



TRANSFORMATION OF CONSENT AND QABUL ON ONLINE BUYING AND SELLING: IMPLEMENTATION OF THE CONCEPT OF ONE ASSEMBLY

Wiranda Wulandari ¹, Zainuddin ², Nuraiman³, Rahayu Ningsih ⁴, Sri Wahyuni ⁵, Gebi Sintia Dwi ⁶

¹³⁴⁵⁶ STAI YDI Lubuk Sikaping, Indonesia

² UIN Mahmud Yunus Batusangkar, Indonesia

Corresponding Author: Wiranda Wulandari, E-mail; wiranda@stai-ydi.ac.id

Article Information:

Received January 21, 2025

Revised January 24, 2025

Accepted January 30, 2025

ABSTRACT

This study examines the transformation of consent and qabul in buying and selling online in the application of one assembly. The problem is the sale and purchase carried out in the market to carry out consent and qabul directly and in one assembly, while at the online buying and selling consent and qabul concepts are not applied in one assembly. From these problems the first question arises how the forms of qabul consent in online buying and selling; Second, what is the mechanism of the qabul consent in buying and selling online. This research is a field research. Data obtained through tracing online store applications, interviews and documentation. After the data collected is processed by reducing data, presenting data and drawing conclusions. Furthermore, the data is described descriptively. The results are discussed with the theories put forward. This study found that the transformation of consent and qabul in online buying and selling in the form of writing. In buying and selling online consent and qabul is done not directly, but using cues and writings. The transformation of consent and qabul is carried out to facilitate the public in buying and selling online and so that the sale and purchase that is carried out remains legitimate to meet the requirements. So that the concept of one assembly does not have to be present together in one, but is carried out with a separate distance between the seller and the buyer, as long as it is still in one condition and one situation.

Keywords: *Buying and selling online, consent qabul, one assembly*

Journal Homepage <http://journal.denisysmartconsulting.co.id/index.php/sako/>

This is an open access article under the CC BY SA license

<https://creativecommons.org/licenses/by-sa/4.0/>

How to cite:

Wulandari, W., Zainuddin., Nuraiman., Ningsih, R., Wahyuni, S & Dwi, H. S (2025). Transformation of consent and qabul on online buying and selling: Implementation of the concept of one assembly. *SAKO: Journal of Islamic Studies*, 2(1). <https://doi.org/10.55849/sako.v1i1.1>

Published by:

CV. Denisya Smart Consulting

INTRODUCTION

Buying and selling online in the current millennial era is a new trend, because it is supported by increasingly sophisticated technology and continues to experience rapid development. Buying and selling online is a very easy community activity to do, only requires smartphones and internet networks. If seen the implementation of the contract on buying and selling generally appears to be a difference in buying and selling online. This contract on buying and selling online can be done through social media (Pekerti & Herwiyanti, 2018). Contemporary contracts in buying and selling are interesting phenomena to study.

The study of contemporary contracts has been done a lot. There are at least ten articles that discuss the Komtemporary contract. Of the ten articles can be categorized into three perspectives. First study from the economic side (Astuti, 2018; Ridwan, 2017a; Siregar, 2019; Yunus et al., 2018); Secondly, studying in terms of Islamic law (Fatriansyah, 2020; Fitria, 2017; Salim, 2017; Wakhidah & Thohari, 2019) and the third study from the comparison side of the sect (Pekerti & Herwiyanti, 2018; Romdhon, 2015). So far there has been no study that examines the transformation of consent and qabul in buying and selling online as the application of one assembly theory.

This study examines the transformation of consent and qabul in buying and selling online as the application of the concept of one assembly. To find answers to this problem the author will examine: First how the forms of qabul consent on online buying and selling; Second, what is the mechanism of the qabul consent in buying and selling online. After the data is revealed through research, it is then presented in the results of the study which is then discussed by referring to relevant theories.

The study of the transformation of consent and qabul in buying and selling online as the application of the concept of one assembly needs to be done because this research provides an overview of the transformation of the contract as the application of the theory of one assembly and provides a view related to the general buying and selling differences carried out in one assembly by buying and selling online. Being very urgent considering the rapid development of technology and digitalization that affects almost all aspects of life, including buying and selling transactions.

In the context of Islamic sharia, legitimate buying and selling transactions require consent (offers) and qabul (revenue) conducted in one assembly, which in practice is more difficult to realize in online transactions. The existence of a virtual space that separates sellers and buyers has the potential to cause obscurity in the agreement made, and this can harm one party or cause disputes.

Therefore, it is important to examine how the principle of one assembly can be applied in a digital context through the use of communication technology that enables direct and simultaneous interaction between the two parties. This research is not only relevant in terms of understanding Islamic law, but also plays a crucial role in providing solutions for online transaction actors in order to maintain validity and legal certainty in every transaction. By strengthening the application of the concept of one assembly, this research is expected to increase public understanding, especially digital economic

actors, regarding the importance of the suitability of online transactions with sharia principles, which in turn will increase public confidence in the sharia-based buying and selling system and create a more halal and fair digital economic ecosystem.

RESEARCH METHODOLOGY

This study uses a qualitative descriptive method with a field research approach. Data is collected through online applications with data sources in the form of online store websites on the internet and millennial social media users. Data collection techniques used include searching for online store applications, interviews, and documentation. Data analysis in this study was conducted through three stages, namely data reduction, data presentation, and drawing conclusions.

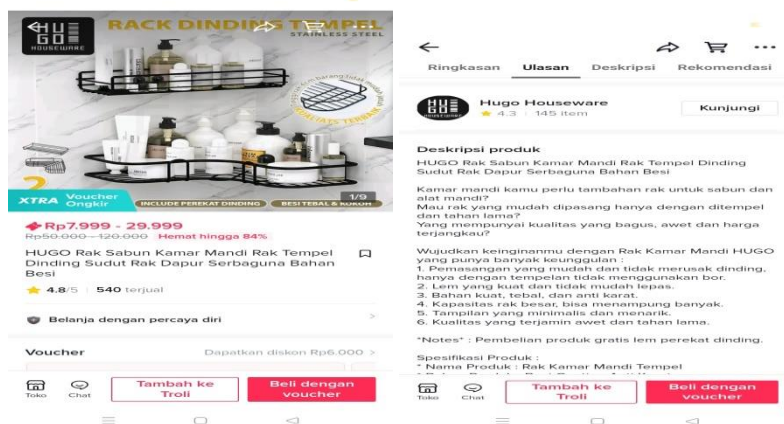
RESULT AND DISCUSSION

Result

A. Forms of Ijab and Qabul in online sale

In the current digital era, buying and selling transactions are no longer limited to physical meetings between sellers and buyers, but have switched to the online platform. One important aspect of online buying and selling is the consent process that is carried out indirectly through digital media. In this context, the consent in online buying and selling transactions is manifested in writing, which includes the description of the goods offered by the seller. The description includes various aspects such as size, color, shape, and quality of goods, so that it can provide a clear picture for prospective buyers before making a transaction. This can be seen in the following picture

Figure 1. The form of consent in buying and selling online



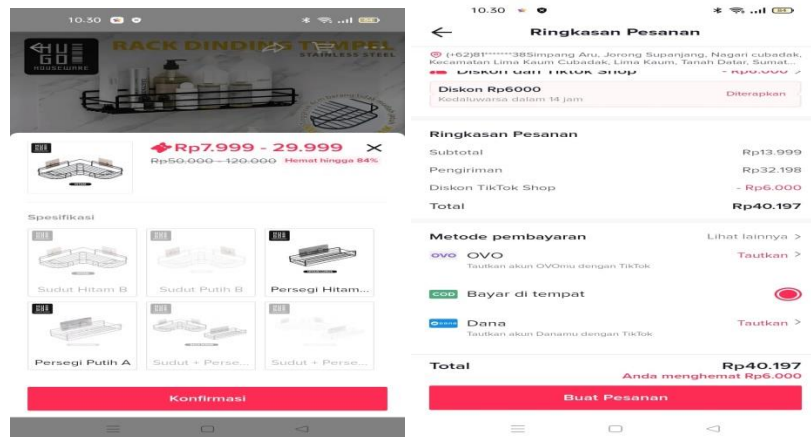
Source: Researcher Documentation in the Tiktok Shop Application, 2024

From the picture above it is explained that the form of consent in buying and selling online in the form of writing describing goods sold by the seller. This consent is an important part of online transactions because it replaces oral statements that usually occur in conventional buying and selling. With the consent in the form of

written, prospective buyers can understand the specifications of the goods before deciding to conduct transactions, thus minimizing the risk of misunderstanding between the seller and the buyer.

The description of the goods delivered by the seller includes various aspects, such as size, color, shape, and quality of goods. This information aims to provide a clear picture to prospective buyers so that they can make the right decision before making a transaction. In addition, a complete and accurate description can also increase buyers' confidence in the seller and help create a safer and more convenient online shopping experience.

Figure 2. Form Qabul in online sale



Source: Researcher Documentation in the Tiktok Shop Application, 2024

From the picture above it is explained that the form of qabul in buying and selling online in the form of Bay 'As-Salam writing and mechanism. In this transaction, buyers know the type and quality of goods offered before ordering. After confirming the choice, the buyer then continues the transaction by looking at the details of the goods, payment methods, and shipping costs that must be paid.

After the buyer makes an order, specifications or details of the goods listed clearly help them in choosing products as desired. Approval of this transaction is carried out in written form through the process of ordering goods. Thus, qabul in buying and selling online occurs when the buyer approves the specified conditions, both related prices, payment methods, and shipping conditions.

B. Ijab and qabul in buying and selling online

From the results of research through the Shopee and Tiktok Shop applications, the mechanism or process of qabul consent in online buying and selling is carried out by buyers and sellers. In this transaction, the seller submits the consent in the form of a description of goods that include specifications, prices, and purchase conditions. The buyer then performs qabul by selecting goods, agreed to prices, and complete transactions through the available payment methods. After the payment is made, the system will confirm the order and inform the shipping status to the buyer.

Thus, the qabul consent process in buying and selling online takes place digitally without direct meetings between sellers and buyers. The mechanism or process of consent in buying and selling online is as follows:

1. The seller describes the goods sold, in the form of size, shape of goods, quality of goods, colors of goods, etc.
Before the goods are offered, the seller provides detailed information about the products sold. This description includes specifications such as size, color, shape, and quality of goods. This information aims to help prospective buyers understand the product before making a transaction, so as to reduce the risk of discrepancy or misunderstanding in purchases.
2. The seller attaches a photo of the goods being traded
In addition to the written description, the seller also provides product photos to provide a visual picture to the buyer. This photo functions as physical evidence of the products sold, so that buyers can assess the quality of goods more clearly. Good photos are usually taken from various angles and have enough lighting to show product details accurately.
3. The seller offers discounts for buyers (Shopee Application, 2023)
In order to attract more buyers, sellers often provide discounts or discounts. This discount can be a certain percentage of the initial price, a promo buy one free one, or a coupon that can be claimed by the buyer. Discount is aimed at increasing the attractiveness of the product and encouraging prospective buyers to immediately conduct transactions.
4. The mechanism of qabul in buying and selling online is as follows
After the seller declares the consent by describing the goods and providing information related to the product, the buyer then conducts the qabul process or receiving the transaction. This mechanism is carried out digitally through the Shopee application, where buyers follow certain stages before agreeing to the purchase.
5. Buyers see the quality of goods
Before deciding to buy, the buyer first examines the quality of goods through product descriptions, reviews from other customers, and ratings given. Buyers can see whether the product has specifications that suit their needs and whether the item has good quality based on previous user experience.
6. The buyer chooses the color, size and shape of the goods, the payment method
After assessing the quality of the item, the buyer then selects the desired product variant, such as a certain color, size, or model if available. In addition, the buyer also determines the payment method to be used, for example bank transfers, credit cards, digital wallets, or payments on the place (COD).
7. The buyer meets the terms and conditions listed in the Shopee application
Before the transaction is confirmed, the buyer must approve the terms and conditions in force on the Shopee platform. These requirements can include the

policy of returning goods, estimated delivery time, as well as rules related to payment methods and refund processes if there is a problem in the transaction.

8. The buyer verifies the approval and order (Shopee Application, 2023)

If all aspects of the purchase are in accordance with the wishes of the buyer, then the last stage is to conduct verification and approval of the order. This verification is done by pressing the 'buy' or 'checkout' button on the Shopee application, which indicates that the buyer has approved all the provisions and is ready to continue the payment process. After the payment is confirmed, the system will record orders, and the seller will start processing the delivery of goods to the buyer.

From the interviews the researcher conducted with one of the Shoope application users in selling online asking about the consent and qabul process carried out:

'I as a seller in an online business, offering to users of my merchandise shoope application. I explain in detail the description of merchandise, starting with size, quality of goods, inheritance of goods. For example I sell the hijab, so I describe this hijab product. ' (Interview: October 9, 2024)

Then the same thing was asked to the Shoope application user in conducting online shopping, how the consent process and qabul were carried out:

'The Shoope application with the Tiktok Shop is almost the same, it's just a name difference, when I do online shopping, I first look at the information of the item then the discount given by the character and proof of shipping item from the previous buyer, if it is in accordance with what I want, then I will do the order of the item' (Interview: October 10, 2024)

The form of consent in buying and selling online in the form of writing. The seller describes his merchandise clearly, ranging from size, shape, color, discount and others. Then the form of qabul in buying and selling, in the form of Bay 'As-Salam writing. The buyer knows the type of goods, the quality of the goods, then conducts an order transaction on the goods to be purchased. After that, the buyer made an order by looking at the details and payment methods and shipping costs.

The consent mechanism in buying and selling online in the form of, the seller describes the goods sold, in the form of size, shape of goods, quality of goods, colors of goods and others. The seller attaches a photo of the item that is sold and the seller offers a discount for the buyer. Then the mechanism of qabul in buying and selling online is the buyer sees the quality of the goods, the buyer chooses the color, size and shape of the goods, the payment method. After that the buyer meets the terms and conditions listed in the Shoope application. Then after in accordance with the wishes of the buyer, the buyer verifies the approval and order.

Discussion

From the results of the research researchers do it can be seen that the form of consent and qabul in buying and selling online is a form of writing, because there is no words or greetings made between the seller and the buyer. But through the writings in the online buying and selling application. The mechanism of consent and qabul is done by looking at the obstacles of the items you want to buy, if it is appropriate, the buyer will buy the item, for that the Ijab and Qabul process is seen at the time of agreement between the seller and the buyer.

Ijab and Qabul are one of the basic elements of a transaction, from this ijab and qabul appear to be valid or not the transaction. Where Ijab and Qabul are done directly between the seller and the buyer, but in the present day the Ijab and the qabul are not done directly. So the Muslims were taken to make changes in Islamic law in accordance with the development of the times. According to Muhammad Azhar in (Ridwan, 2017b) it is said that there are three things that have the need for the process of transforming Islamic law, which is the first of the emergence of various constitutional systems demanding a modern motive, the second for the sake of democracy. Thirdly, the visit answered social questions.

This online sale is a phenomenon that requires the ijthihad of the scholars in the law of the law and qabul. It is seen that in ancient times the qabul process in the sale was done directly or verbally and among the buyers' scholars were performed in one major. But with the development of the times and the technology of sale is not done in a look at the face but through the virtual world.

Transformation of consent and qabul in buying and selling online in the form of writing and bay'as-salam, previously consent and qabul were carried out directly between the seller and buyer, the seller offered its dagn and then the buyer bought the item, so that the consent and qabul carried out were not separate or distanced. Whereas in buying and selling online with technological developments, consent and qabul are carried out not directly, but using cues and writings, this is the form of transformation of consent and qabul. The transformation of consent and qabul is made easier for the community in buying and selling online and buying and selling that is carried out legally eligible.

As the consent and qabul in buying and selling online has also been set by the Indonesian Ulema Council through the Decree of the National Sharia Council (DSN) Number: 05/DSN MUI/IV/2000. The Indonesian Ulema Council explained that the sale and purchase of onlie may be carried out as long as it meets the appropriate payment requirements agreed, the requirements for the provisions of the goods that must be clear, may not contain illicit elements and conditions for payment conditions.

The transformation of consent and qabul on the online transaction above has shown that the fatwa was explained to ensure that the consent and qabul did not harm the two parties who were active. The consent and qabul formulations above are actually an instrumental form of an instrumental qabul consent, while in substantive form is the willingness of two parties who carry out consent and qabul. So in the sale and purchase

of online consent qabul conducted between sellers and legal buyers according to fiqh law, because of the validity of a consent and qabul what if they meet the requirements, according to (Ridwan, 2017b) there are three conditions that must be met so that the consent and qabul in the legal field and have legal consequences, first Jalal al-Ma'na which means the purpose that is contained in the statement is clear, the second is tawaffuq which means that there are three conditions that must be met so that the consent and qabul in the legitimate desert and have legal consequences, first jalal al-ma'na which means the destination in the statement is clear. Third, Jazm al-Iraradatin which has arati between consent and qabul shows the will of the parties for sure, there is no doubt and coercion and not under pressure. It can be seen that the transformation of consent and qabul on online buying and selling is just a form in saying consent and qabul. In buying and selling online consent and qabul is done through writing, while consent and qabul on buying and selling are generally spoken between sellers and buyers.

If you see a buying and selling transactions today called online buying and selling, it is not done in one assembly, between sellers do not know each other, do not meet each other, even the objects sold are not directly there and consent and qabul are not carried out significantly. Many conflicts with fiqh scholars, as stated by Ulama Hanafiyah and Malikiyah Dalam (Nasrun Haroen, 2000) said that the consent and qabul may be blocked by time and is time. So that with social problems like this consent and qabul undergo transformation by following technological developments, so that contemporary scholars come up, such as the plague-zuhaili. Then the transformation of consent and Kabul in the concept of one assembly is permitted as long as the consent and qabul are still in the same condition and situation, although between sellers and buyers are not directly present and far apart.

In the theory of contemporary Islamic law related to the transformation of consent and qabul on online buying and selling and the implementation of the concepts of one assembly, it is important to understand how the basic principles of Islamic fiqh, especially in buying and selling transactions, can be adapted with the times, especially in digital contexts. Traditionally, consent and qabul in buying and selling transactions must be carried out in one assembly, which means supply and revenue must occur directly and simultaneously in one place and time. However, in online transactions, where sellers and buyers are often separated by distance and time, the application of this concept seems difficult. Therefore, the theory of contemporary Islamic law, which prioritizes ijtiḥad (legal interpretation) based on the times, offers a new approach by introducing solutions to maintain the essence of consent and qabul, even though it is carried out digitally.

This approach often refers to sharia maqasid (purpose of Islamic law), which emphasizes the protection of individual rights, justice, and legal certainty in transactions. In this context, some contemporary scholars argue that modern communication technology such as conference or communication videos through other digital platforms can be used to replace the concept of one assembly, provided the

principle of mutual understanding and agreement between the two parties is maintained. This theory provides flexibility without reducing the legal substance contained in transactions, and answering the challenges of globalization and economic digitalization. In addition, contemporary transaction fiqh theory also provides space for changes in more modern forms of transactions, as long as the principles of justice and the clarity of rights and obligations remain considered. In this case, contemporary ijthad is very relevant to explore how consent and qabul can be realized in cyberspace with a mechanism that remains legal according to Islamic law. Thus, this research is very important to identify practical solutions that allow online transactions to remain sharia, while maintaining the main objectives in buying and selling fiqh, namely creating justice and legal certainty for all parties involved.

CONCLUSION

From the results of the study found: First, the form of consent in buying and selling online in the form of writing by describing goods clearly, starting from the size, shape, color, discount and others. Shows that although the traditional principles of Islamic fiqh require consent and qabul to be carried out in one assembly, technological developments allow adaptation without reducing the legal substance contained therein. In the context of online transactions, communication technology such as video calls or digital platforms that enable direct and simultaneous interactions can be used as an alternative to meet the requirements of agreement in one assembly. The theory of contemporary Islamic law emphasizes the importance of sharia maqasid, namely the main objective in Islamic law to maintain justice, protection of rights, and legal certainty in every transaction. Therefore, as long as sharia principles such as transparency, clear agreements, and mutual pleasure are maintained, online transactions can be considered valid according to Islamic law. The implementation of the concept of one assembly in online transactions not only provides practical solutions for the digital world, but also strengthens integrity and justice in sharia -based digital economics, so as to maintain sustainability and legal certainty for transaction actors.

In the end this study concluded that the transformation of consent and qabul in buying and selling online in the form of writing. In buying and selling online consent and qabul is done not directly, but using cues and writings. The transformation of consent and qabul is carried out to facilitate the public in buying and selling online and so that the sale and purchase that is carried out remains legitimate to meet the requirements. So that the concept of one assembly does not have to be present together in one, but is carried out with a separate distance between the seller and the buyer, as long as it is still in one condition and one situation.

Suggestions for further research can focus on more in -depth analysis of the effectiveness of the implementation of the concepts of one assembly in consent and qabul on online buying and selling. Research can explore how various e-commerce or social media platforms apply this principle in digital transactions, as well as the extent of the validity of the sale and purchase agreement in the perspective of Islamic law and

electronic trade regulations. In addition, the empirical study of public understanding and acceptance of the concept of one assembly in online transactions can also provide new insights on the relevance and challenges of its application in the digital era.

REFERENCES

- Abdurohman, D., Putra, H. M., & Nurdin, I. (2020). Jurnal Ekonomi dan Bisnis Islam Jurnal Ecopreneur. Jurnal Ekonomi Dan Bisnis Islam, 1(2), 14.
- Akhmad Farroh Hasan, M. S. F. (2014). Fiqh Muammalah dari Klasik hingga Kontemporer (Teori dan Praktek). UIN-Maliki Malang Press, 2, 226.
- Andira, A. P., & Zainuddin, Z. (2021). Tinjauan Fikih Ekonomi Terhadap Jual Beli Tomat Di Nagari Supayang Kabupaten Tanah Datar. Jurnal Pendidikan Tambusai, 5(3), 7657–7662.
- Astuti, D. (2018). Persepsi Masyarakat Terhadap Akad Jual Beli Online Perspektif Ekonomi Syariah. Syarikat: Jurnal Rumpun Ekonomi Syariah, 1(1), 13–26.
- Fatriansyah, A. I. A. (2020). Bisnis jual beli online dalam perspektif islam. Al Yasini: Jurnal Keislaman, Sosial, Hukum Dan Pendidikan, 5(1), 57–68.
- Fitria, T. N. (2017). Bisnis jual beli online (online shop) dalam Hukum Islam dan Hukum Negara. Jurnal Ilmiah Ekonomi Islam, 3(01), 52–62.
- Hariman Surya Siregar, K. K. (2009). Fiqh Mu'amalah Teori dan Implementasi. In Nucl. Phys. PT Remaja Rosdakarya.
- Hidayah, H. N., & Zafi, A. A. (2020). Transformasi Hukum Islam pada Masyarakat di Indonesia. Reformasi Hukum, 24(2), 114–129.
- Imron, A. (2016). Transformasi Hukum Islam Ke Dalam Hukum Nasional Indonesia. Jurnal Ilmiah Hukum Dan Dinamika Masyarakat, 5(2).
- Nasrun Haroen. (2000). Fikih Muamalah. Gaya Media Pratama.
- Panggabean, S. A., & Tanjung, A. (2022). Jual Beli Online dalam Perspektif Hukum Islam dan Hukum Negara. Jesya (Jurnal Ekonomi Dan Ekonomi Syariah), 5(2), 1504–1511.
- Pekerti, R. D., & Herwiyanti, E. (2018). Transaksi Jual Beli Online dalam Perspektif Syariah Madzhab Asy-Syafi'i. Jurnal Ekonomi, Bisnis, Dan Akuntansi, 20(2).
- Ridwan, R. (2017a). Rekonstruksi Ijab dan Kabul dalam Transaksi Ekonomi Berbasis Online. Al-Manahij: Jurnal Kajian Hukum Islam, 11(2), 175–188.
- Ridwan, R. (2017b). Rekonstruksi Ijab Dan Kabul Dalam Transaksi Ekonomi Berbasis Online. Al-Manahij, 11(2), 175–188. <https://doi.org/10.24090/mnh.v11i2.2017.pp175-188>
- Romdhon, M. R. (2015). Jual Beli Online menurut Madzhab Asy-Syafi'i. Pustaka Cipasung.
- Salim, M. (2017). Jual Beli Secara Online Menurut Pandangan Hukum Islam. Al Daulah: Jurnal Hukum Pidana Dan Ketatanegaraan, 6(2), 371–386.

- Siregar, P. A. S. (2019). Keabsahan Akad Jual Beli Melalui Internet Ditinjau dari Hukum Islam. *EduTech: Jurnal Ilmu Pendidikan Dan Ilmu Sosial*, 5(1).
- Syaikhu, Ariyadi, & Norwili. (2020). FIKIH MUAMALAH Memahami Konsep dan Dialektika Kontemporer. In *K-Media* (Vol. 53, Issue 9). K-Media.
- Wakhidah, W., & Thohari, C. (2019). Jual Beli on line (E-Commerce) ditinjau dari Perspektif Hukum Islam. *Jurnal Justisia Ekonomika: Magister Hukum Ekonomi Syariah*, 2(2).
- Yunus, M., Hamdani, F. F. R. S., & Shofia, G. K. (2018). Tinjauan Fikih Muamalah Terhadap Akad Jual Beli Dalam Transaksi Online Pada Aplikasi Go-Food. *Amwaluna: Jurnal Ekonomi Dan Keuangan Syariah*, 2(1), 135–146.

Copyright Holder :

© **Wiranda Wulandari. (2025).**

First Publication Right :

© SAKO: Journal of Islamic Studies

This article is under:

