



IMPLEMENTATION OF MASLAHAH IN MODERN BUSINESS PRACTICES

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Abstract

Islam is a religion that governs all aspects of life, including economics. The Islamic economy is an integral part of the teachings of Islam. All of his guidance and teachings aim to encourage all people to be safe both in this world and in the hereafter. In an increasingly advanced age, islamic teachings and guidance will still be relevant. Digitalization of business in the modern era, Islamic teachings should bring up a legal model in accordance with the principles of sharia economy. Keeping a modern business on the right path requires extra manpower for the culprit. Products sold, promotions, payment systems that do not violate religious prohibitions (riba, gharar, maysir and haram), become a new challenge for those who still maintain Maslahah. Nevertheless, the implementation of maslahah can continue to be maintained in accordance with the relevance of Islamic teachings in any era. Modern businesses (online businesses, Small Medium Enterprise, Startups) can continue to run profitable businesses, although it still maintains Islamic sharia as a foundation in the maslahah economy. But, the rampant practice of riba, illegal buying and selling, became a new problem for the establishment of the Islamic economy. Using studies to Islamic Entrepreneurs as a method of solving in order to stay upright maslahah can be the right choice.

Keywords: *Islamic Economy, Modern Business, Sharia Economy*

INTRODUCTION

Digital technology no longer requires much human power. But it's more about creating a system/tool that allows it to work automatically. In this case, it's the programming language used to create it, whether it's Java, Javascript, Kotlin, C, or something else.

In the modern era as it is today, the digitization of business becomes an important factor to continue to maintain the business in trade competition. The offline sector began to move to the online sector for ease of transactions and gaining many customers. Marketplace/e-commerce is the choice of Entrepreneurs in expanding their business to the online sector.

In Islam, buying and selling remotely using electronic devices like this is legal. However, it must meet some conditions first, namely that both parties have seen mabi' (goods sold) before the transaction, or have explained the nature and type, and have met the conditions and also the



other pillars of buying and selling. Here's the basis of legal retrieval that can be used as a reference.

Syarh al-Yaqut an-Nafis by Muhammad bin Ahmad al-Syatiri stated:

وَالْبُرْقِيَاتُ كَأَهْدِهَا وَسَانِلُوا أُمَّثَالَهَا مَعْتَمِدَةً الْيَوْمَ عَلَيْهَا الْعَمَوُ الْعِبْرَةُ فَبِالْعُقُودِ دَلِمَعَانِيهَا لِأَلْصُورِ الْأَلْفَاظِ وَعِنَّا لِنَبِيعُ الشِّرَاءِ بِوَاسِطَةِ التَّلْفِينِ وَالتَّكْسِيرِ
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What is taken into account in the contracts is the substantiation, not the form of its pronunciation. And buying and selling by phone, telecommunications and telegram and such have become the main alternatives and practiced.

In addition to the ease obtained from the digitization of business, many problems arise, such as contrary to Islamic law. It would tarnish the economy, and could have brought someone to the abyss of haram.

RESEARCH METHOD

This research method is done by quantitative research. This paradigm uses interpretive paradigm. This data collection technique is a preliminary survey to find *up to date* information. The stages of data analysis techniques are related activities and can take place in a fundamental manner until the final research results, which are holistic and terms of meaning, in the context of providing answers to the problems studied. This research aims to find out some things that are contrary to sharia principles in modern business, such as UMKM, digital businesses, and startups. In addition, this study also aims to convey the implementation of the economy, its benefits, and if harm if left behind.

DISCUSSION

1. PROBLEMS IN DIGITAL TRANSACTIONS

Unfortunately, ease in economic transactions can also cause many haram practices that can occur. The ease of a person to access many things, in addition to being able to easily connect to many people, can also cause many problems that are contrary to Islamic law.

The rise of *riba* is one of the main examples resulting from the digitization of this business. *Riba* is an additional acquisition of basic property or capital in vain, and haram. As Allah SWT said.

الْبَيْعُ لِلَّهِ وَأَحَلَّ الرَّبَا مِثْلُ الْبَيْعِ إِنَّمَا قَالُوا بِأَنَّهُمْ ذَلِكَ الْمَسِ مِنَ الشَّيْطَانِ يَتَخَبَّطُهُ الَّذِي يَقُومُ كَمَا إِلاَّ يَقُومُونَ لَا الرَّبَا يَأْكُلُونَ الَّذِينَ خَالِدُونَ فِيهَا هُمْ النَّارِ أَصْحَابُ فَأُولَئِكَ عَادَ وَمَنْ إِلَى وَأَمْرُهُ سَلَفَ مَا قَلَهُ فَاذْنَهُ رَّبِّهِ مِنْ مَوْعِظَةٍ جَاءَهُ فَمَنْ الرَّبَا وَحَرَّمَ .
ال: 275-276 ب قره أثيم كفار كل يحب لا والله الصدقات ويربي الربا لهال يمحق

“Those who consume riba cannot stand [on the Day of Resurrection] except as one stands who is being beaten by Satan into insanity. That is because they say, “Trade is [just] like riba.” But Allah has permitted trade and has forbidden riba. So whoever has received an admonition from

his Lord and desists may have what is past, and his affair rests with Allah . But whoever returns to [dealing in interest or riba] – those are the companions of the fire; they will abide eternally therein. Allah destroys riba and gives charities. And Allah does not like every sinning disbeliever.” (Qs. Al-Baqarah: 275-276).

Riba is also divided into four parts, of which 2 are usury in debts, and the other 2 are usury in trades.

A. Riba in Debt-Receiveable Transactions

1. **Riba Qardh:** The excess requested at the time of repayment by the debtor. For example PayLater that requires you to return the borrowed money along with a few percent interest.
2. **Riba Jahiliyah:** money paid when the borrower is unable to pay the debt within the specified period (default). For example, a person who borrows money to his friend of . million, with a maturity of 2 months. But the borrower can not pay off the debt in accordance with the period that has been set. Then the debtor gives leeway by giving another 3 months, with the condition of interest 5% from each month.

B. Riba in Transcation

1. **Riba Fadhl:** Exchange similar items for unsuitable or unbalanced levels, with the aim of obtaining protection. For example, a 24 ct gold ring weighing 8 grams is exchanged for 24 ct gold weighing 6 grams. 2 grams of 24 ct gold is an advantage, that includes riba.
2. **Riba Nasi'ah:** Riba that occurs due to the tempo in the trade. Riba can occur because of the transcation of two types of goods with suspension, whether it is payment or delivery of goods. For example, buy raw fruits that are still in the tree, then the fruits are handed over when the fruit is ripe. This is included in the riba nasi'ah because the fruits on the tree will not necessarily ripen as they should. It could be that the fruits are exposed to pests that make it fail to harvest.
3. **Riba Al Yad:** Riba al yad occurs in a trade or exchange transaction. The transaction occurs without any excess, but one of the parties leaves the contract before the delivery of the goods or prices.

This practice of riba is very prevalent in modern business activities that use digital technology as an intermediary in sales transactions. PayLater is one of the many examples of riba in trade transactions. PayLater works the same way as a credit card, but the difference is that PayLater is fully digital and has no physical form like a credit card.

3. HALAL-HARAM IN MODERN PROMOTION

Promotion is inseparable in the world of economics, including Islamic economics. In Islamic economics, the term promotion is called at-tarwijiج (ال ترويض), which means the efforts made by sellers / marketers to introduce their products to consumers and influence them to want to buy

them. The forms of promotion used are also various, some offer it door-to-door, or some make the form of promotion as attractive as possible so that many people are interested in buying it.

The original law of promotion in sharia is halal and mubah (permissible), as long as there is no evidence that can show its haraa. In addition, this promotional activity is also good, to introduce products to consumers by explaining their advantages and also the various benefits that consumers can get if they buy them.

Business digitization provides significant benefits for promotional systems. Sellers/marketers don't have to bother removing tens to hundreds of words from their mouths. Because the internet makes promotions can be done only with a writing or picture. But, this is also not separated from some problems that can be caused. For example, it seems that the promotional words are deceptive by exaggerating the sentences that make the promotion incompatible with reality. Another example is cryptic fraud by covering up the disgrace of products sold by tricking consumers with manipulative language. Examples of cases like this become easier to do with online transactions using electronic devices. Because, the buyer can not immediately see the actual cadaan of the product they will buy.

There are many evidences that prohibit these types of promotions. For example in Surah Al-Nisa verse 29.

... مِنْكُمْ تَرَاضٍ عَنِ تِجَارَةٍ تَكُونُ أَنْ إِلَّا بِالْبَاطِلِ بَيْنَكُمْ أَمْوَالِكُمْ تَأْكُلُوا لَا آمَنُوا الَّذِينَ أَيُّهَا يَا

“O believers, you should not usurp unjustly the wealth of each other, but trade by mutual consent; and do not destroy yourselves. God is merciful to you...”

In this verse, Allah SWT. Forbidden to him who eats wealth in a false way. It also includes people who do the wrong promotions in business. To know more about this, we can see a hadith below.

((مني في ليس غش من الناس، راطي الطعام في وق جعلته أف لا))

“Why do you not show them of such low quality that they may know? Anyone who likes to cheat then he is not my group.”

Rasulullah SAW. Prohibiting traders to cover up the disgrace of selling with the aim of deceiving. Examples include showing items of the highest quality above, and hiding low-quality ones below. This could certainly deceive consumers because what they see is good stuff, as well as not knowing about the items underneath.

The prohibition of promotion also occurs in various e-wallets that are now becoming increasingly popular. Basically, when refilling the e-wallet, the user does not immediately leave (wadi'ah) to the corresponding e-wallet. However, the user actually lends (qardhun) the money. Because, the e-wallet must use the money for other businesses that are more profitable. That's the

reason why users can get various attractive promos from the e-wallet. Please note that there is a difference between wa'diah and qardhum.

A. Qardhun (Lending)

Is the guaranteed refund, even if the borrowing party loses.

B. Wadi'ah (Custody)

Is the funds deposited with the mandate, if there is a loss that is not due to the deliberateness of the party quoted, then there is no compensation.

Is the funds deposited with the mandate, if there is a loss that is not due to the deliberateness of the party quoted, then there is no compensation.

3. UMKM AND STARTUP

UMKM (Small and Medium Micro Enterprises) is a business run by individuals or individual business entities. The difference with large businesses is from the total net worth and also the results of annual sales. Basically, there is nothing contrary to the economy masalahah in this type of business. It's just that external factors can be a very big problem.

Riba became the main player in this regard. Riba business loans that are tempting for UMKM are quite common. Banks and other financial lending institutions make it easier for small business owners to make loans. At least, there are 3 types of capital assistance that are the fruit of government programs.

- a. Micro enterprise sector of UMKM, there are 2 micro loan program schemes, they are KUR (Kredit Usaha Rakyat) and Kupedes (Kredit Usaha Pedesaan).
- b. The business sector engaged in medium retail, Medium Retail Loan, which consists of Kredit Modal Kerja (KMK) and Kredit Investasi (KI).
- c. For loan sector program, Kredit Pangan, Resi Gudang, dan Kredit Kemitraan.

For business sectors such as UMKM, the credit that can be submitted is KUR and Kupedes. For the conditions itself, there are several things that must be met.

- a. Have a productive business, decent, and at least have been actively running for at least 6 months.
- b. Not receiving any credit from banks, except for consumptive purposes, such as credit cards, mortgages, KKB, and others.
- c. Have a Business License.
- d. Have other supporting documents needed, such as KTP and Family Card.

The interest set for this credit is around 6% per annum. However, there are 2 different opinions that say that the flower is halal, and not usury. And there are also those who say that the interest is usury.

The position of the Business License in this case is not an asset (property) that is used as collateral in the loan, but is just a proof that shows that the business owner actually owns the business with the evidence. As a result, the credit provided by banks is really guaranteed with business activities (dlaman al-dain bi al-nafsi). Indirectly, this agreement also includes kafalah bi

al-nafsi agreement. In addition, there are also other supporting documents that are only as an amplifier of the borrower's identity, and not as a guarantee.

A startup or startup is a company that has not been established for a long time. The company is usually still in the development phase and looking for the right market. According to Salamzadeh and Kawamorita (2015) there are common challenges that startups usually experience, one of which is finance. Finance is part of the Integration process, where every Startup will face financial problems. This is due to several reasons and in different stages.

To solve this financial problem, usually Startup seeks funding from venture capital. Venture Capital is financing in the form of giving capital into a startup company, small, to medium. Usually, this investment is made in the form of cash capital and exchanged for a number of shares in the related company. The basic law of venture capital is basically the same as the sale and purchase of shares of the company, where the venture capital parties as the financiers, and the company as the beneficiaries of capital. This is not a problem in sharia economy.

4. IMPLEMENTATION OF MASLAHAH IN THE COUNTRY & SOCIETY

The economy plays a very important role in achieving benefits and avoiding harm in business activities. The presence of sharia banking and financial institutions is also based on *maslahah*.

An economy that applies of *riba* has created a chaotic financial system. Where the people who give debts continue to be above oppressing those who are in debt. And as a result, the people below become difficult to escape the debt trap, because of the additional money to be paid which is interest. Ali Sakti (2007: 230) revealed that *riba* makes the world's financial system limp, poor and developing countries must continue to rely financially on more developed countries. The nature of pre-determined returns on interest will make capital holders more likely to use their money as a tool to generate income through the financial sector rather than profit through productive activities in the real sector.

A. The concept of *maslahah* on market mechanisms with price intervention.

According to the concept of *maslahah*, Islamic governments need to intervene (intervene) to the price, when certain situations and conditions occur. For example, when people's needs are threatened, there are trade monopolies, boycotts, and others. The purpose of this is to prevent fraud and injustice in the ongoing economic system in society to realize the benefits.

B. The concept of *maslahah* in the management of zakat to prosper the people

In Indonesia, zakat management is regulated in Law No.23 of 2011 on zakat management. Usually, zakat given to the recipient of zakat (*mustahik*) is in the form of consumer zakat to meet daily needs. But, consumer zakat like this is only useful for some time, and not for the long term. Therefore, it is necessary to distribute productive zakat for business owners, especially micro and small businesses such as UMKM, as a solution to keep *riba* away from the business environment. Zakat like this can be done in many ways, not only by giving capital. Examples include business training, providing business tools, and others.

A. The concept of *maslahah* on banking and sharia financial services.

Sharia banking is a form of embodiment of economic solutions masalah. Conventional banking systems tend to conduct financial activities that are contrary to Islamic law. In addition, the birth of other financial services from the digital revolution such as online lending and PayLater, is a new challenge for those who remain firmly in the Islamic economy.

For example in a credit scheme, the credit scheme in sharia banks is a murabahah lil amir bisy-syira' or "murabahah" agreement. DSN-MUI has issued a fatwa allowing this murabahah agreement. Here are the differences in credit schemes from conventional banks and sharia banks.

1. *Conventional Bank*

A customer wants to buy a house for 1 billion. Then he went to a conventional bank to apply for a loan. The bank approved it by requiring people to return the money for three years including at 5% interest per year. Then the total money that must be returned by the person is 1.15 billion. The money of 0.15 billion or Rp150 million is riba.

2. *Sharia Bank*

A customer wants to buy a house for 1 billion rupiah. Then he went to the bank to express his wishes. After that, the bank bought the house for 1 billion and offered it to the person for 1.15 billion by paid for 3 years. In addition, the bank and the person who bought the house have agreed that there is no fine despite late payment. The excess money of Rp.150 millions earned by the bank is not riba. Because the money is the result of the profit from the sale of the house to the customer.

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The digitization of business will not be separated from sharia law. Because sharia law will remain relevant following the development of the times. Maintaining the benefit in business activities is very important to do. This can benefit many people and avoid harm. Paying attention to sharia law in business activities is very important. Whether it is a source of capital, products sold, a promotional system, or a way of selling, they should not be contrary to Islamic law. Although it is quite difficult, but there will always be another better way, not benefiting one party alone, and not harming the other parties.

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