

ANALYSIS BA'I AL-SALAM ON THE PRACTICE OF BUYING AND SELLING REJECTED SALE PRODUCTS SKINCARE AND COSMETICS THROUGH THE WHATSAPP GROUP "DAINTY BEAUTY"

Nathania Alwi Ramdhani¹, Muh. Sholihuddin²

UIN Sunan Ampel Surabaya

05010221019@student.uinsby.ac.id¹, msholihuddin@uinsa.ac.id²

Abstrak: Artikel ini bertujuan untuk menganalisis transaksi jual beli produk rejected sale melalui grup whatsapp "Dainty Beauty". Penelitian ini berfokus pada pemenuhan rukun dan syarat jual beli serta penerapan akad salam yang menggunakan pembayaran di muka dengan proses pengiriman pada waktu tertentu. Produk rejected sale umumnya mempunyai sifat bentuk yang tidak sempurna atau mendekati dengan masa kadaluarsa. Harga yang ditawarkan juga lebih rendah, tetapi seringkali penjual tidak memaparkan informasi produk dengan terbuka. Hal tersebut akan menimbulkan kerugian bagi kedua belah pihak serta timbul pertanyaan mengenai kesesuaian praktik tersebut dengan hukum jual beli dalam Islam. Transparansi mengenai kondisi produk sangat diperlukan untuk menjaga hak dan kewajiban kedua belah pihak. Selain itu, untuk memberikan pilihan bagi pembeli untuk melanjutkan atau membatalkan transaksi. Keterbukaan mengenai informasi produk akan mendukung nilai-nilai prinsip syariah serta melindungi konsumen agar mendapat keadilan dan menghindari adanya ketidakpastian atau kerugian. Penelitian ini menggunakan metode kualitatif dengan cara pengumpulan data melalui observasi, wawancara, dan studi pustaka. Analisis dalam penelitian ini menunjukkan bahwa jual beli produk rejected sale tetap harus sesuai dengan rukun dan syarat jual beli agar terhindar dari adanya penipuan dan gharar. Karena dengan

memenuhi syarat jual beli yang sah serta akad salam, praktik ini dapat berjalan sesuai dengan prinsip-prinsip syariah.

Kata kunci: *Fikih Muamalah, Jual Beli, Akad Salam, Rejected Sale*

Abstract: *This article aims to analyze the transaction of buying and selling rejected sale products through the whatsapp group "Dainty Beauty". This research focuses on the fulfillment of the principles and conditions of buying and selling as well as the application of a salam contract that uses prepayment with a delivery process at a certain time. Rejected sale products generally have imperfect shape properties or are close to the expiration date. The price offered is also lower, but often the seller does not disclose the product information openly. This will cause losses for both parties and raise questions about the suitability of the practice with the law of buying and selling in Islam. Transparency regarding the condition of the product is necessary to maintain the rights and obligations of both parties. In addition, to provide an option for the buyer to proceed or cancel the transaction. Disclosure of product information will support the values of sharia principles and protect consumers so that they get justice and avoid uncertainty or loss. This study uses a qualitative method by collecting data through observation, interviews, and literature studies. The analysis in this study shows that the buying and selling of rejected sale products must still be in accordance with the principles and conditions of buying and selling to avoid fraud and gharar. Because by fulfilling the legal conditions for buying and selling and the salam contract, this practice can run in accordance with sharia principles.*

Keywords: *Fiqh Muamalah, Buying and Selling, Akad Salam, Rejected Sale*

Introduction

Technological developments in the digital era are increasingly being carried out online. There are transactions of various products that are traded through online applications. One of the product transactions that is popular with the public, especially women, is skincare and cosmetics. Through e-commerce, it is increasingly easier for people to

place orders online without having to buy directly at the store.¹ Whatsapp is one of the applications that is widely used by the public. The use of WhatsApp is not only as an application to send messages, but also as a means to buy and sell products, especially in the form of rejected sales which allow to sell products at lower prices. This also provides an opportunity for consumers to buy at a more affordable price, even if the product is in imperfect condition or close to expiration.

In *muamalah fiqh*, regarding the clarity and compliance of the contract, it must be fulfilled in accordance with the principles and conditions of buying and selling. Especially regarding the clarity of the product, the existence of sellers and buyers, as well as provisions on prices and qabul ijab². Goods that are traded must be clear, useful, and halal. In addition, the agreed price must also be fair. In rejected sale transactions for cosmetic and skincare products in whatsapp groups, it must contain an element of clarity to ensure that the condition of the goods being traded has been correctly understood by the buyer.

Compliance with Islamic legal principles in buying and selling rejected sale products through whatsapp groups such as "Dainty Beauty" is very important so that transactions are fair and do not harm buyers. Because rejected sale products usually have shortcomings such as defective goods or products that are close to expiration. Therefore, the seller is obliged to explain the product information openly. The disclosure of this information supports in protecting consumer rights so that it is safe

¹ Syafii A, *Transactions in Islam: Principles, Conditions, and Practices in the Digital Era* (Bandung: Pustaka Siswa, 2017).

² M Mustafa, *Fiqh Muamalah: The Concept and Implementation* (Jakarta: Pustaka Madani, 2018).

when using products and avoiding losses.³ Thus, the principle of openness and clarity regarding the product not only protects consumers from risks but also provides a valid contract between the two parties.

A salam contract is a buying and selling transaction by the buyer making an advance payment. The delivery of goods will be sent if the buyer has clearly made the payment, besides that the products delivered must be in accordance with the specifications that have been agreed upon by both parties.⁴ This contract is often used in the form of online buying and selling. One of them is the transaction of buying and selling rejected sale products through a whatsapp group. Rejected sale products usually have imperfect conditions, so with a greeting contract can provide specifications for clarity of product shape. With this contract, the seller must also provide information about the quality, which parts are defective, and the expiration limit. Therefore, buying and selling transactions on the "Dainty Beauty" whatsapp group that sells rejected sale cosmetics and skincare items must ensure information about the goods submitted. So that both parties meet the principles of buying and selling and avoid the element of *gharar*.

In this practice of buying and selling rejected sale products, sellers use online application media as a tool for the process of promoting their products. Whatsapp is one of the applications that is widely used among the public, so sellers choose to sell their products there. The products sold include cosmetics and skincare. There are various brands

³ Alif Wildan Aliyansyah et al., "Buying and Selling Defective Goods of Company Products from the Aspect of Consumer Protection with Legal Consequences," *COURT REVIEW: Journal of Legal Research (e-ISSN: 2776-1916)* 4, no. 01 (January 1, 2024): 23.

⁴ Rozalinda, *Sharia Economic Fiqih* (Jakarta: Raja Grafindo Persada, 2016), 94.

that are traded. In addition, the products traded do not have a large stock. The products sold have imperfect or defective conditions, such as clogged cardboard, perfume caps that are not tight, or opaque product explanation paper. These are some examples of rejected sale products. Furthermore, there are products that are close to the expiration date. In the whatsapp group, only admins can send messages, because for the transaction and purchase process, consumers must do chat privacy. So that some buyers do not get product stock, because the goods have run out and have been lost by the fastest buyer.

There is speculation by researchers that the buying and selling of rejected sales contains elements of uncertainty, such as the phenomenon of the product purchase process which only consists of a few goods. The uncertainty in question includes the quality, quantity, price or when the transaction occurs.⁵ This can contain an element of uncertainty whether the product that has been ordered through a private chat becomes his property or not. In addition, during the buying and selling process, this is easy for people who are not active because they will not run out of products when restocking, but if they are working or doing activities, they will not know whether the product has been restocked.

Literature review

Definition of Buying and Selling

⁵ Lulu'atul Munawaroh, "Review of Sharia Economic Law on Flash Sale Transactions through Clearance Day in Big Sale Shopee.Com" (undergraduate (S1), Nahdlatul Ulama Sunan Giri University, 2021), accessed November 15, 2024, <https://repository.unugiri.ac.id:8443/id/eprint/872/>.

According to fiqh terms, buying and selling or called al-ba'I means selling, replacing, or bartering. Etymologically, buying and selling is an exchange between goods or property carried out by sellers and buyers with mutual pleasure. The legal basis for buying and selling treccan can be found in Q.S. Al-Baqarah verse 275 which reads:

الَّذِينَ كُنُوا الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ ذَٰلِكَ رِجْسٌ
قَالُوا إِنَّمَا الْمُبَيْعُ مِثْلُ الرِّبَا وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا فَمَنْ جَاءَهُ مَوْعِظَةٌ مِنْ رَبِّهِ
فَلْيَنْتَهِ فَلَهِ مَا سَلَفَ وَأَمْرُهُ إِلَى اللَّهِ وَمَنْ عَادَ فَأُولَٰئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا
خَالِدُونَ

It means: "Those who eat (transact with) riba cannot stand, except like those who stand staggering because of the possession of Satan. This is because they say that buying and selling is the same as usury. In fact, Allah has legalized buying and selling and forbids usury. Whoever has reached him a warning from his Lord (concerning usury), then he stops so that what he has obtained in the past belongs to him and his business is up to Allah. Whoever repeats (the transaction of usury), they are the inhabitants of hell. They stay in it." (Q.S. Al-Baqarah (2):275)

This verse has the meaning that Allah SWT has legalized buying and selling in which there is no element of riba and must be based on mutual liking.⁶ All legal buying and selling transactions are allowed, where the sale of the IDX does not contain prohibited elements and in it can be fulfilled the principles and conditions of buying and selling.

⁶ Shobirin, "Buying and Selling in the Nature of Islamic View," *Journal of Islamic Business and Management* 3, no. 2 (December 2015): 243.

In buying and selling, there are principles and conditions that must be met. *First*, the contract or ijab qabul is a verbal bond between the two parties (seller and buyer). The ijab qabul between the two does not depend on an event and the time is not limited. *Second*, the subject of buying and selling is the seller and the buyer. The person who performs the contract of sale and purchase is a sensible person, Muslim, puberty or adult, and between the two is not mubadzir. *Third*, the object of buying and selling or the cause of the transaction. The object of buying and selling must be goods that can be used, the goods are clean, and the shape of the product is known.

Ba'i Al-Salam In Islamic Law

Buying and selling greetings is one of the contracts for the sale and purchase of goods ordered between the seller and the buyer. The salam contract is carried out with direct payment in advance as well as the specifications of the ordered product and the price must be agreed from the beginning. The pillars of buying and selling greetings are the seller, the buyer, the money, the goods to be traded, and the qabul ijab. In buying and selling greetings, one of the requirements for goods is to be clear about their properties, size, and price.⁷ This is to avoid disputes between the two parties. The seller should be honest with the information provided regarding the product. The buyer should also immediately make payment for the payment ordered, so as not to depend on the buyer. In buying and selling salam, the seller and the buyer determine the estimated

⁷ Saprida, "Akad Salam Dalam Transaksi Jual Beli," *Mizan: Journal of Islamic Law* 4, no. 1 (June 13, 2018): 125, accessed November 8, 2024, <https://www.jurnalfai-uikabogor.org/index.php/mizan/article/view/177>.

time to deliver the goods. According to Hanafi scholars, the time to determine the delivery of goods consists of one month, with the latest being three days.

The provisions for buying and selling greetings have been regulated in the fatwa of DSN MUI Number 05/DSN MUI/IV/2000.⁸ Among them are determining the provisions for the provision, the provisions of goods, the provisions on parallel greetings, the delivery of goods, the cancellation of contracts, and disputes. In the payment terms, the price of the goods must be known how much the nominal amount is and carried out when the contract has been agreed. Furthermore, in the provisions of the goods, the characteristics must be clear and the delivery of the goods is carried out later. Consumers are prohibited from reselling products before the goods are received on the spot and buyers are also not encouraged to exchange goods unless it has been agreed upon by both parties. In the process of handing over goods, the seller is encouraged to deliver the goods according to the agreed time. The goods delivered must be in accordance with the specifications of the agreement at the beginning. If the seller sends goods whose price is higher than the agreement, the buyer has the choice to accept or reject it. The cancellation of the salam contract can also be done, as long as it has been agreed by both parties.

Rejected Sale

A rejected sales product is a sales process that does not meet the standards of buying and selling but is still suitable for trading. Self-disapproved

⁸ Ibid., 126.

sales include products with manufacturing defects, such as broken packaging, non-conforming colors, and expiration dates that are close to expiration. The seller provides a lower price for the rejected sale product. Especially in cosmetic and skincare products which are now widely loved by the public, so that public interest in this rejected system is very high. In addition, sellers are required to provide clear and open information to consumers in selling rejected products. This avoids any loss or side effects of use that the buyer will get.⁹ Thus, accurate information is needed when selling rejected products so that buying and selling transactions can take place fairly and transparently.

Online Buying and Selling

Online buying and selling is defined as the process of buying and selling goods and services that is carried out online through electronic media. The transaction process is done online using the internet network. In addition, between the seller and the buyer are not required to meet in person. The way the buyer knows the product is that the seller provides a description of the goods and for payment to be made first before the goods will be sent or handed over. With the increasing number of social media in electronic media, people will be more facilitated. Social media itself is an online media that can be used to participate in social networks. The most used forms of social media include Instagram, Facebook,

⁹ A Hafiz, S Ahmad, and H Fadzil, "The Influence of Discounted and Rejected Products on Consumer Purchasing Decision. Journal of Marketing and Consumer Research," *Journal of Marketing and Consumer Research* 58, no. 1 (2020): 35–42.

WhatsApp, and X. Thus, many people use social media as a marketing medium that includes online buying and selling and promotion.

In online buying and selling transactions, buyers can only see the goods through the monitor screen. In addition, the product cannot be obtained immediately, because it has to wait for delivery by the seller. The length of delivery depends on the agreement of both parties and depends on the distance between the delivery locations. In addition, if the product has arrived at the destination address, the buyer is required to check whether the product is in accordance with the description that the buyer has given and whether there is a defect or not.¹⁰ The online sale and purchase agreement will be valid if it has fulfilled the applicable principles and conditions.¹¹ In addition, with the provision that the goods purchased are halal and the specifications are clear. The buyer has the right to return or cancel the goods if they are not in accordance with the online buying and selling order, which must also be done in accordance with the scheme so as not to cause losses for both parties.

Method

This article uses a qualitative research method that uses analysis by means of field research. Field research is used in the method to obtain sources from research documentation, interviews with related parties, and

¹⁰ Retno Dyah Pekerti and Eliada Herwiyanti, "Online Buying and Selling Transactions in the Sharia Perspective of Madzhab Ash-Syafi'i," *Journal of Economics, Business, and Accounting* 20, no. 2 (March 21, 2018): 4, accessed November 15, 2024, <https://jp.feb.unsoed.ac.id/index.php/jeba/article/view/1108>.

¹¹ Nurul Afifah and Nur Lailatul Musyafa'ah, "An Analysis of Islamic Law on Online Buying and Selling," *Maliyah: Journal of Islamic Business Law* 9, no. 1 (June 2019): 134.

observation of events. The author also uses a literature study of several data and information from books, the web, scientific journals, as well as previous research relevant to the title. The author decided to use this research method not only motivated by the topic to be discussed, but so that this field research is not only emphasized by looking for factual data. Because on the other hand, field research will always develop because human habits change with the times.

According to Moleong, qualitative research is research aimed at understanding the behavior or phenomenon that occurs in the research subject.¹² This phenomenon includes perceptions, behaviors, and other actions that affect the subject. Furthermore, it is described using words and language consisting of several contexts and utilizing various forms of scientific methods. In qualitative research, the author reveals the existence of real and real events. In addition, it is expected to solve the hidden values or behaviors of the event. The author will also be more sensitive to information, so that he can relatively defend the subject to be researched. Thus, qualitative research can produce detailed explanations so that results can be recommended and as a form of policy improvement that will be implemented in the community.

Results and Discussion

Mechanism for Buying and Selling Rejected Sale Products Through the "Dainty Beauty" Whatsapp Group

There are several ways to buy and sell rejected sale products in whatsapp groups, including:

¹² Moleong Lexi J, *Qualitative Research Methodology* (Bandung: Remaja Rosdakarya, 2013), 6.

1. Must have a whatsapp application on the smartphone to be used. This application can be downloaded through the PlayStore then log in with our account.
2. Buyers are required to join the "Dainty Beauty" whatsapp group to see cosmetic or skincare products being traded.
3. After joining the whatsapp group, the admin will notify you that the products sold are rejected items or goods that are close to expiration.
4. The admin also sends photos according to the condition of the product, depending on whether the product packaging is still there or not. If the product is still in the packaging, the admin only gives a picture of the outer packaging, so the buyer will not see how the condition of the product is inside.
5. The admin of Dainty will send some photos of the products that are being traded. Product photos are accompanied by product information and expiration dates. If there is a defective part, the admin will notify through the description.
6. Buyers who are interested in making a transaction must confirm through a private chat with the admin.
7. After confirming, the buyer is required to make payment via bank transfer. If the buyer has made a payment, the buyer is expected to provide proof of transfer.
8. The buyer makes the delivery at the agreed time.

Identify the Principles of Buying and Selling Rejected Sale Products in the "Dainty Beauty" Whatsapp Group

The dynamics of the times continue to run from time to time accompanied by the flow of technological developments that are increasingly sophisticated and facilitate human life. This is an alternative to meet daily needs and be more efficient, both for physical and spiritual needs. In general, technology can be easily reached using several devices, one of which is a smartphone in which there are several features and social media. With this assistance, humans can interact virtually between friends online. In addition, with the convenience provided, humans can also use it as a business field, namely buying and selling through an online system such as WhatsApp. The WhatsApp application is one of the applications that is widely loved by the public, because its features are easy to use and there are other features, namely being able to create groups to invite other people.

Regarding the buying and selling of rejected sale products in whatsapp groups, there are buying and selling principles that must be met, including: *First*, mutual pleasure or consensuality, namely in buying and selling rejected sale products does not violate the rules because the two parties have gone through an agreement.¹³ Sellers and buyers have been pleased with each other in making these transactions. Such as sellers who are willing to sell their products at a more affordable price and buyers are also willing to pay to get the desired goods, even though the quality of the product is not perfect. In the transaction process when the buyer makes a transaction, there is also no coercion from the seller. If the buyer is not interested in buying, then the buyer should not make a purchase.

¹³ Priscilla Liestiono, "Jual Beli Pakaian Reject Sale Pada Marketplace Shopee Ditinjau Dari Fiqh Muamalah" (undergraduate, IAIN Kediri, 2023), accessed November 8, 2024, <https://etheses.iainkediri.ac.id/11156/>.

Therefore, buying and selling through this whatsapp group is in accordance with the principle of mutual pleasure.

Second, it contains an element of usury, but the process of buying and selling rejected sale products through this whatsapp group does not contain usury. This is because in the transaction process there are no additional conditions added for sellers and buyers. In addition, between the two parties to make transactions based on mutual consent. Thus, buying and selling rejected sale products in the "Dainty Beauty" whatsapp group is in accordance with the principle, which does not contain *riba*.

Third, *gharar* and *maysir*, namely there are cases of several buyers who have failed to make transactions because they have run out of products. This is because if there is a new product, the "Dainty Beauty" admin will immediately send photos and product descriptions to the group. The admin of "Dainty Beauty" did not mention how many products are available, so many buyers are scrambling to confirm their private chats. Therefore, the one who confirms the fastest will get the product. But in this case, it is not included in the category of *gharar* because it has become a risk for the buyer.¹⁴ In addition, it is also common because it is done to attract consumers.

In the process of shipping goods, the admin of "Dainty Beauty" will set a certain time in sending the goods to the buyer's address. If the estimated time is not in accordance with the promised stipulation or can be said to exceed the delivery time, then the admin of "Dainty Beauty" will confirm. The confirmation is through a private message and the admin will cancel the transaction. Cancellation is accompanied by a

¹⁴ Aliyansyah et al., "Jual Beli Barang Cacat Produk Perusahaan Dari Aspek Perlindungan Konsumen Yang Berakibat Hukum."

refund via transfer. This the buying and selling does not contain elements of *gharar* and *maysir*.¹⁵

Fourth, the products traded are halal goods. In choosing products, because the seller is a person who has Islam, it is certain that what is traded is halal cosmetics and skincare. In addition, as a buyer owns also has the right to make a choice.

Fifth, it contains elements of deception. Basically, the elements and conditions of buying and selling are consensual. If between the seller and the buyer there is one party who feels aggrieved or the principle of consensuality is not fulfilled, then the sale and purchase will not be valid. In the transaction of buying and selling rejected sale products in the "Dainty Beauty" whatsapp group, there is one of the events experienced by the buyer, namely the goods ordered are not as they are in the description that has been given by the seller. This phenomenon is very unfortunate because it is a violation and detrimental to consumers. As a seller, you should be honest and open to the products being traded. On the other hand, it is the producer's obligation to send goods in accordance with the description given in order to create justice for both parties.

If the seller sends the goods according to the information that has been provided in the whatsapp group, then the transaction does not contain elements of deception. However, if you look at the incident, there is an element of deception committed by the seller. In addition, even though the event is considered a violation or annoyance, the sale and purchase is still legal because the buyer can make a complaint through a

¹⁵ Rena Yolanda Firdausa and Akhmad Yusup, "Tinjauan Etika Bisnis Islam Terhadap Praktik Jual Beli Rejected Bumbu Mie Instant," *Jurnal Riset Ekonomi Syariah* (December 23, 2021): 89–93.

private chat. In addition, the buyer can return the item and the money will be refunded. In the case of a return of goods, there is a right to apply for a return. According to *fiqh muamalah* this is considered *khiyar*. This right is one of the advantages for buyers whose entire transaction, the goods cannot be seen physically.¹⁶ The existence of *khiyar* itself aims to ensure that the product that has been purchased is in accordance with the specifications that have been given or not, if it is not suitable, then the buyer can apply for a return to the store where the transaction is carried out and carried out with several agreed terms.¹⁷ According to Islamic law, *khiyar* is allowed by considering and considering the benefits of both parties who have made a buying and selling transaction.¹⁸ Thus, if you want to make a purchase online, you must first see and research whether the images and descriptions provided are appropriate or not, this is done to avoid errors and losses that may occur if we are not careful in choosing products.

***Fiqh Muamalah* Perception About Buying and Selling Rejected Sale Products in the "Dainty Beauty" Whatsapp Group**

As a complete and perfect religion, Islam teaches basic rules and rules as a provision for human life, be it in worship or relationships between creatures. The relationship between humans and each other

¹⁶ Ika Eni Rosyidah, "The Concept of *Khiyar* in Shopee Online Marketplace Buying and Selling Transactions (Study of Ma'anil Hadith)" (thesis, UIN SUNAN KALIJAGA YOGYAKARTA, 2023), 4, accessed November 15, 2024, <https://digilib.uin-suka.ac.id/id/eprint/58945/>.

¹⁷ Ibid., 5.

¹⁸ Ai Wati and Meily Indriani Putri, "Islamic Economic Law Perspectives on Buying and Selling Flash Sale on Shopee," *Journal of Sharia Economic Law (JHESY)* 2, no. 1 (August 12, 2023): 13.

cannot be separated from the existence of muamalah activities. One of them is in buying and selling activities. The transaction requires the existence of a producer, consumer, and goods that are suitable for trading. The more human life develops, the more muamalah activities also take more forms. Transactions can be done offline or online. This is allowed with the aim of making it easier for humans to fulfill their daily lives.¹⁹ With an outline, the buying and selling process must be in accordance with the provisions and rules that apply in Islam.

Buying and selling *rejected sale products* in whatsapp groups is a form of buying and selling that is not physically visible. The buying and selling is the same as bai' al-ghaib 'ala ash-shifat or buying and selling which is only explained by nature and image.²⁰ In Islamic law, contracts in buying and selling transactions are usually carried out orally, in writing, or through online media such as mobile phones. The process of buying and selling *rejected sales* is carried out online, so the transaction process is not carried out face-to-face.

One of the requirements in buying and selling greetings is to clearly state the product specifications. In this rejected sale product purchase contract, there is a description of the type of goods, brands, and quality. In addition, the seller also mentions the delivery time. Thus, buying and selling in this whatsapp group has met the harmony and conditions of the contract because there is a buyer who places an order

¹⁹ Zoni Aprizon, "The Moral Responsibility of Shop Owners in the Sale of Expiry Products Reviewed from Islamic Business Economics (Study: Nanda Shop in Bengkulu City)" (diploma, IAIN Bengkulu, 2018), 69, accessed November 1, 2024, <http://repository.iainbengkulu.ac.id/863/>.

²⁰ Ai Wati and Meily Indriani Putri, "Islamic Economic Law Perspectives on Buying and Selling Flash Sale on Shopee," *Journal of Sharia Economic Law (JHESY)* 2, no. 1 (August 12, 2023): 9.

through the group, then the buyer makes a payment by transfer and the seller sends the goods. This has shown that there has been a qabul ijab between the two parties.

On the subject of buying and selling, to make a transaction, the seller and the buyer must be in one place. On the other hand, buying and selling rejected sales in this whatsapp group both parties are not present in the same place because they are replaced by direct mobile media. In other words, sellers and buyers remain but don't meet each other in person. In this transaction process, each party has fulfilled the tamyiz category and is able to operate electronic devices.²¹ Therefore, it is not possible to do it by insane people and small children. Thus, the harmony and conditions of the person who enters into a contract in this sale and purchase have been met.

On the object in the terms and principles of buying and selling, the existence of goods that have been uploaded by the seller through the whatsapp group is proof that the seller has the product. With the existence of evidence, namely a screenshot, proof of transfer is also proof that the buyer has made a payment. The conditions that must be met are that the goods must be useful, holy, and the product is known in its form. In addition, the product must be handed over, meaning there is no speculation. Goods must be known, meaning that it must be clear how the specifications, criteria, existence, and price are. In buying and selling rejected sale products, the goods sold are very diverse, ranging from cosmetics and skincare. Some of these products are definite and speculative. If there is a product whose product quality is defective, the

²¹ Ibid., 10.

seller will provide a description. However, if there is a product that is still in the cardboard, the buyer will not know which part is defective or damaged. Therefore, buyers can choose which products to buy and determine whether to proceed with the transaction or not.²² Meanwhile, for products that are close to the expiration date, the buyer will notify the buyer in full.²³ Based on this explanation, it can be seen that buying and selling rejected sales in whatsapp groups has met the principles and conditions of buying and selling.

Conclusion

In general, the mechanism of buying and selling rejected sales through whatsapp groups is the same as online buying and selling which is widely carried out by the public. Buyers can make purchases after going through the process that has been given by the admin of "Dainty Beauty". In *muamalah fiqh*, buying and selling rejected sales is the same as buying and selling salam. This buying and selling transaction is allowed because it has fulfilled the principles and conditions of buying and selling. Regarding buyers who do not get the product because it is out of stock, it has become a risk because in the "Dainty Beauty" group not only one person wants to get the product. Thus, it does not include *maysir* or *gharar* because there is no reference in obtaining goods. So that buying

²² Banu Ariyanto, Hari Purwadi, and Emmy Latifah, "Sellers' Absolute Responsibility Due to Hidden Defective Products in Online Buying and Selling Transactions," *Legal Reflections: Journal of Legal Sciences* 6, no. 1 (December 9, 2021): 107–126.

²³ Zoni Aprizon, "The Moral Responsibility of Shop Owners in the Sale of Expiry Products Reviewed from Islamic Business Economics (Study: Nanda Shop in Bengkulu City)" (diploma, IAIN Bengkulu, 2018), accessed November 1, 2024, <http://repository.iainbengkulu.ac.id/863/>.

and selling rejected sale products of skincare cosmetics through the "Dainty Beauty" whatsapp group is allowed or halal to do.

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