

LEGAL ASPECTS OF THE USE OF DIGITAL TECHNOLOGY THROUGH SHARIA ONLINE TRANSACTIONS IN TRADITIONAL MARKETS IN INCREASING COMMUNITY ECONOMY

Andi Aina Ilmih
Sultan Agung Islamic University
andinazuldina@gmail.com

Kami Hartono
Sultan Agung Islamic University
kamihartono1960@gmail.com

Ida Musofiana
Sultan Agung Islamic University
idamusofiana@gmail.com

Abstract

This research focuses on the use of digital technology through sharia online transactions in traditional markets in the City of Semarang. Then analyze the legal policies governing the use of digital technology through sharia online transactions in Indonesia and determine the impact of the use of digital technology through sharia online transactions in the Semarang traditional market. This research uses empirical legal research methods, with descriptive-analysis method. Based on research that has been done, the legal arrangements for the use of digital technology through sharia online transactions in Traditional Markets are regulated in Act Number 11 of 2008 concerning Electronic Information and Transactions (ITE) and the impact of using digital technology through sharia online transactions includes both positive and negative impacts. Positive impacts include: Industrial productivity has increased; encourage MSMEs to enter e-commerce; facilitate the promotion and marketing activities of a product; and more new services are making it easier for the economy and business. As well as the negative impacts, among others: the easier transactions are prohibited and the more cases of lawlessness occur in online trading.

Keywords: *Digital Technology, Sharia online transactions, Traditional Markets.*

A. INTRODUCTION

Rapid technological developments bring progress to almost all aspects of human life. One of the rapid developments in the field of trade transactions is the use of digital

technology through online transactions, which provides convenience and allows humans to transact quickly without being constrained by space and time limits.

Economy is one of the three main pillars of development in the social and political side. Currently, Indonesia is a developing country in implementing national development. Indonesian National Development focused on efforts to improve the quality of man, and the people of Indonesia, which is done in a sustainable manner, based on national capabilities, by leveraging advances in science and technology and with regard to global challenges. The government at that time aware of its significance to also contribute to crowdfunding in Indonesia. This is a strategic plan given the large number of people in Indonesia. The Union and the use of public funds also aims to optimize public funds for development.¹

Online Transactions is a form of transaction that has its own character, that is, transactions that cross regions and even national borders, do not meet sellers and buyers directly, carried out anywhere and anytime, using internet media. This condition on the one hand is very beneficial for consumers, because they have many choices to get goods and do not need to move from their place of residence, but on the other hand violations of consumer rights are very risky because of the unique characteristics of online transactions.

Along with technological developments that have penetrated the State of Indonesia, people are required to follow all the developments that exist both from east and west, as a whole the community must accept everything that exists, and enter the State of Indonesia.² Digital trading business activities (e-commerce) are often found in the buying and selling of products through online transactions offered through websites or internet sites. Online transactions do not require the parties to meet with each other in person. This is different from conventional transactions in the real world (offline) which are generally agreed upon by the parties to meet face to face.

With the use of digital technology from various applications has given a very broad space to transact more sharia. One of them is through sharia online transactions. The large number of markets (market of places) that use online transactions (considered to be modern markets) is expected to be able to fully apply Islamic values, including in traditional markets.

Indonesia as the largest Muslim country in the world that has a potential market for the development of an Islamic economy based on a populist economy, needs to be well developed Islamic business and financial industry. Because various Islamic financial

1 Tommy Leonard, Heriyanti, MODEL OF OBLIGATION REGULATORY CONSTRUCTION AS LEGAL PROTECTION EFFORT TO CAPITAL MARKET INVESTORS BASED DIGNITY JUSTICE, *Jurnal Pembaharuan Hukum*, Volume V No.3 September-Desember 2018, P.440-453.

2 Aryani Witasari, Aris Setiono, PERLINDUNGAN HUKUM PENGGUNA JASA ELECTRONIC BANKING (E-BANKING) DI TINJAU DARI PERSPEKTIF HUKUM PIDANA DI INDONESIA, *Jurnal Pembaharuan Hukum*, Volume II No. 1 Januari-April 2015, P.126-137.

institutions have emerged and developed, such as Islamic Banking, Tafakul, Islamic Cooperatives and Islamic Capital Markets.

New ways of financial transactions using digital technology require adjustments to the development of communication technology. The emergence of a new way of dealing is caused by changes in the way people think. Changes in people's way of thinking related to the benefits of using technology cannot be separated from the speed of fulfilling the needs in carrying out daily activities.

Various digital technology-based applications that exist today as an effort to improve the community's economy that began to be applied in various financial transactions. For example, the application of digital technology-based applications, namely the existence of the Go-Jek application or the development of other applications that seek to meet every need of the community quickly.

The birth of various digital technology-based applications has included running the function of sharia where the aspects of clarity and transparency have been met. The elements of clarity start from the method of payment, the route to be followed, and the parties involved (as users) of the application can be known by the public so that the automatic aspects of transparency are also fulfilled.

In addition to the availability of online-based facilities, it cannot be separated from the birth of electronic contracts. Electronic contract (E-contract) is made through an electronic system. "Electronic system" is a series of electronic devices and procedures that function to prepare, collect, process, analyze, store, display, announce, send and / or disseminate electronic information.³

Basically the arrangement regulations that full consistency cannot be separated from his relationship with systematic legal regulations the others, because the law is a system means that means that is a unified whole consisting of parts or elements that are related to each another, or in other words, the legal system is a unit consisting of the elements that have interactions with each other and work together to achieve this unity.⁴ Based on the description above, the author analyzes the extent of the legal regulation of the use of digital technology through sharia online transactions in traditional markets and analyzes the impact of the use of digital technology through sharia online transactions in traditional markets in improving the economy of the Indonesian people, especially in the Semarang City area.

3 Cita Yustisia Serfiani dkk, *Buku Pintar Bisnis Online dan Transaksi Elektronik*, Gramedia Pustaka Utama, Jakarta, 2013, P.9.

4 Lusya Sulastri, LEGAL PROTECTION OF THE DEBTOR CONSTRUCTION COMPLETION OF NONPERFORMING LOANS BY AUCTION OF LIABILITY WARRANTIES, *Jurnal Pembaharuan Hukum*, Vol V No.2 April-Agustus 2018, P.182-196.

B. Research Methods

The approach used is an empirical juridical approach. The method of empirical juridical approach in question is that in analyzing legal problems done by combining legal materials (which are secondary data) with primary data obtained in the field or at the research location. This primary data was obtained by interviewing relevant parties, in this case traditional market traders who use digital technology through sharia online transactions in traditional markets. Secondary data sourced from library research (library research), both through reference books, working papers of legal experts, research reports, papers, scientific journals, and other literature relating to this research.

Data analysis used in this study is descriptive-qualitative by analyzing data/information obtained through descriptive research with library research which is then systematically compiled and described qualitatively.⁵

C. Discussion

1. Legal Regulations on the Use of Digital Technology Through Sharia Online Transactions in Traditional Markets

One of the rapid developments in the field of trade transactions is the use of digital technology through online transactions, which provides convenience and allows humans to transact quickly without being constrained by space and time limits.

The development of technology certainly brings various changes in people's lives. On the one hand, technology helps humans in meeting their needs and the other side can also cause various problems so anticipatory efforts need to be made. The effort has now given birth to a legal product in the form of a law, known as the ITE Law. However, with the birth of the ITE Law, not all problems can be resolved.

Developments in information technology have transformed almost all facets of life. In one side of the computer technology has the advantage of an opportunity to get information, work, participate in politics and democratic life and other advantages, but on the other hand, information technology will "bite" real life which we have long struggled with all existing heritage. Netizens can see this as a problem to be solved before it moves further down the road and alleys of cyberspace.⁶

From the beginning people are always looking for ease in carrying out the activities in achieving life. It has been fulfilled with the advancement of

5 Andi Aina Ilmih, A.Zulkarnain, IDEAL ELECTRONIC CONTRACT MODEL AS A FORM OF E-COMMERCE DISPUTES SETTLEMENT, *Jurnal Pembaharuan Hukum*, Volume VI No.1 Januari-April 2019, P.77-89.

6 Andri Winjaya Laksana, CYBERCRIME COMPARISON UNDER CRIMINAL LAW IN SOME COUNTRIES, *Jurnal Pembaharuan Hukum*, Vol V No.2 April-Agustus 2018, P.217-226.

technology. Nonetheless, people are still not satisfied, so always look for the possibility to easily meet their needs.

On the other hand to achieve common needs someone actually doing is reprehensible. Both in the field of trade and nor in any field where people are doing business. Included in the negative activities are the activities in the field of banking. Resulting also in the banking sector is directly engaged in the money, so it is very gimmicky, whether in business ventures which can be positive or negative events.

The problem is partly because: First, with the birth of the ITE Law it is not solely known to the digital technology user community and legal practitioners. Second, various forms of technological developments that lead to new operations and services must be identified in anticipation of solving various technical problems that are considered new so that they can be used as material for the preparation of various Implementing Regulations. Third, the enrichment of sectoral legal fields (the new legal regime) will add to the lively dynamics of the law which will become part of the national legal system.

With the rapid development of digital technology, the regulation of digital technology is not enough by conventional laws and regulations, but special arrangements are needed that describe the true state of society, so that there is no gap between the substance of the rule of law and the developing reality in society. For example for cyber activities. Although it is virtual, cyber activities can be categorized as real legal actions and actions.

In juridical terms, cyber space is no longer in place to categorize something with conventional legal standards and qualifications to be made into objects and actions, because if this method is taken there will be too many difficulties and things that escape the law trap. Cyber activities are virtual activities that have a very real impact even though the evidence is electronic. Thus, the subject of the culprit must also qualify as someone who has done a real legal action.

The number of applications found and used in cyber activities is in the form of electronic transactions (by online). This has become a legal problem since electronic transactions began to be introduced, in addition to security issues in the information system itself. Without strict and sophisticated security, the development of information technology does not provide maximum benefits to the public. Digital technology allows easy misuse of information, so the problem of information system security becomes very important.

The information security approach can go through three approaches namely: First is the Technology Approach; second, the Social Culture-Ethics Approach; and

third, the Legal Approach.⁷ To overcome security disturbances, a technological approach is absolutely necessary, because without a network security it would be very easily infiltrated, intercepted, or hacked illegally and without rights. With ITE Law, it is expected that all sharia-based electronic transaction (online) problems can also be resolved in the event of disputes and violations that cause material and immaterial losses. Therefore, the ITE Law is a form of legal protection for the whole community in ensuring legal certainty, especially with regard to electronic based activities.

The provisions stipulated in the ITE Law, although in general, are quite comprehensive and accommodate all matters related to the cyber world. The material regulated in the ITE Law is generally new in the legal system which includes: the issue of recognition of transactions and electronic evidence (Articles 5-22), domain names and Intellectual Property Rights (Articles 23-26), as well as forms of prohibited conduct (Articles 27-37), data protection and dispute resolution (Articles 38-44) and their sanctions (Articles 45-52).

Regarding the use of digital technology through sharia online transactions, at least the ITE Law regulates matters that become important points. First, the recognition of sharia online transactions and electronic documents within the legal framework of electronic transactions can be guaranteed; and second, the classification of actions including qualifications of violations of the law related to misuse of information technology (IT) accompanied by criminal sanctions including for acts of carding, hacking and cracking.

In the civil and business fields, the ITE Law regulates the affairs of electronic transactions. Electronic transactions include business transactions and electronic contracts. Problems that arise are then regulated are related to power problems in the verification system of information, documents and electronic signatures. In general, information, electronics and / or printouts are valid legal proofs, which are extensions of legal proofs in accordance with the applicable procedural law in Indonesia, except letters which according to the law must be made in written form; and a letter along with the documents which according to the law must be made in the form of a notarial deed or deed made by the official deed maker.

2. The Impact of Using Digital Technology through Sharia Online Transactions in Traditional Markets To Improve Community Economy

Advances in information technology have an impact and shift market functions in a broader direction. Many traditional markets that used to be a

⁷ Firmanzah dan Rizal E. Halim, *Strategi Revitalisasi Pasar Tradisional, dalam buku : Rumah Ekonomi Rumah Budaya Membaca Kebijakan Perdagangan Indonesia*, PT Gramedia Pustaka Utama, Jakarta, 2012, P.3

meeting between sellers and buyers or traders and consumers, now turn into a meeting place for traders and traders. Formerly the market was always crowded at six to ten in the morning because many mothers shop. Now the market hours shift from two to six in the morning and after that the market becomes quiet. The place shifted from the market (shophouses) to the street in front of the market.

A shift in market function also affects the form of business transactions. The fact is that until now, transactions in Traditional Markets are still conducted conventionally, namely payments using physical money. In fact, payments using physical money of this kind have several disadvantages, such as the risk of loss, cleanliness, to the potential for money being damaged due to changing hands too often.

With the development of technology, bringing the entry of various digital applications through online transactions, including sharia online transactions, provides opportunities and opportunities for the community, especially businesses in increasing the productivity of their businesses and for consumers to meet their daily needs. Although in practice, the application of sharia online transactions depends on the extent of one's understanding related to Islamic values (Islamic Values) that they embrace (internalization understanding) because there is no specific application of sharia online transactions on the internet.

The impact of the use of digital technology through sharia-based online transactions in Traditional Markets, includes 2 (two) categories: First, a positive impact; and second, negative impacts. Like two sides of a coin that must be balanced so as not to lean towards the negative. These positive effects include:

- a. Industrial productivity has increased. Advances in technology enable individual consumers to make direct contact with the factory so that services can be carried out directly and individual tastes can be met, and more importantly consumers do not need to shop.
- b. Increasingly encouraging MSMEs to enter the scope of e-commerce in the context of community empowerment.
- c. With advertising facilities on the internet on certain sites will facilitate the promotion and marketing of a product.
- d. Utilization of digital technology to create new services in the economy and business between e-banking and SMS banking. Whereas for E-commerce is the distribution, purchase, sale, marketing of goods and services through electronic systems such as internet and television, websites, other computer networks. E-commerce can involve electronic fund transfers, electronic data exchanges, automated inventory management systems, and automated data collection systems.

In addition to the positive impacts in the form of ease and speed obtained, it is possible to have a negative impact on the use of digital technology, including:

- a. With ease online transactions on the internet will make it easier for transactions that are prohibited to occur such as smuggled goods transactions.
- b. There are more and more cases of violations of online-based laws, for example fraud in online trading.

Apart from the development of digital technology users, there are two aspects of change that are the focus of attention today. The first aspect, the availability and facilities of information and communication technology infrastructure (ICT) that supports the community, then the second aspect, related to the quality of human resources (HR) in using available digital technology.

With the advancement of digital technology through online transactions, it is hoped that all people can adapt and increase their capacity to use it positively to improve the people's economy.

D. CONCLUSION

Legal arrangements for the use of digital technology through sharia online transactions in Traditional Markets are regulated in Act Number 11 of 2008 concerning Information and Electronic Transactions (ITE) as a legal umbrella for legislation in Indonesia. The provisions stipulated in the ITE Law, although in general, are quite comprehensive and accommodate all matters related to cyberspace and sharia online transactions. The impact of the use of digital technology through sharia online transactions in traditional markets in order to improve the community's economy, including positive and negative impacts. The positive impacts include: (a) Increased industrial productivity; (b) Increasingly encourage MSMEs to enter e-commerce; (c) facilitate the promotion and marketing activities of a product; and (d) the availability of new services to improve the economy and business. In addition to the positive impacts, the negative impacts include: (a) Easy online transactions will make it easier for banned transactions to occur; and (b) More and more cases of lawlessness occur in online trading.

BIBLIOGRAPHY

- Andi Aina Ilmih, A.Zulkarnain, IDEAL ELECTRONIC CONTRACT MODEL AS A FORM OF E-COMMERCE DISPUTES SETTLEMENT, *Jurnal Pembaharuan Hukum*, Volume VI No.1 Januari-April 2019;
- Andri Winjaya Laksana, CYBERCRIME COMPARISON UNDER CRIMINAL LAW IN SOME COUNTRIES, *Jurnal Pembaharuan Hukum*, Vol V No.2 April-Agustus 2018;
- Aryani Witasari, Aris Setiono, PERLINDUNGAN HUKUM PENGGUNA JASA ELECTRONIC BANKING (E-BANKING) DI TINJAU DARI PERSPEKTIF HUKUM PIDANA DI INDONESIA, *Jurnal Pembaharuan Hukum*, Volume II No. 1 Januari-April 2015;
- Cita Yustisia Serfiani dkk, 2013, *Buku Pintar Bisnis Online dan Transaksi Elektronik*, Gramedia Pustaka Utama, Jakarta;
- Lusia Sulastri, LEGAL PROTECTION OF THE DEBTOR CONSTRUCTION COMPLETION OF NONPERFORMING LOANS BY AUCTION OF LIABILITY WARRANTIES, *Jurnal Pembaharuan Hukum*, Vol V No.2 April-Agustus 2018;
- Firmanzah dan Rizal E. Halim, 2012, *Strategi Revitalisasi Pasar Tradisional, dalam buku : Rumah Ekonomi Rumah Budaya Membaca Kebijakan Perdagangan Indonesia*, PT Gramedia Pustaka Utama, Jakarta;
- Tommy Leonard, Heriyanti, MODEL OF OBLIGATION REGULATORY CONSTRUCTION AS LEGAL PROTECTION EFFORT TO CAPITAL MARKET INVESTORS BASED DIGNITY JUSTICE, *Jurnal Pembaharuan Hukum*, Volume V No.3 September-Desember 2018;