

Perspectives of Contemporary Muamalah Jurisprudence Law on Buying and Selling "claw" on the TikTok Application

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Abstract	Technological developments make changes to the buying and selling system. One of the most popular systems is buying and selling claws on TikTokshop. The purpose of this study is to determine whether buying and selling "claws" is in accordance with Islamic economic law or not. The research method is literature research. The results of the study indicate that there are three problems that exist in the sale and purchase of claws, namely the type of goods, the quality and quantity of the goods, and how to take the object of the contract. In line with the permissibility of buying and selling online using a salam contract, the sale and purchase of claws must also follow the terms and conditions of the sale and purchase of salam because it is done online. In the sale and purchase of greetings, the object of the contract must be clear about the shape, size, quantity, and quality agreed at the beginning of the contract. So, based on the research results, the sale and purchase of claws contains elements of gharar (unclear) and maisir (chance) because the object of the contract depends on the seller's head, which is not known how the quantity and quality will be obtained by the buyer.	
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1. INTRODUCTION

Mentioned in Q.S. Al Baqarah verse 198:

لَيْسَ عَلَيْكُمْ جُنَاحٌ أَنْ تَبْتَغُوا فَضْلًا مِنْ رَبِّكُمْ ۚ فَإِذَا أَفَضْتُمْ مِنْ عَرَفَاتٍ فَاذْكُرُوا اللَّهَ عِنْدَ الْمَشْعَرِ الْحَرَامِ ۖ وَاذْكُرُوهُ كَمَا هَدَيْكُمْ وَإِنْ كُنْتُمْ مِنْ قَبْلِهِ لَمَنِ الضَّالِّينَ ۚ

It means: "It is not a sin for you to seek gifts from your Lord (during the hajj season). When you depart from Arafah, think to Allah in Masyarilharam) Pray to Him because He has instructed you even though you were previously truly heretics".

According to the interpretation of the Ministry of Religious Affairs of the Republic of Indonesia, the meaning of the above verse is not a sin for you to seek gifts from your God in the form of halal sustenance through trading, offering services, and renting goods. Among Muslims, there are those who feel it is sinful to trade and seek halal sustenance during the hajj season, even though Allah allows it in the ways stipulated in the Qur'an. Because basically Allah justifies buying and selling transactions with



predetermined terms and conditions. This is as mentioned in the Quran Surah Al-Baqarah verse 278, "Allah prohibits buying and selling and forbids usury".

Buying and selling activities have been a source of livelihood for Muslims since a long time ago, and have been practiced by the Prophet Muhammad SAW. Prophet Muhammad SAW practiced buying and selling activities based on honesty and in accordance with sharia rules. This is intended for both parties, namely buyers and sellers to benefit equally (Huda, 2022).

Until now, the more modern human life, buying and selling is still an economic activity that is widely carried out as a livelihood. Along with technological advances, the buying and selling system in the modern era has become very dynamic. Buying and selling can be done without distance restrictions, without the need to meet directly between the seller and the buyer. By utilizing electronic devices such as smartphones and internet networks, buying and selling can be done online.

The development of technology creates diverse buying and selling practices. The diversity of these practices can trigger sellers or buyers to heed the legal terms of sale and purchase that have been set. The legal conditions in question are legal conditions covering the subject of buying and selling, the object of buying and selling and the contract used. In such cases, Muslims must sort out which transactions are in accordance with the rules of muamalah jurisprudence and which are not in accordance with muamalah jurisprudence.

Previous research has examined the law of buying and selling using the latest information technology. Such as research from (Mayasari & Nurhasanah, 2022) which examines the practice of buying and selling with a random system on the online store "Fmqs.Bookstore19" in the shopee application. The random system in question is that the seller will provide a variety of choices in the form of types of books such as novels, student books, comics and others along with prices. Then the buyer only needs to place an order without knowing the title of the book to be sent by the seller. The conclusion of the study stated that the transaction contained elements of gharar and maysir. As well as violating the object of an-taradhin.

Other research has also touched on the law of buying and selling transactions with online dropshipping systems. Based on the conclusion of the study that the dropshipping model transaction if studied with the pillars of the contract in sharia has fulfilled the pillars of the sharia contract, in the case of ownership of goods, there are two opinions, namely allowed on the basis of obtaining permission from the owner of the goods. Another opinion is that it is prohibited on the basis that the goods do not fully belong to the seller (Amalia, 2023).

The next buying and selling transaction system that needs to be studied is buying and selling "claws". The buying and selling system that is currently being carried out is buying and selling with the name of buying and selling "claw" began to be popular in early 2022. One of the media that is the

container for this transaction is the TikTok application.

TikTok is a social media application that can be downloaded for free on every smartphone user. TikTok was originally only a medium that could only share videos, edit videos, and LIVE, along with the increase in online buying and selling, TikTok finally introduced a new feature yang disebut dengan Tiktoshop. Tiktoshop is a marketplace feature that can be used for buying and selling activities. The goods traded vary from accessories, skincare, ATK to food.

The thing that needs to be studied from the "claw" buying and selling model is the object of the contract. The validity of buying and selling transactions is also determined by the goods traded. The object of sale and purchase must meet the valid requirements (Maharani & Yusup, 2022). The seller or buyer must qualify something to be the object of the contract. Based on this background, the author is interested in researching more deeply related to the "claw" buying and selling system that is currently being carried out on the TikTok application. Then the author will associate it with contemporary muamalah jurisprudence regarding the buying and selling allowed by Islamic law.

2. METHODS

The research method used is descriptive qualitative research with a case study approach of buying and selling transactions "claw" on Tiktoshop. The data collection technique is using the observation method. Observations are made to sellers who make "claw" transactions and buyers. Researchers will also make observations on reviews given by buyers of goods that have been received. As for the study material, the object of research is carried out by the literature method. Supporting documents are in the form of books and similar research journals. So this research can also be referred to as literature research that focuses on normative theology to find out the law of buying and selling "claws".

The following list of sellers observed by researchers consists of 11 sellers who buy and sell "claw" and 14 sellers who give bonuses for purchasing goods with the "claw" system.

Table 1. List Of "claw" Sellers on TikTok App

No	Store name (disguised)	Price (Rp)	Types of goods sold	Claw as an object of buying and selling (A)/ Bonus (B)
1	Store A	15.400	Accessories	A
2	Store B	10.000	Accessories	A
3	Store C	25.000	Accessories	A
4	Store D	26.100	Accessories	A
5	Store E	10.990	Accessories	A
6	Store F	30.000	Skincare	A
7	Store G	15.950	Accessories	A
8	Store H	50.000	Doll	A

9	Store I	15.000	Mini toys	A
10	Store J	30.000	Skincare	A
11	Store K	32.000	Stationery	A
12	Shop L	99.999	Skincare	B
13	Store M	53.000	Food	B
14	Store N	29.000	Skincare	B

Based on the list above, it is known that most of the items sold are accessories. As well as other items such as skincare, dolls, stationery, and food. In addition, the price offered varies according to the item of goods sold.

3. FINDINGS AND DISCUSSION

Research results

Along with technological advances, economic transactions began to undergo changes in the system carried out, one of which was buying and selling activities. At first, people were more familiar with buying and selling directly, just like directly visiting the store to buy certain goods. Nowadays, buying and selling can be done only by staying at home using smartphone. Kegiatan seperti ini dapat disebut dengan transaksi e-commerce. E-commerce is a buying and selling activity through electronic media connected to the internet (Riswandi, 2019) E-commerce has grown through huge internet penetration. The Internet and smart cell phones have truly become part of every economic life of society now (Jain et al., 2021)

As a development of e-commerce activities, there are large companies that provide stalls to carry out buying and selling activities online called marketplaces. Marketplace offers products and services from several sellers and has been as an intermediary to meet its buyers and sellers (Kawa & Walesiak, 2019). Sehingga dapat disimpulkan bahwa marketplace adalah pihak ketiga sebagai wadah untuk kegiatan e-commerce.

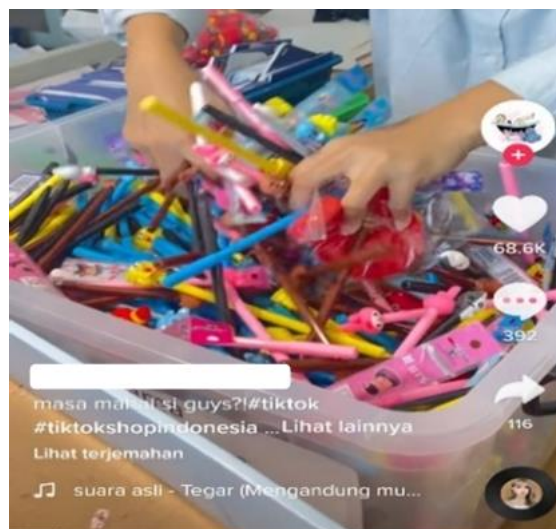
The buying and selling system in the marketplace is relatively easy. This eventually attracts the attention of buyers and sellers to transact in certain marketplace applications. Buyers and sellers generally only need to create an account and can start selling or buying goods transactions.

One of the marketplaces that is being favored by sellers or buyers is tiktokshop provided by the tiktok application. Tiktok is an application from China that was launched in 2016 and began to be crowded in Indonesia in 2017. Initially, Tiktok was a social media application that focused on video features. Tiktok users can upload and edit the videos they will upload. In addition, on the Tiktok application users can do Live videos.

The development of social media applications into a marketplace is the main attraction. Social

media features that have been provided by TikTok can make it easier for sellers to offer goods to buyers. One feature that is often used by sellers is the LIVE feature. the advantage of offering products live by sellers is that they can show buyers how to use, uses and other things that buyers want to know.

At the beginning of 2022, there were many transactions called buying and selling "claws". Buy and sell capi using the LIVE feature. The transaction system is the same as other purchases, the difference is that the buyer places an order for goods in the storefront provided by the seller and presses what the number of the order is. If the buyer orders 1, the seller will make 1 claw on the selling item that has been put in the container. The items sold are various such as office stationery, food, skincare, clothes, dolls to accessories. The prices offered vary from each store, based on the author's observations, the price of this "claw" transaction starts from Rp. 10,000.



In practice, while the seller is live streaming the buyer can see the goods offered. If interested, buyers can place an order and make payment. After the payment is complete, the seller will live call the name of the booker or buyer to be able to see the process of stamping the contract object. Sellers will generally close their eyes and start the process of stamping according to the number of orders. When finished, the goods are ready to be packed and sent to the buyer.

Every claw buying and selling transaction, the buyer must get the goods, unlike the claw doll game, which is not certain whether it can or not. In the transaction of buying and selling "claw", based on the observations of the author the buyer must have got the goods. The seller will repeat if there are no or too few claw results. In addition, sellers often get additional bonuses outside of the clawan proceeds. In this regard, each store has its own provisions. There are stores that directly enter bonuses and there are also stores that accept requests regarding what bonuses the buyer wants according to the conditions of the seller.



Deskripsi produk

DAPATKAN AKSESORIS RAMBUT DAN LAINYA DENGAN CARA DI DIORDER
CARANYA DENGAN 1X CO = 10.000 DAN BERLAKU KELIPATANYA YA GUYSSS....

Macam-macam bonus=
1,2,3,4 X comot = Bebas pilih bando
5 X comot = Nano spray, boneka berbie, tempat sabun cuci piring, dompet, botol minum, tas selempang anak
10 X comot = Botol minum viral, boneka boba kecil, tas
15 X comot = Boneka boba besar, tas Dst

DAN BANYAK LAGI HADIAHNYA YA.... SEMAKIN BANYAK CO SEMAKIN BANYAK HADIAH

Rp10.000
seru seruan bareng
75 terjual
🔄 Pengembalian dalam 6 hari · Penjual yang disetujui

Toko Bincang... **Tambah ke Tr...** **Beli Sekarang**

Findings from the results of the researcher's observation of the "claw" buying and selling transaction activities related to the object of buying and selling. Some sellers display photos that buyers can buy using photos that don't match. Then The author asked one of the merchants who was doing a live stream regarding the images on display, whether they would later get items according to the photos on display or not. The answer from the seller is no, the photo displayed in the storefront of the online store is only as an image that is displayed to meet the requirements required by the marketplace provider.

In relation to these findings, it is necessary to discuss further how the law of buying and selling "claws". Especially with regard to the object of buying and selling. What are the legal conditions for buying and selling that must be met by buyers and sellers. Based on the legal conditions of buying and selling greetings, the object of the contract ordered must be clear about its type, quality and quantity. Meanwhile, in buying and selling the claw of the contract object, the quantity and quality cannot be ascertained, because it depends on the seller's clawan.

Discussion

In terms of buying and selling, it is defined as exchanging property for property. The property in question is an item that is the object of contract and medium of exchange such as money (Mustofa, 2016). Sale and purchase is an agreement to exchange objects (goods) or services that have value, on the basis of willingness (agreement) between two parties in accordance with the agreement or provisions allowed by shara' (Safira & Fatriansyah, 2020).

The pillars of buying and selling are sellers and buyers, contracts and objects of buying and selling. The legal conditions for buying and selling are that sellers and buyers are reasonable people and buy

and sell because of personal will, not from the coercion of others. In addition, the sale and purchase contract is carried out in one assembly as well as the delivery of the object of the contract from the seller to the buyer. The legal requirements for the object of the sale and purchase contract are real and definite goods, unlike animals that are still in the womb of their mother. Furthermore, the object of the sale and purchase contract must have value, be halal and can be owned, stored and utilized by the buyer.

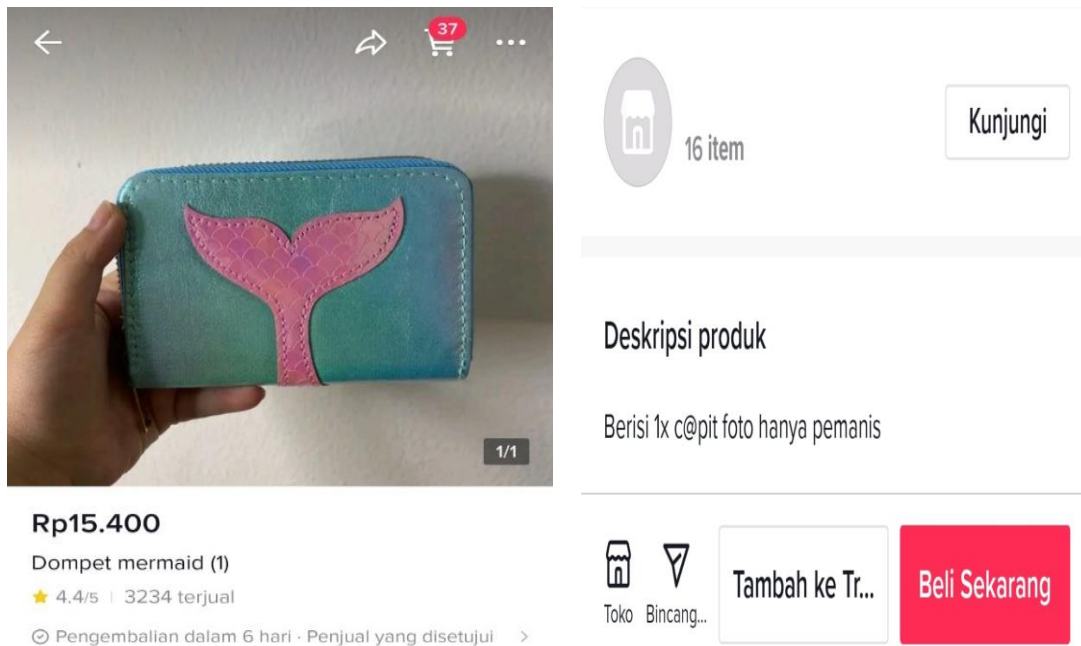
The legal basis for buying and selling is found in Q.S Al-Baqarah verse 275 "Allah has legalized buying and selling and forbade usury". And Q.S An-Nisa verse 29 "O believers, do not eat each other's property in a false way, except by means of consensual business among you". In the law of buying and selling in Islam is not allowed to contain elements of haram, gharar (obscurity) and maisir (speculation) from various aspects related to the sale and purchase.

In Islam, buying and selling online is allowed and entered into buying and selling using a contract of greeting. Buying and selling greetings is a category of buying and selling that emphasizes the delivery of the object of contract. Buying and selling greetings occurs due to price payment transactions carried out in advance and the delivery of goods is carried out in accordance with the time determined by the buyer and seller (Nurjaman et al., 2021).

In buying and selling greetings, the object of the contract must be agreed upon by the seller and buyer at the beginning of the contract and cannot be changed after the contract has been agreed. The characteristics of the contract object must be known by the buyer regarding type, quality, quantity (Mujiatun, 2013). Upon this agreement, the seller must deliver the goods in accordance with the initial agreement. And in case of damage, the buyer must be liable.

The highlight in buying and selling this "claw" is first, the image displayed by the seller. In online buying and selling, what is allowed in Islam is that the goods traded with pictures or videos on display must be the same (Mustofa, 2016). The function of the photo or video is as a clear illustration of the form of goods being traded.

Based on the findings, it is known that there are sellers who display photos that are not in accordance with the barang sold. The seller also conveyed that the photos displayed were only as a sweetener and as a fulfillment of the requirements of the TikTokshop. So there are some sellers who only display 1 item that they have sold, other sellers upload photos that depict the piles of goods they sell and others only upload pictures containing information related to the procedure for buying and selling claw carried out. Buyers will get the goods that match the picture if they make a request and checkout according to the store's provisions.



Based on these problems, it can be concluded that this is not in accordance with the requirements of buying and selling “Salam”. Buying and selling carried out with a “Salam” contract places great emphasis on the object of the contract. It should be clear what goods are sold (Munandar & Ridwan, 2023).

The second problem is related to the quality and quantity of contract objects. The quality of the merchandise is not specifically explained by the seller. The number of items collected in one container makes the seller not review each item being traded. This results in the buyer also not knowing the quality of the goods he buys. The buyer only sees and knows the type of goods he buys but does not know the quality of the goods. In addition, the goods stamped by the seller will be different in quantity. The number of items obtained by each buyer will be different even if they make the same number of purchases. This is not in accordance with the “salam” buying and selling contract, where the object of the contract ordered by the buyer must be known in advance of its quantity and quality (Abdurohman et al., 2020).

Finally, the third problem is that the seller does the clawan with his eyes closed. Every time a claw buying and selling transaction, the seller will close his eyes this is so that the seller assures the buyer that there is no manipulation of the stamping carried out. Related to the second problem, the seller and buyer speculate where the seller also bets what goods will be claw, whether the seller will lose or profit if the goods he stamps too much.

Based on the 3 problems above, it can be said that buying and selling with the claw system contains elements of gharar (obscurity) and maisir (profit). The element of gharar is found in the unclear object

of buying and selling both in quantity and quality (Rudiansyah, 2020). The prohibition of transactions containing *usur gharar* is found in Q.S al-Baqarah verse 188 which means do not eat prices in a real way.

The element of *maisir* lies in the advantages and disadvantages that may be borne by the seller and the buyer. Buyers will benefit if the number of *clawan* is large and will feel disadvantaged if the number of *clawan* is only small. Sellers will be harmed if the *clawan* results are too much (Iskandar & Malik, 2022). The basis for the illegitimate basis of activities containing *maisir* is found in Q.S Al-Maidah verse 90 which means that it is forbidden for mankind to draw fate.

When there is a lot of buying and selling concepts with a *claw* system, some stores use this system as a promotional medium to attract buyers. The results of the *claw* are used as a reward for buying and selling transactions carried out by consumers. In the buying and selling system, sellers can give gifts to buyers for transactions made, this can be intended as a marketing strategy to bind consumers to become loyal consumers.

The above is supported by DSN fatwa No: 86 / DSN-MUI / XII / 2012 which states that sellers can give gifts in the context of product promotion. Gifts as non-binding gifts on the legal basis of *sunnah* (Bahri, 2013). The seller is allowed to give gifts to the buyer on the basis of pleasing the consumer for having bought the goods he sells without raising the fair price. Thus, the gift that the seller gives to the buyer is allowed. Buying and selling by giving gifts using the *claw* system does not contain elements of *gharar* and *maisir* because the object of the sale and purchase contract is clearly the quality and quantity. *Clawulation* is only as a reward for buying and selling transactions that have been carried out.

4. CONCLUSION

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