

Review Of Sharia Economic Law On The Implementation Of The Selling And Purchasing Of Food Using The Gopay Feature In The Gojek Syarifah Wahdah Application

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ABSTRAK

The background of this thesis is based on the results of the author's observations that the process of buying food and drinks on this gojek application uses payment via Gopay or electronic money where in the implementation process there are several contracts. The research method used in this study is the normative theological method, namely the study of Islamic teachings from a normative point of view using empirical data, namely research with field data as the main data source, such as the results of interviews and observations. The results of this study are that Gojek provides many conveniences in transactions by introducing Gopay in its payment mechanism. In the implementation of the Gopay Top-Up, it is more appropriate to call it a Wadiah contract, because it is in accordance with the characteristics of Wadiah, namely goods for safekeeping that can be taken at any time and the period for keeping them is not specified. While the contract in the implementation of buying and selling food using the gopay feature on the gojek application is a musyarakah contract because several parties work together to get profit from a jointly managed business. Then for the process of representation between the driver and the customer it is classified into a wakalah contract, more precisely wakalah bil ujah. The results of this study are also used as input for Gojek to be more transparent in developing their services. For writers to be able to develop more

1. Introduction

Technological development is something that we cannot avoid in life, because technological progress will go according to scientific progress. Especially in the field of technology, now people have enjoyed it. humans do not date from the existence of technology. Namely, technology is a practical way of every human activity. Therefore, with the development of technology, problems will be easily resolved. At this time, we all understand that technological progress is very rapid, because this increasingly rapid technological development affects people's lifestyles which are increasingly striking. due to technological developments affecting mass communication models to carry out their daily life activities. Advances in technology have provided facilities and welfare for human life as well as a means for human perfection to become servants of Allah and His caliphs. God has bestowed enjoyment on humans that are complementary, namely the gift of trust and the enjoyment of technology. Trust and Science and Technology (Science and Technology) are two sides that cannot be

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separated from one another. Science is a source of technology that can provide the possibility of various engineering innovations and ideas. As for technology, it is the application or application of knowledge that can be shown in real results that are more sophisticated and can encourage humans to develop even more. However, apart from all that, technological developments cannot separate themselves from Islamic religious values. Humans as users of technology must be able to take advantage of existing technology and occur at this time. Advances in gossip technology, especially internet media, are felt to provide many benefits such as in terms of security, speed and peace of mind.²

Technological advances are now widely used in various sectors, both the transportation sector, the payment sector, and even the preaching sector are now using internet technology. With today's technological advances that are so rapid, making financial transactions even more practical, there are many options for conducting financial transactions, one of which is e-money. E-money or Electronic money is digital money that is used in Internet transactions using electronic means. Electronic money has a stored-value or prepaid value where a certain amount of money is stored in an electronic media that is owned by someone. The media can be a server or a chip. Server Based is electronic money using storage media in the form of a server, chip storage.³ Usually, these transactions involve the use of personal computer networks (such as the internet and digital price storage systems) so that the goods or services we want are purchased using them without having to spend additional cash.

In the process of buying and selling culinary and drinks using the GoFood software that is in the Gojek software, payments using electronic money, namely Gopay, in the implementation of culinary purchases, there are several contracts that occur in it, both in the payment system using Gopay, the ordering system for buying and selling culinary and drinks in one restaurant, a delivery system by Gojek drivers, as well as provisions for buying and selling transactions in critical economic times. Service contracts for culinary purchase transactions using the payment system using the Gopay feature on the Gojek application need to be studied further regarding two contracts in one transaction and transaction security collateral in critical times. The current economy is in accordance with a review of sharia economic law. So the author is interested in researching and analyzing the problem in the thesis entitled:

The halaqah method is opening and explaining the subject, while students pay attention to the teacher's explanation. This is the same as the school or college system. Halaqah, namely a teacher or kyai giving teaching sitting surrounded by his students. (Dahlan 2018) Regarding the halaqah method, it is closely related to Arabic reading skills. Reading skills in Arabic are known as maharah al-qira'ah, namely language skills to understand the content of meaning based on writing properly and correctly. To achieve understanding requires systematic steps. The target of reading skills (maharah al-qira'ah) is to be able to read Arabic texts fluently, to be able to translate and to be able to understand Arabic properly and correctly.

In this case, to develop insight into Arabic knowledge in the field of Arabic reading skills. The author is interested in researching: *The Role of Halaqah Arabiyah in Improving Arabic Reading Skills for Students of the Arabic Language Education Study Program class of 2020 Datokarama State Islamic University (UIN) Palu.*

2. Literature Review

1. Contract Concept

Al-'Aqd from language means bond, meaning the opposite of the term divestment/dissolution. Generally controlled by the fuqaha interpret the combination of consent and qabul, and the link between the two using such a way as a result creates the desired meaning or purpose with real consequences. From the word fuqaha, contract is: "correlation of words that are carried out between one party in a contract with another party based on syara' and produces the consequences of the rules in the contract. Thus, the contract is an activity to realize the aspirations of both parties who make the ijab and qabul, not something that is desired itself, and (not really) something that causes them to do both (i.e. ijab and qabul).

2. Wadia concept

The term Wadiah comes from the origin of the term wada'a which means to leave. Everything that is entrusted by someone to another person to be looked after is called Wadiah, because something (goods/money) was left with the person entrusted.

²Didik M Arief Mansur and Elisatris Gultom, *Cyber Law Legal Aspects of Information Technology*, (Bandung: Refika Aditama, 2005),.84.

³See Bank Indonesia Regulation (PBI) No. 20/6/PBI/2018 Concerning Electronic Money (accessed November 18, 2019, 22:24 WIB).

In general, Wadiah is a pure deposit from the depositor (mu'addi) who owns goods/money to the depositor (wadh'i) who is honest or religious, both individuals and legal entities, where the deposited goods must be protected from damage, loss, security, and integrity, and can be returned whenever the depositor wants it.

3. Musyarakah concept

In other words, the origin of Musyarakah is Syarikah or Syirkah. Musyarakah according to language means "al-ikhtilath" which means mixing or mixing. The purpose of mixing is that someone mixes his wealth with other people's assets so that between one part and another it is difficult to distinguish. Etymologically, Musyarakah is a merger, mix or union. Musyarakah means partnership cooperation or in English it is claimed to be partnership.

4. Wakalah concept

The practice of wakalah in Student Competency Competitions is carried out as a form of sharia banking services to customers. The provisions regarding wakalah are statements of consent and qabul that must be stated by the parties to describe their wishes in entering into a contract. Wakalah using compensation is binding and cannot be canceled unilaterally. .

5. Electronic Payment System

Electronic payment means a payment system that uses internet facilities as an intermediary. At this time there are many new startups that facilitate sellers and buyers by guaranteeing the security of electronic payment transactions. as well as using the existence of electronic money or electronic money at the present time, then electronic payments or claimed with the dream of paying can also be made. dream pay or also called electronic payment or dream payment is one of the payment methods available in the Gojek software. the Gojek application is one of the origins of the large number of e-commerce software available in Indonesia which provides various kinds of services, one of which is online transportation services, because Gojek is a technology company from Indonesia that serves transportation through motorcycle taxi services.

3. Methodology

1. The Mechanism of Buying and Selling Food with Payment Using the Gopay Feature on the Gojek Application

a) Gopey

Gopay is a mobile payment-based payment method provided by the Gojek company to make the transaction process easier for users, drivers, as well as the company itself. Gopay is included in the Electronic Wallet group, in which the provisions for electronic payments or the dream of paying are contained in the Fatwa of the National Sharia Council-Indonesian Ulema Council (DSN-MUI) number 116/DSN-MUI/IX/2017 concerning Sharia electronic money. It was stated in the fatwa earlier that electronic money may be used as a means of payment by following the provisions in the fatwa. according to Bank Indonesia Regulation No.18/40/PBI/2016 Article 1 No. 7 defines that Electronic Wallet, hereinafter considered as Electronic Wallet, is an electronic service for storing payment instrument data, including payment instruments using cards and/or electronic money,

b) Top-up Gopay Balance

There are several ways for purchasers to top up their Gopay balance on the Gojek application. Starting from Gojek's motive force, through Convenience stores, through pawnshops and since now Gopay has collaborated with financial institutions in Indonesia through transfers. The following are the steps for using Gopay to pay for culinary purchasing services. The steps or how to do the transaction will be explained.

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If in a food buying and selling transaction in general, the customer is required to pay in cash and even if there is a change it must be paid immediately at the place where the customer is. which sometimes this becomes a troublesome thing if we become someone who is forgetful or lazy to carry money. As a service mode service that has many users and has updated the system several times, now Gojek provides ease of transaction by introducing Gopay as its payment transaction service.

4. Results and Discussion

Gopay is a mobile payment-based payment method provided by the Gojek company to make the transaction process easier for users, drivers, and the company itself. Gopay is included in the Electronic Wallet group, which is regulated in Bank Indonesia Regulations. according to Bank Indonesia Regulation No.18/40/PBI/2016 Article 1 No. 7 defines that Electronic

Wallet, hereinafter referred to as Electronic Wallet, means electronic services for storing payment instrument data including means of payment using cards and/or electronic money, which can also hold funds, to make payments.

1. Wadiah Contract in Culinary Purchases using the Gopay Feature on the Gojek application In general, Wadiah is a pure deposit from the depositor (mu'addi) who owns goods/assets on the depositor (mustawda) who is given a mandate or religion, both individuals and legal entities, the area of goods What is deposited must be protected from damage, loss, safety and integrity, and returned whenever the depositor wants.

Overall Wadiah is divided into 2 parts:

a. Wadiah Yad al-amanah.

Wadi'ah yad al-amanah is a safekeeping contract in which the party receiving the deposit is not allowed or is not allowed to use the item being deposited and is not responsible for damage or loss of the item being deposited which is not caused by the negligence of the person being deposited.

b. Wadi'ah Yad Dhamanah.

Wadi'ah yad al-dhamanah, namely an agreement for safekeeping of goods in which the recipient of the deposit, with or without the owner of the goods, can use the goods deposited earlier and must be responsible for the loss or damage to the goods deposited earlier. Thus, Wadi'ah yad al-dhamanah is a contract for safekeeping of goods if the party receiving the deposit, even without permission from the owner of the deposited item, may use the item for safekeeping and if the item is damaged or lost after being used or utilized by the recipient of the item for safekeeping, then the recipient of the deposit must replace and pay the cost of compensation for the goods used earlier.

3. Use of Two Contracts in One Transaction

A Muslim is not allowed to carry out two buying and selling in one contract or two contracts in one transaction, but he must carry out both separately because if it is done simultaneously then there is ambiguity that can hurt other Muslims, or eat up their wealth improperly.

In this case, there is no use of two contracts in one transaction because the implementation of each contract is at a different stage and takes place alternately. The wadiah contract is available when filling out the gopay balance, while the musyarakah contract is available when placing an order where the contract involves PT. Gojek Indonesia and consumers, and the wakalah bil ujah contract occurs after the implementation of the ijarah contract, in this case the parties to the wakalah bil ujah contract are the motive force and the purchaser, because the motive force represents the customer to buy food then the consumer gives ujah (wages) to the driver the.g.

5. Conclusion

according to the description that has been stated in the previous chapters, the following conclusions can be drawn:

1. when a customer makes a food purchase transaction in the Gojek software using Gopay services, then in the DSN-MUI fatwa No: 116/DSN-MUI/IX/2017 regarding Sharia electro-money it is stated that contracts between issuers and holders of electronic money can use Wadiah contracts. From a wadiah perspective, a top-up contract is more accurately considered a wadiah (entrusted) contract because the special characteristic of a wadiah (entrusted) is that the item for safekeeping can be collected at any time and the period for safekeeping does not have to be determined either. and the profits received by Gopay customers in the form of bonuses or price rebates are voluntary gifts ('athaya) and both parties do not require advance at the beginning of the agreement,

2. the culinary buying and selling procedure using the gojek application involves four actors, namely: a) PT. Indonesian GoJek; b) merchants (restaurants); c) ; Gojek drivers; and d) ordering (customer). Transactions that occur between PT Gojek and merchants (restaurants) are cooperation agreement transactions at online stalls. Islamically it is usually claimed by musyarakah, where the proceeds for PT. Gojek is 20% of every transaction using the Go Food software, for payments for renting stalls and Gojek's marketing portfolio. Transactions that occur between PT Gojek and drivers, namely co-worker relationships or in Islam are called musyarakah. Gojek provides an application to act as a liaison between the diver and the customer, and the driver who performs online services in the software. The profit sharing ratio is 80: 20, where 80% is for the driver and 20% is for PT Gojek and will be deducted after the driver has finished performing a service. Contract between PT. Gojek and Consumers, where they work together to get profits contained in the GoFood software, these activities can be classified as musyarakah contracts. as well as for wakalah and ujah in the form of drivers representing in the process of purchasing food and shipping for drivers who will be paid at the beginning of the transaction using GoPay or at the end of the transaction if using the cash payment method.

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