

APPLICATION OF SALAM CONTRACT ON DWATCH COMAL WATCH AGENT DROPSHIP SYSTEM

Muhsin Hariyanto¹, Muhammad Khoirul Anwar²
Universitas Muhammadiyah Yogyakarta^{1,2}

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ABSTRACT

This research was conducted to examine the application of buying and selling carried out by Dwatch Comal watch dropshippers from the point of view of buying and selling with a salam contract (bai' salam), with this research it is hoped that it can be known how the application of the salam contract buying and selling system in buying and selling, whether it is in accordance with the principles of Islamic shari'a or not. This research uses qualitative research methods and is a field research. The primary data source is Dwatch Company Management and Customers, consisting of Dwatch owners, dropshyper, consumers, and the Shari'ah Supervisory Board. The data validity technique used in this study is the Source Triangulation Technique. The results of his research showed that from the application of buying and selling with the dropship system carried out by agents or dropshippers of Dwatch Comal watches, it was found that if viewed from the point of view of buying and selling using a salam contract (bai' as-salam), the application of dropshipping by Dwatch watch dropshippers was not fully in accordance with buying and selling salam contracts. The discrepancy is in the payment system, sometimes agents or dropshippers allow buyers to make payments at the end or at the time of handover of goods, which in the end if the payment is made at the end, the sale and purchase is not in accordance with the terms of sale and purchase of the salam contract, so that when viewed from the point of view of bai' as-salam, the application of buying and selling requires improvement, mainly in its payment system.

E-mail:
arfiz.m@gmail.com

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1. INTRODUCTION

Buying and selling is an activity that everyone often does to meet their needs every day. In Islam buying and selling is called *al-bai'*. Linguistically, *al-bai'* is the *mashdar* form of *bâ'a*, meaning "to sell." As for the opposite of selling is: "buy" Buying in Arabic is known as *al-shirâ'*, while the equivalent of the word *al-shirâ'* is *al-ibtiyâ'*. (Ikit., 2018: 69). In general, buying and selling is done by meeting directly somewhere. But along with the development of the times and increasingly advanced technology, this buying and selling transaction is growing. In this modern era, with the development of the increasingly advanced world of information technology, people can buy and sell without having to meet directly. The more advanced world of information technology also makes it easier for sellers to market their products.

Many online buying and selling platforms have sprung up in Indonesia, such as: shopee and Tokopedia, indicating that online buying and selling has been very popular in Indonesia. New terms in buying and selling online such as one of the dropship systems are also familiar to the public. Dropshipping is one way suppliers use other parties (sellers) in promoting their products to buyers. The seller's job or called a dropshiper is only to market the product without the seller thinking about the stock of goods. When a buyer wants to order a product that the seller markets, the seller or dropper contacts the supplier to order the item ordered by the buyer. After the ordered goods are ready to be shipped, the seller will pay for the goods to the supplier then the goods will be sent to the buyer. The advantage of this dropship system is that sellers do not carry out the packaging and shipping process. The supplier will arrange or process all packaging and shipping processes as the product owner. This system is in great demand by people who are just starting to sell because with this system the person can sell goods without having to spend capital to stock goods. Dropshipping is usually done online; social media such as Instagram and Facebook are fields for dropshippers. (Wahana, 2013: 1).

In the dropship system there are two possibilities for the goods they sell, namely: the item can be available or ready, that is: it can be sent immediately after payment is made or it could also be the item is

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pre-order or the item is sent at a later date within a predetermined period of time. In Islam there is buying and selling whose system or method is the same as buying and selling dropships whose goods are not yet available or pre-ordered, namely buying and selling (contracts) greetings. Buying and selling greetings is buying and selling whose goods are unavailable. This means that the item is an item that is ordered in advance according to the buyer's specifications or in a tough manner but the payment is made at the time of the contract and the seller will hand over the goods to the buyer at a later date. According to jurists, the sale and purchase of greetings is called *bai' al-mahâwîj*, so called because this sale is a sale in which the goods do not yet exist or the goods are not delivered in cash. In addition, there is also a contract similar to greetings, namely: *istishna'* contract, which is in great demand by business people, especially in buying and selling infrastructure goods.

The dropship system has been widely used by sellers in marketing products online. One of the businesses that implement a dropship system is a Dwatch business that sells various kinds of watches that can be customized. Dwatch Custom is a business or business that markets branded watches and wall clocks in the Comal area, Pemalang, Central Java. Dwatch Custom sells not only branded watches but also watches and wall clocks that can be installed pictures or photos from buyer requests. In their marketing, they build agents from several regions in Pemalang and Pekalongan through FAPEDA (Young Entrepreneurs Forum) founded by the owner of Dwatch, namely Brother Ananda Dimas, M.H. This Dwatch Custom agent usually markets products through Instagram and Facebook. Usually buyers contact agents or sellers via inbox or send direct messages through whatsapp contacts listed by agents or sellers on their social media accounts, after the buyer contacts the agent, the agent explains the specifications of the products they sell. Then after the buyer is steady to order, the agent will contact the Dwatch Custom production site to send photos or images that will be installed at the hour ordered by the buyer. Reserved hours will be processed for photo or image installation. Usually the process of installing images or photos takes about 3-7 days and can even be longer if there are many orders. For payment, do not make payment in advance but payment is made when the goods are ready. If the buyer's location is affordable, payment can be made when meeting directly to hand over the product, said Mbak Nurul as an agent of Dwatch Custom. Mbak Nurul has been a Dwatch agent since 2017.

According to Mbak Nurul, complaints from buyers are a natural thing to happen. For example, when a buyer orders a model A watch but the item's availability is empty, it is replaced with another model from its production center. As a result, the buyer complained because the ordered item did not match the watch model ordered. But the agent still explained that the item has the same quality even though the watch models received are different or somewhat similar. Usually the problem of empty stock and model replacement occurs because there is a misunderstanding from the production center. The production center sometimes does not confirm the availability of goods to the agent so that other models will replace items in stock. For the delivery system of goods, if the consumer is in the same area as the seller, they can meet directly at the agreed place, but if the buyer is from outside the city, the delivery is through expedition. The Dwatch center carries out the packaging and shipping process but sometimes the seller can directly send the goods to the buyer's location if the location is not far away.

Buying and selling greetings is a sale and purchase whose payment must be made in advance and the goods will be sent later because the goods transacted cannot be sent or delivered at that time. Similarly, the dropship system carried out by Dwatch Custom agent dropshippers. But in marketing there are 2 (two) contracts that they often use: parallel greeting contracts, if the goods sold are watches that are not customized, and *istishna'* parallel contracts, if the goods transacted are custom watches. In this research, researchers will look at buying and selling transactions carried out by dropshippers in the point of view of buying and selling greeting contracts.

In the Qur'an it has been mentioned (implicitly) about the buying and selling of greetings, namely: in QS al-Baqarah/2: 282,

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا تَدَايَنْتُمْ بِدَيْنٍ إِلَىٰ أَجَلٍ مُّسَمًّى فَاكْتُبُوهُ ۚ
يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا تَدَايَنْتُمْ بِدَيْنٍ إِلَىٰ أَجَلٍ مُّسَمًّى فَاكْتُبُوهُ...

"O men of faith, if you do not give in cash for the appointed time, you should write it down."

There is also a *hadith* that alludes to buying and selling greetings, namely:

مَنْ أَسْلَفَ فِي شَيْءٍ فَفِي كَيْلٍ مَّعْلُومٍ وَوَزْنٍ مَّعْلُومٍ إِلَىٰ أَجَلٍ مَّعْلُومٍ..

"Whoever performs *salaf* (salutation), he should do it with clear measures and clear scales, for a known period of time" (HR. Bukhari, *Saheeh al-Bukhari* [Beirut: Dar al-Fikr, 1955], vol. 2, p. 36)

Literature Review

To find out how to apply the salam contract *in accordance with* Islamic law *and understand how the* dropship system *uses the* salam contract. It would be nice to understand the meaning of *buying and selling greeting contracts and dropshipping* to define buying better and selling greeting contracts and *dropshipping* as a whole.

1. Buying and selling greetings is a buying and selling transaction whose substance is not visible or easier is that the seller sells goods with the specifications that have been explained but the goods cannot be delivered at that time, then there is a buyer who wants to buy the item with the same specifications then agrees and the buyer makes payment at the time of contract. (Solomon, 2019: 294)
2. *Dropshipping* is a buying and selling activity where a seller can sell other people's products without stocking up on goods. If there is a buyer who comes, the new drophiper will contact the supplier *and then the supplier processes the order from the drophiper consumer*. Dropshippers *will benefit from the difference in supplier prices to droshyper, and droshippers to consumers*. (Wahana, 2013: 13)

2. METHODS

This study used qualitative research methods. Qualitative research method is a method that describes data in accordance with events and facts in the field and then investigated more deeply, which in the end can be concluded from the analysis and research results. (Sugiyono, 2017: 9-25). This research is a field research, which is research that describes a situation that occurs in real life in the field. The source of this research data came from observations and interviews. (Sugiyono, 2017: 9-25). This research was carried out at the Dwatch Custom watch business located in Kauman village, Mawar 01 alley, Comal district, Pemalang regency, Central Java. The selection of research objects is based on interesting discussions in accordance with the research studied. The researcher will interview the object of the study. The sample is people who have long been agents in this Dwatch Custom business, because they already know what will be researched using the Purposive sampling technique. Purposive sampling is used to facilitate researchers in interviews, because the intended respondents are already known. (Sugiyono, 2017: 9-25). Respondents related to this study are Dwatch Custom and Dropshiper business owners, buyers and the Sharia Supervisory Board.

Data Validity

In qualitative research in this study we are using source triangulation techniques. Source triangulation is a technique carried out by comparing data obtained from several different sources. (Sugiyono, 2017: 125). This study's data source was obtained from interviews with *owners and dwatch agents, consumers and the sharia supervisory board*.

Test Analysis

Miles and Huberman (1992) suggest technical data analysis is the observation and analysis of data obtained from interviews and documentation. In qualitative research there are three stages in analyzing data: data reduction, data presentation and conclusion. (Agusta, 2003: 10)

1. Data Reduction
The process is carried out by disposing of unnecessary data obtained from the research results to focus more so that it is clearer in choosing data in research.
2. Data Reduction
Data presentation is an effort made to collect data that has been collected from a data reduction process which can then be concluded.
3. Conclusion
4. In conducting research, researchers make conclusions continuously. The conclusion at the beginning is in the form of explanations, cause and effect and others. Initially, the conclusions are still widespread, but after that they will be detailed and become research results. (Agusta, 2003: 10)

Company Profile

Dwatch Custom is a *supplier of watches, wall clocks that can be customized according to customer requests*. Dwatch was established on March 10, 2016 in Kauman village, Mawar 01 alley, Comal district, Pemalang regency, Central Java. The initial name was Dtime then after running 6 months it changed its name to Dwatch and until now still uses the name Dwatch. Dwatch's marketing system at the beginning of

its establishment was only selling *offline* or using groceries or storefronts on the roadside. After that, start entering the *online world* with a dropship or reseller system by recruiting members to be invited to cooperate in various cities and provinces throughout Indonesia. After the *dropship* and *reseller* system runs until 2020, then dwatch changes the marketing system, which is more focused on direct sales through *the market place* using an employee system. And for the *dropship* and *reseller system* is still running, but dwatch does not focus on dropshipping, but dwatch still opens vacancies for dropshipping and *resellers* to anyone who wants to join.

3. RESULTS AND DISCUSSION

From the results of interviews conducted by researchers to agents or dropshippers in the field, results were obtained that in buying and selling carried out by Dwatch Comal watch droppers, a parallel *istshna* contract was used, because the goods ordered by buyers to dropshippers are goods that must be made first according to specifications certain according to the buyer's wishes. But in this study researchers will use the point of view of the greeting contract. If examined more deeply the dropship buying and selling system carried out by dropshipper Dwatch, in buying and selling activities carried out by dropshippers with the initials D, Dropshipper D in marketing their products through Tokopedia, where the system in buying and selling is in Tokopedia implement a transfer payment system at the beginning and COD, but D only implements a payment system at the beginning and deactivates the COD system. When viewed from the terms of sale and purchase of greetings, this is in accordance with the conditions in buying and selling greetings where the buyer must make payment at the time of contract.

Then in the problem of delivery of goods, D had experienced delays in sending goods and then caused the consumer to complain about the problem, but D immediately responded and explained about the problem honestly to the buyer that there was a buildup of orders at the production center so that the delivery of goods was delayed. When viewed from the concept of the greeting contract that D in carrying out his duties as a *dropshiper* is in accordance with the concept of the greeting contract which if there is a problem related to the delay of goods and the buyer complains then D explains it honestly so that the buyer understands and understands. In marketing the product, D has also explained because in Tokopedia, the seller is required to explain the goods sold both in shape, size and price, it is also one of the conditions that must be met in the greeting contract which in buying and selling the greeting contract should write or explain the specifications of the item.

Then the interview results from dropshiper W is that in marketing his products, W uses Instagram which is devoted to selling, but in a post on his online shop instagram, W does not include a detailed description. W justposts photos and writes down prices without any clear product specifications. But according to P's presentation as the buyer, W still explains the specifications of the goods he sells so that P knows the items he wants to buy. In this case, if reviewed according to the terms of buying and selling greetings, in its implementation, the application of the greeting contract carried out by W is in accordance with the provisions for buying and selling the greeting contract, which in buying and selling the greeting contract should be explained in detail the specifications of the product sold. Then in the payment system it is flexible, sometimes at the beginning sometimes at the end. Dropship buying and selling carried out by dropshippers is buying and selling with a parallel *istshna* contract so that the payment system is in accordance with the applicable contract. However, when viewed from the concept of buying and selling greeting contracts, buying and selling dropships is not in accordance with the greeting contract in the payment system. Because of the sale and purchase of greetings, the payment must be handed over in cash at the time of contract.

The incident occurred after the researcher interviewed P as the buyer. W offers P an option regarding payment. Then P chooses to make a payment at the beginning because P already holds the money to be transferred to W. When viewed from the payment process between W and P is in accordance with the application of buying and selling greetings. But W should not offer an option to P because it could be that P will choose payment at the end so that the trade is not in accordance with the greeting trade. then related to the problem of complaints from buyers, W experienced complaints with buyers regarding delivery delays, W then explained honestly to buyers until the buyer understood the problem of delay. But the problem of late delivery does not occur at the time of transaction between W and P so that it is in accordance with the principle of buying and selling greetings.

Then the interview results to L as a dropshiper are as follows. In marketing, L uses social media facebook, whatsapp and shopee. In marketing his products, L posts photos and explains the specifications

of the goods and the price of the goods. When viewed from the concept of the greeting contract, L has carried out stages in accordance with the greeting contract, namely in marketing the product L explains the product specifications. Then according to L for the payment system, for COD the payment system is in place, but if not COD the payment system is at the beginning. Because the sale and purchase contract made by L uses the *istshna* contract in parallel. So for the payment issue, it is in accordance with the parallel *istshna* contract because in parallel *istshna* contract can make payments at the beginning, in installments or at the end. However, when viewed from the payment system from the point of view of the greeting contract, it can be seen that L has not fully implemented the concept of the greeting contract, because L applies the COD system whose payment method is carried out at the location of delivery of goods. This means that L is not yet in accordance with the concept of a greeting contract. Akad Salam should make payment in advance at the time of contract. When researchers conduct interviews with consumers from L, in transactions carried out between L as a seller and H as a buyer, in the payment system they make advance payments, so that in the payment system they are in accordance with the principle of buying and selling greetings. Then in the process of packaging and shipping is also as promised. And also the goods received by H according to the order mean that L has explained the products sold well.

When viewed from the pillars of buying and selling greetings carried out by D, W and L have fulfilled the pillars of buying and selling greetings where in the pillars there are 'âqid or people who make buying and selling transactions, objects in the form of goods that are traded then there is money as a means of payment and *ijab-qabul* in writing, because the three dropshippers in buying and selling online. When viewed from the legal conditions of buying and selling greeting contracts carried out by D, W and L have met the requirements for the sale and purchase contract greetings clarity of goods explained both when promoting products and when explaining to consumers, in the case of delivery of goods also in accordance with the greeting contract, which is determined place and time, even though there is a slight delay in the delivery of goods, But the problem can be overcome well by explaining the actual incident. However, there is one condition that has not been fully fulfilled by W and L because W and L sometimes use a payment system when handing over goods or COD. They use COD services and on-site payment because it is intended to create convenience and increase trust in buyers or prospective buyers.

4. CONCLUSIONS

In the research described in the previous chapter, after the researcher analyzed the data, the author concluded that the dropshipper in buying and selling used a parallel *istshna* contract in practice. Thus, when examined from the point of view of the *contract of greetings*, the practice of buying and selling does not meet the qualifications of validity. As is understandable, that the practice of buying and selling with the *dropship system* carried out by Dwatch agents or *dropshippers* online is not fully in accordance with the applicable provisions in the greeting contract. One condition that is not in accordance with the terms of the greeting contract must be corrected: in the payment system applied in the transaction. In the contract, the payment system greeting should be made at the time of the contract. However, some *droppers* apply their payment system at the end or at the time of delivery of goods. Thus if the payment is made at the end then the sale and purchase is no longer *bai' as-salam*, but will be *bai' kâli' bil kâli'* or *sale of goods owed and the payment is also debt, the law of making a transaction of buying and selling debts with debts or bai' kâli' bil kâli'* according to the opinion of scholars on the law of *bai' kâli' bil kâli'* is not allowed. The reason for not allowing buying and selling *kâli' bil kâli'* is because it is feared that the sale and purchase is a sale that leads to *usury nasiah*. So to avoid that, in the sale and purchase transaction of the salam contract, there should be an improvement in the payment system, namely: by making payments at the time of the contract, if the company wants to use the salam contract in the practice of buying and selling. Then in processing goods until delivery often experiences delays according to exposure D, this delay problem can be solved by explaining the actual event to consumers. But as a buyer sometimes does not want to know for that matter, because at the time of the contract the buyer has agreed to determine the time for the delivery of goods. So as buyers, they can only approve and wait for the ordered goods to be delivered to the buyer's address as soon as possible.

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