

Abstrak

Hasyim Mubarak. P 105 251 1016 19. 2023. Judul Skripsi : Analisis perjanjian jual beli melalui *e-commerce* ditinjau dari hukum islam dan hukum perlindungan konsumen. Dibimbing oleh Siti Saleha dan Mega Mustika.

Perkembangan teknologi informasi saat ini semakin gencar didukung oleh infrastruktur pendukung yang telah dibangun oleh pemerintah maupun swasta. Seiring dengan penetrasi teknologi ke segala bidang kehidupan, penetrasi teknologi informasi kini juga telah menghasilkan perkembangan di bidang perdagangan elektronik atau *e-commerce*. Konsekuensi dari berkembangnya *e-commerce* ditengah masyarakat telah memberikan sebuah dampak yang positif dan juga dampak negative. Lalu bagaimana tinjauan hukum islam terhadap perjanjian jual beli melalui internet atau *e-commerce*. Bagaimana tinjauan hukum perlindungan konsumen terhadap permasalahan dalam transaksi jual beli melalui internet *e-commerce*.

Jenis penelitian yang digunakan dalam penelitian ini adalah penelitian kepustakaan atau *library research* (Kualitatif), yaitu suatu penelitian yang sumber datanya diperoleh dari sumber tertulis, mencakup buku-buku, undang-undang, kitab fiqih, jurnal, ensiklopedi, internet, dan karya-karya tulis lain yang berhubungan dengan objek yang diteliti.

Berdasarkan hasil penelitian Asal dari setiap kegiatan muamalah adalah mubah (diperbolehkan), hingga ada hal yang mengubahnya. Dalam hal ini, baik transaksi jual beli melalui internet atau *e-commerce* maupun jual beli tradisional tidak dilarang oleh syari'at Islam kecuali transaksi yang didalamnya terdapat unsur-unsur haram, seperti riba, penipuan, bahaya, ketidakjelasan, merugikan hak orang lain, pemaksaan, dan barang atau jasa yang menjadi objek transaksi adalah halal, bukan yang diharamkan seperti khamr, bangkai, babi, narkoba, judi *online*, dan sebagainya. Melalui Undang-undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen, pemerintah Indonesia mengatur hak-hak konsumen yang harus dilindungi. Undang-undang Perlindungan Konsumen Bukanlah anti terhadap pelaku usaha, namun sebaliknya malah merupakan apresiasi terhadap hak-hak konsumen secara universal.

Kata Kunci: Jual Beli, E-commerce dan Perlindungan Konsumen

Abstract

Hasyim Mubarak. P 105 251 1016 19. 2023. Thesis Title: Analysis of buying and selling agreements via e-commerce in terms of Islamic law and consumer protection law. Supervised by Siti Saleha and Mega Mustika.

The development of information technology is currently increasingly supported by supporting infrastructure that has been built by the government and the private sector. Along with the penetration of technology into all areas of life, the penetration of information technology has now also resulted in developments in the field of electronic commerce or e-commerce. The consequences of the development of e-commerce in the midst of society have had a positive impact and also a negative impact. Then how is the review of Islamic law on buying and selling agreements via the internet or e-commerce. How is the review of consumer protection law on problems in buying and selling transactions through internet e-commerce?

The type of research used in this research is library research (Qualitative), which is a research whose data sources are obtained from written sources, including books, laws, fiqh books, journals, encyclopedias, the internet, and other written works related to the object under study.

Based on the results of the research, the origin of every muamalah activity is mubah (permissible), until there is something that changes it. In this case, both buying and selling transactions via the internet or e-commerce and traditional buying and selling are not prohibited by Islamic law except transactions in which there are haram elements, such as usury, fraud, danger, uncertainty, harming other people's rights, coercion, and the goods or services that are the object of the transaction are halal, not forbidden such as khamr, carrion, pork, drugs, online gambling, and so on. Through Law Number 8 Year 1999 on Consumer Protection, the Indonesian government regulates consumer rights that must be protected. The Consumer Protection Law is not anti-business, but on the contrary, it is an appreciation of universal consumer rights.

Keywords: Buying and Selling, E-commerce and Consumer Protection