

Why is PayLater Scheme via E-commerce Prohibited in Islam? Islamic Law Overview

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ABSTRACT

Keywords:
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The internet has now been used as a medium for Online shopping; one of the media for Online shopping is e-commerce. Currently, a delayed payment system (debt) called PayLater has been implemented in e-commerce. The purpose of this study is to find out how the usage of PayLater in e-commerce is based on the perspective of Islamic law. This type of research is qualitative. Data collection methods used are library research, observation, and interviews. This study uses descriptive data analysis techniques, namely analyzing a phenomenon or social reality, by describing variables that are concerned with the problem and unit being studied and analyzed descriptively qualitatively using an inductive thinking approach, namely a way of thinking that departs from facts, events that occur. Then from the specific and concrete facts, generalizations that have a general nature are drawn. The results of the study prove that the law of buying and selling online according to Islamic law is valid as long as it does not contain haram elements and the goods being traded are halal. However, the practice of PayLater loans is not in accordance with Islamic law because there is an element of usury contained in it.

1. INTRODUCTION

Developments in Science and Technology are quite significant. Developments in digital technology have made human life easier and more efficient. The results of technological products are means of transportation, electronic devices, communication tools, and others. At this time, the internet has been used for various purposes to facilitate human activities worldwide without needing to meet physically.¹ The development of the internet also has a very significant impact on various aspects of life in the digital era.²

¹ Anastasia. Diana, *Mengenal E-commerce*, Andi (Yogyakarta, n.d.).

² Sarah Safira Aulianisa, "Konsep Dan Perbandingan Buy Now, Pay Later Dengan Kredit Perbankan Di Indonesia: Sebuah Keniscayaan Di Era Digital Dan Teknologi," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 9, no. 2 (August 2020): 183, <https://doi.org/10.33331/rechtsvinding.v9i2.444>.

Only by using gadgets or other electronic devices can the internet be used for various activities in exploring the world through the internet. Internet technology used for business activities is known as electronic commerce or more popularly called e-commerce.³

Buying and selling in Islam is a process of exchanging property or a lawful (benefit/service) that can be exchanged for other things, either similar to goods or services. In online buying and selling or buying and selling is carried out through e-commerce, namely the process of buying and selling by exchanging products, services, and information via the internet.⁴ Buying and selling that is done conventionally is a way of trading between sellers and buyers meeting directly. The object that can be sold is near the buyer. However, in the online buying and selling system, buyers and sellers do not meet in person, and the object of the goods being traded is only in the form of photos or videos and writes a description that explains the specifications of the goods.⁵

Online buying and selling activities that are increasingly popular among the public have motivated the emergence of new innovations in payment methods for buying and selling online, for example, PayLater. PayLater can be used in various e-commerce sites to make shopping easier and to pay for various needs.⁶

Financial facilities used in e-commerce have become a trend among millennials. Many fintech platforms from applications are intensively using and promoting the PayLater feature, which offers convenience in payments using credit facilities without having to use a credit card but has similar benefits.⁷ The credit system provides loans to consumers to process payment transactions for goods or products purchased by consumers; then, consumers will pay them every month before maturity, or in other words, consumers owe the e-commerce they use.⁸

Doing business is an activity that is recommended in Islam. According to Hadith, Rasulullah SAW stated that 9 out of 10 doors of sustenance are through trading,⁹ This means, through trading, the doors of sustenance will be opened so that the bounty of Allah

³ Republik Indonesia, "Al-Qur'an Dan Terjemahannya," *Departemen Agama*, n.d.

⁴ Dafiqah Hasanah, Mulyadi Kosim, and Suyud Arif, "Konsep Khiyar Pada Jual Beli Pre Order Online Shop Dalam Perspektif Hukum Islam," *IQTISHODUNA: Jurnal Ekonomi Islam* 8, no. 2 (October 2019): 249–60, <https://doi.org/10.36835/IQTISHODUNA.V8I2.426>.

⁵ Muhammad Khisom, "Akad Jual Beli Online Dalam Perspektif Hukum Islam Dan Hukum Positif," *Turatsuna : Jurnal Keislaman Dan Pendidikan* 1, no. 1 (February 2019): 59–67.

⁶ Iin Emy Prastiwi and Tira Nur Fitria, "Konsep PayLater Online Shopping Dalam Pandangan Ekonomi Islam," *Jurnal Ilmiah Ekonomi Islam* 7, no. 1 (March 17, 2021): 425, <https://doi.org/10.29040/jiei.v7i1.1458>.

⁷ Prastiwi and Fitria.

⁸ Eri Cahyadi Okta, "Pandangan Hukum Islam Terhadap Tunda Bayar (PayLater) Dalam Transaksi E-commerce Pada Aplikasi Shopee," February 23, 2021, 49, <https://dspace.uii.ac.id/handle/123456789/29978>.

⁹ Desy Safira and Alif Ilham Akbar Fatriansyah, "Bisnis Jual Beli Online Dalam Perspektif Islam," *Al Yasini : Jurnal Keislaman, Sosial, Hukum Dan Pendidikan* 5, no. 1 (May 2020): 57–68, <https://doi.org/10.15642/AL>.

emanates from it. According to QS. al-Baqarah: 275 which means "...Even though Allah has permitted buying and selling and forbids usury..."¹⁰ So, in this case, buying and selling are permissible, provided that it is done correctly in accordance with the guidance of Islamic teachings. Therefore, this study will discuss how to review Islamic law regarding the practice of using PayLater schemes in e-commerce.

2. RESEARCH METHOD

The method used in this study is a qualitative method, using a normative descriptive approach. Normative descriptive is an approach method used to assist in describing the situation or nature that is used as an object in research by linking norms, applicable legal rules or the normative side to find the truth based on the logic of legal scholarship in general, namely Islamic law and especially sharia economic law.¹¹

The data collection method in this study uses the library (Library research), observation (observation). Literature is research that looks for data obtained from literature sources, such as books, laws, fiqh books, journals, encyclopedias, the internet, and other written works related to the implementation of research.¹² Observation is an activity of observing an object in the field by systematically observing various symptoms found; sources of informants from observations include place and space, actors, actions, events, activities, time, and feelings.¹³

3. RESULTS AND DISCUSSION

3.1. Buying and Selling in Islam

Buying and selling in Arabic are called al-Bay', which means selling, exchanging, and replacing (one thing with another). In Arabic, the word al-Bay' is usually interpreted as the meaning of its opposite, namely the word ash-Syira' (buy). So the word al-Bay' has the meaning of "selling" as well as having the meaning of "buying." Buying and selling in Islamic fiqh have been widely discussed by fiqh scholars so that in some literature, a discussion of al-Bay' can be found.¹⁴ Imam al-Hisni, in his book *Kifāyatul Akhyar*, said that al-Bay' in Arabic is to give something and replace it with something comparable.¹⁵ It

¹⁰ QS. Al - Baqarah: 275.

¹¹ Cik Hasan Bisri, *Metode Penelitian Fiqh Jilid I* (Bogor: Prenada Media, 2003).

¹² Zed Mustika, *Metode Penelitian Kepustakaan*, ed. Yayasan Obor and Nasional (Jakarta, 2004).

¹³ Mardawani, *Praktis Penelitian Kualitatif Teori Dasar Dan Analisis Data Dalam Perspektif Kualitatif* (Deepublish, 2020).

¹⁴ Abdul Aziz Dahlan, *Ensiklopedia Hukum Islam, Jilid 3* (Jakarta: PT. Ichtiar Baru Van Hoeve, 1996).

¹⁵ Imam Taqiyuddin Abu Bakar Al-Husaini, *Kifayatul Akhyar, Jilid 2* (Surabaya: PT. Bima Ilmu Offset, 1997).

can be a medium of exchange that is comparable to the goods that customers want to buy.¹⁶

While buying and selling, according to Burgelik Wetboek (BW), is a reciprocal agreement in which one party (the seller) gives ownership rights to an item, and the other party (the buyer) will pay the price in the form of money in return for the transfer of property rights. Article 1458 BW states, "The sale and purchase are deemed to have taken place between the two parties as soon as they reach an agreement on the goods and the price, even though the goods have not been delivered or the price has not been paid."¹⁷

The terms of buying and selling are 1) exchanging goods for goods or goods for money by relinquishing ownership rights from one to another on the basis of mutual consent, 2) according to Sheikh Muhammad ibn Qasim al Ghazi "according to syara, the most appropriate understanding of buying and selling is to have a property (money) by replacing something on the basis of syara's permission, just having the benefits that are allowed by syara forever, so it must be through payment in the form of money, 3) there are some scholars who give the meaning of buying and selling (business), including: scholars Hanafiyya; buying and selling is the exchange of property with property (objects) based on a special way (which is allowed) by syara and has been agreed upon, according to Imam An Nawawi in al majmu 'said; buying and selling is the exchange of property with property for ownership, exchanging goods for goods or goods for money by releasing property rights on the basis of mutual consent.¹⁸

The basis of Islamic law regarding buying and selling comes from the Qur'an and Hadith, as mentioned in the letter al Baqarah verse 275; states that Allah has justified the act of buying and selling to his servants properly and forbids the practice of buying and selling that contains usury. In the Qur'an Surah An Nisa ': 29; Al Baqarah: 275; Al Baqarah: 282, Allah has strictly forbade his Muslim servants to eat other people's property by vanity, such as by stealing, corruption, cheating, extortion and in ways that are not justified by Allah, except by buying and selling or a trade which is authorized by Allah. based on consensual (Ridha) and mutual benefit.

The Prophet SAW said in his hadith narrated by Imam Bazzar: From Rif'ah ibn Rafi, what is the best effort? Rasulullah SAW replied: "A person's business with his own hands and every sale and purchase that is mabrur (honest)".¹⁹ The hadith is clear that the practice of buying and selling in Islam is permissible or permissible, on condition that it

¹⁶ Muchammad Ichsan, "Konsep Uang Dalam Perspektif Ekonomi Islam," *Profetika: Jurnal Studi Islam* 21, no. 1 (July 2020): 27–38, <https://doi.org/10.23917/profetika.v21i1.11646>.

¹⁷ Departemen Pendidikan Nasional, *Kamus Besar Bahasa Indonesia Pusat Bahasa, Edisi IV* (Jakarta: PT Gramedia Pustaka, 2008).

¹⁸ Transaksi Jual et al., "Transaksi Jual Beli Online Dalam Perspektif Syariah Madzhab Asy-Syafi'i," n.d.

¹⁹ Shobirin, "Jual Beli Dalam Pandangan Islam," *BISNIS: Jurnal Bisnis Dan Manajemen Islam* 3, no. 2 (2016): 239, <https://doi.org/10.21043/bisnis.v3i2.1494>.

must be mutually pleased and mutually beneficial and in accordance with sharia, not just a sale and purchase that only benefits one party or only thinks about the benefits of the world without being guided by sharia.

3.2. PayLater

PayLater is a feature of payment methods with installments or credit without using a credit card.²⁰ PayLater makes it easy for users to make payments in the future up to a predetermined maturity; PayLater is also often interpreted as "buy now, pay later." The payment method in the PayLater system is a bailout from an e-commerce application; then, the user pays the amount of money that has been lent from the application.²¹ Which is a financial facility that makes it easy for consumers to shop.

The emergence of the internet is growing, so it motivates the creation of e-commerce. E-commerce was first introduced in 1994, which is used to promote a business to the public electronically and become a means of buying and selling transactions, transactions of goods or services, and transferring funds through the internet network.²²

This is also what motivates the presence of PayLater, which carries the slogan "buy now, pay later." Consumers are quite interested in the slogan and eventually become PayLater users. In the digital era, the convenience offered in using PayLater is quite good; the PayLater feature is now widely available on various e-commerce platforms and online travel agents, including Shopee, Gojek, Traveloka, Tiket.com, Akulaku, and Tokopedia applications.²³ The features in PayLater have also been supervised by the Financial Services Authority (OJK), which means it provides a sense of security in making transactions.²⁴

²⁰ Prastiwi and Fitria, "Konsep PayLater Online Shopping Dalam Pandangan Ekonomi Islam."

²¹ Ah Khairul Wafa, "Tinjauan Hukum Ekonomi Syariah Terhadap Shopee Pay Later," *J-HES: Jurnal Hukum Ekonomi Syariah* 4, no. 1 (June 2020): 16–30, <https://doi.org/10.26618/J-HES.V4I01.3588>.

²² F D W Damayanti and C Canggih, "Pengaruh Penggunaan Pembayaran Shopeepay Later Terhadap Perilaku Konsumsi Islam Generasi Milenial Di Surabaya," *Jurnal Ilmiah Ekonomi Islam* 7, no. 03 (October 1905): 1880–88, <https://doi.org/10.29040/JIEI.V7I3.2872>.

²³ Revan EB Hardhika and Miftakhul Anam Huda, "Pengalaman Pengguna Paylater Mahasiswa Di Surabaya," *Commercium* 4 (2021): 19–32; Wira Gagah Satria and Mas Anienda, "Asas Itikad Baik Dalam Perjanjian Melalui Fitur Paylater Aplikasi Gojek," *Media Keadilan: Jurnal Ilmu Hukum* 12, no. 2 (November 2021): 216–32, <https://doi.org/10.31764/JMK.V12I2.6210>.

²⁴ Yenni Batubara, "Fitur Transaksi Platform Gojek: Paylater Dalam Tinjauan Hukum Islam Dan Fatwa No. 116/DSN-MUI/IIX/2017 Tentang Uang Elektronik Syariah," *El-Mashlahah* 11, no. 1 (2021): 60–77, <https://doi.org/10.23971/elma.v11i1.2626>.

3.3. PayLater Payment System

3.3.1. Common Schematic

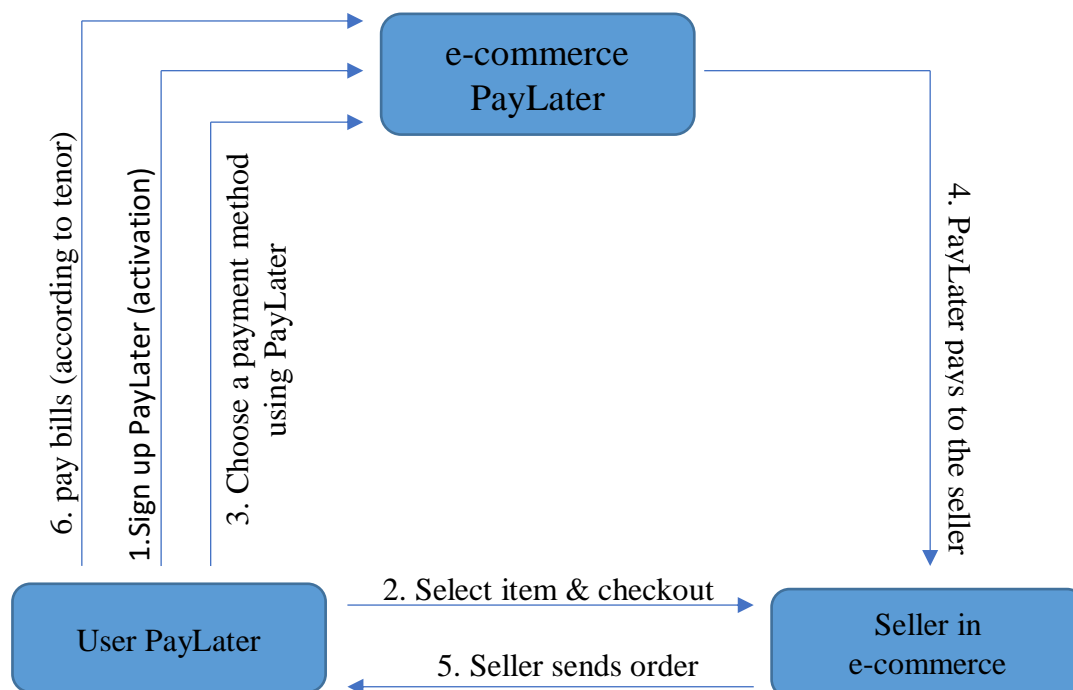


Figure 1. PayLater Payment System

The stages in **Figure 1** are as follows: 1) Register a PayLater account according to the e-commerce used, namely filling in your identity according to your Identity Card (KTP), occupation, income, and so on. After that, you will be given an OTP code via SMS or WhatsApp; 2) Select the desired item in the e-commerce store, then check out the purchased item along with filling in the residential address to which the item will be sent; 3) Select payment using PayLater as the payment method, select the desired tenor, then confirm and place an order; 4) Payment will be automatically confirmed, and the seller will get an order notification; 5) The seller sends the goods according to the order address; 6) PayLater users are required to pay bills according to the selected tenor, firstly buy now or pay later, second 2x installments every two months, third installments 3x every three months and at the same time choose the billing date for payment due.

In the PayLater scheme above, this application is already found in fintech applications, especially e-commerce, whether they have their own fintech or collaborate with third parties just as Shopee has its own fintech so that it becomes Shopeepaylater, as well as the Tokopedia application that collaborates with third parties, namely with ovoPayLter, GopayLater, Kredivo, Indodana and so on.

The concept of using PayLater in various fintech and e-commerce, in general, has similarities, the only difference being the percentage of interest offered to users. Like Ovo PayLater, which offers 0% interest for the first three months of installments, after that, more than three months will be charged an interest of around 2.9%, in contrast to

shopeePayLater, which gives 2.95% interest from the beginning every month—quoting from the results of interviews conducted with several respondents regarding the convenience and benefits of using PayLater. In principle, Shopee PayLater is easier and more profitable because the first is seen from the given limit, namely if the OVO PayLater is only Rp. 500,000 per month and is subject to a higher handling fee, in contrast to Shopee PayLater, which provides different limits according to work and how often to make transactions on the Shopee application. Shopee paylater provides a limit of up to Rp. 20,000,000 and lower handling fees or only 1% per transaction. From this statement, it can be seen that in the digital era, ease of access and maximum benefits are preferred and preferred by the community.²⁵

3.3.2. *PayLater Bill Payment*

PayLater bill payments are given the certainty of maturity, which will be taken to pay bills no later than the 5th, 11th, or 25th of the following month according to the due date. After making a payment with PayLater, the user will then get billing details on each due date (5, 11, 25) each month and must make a payment before that date. Payments using the PayLater method will be subject to a handling fee of 1% for each transaction or according to the policies of separate e-commerce. In addition to handling fees, there is also a fine of 5% of the total bill on PayLater if the user is late in paying the bill, and the user cannot make a purchase (checkout) using the PayLater payment method as long as the previous bill has not been paid.²⁶

For example, the ShopeePayLater bill payment method has three payment variants, namely in one month without interest, in two months with 2.95% interest, or in three months with 2.95% interest. Three payment options can be selected by the user at the beginning before checkout with the installment or settlement details listed.²⁷

3.4. Online Shopping in Islamic Law Perspective

Buying and selling is an activity of exchanging assets based on an agreement between the seller and the buyer.²⁸ Where the seller gives ownership rights to the buyer, then the buyer provides a price in return for the transfer of the property rights.²⁹ While

²⁵ Lita Limpo, "Effect of Trust and Easy on Decision Online Purchase toward Special Fashion Products," *International Journal of Science and Research* 6 (2015): 2319–7064, <https://doi.org/10.21275/ART20177118>.

²⁶ Aulianisa, "Konsep Dan Perbandingan Buy Now, Pay Later Dengan Kredit Perbankan Di Indonesia: Sebuah Keniscayaan Di Era Digital Dan Teknologi."

²⁷ Damayanti and Canggih, "Pengaruh Penggunaan Pembayaran Shopee pay Later Terhadap Perilaku Konsumsi Islam Generasi Milenial Di Surabaya."

²⁸ Shobirin Shobirin, "Jual Beli Dalam Pandangan Islam," *BISNIS: Jurnal Bisnis Dan Manajemen Islam* 3, no. 2 (2016): 239, <https://doi.org/10.21043/bisnis.v3i2.1494>.

²⁹ Zainuddin Ali, *Hukum Ekonomi Syariah, Humanomics*, revisi, vol. 30 (Jakarta: Mahkamah Agung, 2014); Tira Nur Fitria, "Bisnis Jual Beli Online (Online Shop) Dalam Hukum Islam Dan Hukum Negara," *Jurnal Ilmiah Ekonomi Islam* 3, no. 01 (March 2017): 52, <https://doi.org/10.29040/jiei.v3i01.99>; Padian Adi Salamat Siregar, "Keabsahan Akad Jual Beli Melalui Internet Ditinjau Dari Hukum Islam," *EduTech* 5, no. 1 (February 2019): 57–65, <https://doi.org/10.30596/EDUTECH.V5I1.2762>.

the understanding of online buying and selling is an agreed contract with the determination of certain characteristics through payments made first and goods delivered later. The buying and selling process carried out when viewed through fiqh muamalah is a sale and purchase with a salam contract.³⁰

The condition for buying and selling online is that the perpetrators who make transactions are mumayyiz and reasonable, which means that the perpetrators of buying and selling online can operate gadgets as a means of buying and selling online.³¹ Although in online buying and selling, the seller and the buyer do not meet in person, they have made an agreement through the internet, and both agreed, thus causing a buying and selling transaction process to occur.³²

In online buying and selling, the seller and the buyer are both in one assembly, which is called the social media assembly.³³ Sellers and buyers are not physically in the same place, or even transactions are carried out in different countries, but the time or period used to transact is the same. The statement of consent and qabul in online buying and selling is the same as conventional buying and selling in accordance with Islamic law. Goods that are used as objects for online buying and selling transactions depend on offers from sellers and orders from buyers regarding the type and specifications of the goods. In online buying and selling transactions, the goods traded are in the form of digital and non-digital goods, as well as payments using electronic money (fintech).³⁴ Digital goods such as electronic newspapers, online magazines, digital libraries, ebooks, and others can be directly delivered to buyers through internet media. Meanwhile, non-digital goods are sent through an expedition service in accordance with the agreement on the specifications of the goods and the place of delivery.

Objects that are used as goods in online buying and selling transactions are basically no different from objects in conventional buying and selling transactions that

³⁰ Akad Salam Dalam Transaksi Jual Beli and Saprida Sekolah Tinggi Ekonomi dan Bisnis Syariah Indo Global Mandiri Palembang, "Akad Salam Dalam Transaksi Jual Beli," *Mizan: Journal of Islamic Law* 4, no. 1 (June 2018): 121–30, <https://doi.org/10.32507/MIZAN.V4I1.177>; Khisom, "Akad Jual Beli Online Dalam Perspektif Hukum Islam Dan Hukum Positif."

³¹ Achmad Zurohman and Eka Rahayu, "Jual Beli Online Dalam Perspektif Islam," *Iqtishodiyah: Jurnal Ekonomi Dan Bisnis Islam* 5, no. 1 (January 2019), <https://doi.org/10.36835/iqtishodiyah.v5i1.87>; Munir Salim, "Jual Beli Secara Online Menurut Pandangan Hukum Islam," *Al Daulah: Jurnal Hukum Pidana Dan Ketatanegaraan* 6, no. 2 (December 2017): 371–86, <https://doi.org/10.24252/ad.v6i2.4890>.

³² Daharmi Astuti, "Persepsi Masyarakat Terhadap Akad Jual Beli Online Perspektif Ekonomi Syariah," *Syarikat: Jurnal Rumpun Ekonomi Syariah* 1, no. 1 (June 2018): 13–26, [https://doi.org/10.25299/SYARIKAT.2018.VOL1\(1\).2625](https://doi.org/10.25299/SYARIKAT.2018.VOL1(1).2625).

³³ Runto Hediananda and Ahmad Dasuki Aly, "Transaksi Jual Beli Online Perspektif Ekonomi Islam," *Al-Musthafa: Jurnal Penelitian Hukum Ekonomi Syariah* 3, no. 2 (2015): 41–53.

³⁴ Nur Rizki Febriandika and Fifi Hakimi, "Analisis Kesesuaian Syariah Electronic Money Pada Bank Penerbit Uang Elektronik Di Indonesia," *An-Nisbah: Jurnal Ekonomi Syariah* 07, no. 1 (2020): 212–49.

are in accordance with Islamic law,³⁵ as long as the object is lawful, useful and has a clear condition, and can be handed over at a time and place that has been agreed upon by both parties, it is considered valid according to Islamic law.³⁶ as long as the object is lawful, useful and has a clear condition, and can be handed over at a time and place that has been agreed upon by both parties, it is considered valid according to Islamic law.

3.5. PayLater Practice in The Perspective of Islamic Law

PayLater loans on Shopee, Tokopedia, Kredivo, and other applications, are the same as using electronic money. If the loan application is confirmed or approved, the loan is directly entered into the ShopeePay balance on the Shopee or OVO and GoPay applications on the Tokopedia application. The balance can then be used to make purchase transactions on e-commerce applications, but users cannot withdraw the balance into a bank account.

The PayLater bill payment method has many variants according to the e-commerce used; for example, in the Shopee application, there are three payment variants, namely in one month without interest, in two months with 2.95% interest, or in three months with 2.95% interest. Payments using the ShopeePayLater method are subject to a 1% handling fee for each transaction. In addition to handling fees, there is also a 5% penalty fee from PayLater if the user is late in paying the bill. Before the bill is paid off, the user cannot make a purchase (checkout) using the ShopeePayLater payment method. Not only the example of the Shopee PayLater payment method from e-commerce, in practice, it contains an element of usury because there is a handling fee of 1% for each transaction or according to each e-commerce policy and also the withdrawal of a fine of 5% if there is a delay in bill payments. In addition, if the user takes a loan period of two to three months, the interest of 2.95% is charged or according to the interest policy of each e-commerce.³⁷

Riba in Islam is prohibited because of the element of injustice,³⁸ even Rasulullah SAW cursed someone who eats usury property, usury giver and recorder, and two witnesses in the handover of usury.³⁹ The prohibition of usury has been stipulated in the

³⁵ M. A. Wati Suaiawati, "Jual Beli Dan Dalam Konteks Kekinian," *Jurnal Ekonomi Islam* 8, no. 2 (November 2017): 176–77; Syaifullah Syaifullah, "Etika Jual Beli Dalam Islam," *HUNafa: Jurnal Studia Islamika* 11, no. 2 (December 2014): 371, <https://doi.org/10.24239/jsi.v11i2.361.371-387>; Hadiana and Dasuki Aly, "Transaksi Jual Beli Online Perspektif Ekonomi Islam."

³⁶ Enang Hidayat, "Dampak Garar Terhadap Keabsahan Akad Muamalah Kontemporer," *Jurnal Syarikah : Jurnal Ekonomi Islam* 6, no. 2 (December 2020): 114, <https://doi.org/10.30997/jsei.v6i2.2147>.

³⁷ Miftahul Jannah and Ahmad Musadad, "Tinjauan Hukum Islam Terhadap Fitur Layanan Shoppe Paylater," *Kaffa : Jurnal Fakultas Keislaman* 2, no. 4 (December 2021): 41–55.

³⁸ Risanda Alirastra Budiantoro, Riesanda Najmi Sasmita, and Tika Widiastuti, "Sistem Ekonomi (Islam) Dan Pelarangan Riba Dalam Perspektif Historis," *Jurnal Ilmiah Ekonomi Islam* 4, no. 01 (March 2018): 1, <https://doi.org/10.29040/jiei.v4i1.138>; Harun, "Riba Menurut Pemikiran M. Quraish Shihab (Tela'ah Illat Hukum Larangan Riba Dalam Al-Qur'an)," *Suhuf* 27, no. 1 (July 2015): 38–59.

³⁹ Abdul Ghofur, "Konsep Riba Dalam Al-Qur'an," *Economica: Jurnal Ekonomi Islam* 7, no. 1 (May 2016): 1–26, <https://doi.org/10.21580/economica.2016.7.1.1030>; Fatkhul Wahab, "Riba: Transaksi

Qur'an and Hadith, namely: in QS al-Baqarah: 275-276 and from the Hadith narrated by Muslim which means: Rasulullah cursed those who eat usury, which gives usury, the author of usury transactions and the two witnesses of usury, they are all the same (sinful).⁴⁰ The practice of PayLater lending is indeed very easy for PayLater users to make purchases, but in Islamic law, it is clear that there is an element of usury in the process of using PayLater, so it is unlawful. Based on the explanation above, PayLater transactions are not in accordance with Islamic law because there is an element of usury contained in it; this is because the process of debts (Al-Qardh) in Islam must avoid usury and things that harm some parties.⁴¹

4. CONCLUSION

Based on the results of the research and discussion described above, it can be concluded that online buying and selling is included in muamalah activities; the law of origin of muamalah is al-ibaahah (permissible) as long as there is no evidence that forbids it. Buying and selling online in Islam is allowed as long as there are no elements that can damage a transaction. For example, there are elements of usury, tyranny, fraud, fraud, and goods being traded are forbidden in Islam such as pork, alcohol, drugs, and so on, and the terms and pillars of buying and selling must be fulfilled in Islamic law. Online transactions are permitted according to Islamic law based on the principles that exist in trading according to Islamic law. In addition, according to the agreement of scholars, buying and selling online is analogous to buying and selling through letters or intermediaries, which are considered valid as long as they are carried out on the basis of honesty and also the agreement and consensual principle of both parties.

The payment system using PayLater in e-commerce applications shows that the payment system is still contrary to Islamic law because the payment of loans on PayLater has elements that are contrary to sharia, namely the addition of money on the principal debt (interest or usury) and the procurement of other additional costs that burdensome.

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