the essentials and majazi; 6) differentiate the contents of hadith related to the unseen world and the real world; and 7) ensure that the meaning of the words in the hadith are in accordance with the historical context that first appeared at the time of the Prophet. The seven steps are steps that attempt to reveal the content of the meaning of hadith texts objectively. In other words, The purpose of understanding a text is to find meaning objectively. To achieve this goal, a set of objective methodological steps is required.¹⁶

Fiqh al-Hadith as an approach functions as a method of uncovering hidden meanings in hadith texts. This approach is used so that the editor of the hadith can be digested by the reader and the laws contained therein are realized in the life of Muslims. In the business context, in this digital era, the applied construction of buying and selling is far from the same as the transaction model at the time of the Prophet Muhammad. The sophistication of communication tools or digital tools makes human activities including buying and selling easier and easier to do, even easier access.¹⁷

Fiqh al-hadith used as a method for disclosing the ethical values contained in the hadith, these ethical values are then taken and actualized in a series of transaction activities in an online form. The important hope is that the increasingly modernized realm of mu'amalah can still conform to the religious teachings brought by Rasulullah SAW.

¹⁵Imam Mustofa, Contemporary Muamalah Fiqh, (Yogyakarta: Stan Jusi Metro Lampung, 2014),h. 73-74

¹⁶Yusuf al-Qardhawi, Kaifa Nata'amal Ma'a alSunnah al-Nabawiyyah, (Egypt: Dar al-Syuruq, 2002), p. 25-34

¹⁷Muhammad Al-Ghazali, al-Sunnah al-Nabawiyyah Bayna Ahl al-Fiqh wa Ahl al-Hadis (Cairo, 1989, the Indonesian edition of this book was published by Mizan (1999) entitled Critical Study of the Prophet's Hadith: Between Textual and Contextual Understanding.

Hadiths About 'Aqd al-Salam

There are several hadiths which contain an explanation of aqd al-salam. As the History of Ibn 'Abbas follows;

حَدَّثَنَا أَبُو نُعَيْمٍ حَدَّثَنَا سُفْيَانُ عَنْ ابْنِ أَبِي نَجِيحٍ عَنْ عَبْدِ اللَّهِ بْنِ كَثِيرٍ عَنْ أَبِي الْمُنْهَالِ عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ قَالَ قَدِيمَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْمَدِينَةَ وَهُمْ يُسْلِفُونَ فِي الثَّمَارِ السَّنَتَيْنِ وَالثَّلَاثَ فَقَالَ أَسْلَفُوا فِي الثَّمَارِ فِي كَيْلٍ مَعْلُومٍ إِلَى أَجَلٍ مَعْلُومٍ وَقَالَ عَبْدُ اللَّهِ بْنُ الْوَلِيدِ حَدَّثَنَا سُفْيَانُ حَدَّثَنَا ابْنُ أَبِي نَجِيحٍ وَقَالَ فِي كَيْلٍ مَعْلُومٍ وَوَزْنٍ مَعْلُومٍ

Having told us Abu Nu'aim had told us Sufyan from Ibn Abi Najih from 'Abdullah bin Kathir from Abu Al Minhal from Ibn 'Abbas radiallahu 'anhuma said: When Rasulullah shallallahu 'alaihi wasallam arrived in Medina people practiced buying and selling fruit with the salaf system, namely paying in advance and receiving the goods after a period of two or three years. So he said: "Do salaf buying and selling of fruits with a measure until a known (definite) time". And said 'Abdullah bin Al Walid had told us Sufyan had told us Ibn Abi Najih and said: "with known (certain) measurements and weights".."18

Hadith related to the buying and selling model by paying money in advance, while the goods are taken after the harvest season arrives. Such a transaction model is included in the category of transactions with salam contracts. Or a transaction in which the money is handed over first, while the goods will be handed over in accordance with the agreement. That is, aqd al-salam is a form of transaction for objects that have been ordered by the buyer for the goods sold by the seller.

In this context, Ibn 'Abbas ra said,

أَشْهَدُ أَنَّ السَّلَفَ الْمُضْمُونِ إِلَى أَجَلٍ مُسَمًّى أَنَّ اللَّهَ عَزَّ وَجَلَّ أَحَلَّهُ وَأَذِنَ فِيهِ وَقَرَأَ هَذِهِ الْآيَةَ (يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا تَدَايَنْتُمْ بِدِينٍ إِلَى أَجَلٍ مُسَمًّى)¹⁹

"I testify that the salaf (salam transaction) that is guaranteed until the specified time has been made lawful by Allah 'azza wa jalla. God has allowed it." After that Ibn 'Abbas mentioned the word of Allah Ta'ala (which means), "O you who

¹⁸Al-Baihaqi, Sunan al-Kubro, (Bairut: Dar al-Kutub al-'Ilmiyah), j. 6, p.18, ,
¹⁹ *Ibid.* j. 6, h. 30

believe, if you don't do mu'amalah in cash for a specified time, you should write it down."

Ibn 'Abbas' confirmation of message-based buying and selling is a reinforcement of the transaction model that prioritizes payment, which according to him has been legalized since the Prophet's troubles. this ability is also based on God's word about the suggestion to write down payment notes as a control measure for fear of forgetting.

Among the arguments that support the interpretation of the friend of Ibn Abbas ra above is the end of the verse which reads:

وَلَا تَسْأَمُوا أَنْ تَكْتُبُوهُ صَغِيرًا أَوْ كَبِيرًا إِلَىٰ أَجَلِهِ ذَلِكُمْ أَقْسَطُ عِنْدَ اللَّهِ وَأَقْوَمُ لِلشَّهَادَةِ وَأَدْنَىٰ أَلَّا تَرْتَابُوا إِلَّا أَنْ تَكُونَ تِجَارَةً حَاضِرَةً تُدِيرُونَهَا بَيْنَكُمْ فَلَيْسَ عَلَيْكُمْ جُنَاحٌ أَلَّا تَكْتُبُوهَا

"Do not be weary of writing the debt, whether small or large until the deadline for payment. That is more just in the sight of Allah and can strengthen testimony and is closer to not causing your doubts. (Write down the mu'amalah) unless the mu'amalah is in the form of a cash trade that you carry out between yourselves, then there is no sin on you if you do not write it down." (Qs. Al Baqarah: 282)

The form of prohibition as referred to in the paragraph above aims to ensure that transactions with the tempo model can be maintained, in addition to the forgetful nature of a person, it can even be used as a vehicle for controlling fraudulent transactions in the context of buying and selling of the tempo model.

Buying and selling objects that are not durable, easily damaged, or anything that does not comply with the terms and conditions cannot be used as a trading material using the aqd al-salam model, because doing so can cause losses to one of the parties. In this context Rasulullah SAW. prohibits buying and selling that is not clear in its calculations or buying and selling by chance.

وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ وَيَحْيَى بْنُ سَعِيدٍ وَأَبُو أُسَامَةَ عَنْ عُبَيْدِ اللَّهِ ح وَحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ وَاللَّفْظُ لَهُ حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ عُبَيْدِ اللَّهِ حَدَّثَنِي أَبُو الزِّنَادِ عَنْ الْأَعْرَجِ عَنْ أَبِي هُرَيْرَةَ قَالَ نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعِ الْحَصَاةِ وَعَنْ بَيْعِ الْغَرَرِ

And having told us [Abu Bakr bin Abi Syaibah] had told us [Abdullah bin Idris] and [Yahya bin Sa'id] and [Abu Usamah] from [Ubaidillah]. And it was narrated from another channel, [Zuhair bin Harb] had told me while the lafazh from him, had told us [Yahya bin Sa'id] from ['Ubaidillah] had told me [Abu Az Zinad] from [Al A'raj] from [Abu Hurairah] he said; Rasulullah shallallahu 'alaihi wasallam forbade buying and selling by hashah (ie: buying and selling by throwing pebbles) and other methods that contain elements of fraud.

Some of the hadith editors as above show about transactions using the Tempo model. In its time, a practice that has been recorded in the editorial hadith is not at all similar to the light of witnesses of the digital era. Described editorially the transaction is a meeting between the owner of the goods and the buyer, the money is given in advance while the goods are given in a timely manner in accordance with the time agreement between the two people who are transacting.

In the digital era with all its sophistication, the transaction model is even more updated, not by face to face but by using electronic media that is infinitely far away. Such transactions are commonplace transactions in this contemporary era. Tempo's buying and selling transactions apply to online transactions, especially for those who carry out the dropship buying and selling model.

The payment model can be in the form of COD or by direct transfer, however, the goods are not directly in the hands of the buyer but wait for the goods to reach the hands of the buyer. the transaction model at the time of Rasulullah SAW as set forth in the hadith above. However, the essence is the same, because even though using electronic media, buyers and sellers can both be protected in terms of the security of goods or money.

There are not a few services that feature cooperation so that money or goods can be safely maintained, these services are usually called Joint Banks.

Contextualization of Aqd al-Salam on the Dropshipping Business Model

Online transactions are order transactions in the global era business model without face-to-face meetings, by only transferring data via cyberspace (data interchange) via the internet between the two parties, namely sellers and buyers. As for the definition of e-commerce in general, all forms of commercial transactions involve organization and generalized

data transactions in the form of complete text, sound and images.²⁰

In an era that is as sophisticated as it is today, technology is experiencing very rapid development which of course in this case also affects business. All individuals can carry out buying and selling transaction activities very easily, so that the transaction process runs quickly even though they are not face to face in the contract process.

The most important principle in terms of transactions both offline and online is to protect the rights and responsibilities of each person who is doing the transaction. Fraud, or any term in which it indicates that there is a practice that has a detrimental effect on one of the parties, is a prohibited matter in terms of buying and selling.

Especially in the context of buying and selling online, in this case there is a bond between the parties, both the seller and the buyer. Both of them must protect each other's rights, so that after the transaction, namely the matter of handing over between one party, is completed, neither party feels disadvantaged.

In terms of fiqh, the thing that must be guarded is mutual usury between one and another 'inter-adlin'. So in this context, buying and selling even on an online basis as long as there is no element of fraud, or the details of the goods match the goods being sold. Likewise, if the buyer pays truthfully, online buying and selling that falls into the salam contract category is considered valid. The practice of buying and selling online has things that are quite unique, there are even third parties whose function is to secure the transaction process so that paid money does not go directly to the seller unless the goods have arrived and the buyer is checked according to the goods that have been purchased.

The contextualization of the hadith regarding the salam contract as described earlier is that there is an understanding regarding the online transaction process with the salam contract which has been confirmed by the Prophet Muhammad, the permissibility of the practice of the salam contract as exemplified by the Prophet in some of the above hadiths can be contextualized in cases buying and selling online either in general

²⁰Rodame Monitorir Napitupulu, "Islamic Views of Online Buying and Selling," Faculty of Islamic Economics and Business IAIN Padangsidimpuan 1: 2 (December 2015): 129.

or with the dropship model, at least there are concrete limitations in the online buying and selling process, namely that there is maintenance of both goods and finances paid so that both parties who have made transactions are not harmed by such a transaction. allowed,even the MUI has also stated that it is permissible to buy and sell online with a record that there is no fraud in it which causes losses to one of them

Conclusion

Based on the description above, it can be understood that

1. Practically buying and selling on a tempo or what can be called aqd al-salam already existed and was practiced during the time of the Prophet Muhammad. with the buying and selling model of paying in advance, while the goods are given according to the agreement of both parties
2. Transaction values in the aqd al-salam model can be actualized in the online buying and selling model, including buying and selling with the dropship model. Provided there is no element of fraud in it. Because, the right transaction is a transaction in which both parties receive their rights in accordance with the agreement

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