

# Recent Practice of *Bay' Al-Salam* Hadiths: A Study of E-Commerce System

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**Abstract.** Hadiths of *al-salam* have become one of the many themes narrated in primary sources. This study sought to identify the popularity of the hadiths' transmission related to the purchase and sale of *al-Salam* theme. Its main aim was to get an overview of its application in several levels of the narrators. In addition, this research intended to get a picture of whether the transmission affected the judgment and the use of the Hadiths. This research analysed *bay' al-Salam* hadith collections thematically, especially in terms of *salam* contract. Hence, this research mapped the dissemination and application of *bay' al-salam* and discussed thoroughly the *sanad* (narrator) and *matn* (the main text of the hadith) of the hadiths. In a broader context, this study criticized *bay' al-salam* application in Islamic legal matters, its manner, and its urgencies in purchase and sale contract.

**Keywords:** Bay' al-Salam, E-Commerce, and Living Hadith

## 1 Introduction

Various sacred texts (Quran and Hadith) have indicated that human is created as social beings which are required to interact socially with each other. Therefore, someone must realize that the involvement of others in this life is to fulfill the basic needs of living together and achieve the goals of creating more advanced and prosperous life. Many aspects of cooperation between human, especially the economic aspect has become one of the most frequently performed actions. Islamic economy is dynamic and always adjusting to the dimension of space and time because Islam is *rahmatan lil 'alamin*.

*Muamalah* (transactions) in Islam has a clear and good provisions in its arrangement to regulate the rules of human relations on the economic aspect for the benefit of mankind. Allah Almighty through His Messenger perfectly regulates the terms of human interaction. For example, in *muamalah*, Islam has established a law concerning purchases and sales that are allowed by Allah and *riba* that has been forbidden by Allah and His messenger, as it has been stated in the Holy Quran:

وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا [1]

“Allah has permitted trading and forbidden *riba* (usury).”

Islam asserts that the Prophet's teachings has its own unique side, not only comprehensive but also universal. Comprehensive means encompassing all aspects of life, ritual, and social (the

relationship between fellow beings). While the Universal aspect of Islam illustrates that Islamic teachings can be applied anytime until the day of judgement. Al-Qur'an and Hadith as the foundation of Islam has a universal range and power set, which can be seen from the side of the text, that it is always suitable in real life situations, including in the economic aspect (*muamalah*). In this case, economics and other fields of science are covered in the study of Islam, which aims to guide people to always remain in the path of God, the path of truth, and salvation. One of the *muamalah*'s phenomena in the field of the economy today are sales and purchases transactions using electronic media.

In general, it can be seen that trading in Islam explains the existence of physical transactions (by presenting the object during a transaction) or without presenting the ordered item. Each transaction must have a provision stating the nature of objects in concrete, either given directly or submitted later to a certain time limit, such as *al-salam* transactions and *al-istina'* transactions. The *al-Salam* transaction is a form of transaction with a payment system in cash/hasted, but the delivery of goods is suspended/postponed. Then, the *al-istina'* transaction is a form of transaction with expedited payment system or suspended according to the agreement, while the delivery of the goods is suspended[2].

The *al-Salam* transactions have existed even before the arrival of the Prophet Muhammad saw[3]. This transaction, to some extent, has made *muamalah* easier and also useful for humans to interact with each other. *Al-Salam* reflects the mutual help that can benefit both sides in trading. Buyers can buy goods at lower prices, while the seller gets the benefit of receiving money faster than the delivery of goods. Through the advanced payment, sellers can obtain additional capital that is useful for managing and developing their business.

Today's technological development is increasingly advanced and sophisticated in all aspects of human life and activities. The massive technological development does not only affect the economy of a particular country, but also impacts the world as a whole. The rapid development of modern technology and the opening of a highly transparent global information network, which Troffler considered it a symptom of the third wave community, has been marked by the rise of the internet. Laudon stated that the development of IT has brought essential revolution to our lives, namely the transition toward an Internet-based society. One of the major areas that is significantly affected is the way people conducts transactions, businesses, and commerce in this new and competitive environment.”[4]

E-commerce is a trading transaction that allows trading activities to happen without a direct presence of both sellers and buyers. Whinston (1997) refers to a range of different perspectives for e-commerce, each of them is from the online perspective, that E-commerce is the purchase and sale of products and information online. This trading system requires a strong sense of trust between one and another (between the seller and the buyer). Looking at the form, ecommerce is basically a modern transactional model of purchase and sale that is equipped with modern technological innovation.

The development of e-commerce coincides with the growth of the Internet because e-commerce runs on the internet network. The massive growth of Internet users makes the Internet as an effective medium for companies and individuals to introduce and sell their products/services to potential buyers/consumers from around the world. The presence of e-commerce enables the creation of healthy competition between small, medium, and large companies to seize the market share.

As an advanced technology-based trade, e-commerce has reformed conventional commerce, where the interaction between consumers and companies is set up indirectly rather than directly. E-commerce has changed the classic business paradigm by fostering models of interaction between producers and consumers in the virtual world. The principle of trading with

the classical payment system we know as trading, where sellers and buyers meet physically or directly, now turns into a telemarketing concept where trading uses the internet and no longer requires meetings between businesspeople. The trading system used in e-commerce is designed to sign electronically. This electronic signing is designed from the time of purchase, inspection, and delivery. Therefore, the availability of correct and accurate information about consumers and companies in e-commerce is an absolute prerequisite. Purchase and sale activities such as e-commerce is similar to purchase and sale orders that exist in Islam known as *al-Salam*.

## 2 Literature Review

There were many books that codified by an early Moslem scholar, especially in primary canonical books of Hadith. Hadith was classified thematically referred from the content like al-Bukhari and Muslim did in their Sahih. E-commerce/*bay' al-Salam's* guides were recorded especially in Kitab al-Buyu'. Al-Hafiz Ibn Hajar in Fathul Mun'im (the Sharh of Sahih Muslim) stated that Muslim scholars agreed on bay' al-salam legitimacy; except what he narrated from Ibn al-Musayyib. In addition, Al-Nawawi said that Muslim agreed on the permissibility of *bay' al-salam*. Based on scholars commentaries about the legitimacy of al-salam Hadiths, they agree on the permissibility of bay' al-salam in clothing and food. However, they have different opinion regarding with *al-salam* contract of the animal. Al-Bukhari commented on Hassan al-Basri that he did not see any permission to do *al-salam* contract of the animals. Ibn Hazm said: It is not permissible to purchase and sale using *al-salam* mode of transaction unless the measure or scale of the goods are clearly known.

Many research have illustrated purchase and sale's application using *al-salam* contract. The results of the research that are related to online purchase and sale using al-salam contract are as follows:

First, a thesis in 2017 written by Umul Muhimah entitled "*Akad al-Salam dalam Jual Beli Online Ditinjau dari Perspektif Islam*". The result of this research concludes that the parties of *al-salam* contract in online purchase and sale are similar to a normally al-salam contract. However, al-salam contract in online purchase and sale is conducted without face-to-face activity between the buyer and seller, but were set up in one internet network site. Therefore, the implementation of al-salam contract has an important role in online purchase and sale. Islamic economics' review about this phenomenon concludes that al-salam contract in online purchase and sale is allowed as long as it does not contain elements that could damage purchase and sale activities such as riba, tyranny, deceit, and it's kind,

Second, a thesis in 2017 entitled "*Pandangan Hukum Islam Terhadap Jual Beli Pesanan Pada Departemen Store Paloma Shopway Kota Langsa*" written by Wina. This thesis explains and illustrates all purchase and sale practices and procedures that were used in order's purchase and sale on DS. It concludes that Paloma Shopway does not violate the rules of order's purchase and sale (salam) in Islam.

This study examines the popularity and the extension of *bay' al-salam's* Hadith. Based on previous studies in fiqh literature, the writer concludes that no writers have undertaken this type of study.

### 3 Theoretical Basis

This section describes two models of *al-Salam*'s Hadith contextualization. The application of *al-salam* in the traditional (Prophet Muhammad saw. era) and recent era. The above-extracted tradition consists of the *al-salam* application of the hadith's extraction using the index of Miftah Kunuz al-Sunnah. The al-Salam transactions in traditional era can be mapped as below:

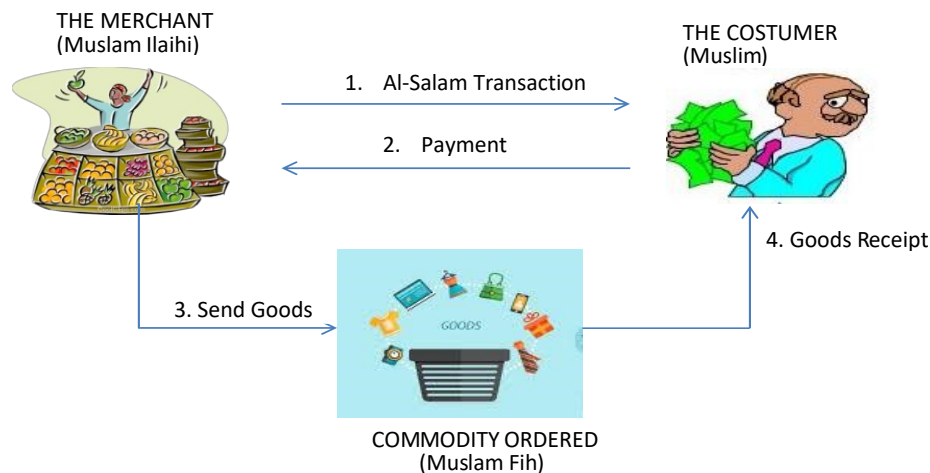


Fig. 1. Bay' Al-Salam Sketch

The image above determines that *al-Salam* is a transaction with a paying-in-advanced method and deferred goods. The first step in *al-salam* transaction is ordering the goods. This transaction does not require the belonging of goods to merchant, but the goods must exist in the specified time[5]. The costumer (Muslim) pays the exact amount of price that is offered by the seller (*Muslim ilaih*) or as both costumer and merchant agreed on *ijab and qabul* ('aqd). Specifications and price of the ordered goods agreed upon by the costumer and merchant at beginning of the contract. The price of goods can't be changed during the term of the contract. After the goods are ready according to the wishes and needs of the costumer, it will be delivered to the costumer at specified time.

Based on the hadiths that have been extracted in the previous part, the practice of *bay' al-salam* in the time of the Prophet saw. was very popular. Prophet saw. allowed *al-salam* transactions on items with clear scales and clear deferred goods until the specified time. This means that transparency and clarity are achieved during the transaction.

Regarding the provisions of commodity (*Muslim fih*) that prevailed in Prophet saw. era, the companions and also *tabi'in* era as contained in the hadiths, explained that the application of *al-salam* transactions in that era was limited only to items which could be measured, and weighed. No other detailed provisions were described, it was not like the practice of *bay' al-Salam* in the present era, or also called as e-commerce. In this occasion, the researcher takes a case study on Bukalapak E-Commerce System. The E-Commerce transactions can be mapped as below:

Information :

- A. Sending Info: merchant sends information relating to business profile and product details or offered service to a website or BukaLapak homepage.

- B. Providing Info: A website/homepage, as a media liaison between merchants and buyers (consumer) provides information about the details of products or services.

The flow of business process and mechanism of Bukalapak e-commerce transaction:

1. Consumer visits the BukaLapak homepage to search for products they want using “search or category” feature.
2. Picking the product and clicking “purchase”. The buyer must complete the information about shipping address on shopping review step.
3. The payment methods available are cash on delivery, credit, or debit card to BukaLapak account (Mandiri ClickPay, BCA KlikPay, CIMB Clicks, Visa/Mastercard, and so on). The buyer picks one of the methods they want.
4. The seller can manage and monitor all transactions directly through transaction page. Every transaction has five statuses: waiting, paid, delivered, received, and done.
5. The seller prepares the ordered products. There are two kinds of product in e-commerce business. The first is ready stock products and another one is pre-order products (PO).
6. After the buyer paid the cost, the seller will receive an email or any notifications informing that. In this step, the status of transaction is paid. The seller packs the products and delivers it (through delivery men).
7. The buyer receives the products.
8. Consumer confirms the receiving of products on BukaLapak homepage by clicking, “Transaction Details” then the merchant would receive the money and feedback from consumer.

The researcher concludes that the above type of transaction, although there are differences in its practice, can be categorized in *al-Salam* transaction because in this mechanism commodities are delivered later (at a specified time) while the payment is paid-in-advance.

The principles of al-salam transaction in traditional era: first, the *sighat* (concensus word) of transaction (ijab and qabul); second, the transactions (Merchant and Costumer); third, the object of transaction[6]. While in E-Commerce, if all transactions are done online starting from the process of transactions up to the payment, the pillars (parties involved) in e-commerce include:

1. Merchant: a company that offers their products through internet.
2. Card holder or consumer: someone who want to purchase products online using legal cards for payment and is guaranteed by issuer (financial institutions or banks) to have online transactions.
3. Commodities: the objects of transaction.
4. Acquirer: financial institutions/Banks that guarantee merchants to trade and authorize payments in any trade transactions on the internet.
5. Issuer: the financial institution/Bank that issues the card for the cardholder and authorizes the card to be used for shopping on the internet.
6. Courier: an individual that is responsible for the exchange of items between two or more parties. someone who delivers costumer’s order[7].

Thus, the above kind of transaction can be considered justifiable and allowed by fiqh scholars with the paying in advance systems and deferred goods, on the condition that the ordered commodities have been explained clearly to avoid the act of *ghoror* (fraud).

## 4 Research Methods

This research is a qualitative study using hadith thematic approach. Technically, the researcher extracted the Hadith thematically (*mawdu'i*) using *Mahmud al-Tahhan* methodology towards thematic extraction (*takhrij mawdu'i*) of hadith. [8] Al-Zayyan declares that *al-Hadith al-Mawdu'i* means a fact that discusses certain themes within *Hadiths* by bring together various *Hadiths* from their original source (either from one source or more), or involving the whole sources of *Hadiths*. Following that, the hadiths were analysed, explained, and discussed with the research problems and contemporary questions. [9]

This research employs the thematical approach which was written by al-Zayyan. The researcher used *al-Zayyan* Method in the analysis process. According to al-Zayyan, there are three types of research design of *al-hadith al-mawdu'i*. First, thematic research which examines and focuses on Hadith collections related to the topics or themes from canonical books of Hadith. Second, thematic research which examines the related hadith of the topics and themes, based on certain books of Hadith. Third, thematic research design that is depending on various collection of narration of Hadith, related to the particular topic of research. [10]

## 5 Result and Discussions

In e-commerce transactions over the internet, the role of supporting infrastructure is needed to build a trust among the transacting parties. Therefore, e-commerce parties should pay attention to the security of transactions, therefore, the technology being used must always be updated. Moreover, the parties should pay attention to the legal and moral aspects of the transaction. In addition, Muslims/consumers, before conducting e-commerce transactions via the internet, should be careful. This effort can be undertaken by checking the security system owned by the merchant, and he must have the insight and knowledge of the commodity involved in the transaction, so that the consumer would not get the unwanted commodity.

The analysis method used in this research can be used in other scientifically hadith content. However, the methodology should be improved and intended to provide a deep analysis upon hadiths' content toward transmission, narration textually and contextually, legal views in classical Moslem periods, and its compatibility to the world nowadays.

## 6 Conclusion

This research concludes that *al-salam* practice (e-commerce) nowadays is popular among Muslim society. The process of *al-salam* transaction (pre-order) is carried out using technology/ social media such as Facebook, Instagram, line, etc. The payment is even easier than *al-Salam* transaction in old era. E-commerce uses bank transfer, without any needs of face to face transaction. The delivery of goods uses freight forwarding service such as JNE, J&T, TIKI, etc.

To comprehend the above conclusion, there are some important notes that should be taken into consideration:

1. The Prophet's permission toward *al-salam* is supported by many *sanad* (transmission) that narrated it. This research examined *Ibn 'Abbas* transmission. *Mutabi'* and *shawahid* of the hadith support its legitimacy toward Islamic legal and practical popularity in the past.

2. After performing *takhrij* and analysing narrations comprehensively, it is concluded that the core value of *al-Salam* is the sale of a defined thing [that is] owed, while payment is made in advance. Based on Islamic values in trade, especially analogous to the principle of *al-salam* transaction, e-commerce transactions through the internet are permitted according to Islam, except on commodities that should not be traded in Islam.
3. E-Commerce practice is a kind of transaction that is allowed by fiqh scholars with the paying in advance systems and deferred goods, considering the fact that the commodities have been explained clearly to avoid the act of *ghoror* (fraud). There are differences in al-Salam and E-Commerce practice. However, in the principal e-commerce can be categorized in *al-Salam* transactions because in this mechanism, commodities are delivered later/ specified time while the payment is paid-in-advance. The principles of e-commerce is similar to *al-salam*, even the parties involved are greater and it is organized in a more systematic way.

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