**Conference Paper** 

# Dropship System on Marketplaces According to The Fatwa of The National Sharia Council (DSN) (Case Study on Slave Second's Instagram Online Store)

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#### ABSTRACT

The existence of technological advances that continues to develop is used as an opportunity by many people to innovate, one of which is as a means of buying and selling online. In Indonesia, the online buying and selling business is growing every year, especially during the current pandemic. There are so many types or systems of buying and selling online that can be done to increase income, one of which is buying and selling online with the dropship system implemented by the Second Slave online shop. In practice, the Second Slave online store is only a liaison between buyers and suppliers. So that to run their business the Second Slave does not require capital. The focus in this study is how to implement dropship according to the fatwa of the National Sharia Council (DSN) in the online store Instagram Budak Second. In this study used a qualitative research approach. The data in this study consisted of two types, namely primary data and secondary data. Based on the results of the study, it is known that the buying and selling transactions that take place at the online shop of Budak Second do not deviate from the provisions of the terms of sale and purchase according to the DSN fatwa ranging from provisions regarding goods to provisions regarding goods. The form of the transaction in question is such as the goods being sold, the specifications can be explained, the payment is made after the contract has been agreed and is not in the form of debt relief, the time and place of delivery of the goods is determined according to the agreement of both parties, the payment is by cash or electronically, and the transactions carried out do not contain gharar element Keywords: Buying And Seeling, Dropshipping, DSN Fatwa

## Introduction

Man as a sausage creature could not have lived without the intervention of his fellow human beings. Allah Almighty has determined that human nature lives with the dependence of other humans, the basic thing to meet human needs can be done by exchanging goods and transkasi buying and selling. Buying and selling according to Islam is an exchange transaction that has an impact on the unauthorized transfer of ownership of *taqabbudh* if it is not done with the right contract, it can be done orally, speech or deed. (Ani Nuraeni 2020) Social conditions changed completely when the pandemic came, all human activities were based online. (Fauziyyah 2019), covid-19 has made online businesses, one of which is dropshipping, the right choice, because people can choose goods and prices from afar. (Rahmadi Indah Tektona 2021), (Idris 2021). Although *dropshipping* is a contemporary thing in buying and selling, this model in principle still should not violate the rules in Islam, (Khulwah 2019), (Fadhillah and Alamin 2021), one of which must avoid *gharar*, usury and practices that can harm both parties. (Nor Azah Jahari 2016), (Khairani and Arfan 2017).

Habib stated that buying and selling the dropship model allows using samsarah, salam, akad wakalah bil ujrah and murabahah. (Masyhudi 2020). Irwan revealed that the dropshipping system is allowed, as long as there are no prohibited items (Cahyadi 2018). Different from erwandi who revealed that, *dropshipping* based on the arguments that *ma'ruf* is haram. For dropshipping usury goods, it is forbidden because of the *usury rice'ah*. Meanwhile, non-usury goods are forbidden because they violate the hadith of the prophet as narrated by Hakim

bin Hizam radhiyallahu 'anhu about the prohibition of selling goods that are not yet owned, and the haram is selling goods that have not been received. (Tarmizi, Muhammad, and Hamzah 2021).

In selling with *a dropshipping* system , there is a uniqueness where sellers can receive profits without having to own the goods first. (Fauzia 2015), (Parmujianto 2019), (Ani Nuraeni 2020) This is because the seller does not have to have goods to sell, the seller simply brings the buyer to his stall until the buyer transfers money with the amount that has been set by the seller. (Qurbani et al. 2020). On the other hand, this online buying and selling model has also eliminated the distance between sellers and buyers, buyers freely choose the price and condition of the goods according to their wishes. (Harvanto and Dewi 2020), (Masyhudi 2020). That's where the seller's advantage with the *dropship* system is that later the seller will buy his merchandise to the supplier or distributor, starting from the delivery of packing and the safety of the goods is already in the responsibility of the supplier or distributor who directly sends our merchandise objects to *customers* on behalf of the seller's shop, the *drop*ship system actor (Idris M, 2021). The packing carried out must be guaranteed so that the goods are not damaged. To be able to complain if related to the condition of the goods received is damaged, then usually in *unboxing* a video recording is carried out as evidence. (Ria Arifianti, Sam un Jaja Raharja 2019). Guarantee of obtaining the appropriate goods is evidence of protection of consumer rights that have been regulated in the law. (Suyudi 2021),(Uzlah Wahidah Maulidiyah 2020), (Bima Prabowo, Ery Agus Priyono 2016). (Laxmiwaty and Charisma 2021), (Irwan Maulana, Fachrul Marasabessy 2021).

The *drop-cleaning* system is very easy to do, only with hp spreading promotions or advertisements through mountains. After that, it remains only to wait for online confirmation. This kind of model does not need tiring care and makes the worker depressed. (Mukhlas 2022). (Hidayat 2021). The speed of this dropshipping model makes it the right model to capture even more consumers. Although potential buyers do not buy at least the products offered have been known by people who may recommend or buy them at a later time.

Buying and selling ping *dropship* system is the most prosperous target for online merchants, this business model is a model that novice online merchants are interested in with minimal capital or even no need for capital, because online direct sales never do inventory and provide a special location for product inventory, but only through online stores by posting photos or pictures of product specifications, standards, quality and prices for promotion and supply. The goods are obtained through cooperation with other companies that own the actual goods, this company is called *a press dropship* (Sulianta, Feri, 2014). (Ani Nuraeni 2020). (Cahyo 2018)

Budak Second is one of the online store businesses that uses the Instagram marketplace which was established in 2019. The implementation of *the dropshipping* system in this store can be said to be a success with a comparison in 1 month of being able to sell dozens of used clothes with uniqueness, The goods sold are branded clothes which according to the store owner the price of the clothes can increase in price, of course, with the existing system and marketing management in the Budak Second Instagram online store. The growing *dropship* system in this store requires legal rules that will determine whether or not the *dropshipping* system process on the Budak Second Instagram online store is allowed and what system makes this store grow every transaction.

The fundamental difference of the *dropshipping* mechanism carried out in many online stores in the marketplace is that the goods sold are goods that have high *value* so that with the condition of *the second hand* can be sold at a higher price than the initial purchase of the item. It is also supported by a free initial contract without charge from the supplier. So that this store can make its own prices without depending on the *supplier*. The concept of utilizing social media stores is able to cluster tens of millions per month by selling used clothes. This store has entered the global market where transactions already use dollar currency and are

quite well known in the global market, using the Digreal application in the global market can bring in buyers not only from Indonesia but also in various parts of the world.

Based on theabove, it is tempting for the author to analyze the system implemented by this store and also the law of the existence of a *dropshipping* system according to the perspective of the National Sharia Council. Therefore, the author chose to analyze and raise the title "*Dropship* System on Marketplace According to fatwa of the National Sharia Council (DSN), Case Study on Budak Second Instagram Online Store"

## **Materials and Methods**

Abdullah Arif Mukhlas 2022, conducted a study entitled *Criticism Of The Dropship Technique (Islamic Economic Perspective)*. This research is a qualitative research with a philosophical approach. The findings of this study reveal that in addition to the positive side, online model buying and selling also has negative sides that need to be anticipated so that buying and selling actors are not trapped in activities that are *qharar* and usury.

Freddy Hidayat 2021, in his research entitled *Dropship* Reviewed From The Sale and Purchase Agreement And Law Number 8 Of 1999 Concerning Consumer Protection revealed that *the dropshipping* model is not in accordance with Shari'a because the goods are not owned so that consumer rights cannot be fulfilled.

Meanwhile, Eko Nur Cahyo and Rofiq Hanif Nashuha 2018 in their research entitled *Dropship Selling Mechanism on The View of Islamic Economics Law*, in contrast to Freddy Hidayat 2021, actually revealed the ability of *dropshipping* transactions because of clarity in front of all parties. This research is a qualitative research with a literature approach.

Qualitative research with a legal approach, legislation and case study by Rachmadi and Rizqullah 2021 entitled Legal Implications of the Covid-19 Pandemic on AkadBai'as-Salam ( *Pre Order*) Transactions in Dropship Transactions, reveals that online buying and selling activities are allowed with a note that clarity must be conveyed in terms of payment, condition of goods and procedures for returning damaged goods so as not to harm the seller or buyer.

Juhrotul Khulwah 2019, in his literature research entitled Buying and Selling *Dropship* in the Perspective of Islamic Law, revealed that buying and selling dropshipping is legally mubah because it has obtained permission from the owner to sell the goods owned, and has included the clarity of transactions and goods.

Qualitative research is an analysis model based on the philosophy of post-positivism which is used to analyze the condition of objects, where the researcher is the main tool, data collection is carried out with a directed object model, the collected data is checked triangulation of existing data collection techniques and data sources), data analysis is inductive / qualitative, and the results of qualitative research emphasize more on the meaning of specific depth (Sugiyono, 2019). While the case study approach according to Susilo Rahardjo & Gunanto (2010) is an approach to understanding an individual or something, by means of interconnectedness and a thorough discussion in order to get insight into the individual or something and the problems it faces.

The source of data in a study is the subject by which the study is obtained . This research is with two sources, namely primary and secondary (Kasiram, 2008). Primary data is interpreted as the main data or original data from the first source in this study the first data from the store owner which we can call the source. This data was obtained from the source of the slave second shop owner and several buyers and winners *give away* from this store (Sarwono.J, 2012) Secondary data is data obtained from sources that complement the primary data or second data that concerns information about this information data. This data functions to strengthen the theory of primary data or the first data in which is the previous research and documents, as well as journals and other data that are still related to the title of the

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research. (Arikunto.s, 1998).

In data collection carried out: First Observation, This method is carried out data collection by observing and recording in detail about events that are used as research case studies. This method is used to obtain data regarding online buying and selling using the dropship system that applies in the Slave Second store by going directly to the location and seeing directly.

Second, we also call ordinary interviews which collect data with the aim of getting information directly from the owner of this online store, by talking with the store owner, we will get various information that is needed in a study, especially the Slave Second store that researchers will do research.

Third Documentation, Documentation is a collection of various data that contains information related to a research object with their respective fields and various activities from the store that support the progress of the store. examples of forms of documentation include: books, magazines, newspapers, catalogs, photographs and other sources. Researchers use data analysis techniques, namely, according to Bodgan & Biklen (2017), data analysis is a systematic process of searching and sorting from interview information and other written information that can support the discussion. According to the theory of Miles, Huberman and Saldana, each of the stages of data analysis is described in detail, namely: Data Reduction, Data Collection, Data Presentation, Conclusion Drawing and Verification.

#### **Results and Discussion**

Budak Second is one of the online store businesses that uses the Instagram marketplace which was established in 2019 by Era Forma. The owner of this shop explained that before the existence of Slave Second, the owner first sold in Kaskus in 2013 and then sold it in Facebook groups in early 2015, which then only entered Instagram. through the products presented for sale in this online store, namely various types of *second-branded* clothing that are priced at low prices in the market and quality whose selling price can be more expensive than the purchase price, because the demand is more than the production so that it is sought after by the market from these goods.

Budak Second is an online store that uses a *dropshipping* system so they don't stock goods and don't need capital to sell. The implementation of *the dropshipping* system in this store can be said to be a success with a comparison in 1 month of being able to sell dozens of used clothes, of course, this marketing has its own market where people who shop for used goods or commonly called *Thrifting.in* this store what is sold is *branded* clothes which according to the store owner the price of the clothes can increase in price. *Branded* here is not in general but more of *vintage* clothes owned by well-known designers of course and more towards *underground design*. With the existing marketing system and management within the Slave Second Instagram online store. Such as the existence of various facilities in the purchase system in this store, namely:

- A. Description of the goods that are in the storefront, starting from the size and feasibility of their use.
- B. Free to ask the seller about the items in the storefront
- C. Once a week, a clothing auction is held by the shop owner whose day and time are determined by the Slave Second
- D. The *existence* of a give away from Slave Second, this is done if in one month it can sell out clothes that have the potential to sell high.

The growing *dropship* system in this store, legal rules are needed that will determine whether or not the *dropshipping* system process on the Budak Second Instagram online store is allowed and what systems make this store grow every transaction. Islam is often known as *the way of life*, where Islam, which is believed to be a perfect religion, has a comprehensive

life guide on the procedures of life in the world, from humans waking up to going to bed. one example is in terms of buying and selling (Arijulmanan, 2018).

As Fachri Fachrudin has said, the word buy and sell comes from *the word al-buyu'* which means to megambil and give something. So that the etymological definition of buying and selling is the activity or activity of exchanging an object whose value is balanced with the property owned. The activity or process of exchanging exchange is controlled by *ijab qabul* according to conditions and means that are not prohibited (Fachruddin.F, 2015). One of the marketing media that can be done, one of which is through Instagram. In *dropshipping* transactions at the Budak Second online store, there are several buying and selling contracts that are studied according to the buying and selling contract from the point of view of Islamic law, including:

## a. Greeting

Greetings are existing goods ordering transactions where the payment process is carried out according to the agreement in advance or behind after the handover of goods. When viewed from the transaction process and practice, buying and selling *dropshipping* is similar to buying and selling by ordering (*indenting*) where the contract uses a greeting contract.

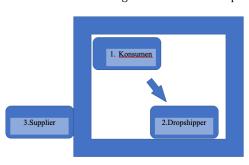


Table 1. hubungan konsumen dan dropshipper

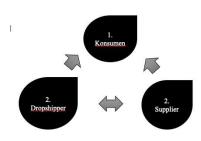
In its implementation, the greeting contract is still related to the *Dropship* method, but it is held back when entering the supplier, because it uses a third party, this contract applies between the consumer and *the dropship*per, because the *supplier* does not have a contract directly to the consumer, the one who is here is the consumer and *dropship*per.

It can be seen that there is a box itself that does not reach the *supplier*, so we cannot freely determine the price of the goods we sell. Because the contract used only applies to consumers and *dropshipping*per. This contract also requires stock of goods and is different from the *dropshipping* mechanism that does not stock goods.

## b. Wakalah

*Wakalah* means the handover or delegation of work that can be represented by others to be maintained and managed. (Fauzia 2015) As for the definition of *wakalah* itself, it is a business activity in which a person appoints another person to represent his work that can be represented with a certain contract or commonly known as the delegation of power (The *supplier* is the owner of the main job and *dropship*per as a representative of the *supplier* as a *muwakkil* as well as the owner of the goods who also participate in selling their products. So when viewed from the details, the *wakalah* contract and the dropshipping buying and selling system are almost similar.

## Scheme 2 alur barang



In this scheme, we can see that everything goes according to the mechanism that applies to the *dropship* system , but the wakalah contract is to represent buyers to sell merchandise from the *supplier* or manufacturer. Represented here cannot take advantage of the goods sold because of the wakalah contract. So we can't increase the price for our own benefit unless there is permission.

c. *Samsarah* is a liaison for buying and selling transactions between people who sell goods (*dropship*per) and find buyers to facilitate buying and selling with the existence of a mutual agreement (Hasan A.M, 2004). Slave Second as a *dropship*per only becomes an intermediary between the supplier and the buyer and the *dropshipping* party per gets wages or profits when there are goods sold according to the agreement. In this case, the Slave Second party as a *dropship*per only becomes an intermediary in buying and selling transactions so that it is similar to the samsarah contract system.

In the explanation of some of the contracts above, the mechanism of the *dropshipping* system is more focused on contracts with *the samsarah system*, or entrusting sales or as a liaison to sellers of goods or producer stores. As stipulated in the wasath or samsarah fatwa of the National Sharia Council Number: 93 / DSN-MUI / IV / 2014 According to the word of God it says that:

a. Q.S. al-Maidah (5):1:

"O People of faith, Cash out those contracts..." b.Q.S. al-Isra'(17): 34:

" And Cash in the Promise, verily the promise shall be accounted for. c.Q.S. al-Baqarah (2): 283:

"if some of you believe in some of the others, then let the one who is trusted fulfill his mandate (his debt) and let him be devoted to Allah "

And According to the Rules of Fiqh:

"Basically, everything (the form of *mu'amalat*) can be done unless there is a proposition that forbids it."

It has been decided that:

a. The *Samsarah* Contract is an intermediary contract that makes an intermediary have haq get benefits and wages from what he has done as an intermediary for buying and selling.

b. A *samsarah contract* is a service as an intermediary in the transaction of buying and selling an item. If the transaction is successfully carried out, the service provider is entitled to a reward for the services provided according to the agreement of all parties.

The following is the flow of the purchase process with the *dropshipping* system on the Instagram @Budak Second online store

Scame 3. Booking flow



The purchase scheme above is a form of *the Dropship* system in the Budak Second online store which can be explained as follows: 1) Consumers buy goods in the storefront from Budak Second and have been verified for their purchase by the admin of Slave Second. 2) The Slave Second party forwards orders from consumers to suppliers, namely the name, address and telephone of the consumer. 3) the supplier receives money as payment from *the dropship*per, after that the order will be packaged and sent to the consumer on the name of the *Dropship* store per or on behalf of Slave Second and the receipt from the shipment will be given to *Dropship*per to change the status of the packaged to be sent on delivery, so that the consumer can track where the goods he bought until they arrive at the consumer's location. National Sharia Council (DSN) Number: 05/DSN-MUI/IV/2000, namely:

# a. Terms on payment

- a) The amount and form of payment instruments are known or clear both in the form of costs and benefits
- b) Payment must be made immediately as agreed
- c) Payment is not a debt waiver
- b. Provisions on goods
  - a) Must be explained the characteristics of the goods and can be recognized as debt
  - b) The specifications must be listed
  - c) Regarding the delivery of goods can be done later according to the agreement
  - d) Regarding the time and location of the submission must be clear
  - e) Goods that have not been received must not be traded by the buyer
  - $f) \ Goods \ must \ not \ be \ exchanged, \ must \ be \ clear \ and \ the \ same \ for \ the \ exchanged \ goods.$

## A. Terms on Payment

Table 4. Payment terms

# B. Provisions On Goods

# Table 5

No.	Fatwas according to the DSN Number : 05/DSN- MUI/IV/2000	Slave Management Second	Appropriate or not
1	The amount and form of means of payment are known or clear both in the form of money, goods and benefits.	Using legal tender i.e. cur- rency and crypto currency	appro- priate
2	Payment must be made when the contract has been con- cluded	The payment applied in this store must first be paid in advance and send proof of payment which will be verified by the Slave Second admin	appro- priate
3	Payment should not be in the form of a debt waiver	Payment in advance and im- mediately full payment so there is no debt relief	appro- priate
No.	Fatwa According to DSN	Slave Management Second	Ap- pro- priate or not
1	It must be clear its characteristics and can be recognized as debt	The characteristics and whether they are feasible or not have been explained on the <i>supplyer's</i> side so that the Slave Second party includes it in the description of the goods and the bida is made into a debt, if it has not been paid off and still pays the DP <i>Booking</i> of the goods.	appro- priate
2	Must be able to explain the specifications	The specifications of the goods are clear and there are already all in the description of the goods ranging from size to length and grade worth using.	appro- priate
3	Delivery of goods is carried out later	because with the <i>Online</i> system alone, Budak Second coordinates with various domestic and foreign expeditions such as: JNE, Ninja Express, Pos Indonesia, DHL, etc.	appro- priate
4	The time and place of delivery of goods must be established by mutual agreement	Because using Expeditions, the address and time can be predicted and can be accessed through their website so that security and comfort on the	appro- priate

		trip can be used as a bench-	
		mark.	
5	The buyer must not sell the	Budak Second is a <i>Dropship</i>	appro-
	goods before receiving them	store that sells goods in the	priate
		supplyer's store without buy-	
		ing it first.	
6	Must not exchange goods, ex-	In the management of this	appro-
	cept for similar goods and ac-	Slave Second store, it can re-	priate
	cording to the agreement	turn the goods if they are not	
		what the buyer wants. And	
		return in full with delivery at	
		the responsibility of the	
		buyer. Then the Slave Second	
		side will give the buyer a	
		supplyer address .	

## Acknowledgment

This research provides information that finding sustenance through online buying and selling is still promising and there are many opportunities

#### Conclusion

- A. The process and transactions that take place in the Slave Second online store are transksi with a *dropshipping* system where the Slave Second store itself is a *dropship*per. Budak Second is an online store that sells several types of products belonging to suppliers. This online store chooses the lowest priced products then resold at an increased price for profit. The ping *dropship* system on the Budak Second online store, namely the two parties between the supplier and the *dropship*per did not cooperate specifically, but the Slave Second party only asked the supplier for permission that they would sell their products with the dropshipping system. Suppliers do not continue to sell their products at a predetermined price, meaning that Slave Second does not get special prices or discounts from suppliers because they only *dropship*per not resellers.
- B. Islamic law analysis of online buying and selling using the *dropshipping* system according to the point of view of the DSN-MUI Fatwa Number: 05 / DSN-MUI / IV / 2000 explained that online buying and selling transactions with the legal ping dropship system are valid if all the conditions and pillars have been met. In addition, the goods traded do not contain the element of gharar (obscurity). Based on some of the arguments above, it is explained that selling goods that are still not fully owned to us, the law is prohibited. However, in buying and selling with the ping dropship system, the parties involved or the parties who made the transaction already knew about the risks that must be faced so that both agreed to make the transaction on the basis of voluntary willingness without coercion. According to the general rules of muamalah, buying and selling transactions

such as the ping dropship system are legally valid when there is a concern for both parties who are in cahoots. The sale of vintage clothing has its own market in many buying and selling forums so that they already know each other's risks from the transacting party. In addition, as long as there is no *nagli* or *agli* argument that prohibits the dropshipping model, this transaction is a good or okay transaction. The buying and selling transactions that took place in the Budak Second online store did not deviate from the provisions of the terms of sale and purchase according to the DSN fatwa ranging from provisions on goods to provisions on the display and return of goods, as well as the agreed time and location, payment with cash or electronic, and the transactions carried out did not contain elements of gharar.

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