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Online Gold Dropship in Shopee Application Under Perspective Indonesian Ulama Council of North Sumatera

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Abstract:

The seller in the shopee application is given various features of the dropship feature that can be easily accessed by the dropshipper to run their business by getting items they want to resell on social media. This research was conducted to determine the law of buying and selling gold by dropship in the opinion of the Indonesian Ulama Council (MUI) of North Sumatra province. This research is classified into doctrinal law research type. This research is called field research and sociological law research. The approach used is a sociological juridical approach and conceptual approach. the gold dropship mechanism in the shopee application has several stages that must be passed by the dropshipper to be able to get the desired gold and directly sent to the buyer by including the dropshipper's identity as the sender and not the identity of the gold owner. There is no relationship between the gold owner in the shopee app and the dropshipper who don't even know each other. Transactions that occur between the two are only buying and selling transactions. According to the Indonesian Ulama Council (MUI) of North Sumatra province, the gold dropship transaction in the shopee application is unlawful. This is because gold is ribawi amwal which has special treatment if it is used as an object of buying and selling. Legitimate buying and selling of gold is done face-to-face and cash.

Keywords: Dropship; Gold; Shopee; MUI

Introduction

Nowdays, internet users has increased in Indonesia highly and fastly. Many internet users as a online seller and they use their internet for running their business. Everyday there are increasing the business online eventhought from website, application which used by Indonesian citizen. Selling and purchase transaction by marketplace is one of trending topic around Indonesian citizen. Some marketplace developed their application to give facilities can be carried out by users easely. The users of marketplace consist of seller dan buyer. The development of online buying and selling in the marketplace is very attractive to the public because they provide comfort and security for sellers and buyers, thereby reducing the risk of fraud. One of marketplace application which interested in Indonesia is Shopee application with their facilities given to public. One of their facilities is easy dropship. Dropship is a marketing technique where the seller does not keep stock of goods, and where if the seller gets an order, the seller directly

forwards the order and details of the shipment of the item to the distributor or supplier or manufacturer. In the shopee application the dropship offender is the buyer not the agent or representative of the merchant owner who entered into another agreement.

Items that can be sold with the dropship system in the shopee application are not limited in shape, type and amount. The development of the times led to many trading systems that could be contrary to Islamic law. Gold is one of the items that can be sold with the dropship system in the shopee application. Whereas in Islamic law, buying and selling gold must be done in cash and face to face. The problem of gold trading with dropship system are transaction of an item that does not have the whole item by the dropshipper as a gold seller outside the shopee application and the buyer in the shopee application, a purchase note that is not given, so that the owner of the item will later find it difficult to sell the gold at an appropriate price because there is no proof of purchase. From the explanation above, the author interested to research around the problematic happening under the tittle " Online Gold Dropship In Shopee Application Under Perspective Indonesian Ulama Council Of North Sumatra**.**"

Research Method

This type of research isdoctrinal law research which is referred to as field research and legal research. Doctrinal law research as a result of interactions between legal science and other disciplines.[1] The author gets the results of the research by discovering the facts that occur in the field and making observations, writing through facts that occur in online gold dropship transactions in the shopee application, then analyzing the problems that exist in the gold dropship transaction. The approach method used in this research is a conceptual approach. This approach is carried out because there is no legal rule for the problem at hand. The conceptual approach refers to legal principles that can be found in the views of legal scholars or legal doctrines.[2] Settling the legal problem of the gold dropship transaction in this shopee application, the writer uses Islamic law in the form of a sale and purchase agreement combined with the opinion of the Indonesian Ulema Council (MUI) of North Sumatra Province and takes a sociological juridical approach. This research is located at the Indonesian Ulema Council Office in North Sumatra Province precisely at Jalan MUI No. 3 Medan City. The author is interested in doing research in this place because MUI Sumatra knows a lot about the laws of buying and selling online and has produced a fatwa about buying and selling online in general. So this will make it easier for writers to find out the online gold dropship law in the application specified MUI North Sumatra province.

Result and Discussion

The Dropship Mechanism in Shopee Application

Registering an account as a seller on the shopee app is easy, but even though it's easy, the seller must always be active in selling by updating the product being marketed. If the seller becomes a passive user in the shopee application, the shopee will block the store. The seller's personal data is kept strictly confidential by the shopee application, so shopee can guarantee buyers who use the shopee application. Unlike things with dropship in the Shopee app, users who

[1] Bahder Johan Nasution, *Metode Penelitian Ilmu Hukum,* (Bandung: Mandar Maju, 2008), 123.

[2] A'an Efendi, Dyah Ochtorina Susanti, *Penelitian Hukum (Legal Research),* (Jakarta: Sinar Grafika, 2014), 115.

become dropshipper are buyers who are also sellers on other social media that are not Shopee applications. Dropshipper must have a social media account that is the online store that is used. Profiles of online stores that will be opened can be from Instagram, Facebook or the seller's website which is deliberately created to market merchandise.

Being a dropshipper in the shopee application is very easy. No need to register let alone pay a sum of money to the shopee or seller in the shopee application. Steps To become a dropshipper in the shopee application are as follows. Dropshipper must have a social media account that matches the product to be sold. The social media account used can be a business account or seller's personal account. In this research, several social media researchers can be used as a means of buying and selling online. Gold sellers in the free shopper application use information that explains the details of gold sales so that they do not become a dropship in their online store. Usually the caption also includes the seller of gold requirements to become a dropshipper. As explained by Yiyin as a gold seller in the Shopee application as follows. . "*Tidak saya beri nota kalau yang beli dropshipper. Tapi kalau yang beli reseller saya, saya kasih nota atas nama reseller dan dia dapat potongan harga dan poin.*"[3]

With the above statement it can be seen that buyers who buy gold from a dropshipper do not get a purchase note, causing one of the parties to lose when the gold will be resold. So the benefits of buying and selling in Islam in the form of mutual benefits are not fulfilled. Unlike the dropship in the Shopee application, users who become dropshipper are buyers and sellers on other social media that are not Shopee applications. Dropshipper must have other social media as its online store. Profiles of online stores that will be opened can be from Instagram, Facebook or the seller's website created to market merchandise. Usually the dropshipper will have a conversation with the owner of the item if he is willing to exchange the sender's name with the name of the dropshipper. As explained by speaker Mukhlis Nasution as a gold dropshipper in the shopee application as follows. ."*Saya kordinasi dengan penjualnya, bahwa nama pengirim tolong tulis nama saya, jika penjual setuju, saya beli dari tokonya*."[4]

This feature is very interested in many dropshippers for profit. Basically, the owner of the goods does not know that the buyer or dropshipper can be trusted or not. The item owner only lists what is registered in the system and sends the item at the address requested by the dropshipper. If this transaction is carried out on an online gold trading transaction, the ownership of gold is uncertain. In fact, this is in accordance with the hadith of the Prophet Muhammad described in the previous chapter, buying and selling gold can be done directly and in cash. Judging from the transactions above, a direct element in the transaction is not found, because in it there are two sale and purchase transactions in one sales object. There are two different buying and selling assemblies, namely Instagram and Shopee.

The element of cash is the need in buying and selling gold transactions. The meaning of cash here is directly paid and immediately gets gold. Over time and current technological developments, online trading transactions can be declared cash because after the buyer makes a payment, the goods will be sent immediately, even though the required mileage is a few days. As the dropshipper explains, he is the buyer who asks the owner of the item to change the sender's name to the dropshipper's name instead of the item's owner. This means that the dropshipper and the owner of the goods do not have a wakalah or samsarah contract. Only agreement on the

[3] Yiyin, Interview, (February, 22nd 2020)

[4] Mukhlis Nasution, Interview, (February, 20th, 2020)

willingness of the owner of the goods to exchange the name of the sender. Judging from the pillars and conditions of sale and purchase, buying and selling gold with a dropship system has the following explanation. 1) A person who has a contract A person who has a contract in another party's transaction can also be called a person who has a contract as a guardian or representative who has the right and authority to carry out the sale transaction.[5] Dropshipper as a seller and at the same time fulfills the requirements of Islamic law to enter into sale and purchase agreements for suppliers and buyers. This can be determined because there are two or more people who make transactions, baligh and common sense. 2) contract, This dropship agreement is the same as buying and selling that is done by writing because there is an online conversation intermediary that is on social media and shopee applications. Judging from Islamic law, illegal dropship contracts are carried out with a sale and purchase agreement, because the buyer, dropshipper, and seller don't know each other. But if the dropship contract is carried out with a time, then this transaction is permissible in Islam because there is a representative from the supplier to the dropshipper to sell the goods he has and is done with another agreement for the benefits to be obtained by the dropshipper. 3) contract object, Judging from the object of buying and selling gold dropship, it can be seen that this gold has the criteria described in the shopee application for the buyer. This criteria is taken by the dropshipper to publish their own social media. But the buyer only knows that the goods are not real. Moreover, the object of this dropship is gold which gets special treatment in its transactions. So that this requirement has not been fulfilled in this gold dropship transaction. 4) The exchange value of substitute goods. The exchange value of substitute goods consists of several terms, namely store of value, unit of account, medium of exchange. These gold pillars and dropship terms have exchange rates for substitute goods, because gold is an object of sale and purchase that has value. So in the case of Islamic law the gold requirement as an object of sale and purchase is legal, it's just that the implementation of buying and selling with this dropship system is invalid because the object and contract terms are not fulfilled.

From the results of interviews conducted also can be seen that the contract is a sale and purchase where the dropshipper provides cash to the owner of the goods to get the desired item. Then, the ownership requirements are not fulfilled in this transaction, because ownership of the goods obtained by the dropshipper is unclear because no goods are purchased and sent directly to the buyer. These conditions are shihhah conditions, which must avoid defects in a transaction, namely obscurity, coercion, time limits, risk or speculation, losses, and other conditions that can cancel the transaction. If the sale and purchase transaction has been protected from the above defects, then the transaction can be declared sharia law.[6] The fact is that the dropshipper buyer does not know that the dropshipper does not have the goods. Researchers who are buyers at first did not know that Mukhlis Nasution was a dropshipper. Dropshipper acknowledges that the buyer does not know that he is a dropshipper. This was confirmed by the informant when the researcher asked "do the other buyers of the father not know that the father is a dropshipper?", He replied "No."

It's not only buyers who don't know that the gold they get is the result of a dropship transaction. The expedition in the shopee application also did not know that the items sent by them were gold. This was stated by the dropshipper as a interviewers. "*Pada dasarnya, semua*

[5] Siswadi. "Jual Beli Dalam Perspektif Islam". *Jurnal Ummul Qura*, 2, 2013, 63.

[6] Wahbah Zuhaili, *Fiqih Islam Wa Adillatuhu*. Jilid 5. Damaskus: Daar Fikr, 2007, 55.

ekspedisi yang tersedia di shopee tidak menerima pengiriman emas, karena pengiriman emas harus khusus , jadi setiap pengiriman emas, keterangan pada pengiriman bukan emas, tapi aksesoris."[7]

The Opinion Of Indonesian Ulama Council (MUI) Of North Sumatra Province Of Gold Dropship In Shopee Application

Drosphip in general is a new method of buying and selling carried out by the public using the internet system as the main means of marketing. This dropship transaction is carried out without the ownership of the whole item by the dropshipper, does not require a large capital, has a high level of profit. As explained above, that gold is one of the objects of sale and purchase transactions with a dropship system that is widely applicable between dropshippers and online goods owners in various marketplaces, one of which is the shopee application. This phenomenon is not in accordance with the teachings of the Islamic religion which requires the online transaction of buying gold with caution because it contains elements of usury. So the researcher conducted an interview with the Indonesian Ulema Council of North Sumatra Province as an institution trusted by Indonesian Muslims to obtain laws that are in accordance with the sources of Islamic law namely, al-quran, hadith, ijma 'ulama before and other sources. Some Ulama are of the opinion about the law of gold dropship transactions in the shopee application with some differences, the Opinions are as follows.

Ahmad Sanusi Luqman's opinion as chairman of the fatwa commission in the North Sumatra Indonesian Ulema Council. Buying and selling online is buying and selling that is done because of the times. According to a paper published by the Indonesian Ulema Council that buying and selling online can be done as long as he does not sell items that are prohibited in Islam, such as liquor. Referring to the types of buying and selling in Islam, buying and selling online can be matched with buying and selling greetings because it requires an order in advance to get the items the buyer wants. The opinion of M. Amar Adly as the secretary of the fatwa commission in the North Sumatra Indonesian Ulema Council. Making a gold dropship object in this study, get a different perspective from the speakers. According to him, gold is an item that has special treatment in its conditions. According to M. Amar Adly gold cannot be sold in excessive amounts and may not be sold with a grace period. The sale of gold must be carried out in cash and face to face.[8]

According to Tjek Tanti as a member of the fatwa commission in the Ulama Council in the field of muamalah, the gold that will be sold is not yet owned. If this transaction is still carried out it will be prone to losses for one party, so that the sale and purchase that occurs is not in accordance with Islamic las. Payments are made in cash. As is well known that gold is goods that contain usury will be dangerous if the sale is done with a dropship transaction, because the dropshipper is not known by the owner of the goods as well as buyers who do not know the owner of the gold.[9] From Ubadah bin Shamit radhiallahu'anhu, that the Prophet Shallallahu'alaihi Wasallam said:[10]

[7] Interview with Mukhlis Nasution, February, 20th, 2020

[8] M. Amar Adly, interview, (September, 5th 2019)

[9] Tjek Tanti, interview, (September, 5th 2019)

[10] Muslim Ibn al-Hajaj, *Shahih Muslim*, Juz 3, (Beirut: Dar Ihya at-Turats al-Arabi, 1988), 1211.

الذَّهبُ بالذَّهبِ . والفضَّةُ بالفِضَّةِ . والبُرُّ بالبُرِّ . والشعِيرُ بالشعِيرِ . والتمْرُ بالتمْرِ . والمِلحُ بالمِلحِ . مِثْلًا بِمِثْلٍ .

سوَاءً بِسَواءٍ . يدًا بِيَدٍ . فإذَا اخْتَلَفَت هذهِ الأصْنَافُ ، فبيعوا كيفَ شئْتُمْ ، إذَا كانَ يدًا بِيَدٍ

"*gold with gold, silver with silver, burr with burr, poetry with poetry, tamr with tamr, salt with salt, the levels must be similar and equal, must be from hand to hand (in cash). If the types are different, then sell as you like, as long as it is done hand-in-hand (cash) "*(HR. Al Bukhari, Muslim no. 1587, and this is Muslim lafadz).

Gold dropship transactions in the shopee application should not be carried out by the perpetrators of buying and selling because of the reasons for the occurrence of usury. This is because gold which is a ribawi amwal and its sales are not arbitrary. Moreover, the gold that will be sold does not appear to be in its original form by the dropshipper and is sent directly to the buyer without first being received by the dropshipper. If this continues, it will cause harm to the parties to the transaction, so there is no validity of the sale and purchase in accordance with muamalah fiqh which states that in the sale and purchase transaction must be mutually beneficial or mutually beneficial.

Conclusion

Based on the pillars and conditions of sale and purchase in Islam the gold dropship mechanism in the shopee application is not legally valid, there is the ignorance of the buyer of the goods he will have. In addition, the owner of the item also does not have a special agreement with the dropshipper only limited to purchases and sales which changes the sender's name to the dropshipper's name and the recipient's name as the buyer's name by activating the automatic features provided by the shopee application. The Ulema in the Indonesian Ulema Council of North Sumatra Province also agreed that the gold practice was forbidden. The reason for the resource person is that a sale and purchase is not valid if the object of sale and purchase has not been legally owned by the seller. The object of this dropship transaction is gold which is a ribawi amwal and must be sold carefully, namely in cash and in person.

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