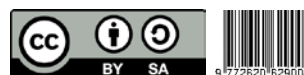


Khīyār, Consumer Protection, and Production Continuity in e-Commerce Transactions: Hadith Perspective

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Abstract

This article discusses Hadith narrated by Hakim b. Hizam about Khīyār in aḥīḥ al-Bukhārī which is associated with consumer protection and production continuity in a modern buying and selling transaction which is often referred to as e-commerce or online shopping as is happening in this digital era. This article was written using the *Takhrij al-Ḥadīth* method. The data source is in the form of a narration of the Hadith in *Ṣaḥīḥ al-Bukhārī* about Khīyār. The type of data is in the form of hadith text in *Ṣaḥīḥ al-Bukhārī* about Khīyār complete *sanad* and *matn*. The data collection technique is done by tracing the Hadith narration about Khīyār in *Ṣaḥīḥ al-Bukhārī*. The data analysis technique was carried out by applying the *Sharḥ al-Ḥadīth* method, both in the *sanad* and *matn* aspects. This article reveals that the hadith narrated by Hakim b. Hizam about Khīyār in *Ṣaḥīḥ al-Bukhārī* relates to the concept of consumer protection and continuity of production.

Keywords: *khīyār, consumer protection, production continuity, e-commerce, consumer satisfaction.*

INTRODUCTION

Since its presence on this earth, e-commerce has attracted a lot of attention from scientists and researchers. Because there are no limits in determining e-commerce for scientists, researchers and other writers (Babenko, Kulczyk, Perevosova, Syniavska, & Davydova, 2019). Therefore, it is necessary to do a brief description of the existing definition of this concept. According to Roger Clark, e-commerce is defined as the trade of goods and services through telecommunications and telecommunications equipment (Roger Clarke, n.d.).

With the existence of e-Commerce, buying and selling transactions in the current trading system are increasingly open, changing society to a consumerist pattern (Syaputra, 2017), everyone can make buying and selling transactions without knowing the boundaries of territory and time. The existence of SSL certificates, encryption, and reliable external payment systems such as PayPal, Worldpay, and Skrill have helped increase people's trust in e-commerce ("E-Commerce Definition. What Is E Commerce?" n.d.). Ease of transacting in e-commerce, resulting in reduced vigilance in transactions and even neglect (Tampubolon, 2019). In fact, in the early 2000s, many people were skeptical about these online transactions ("E-Commerce Definition. What Is E Commerce?" n.d.), because in the years it appeared, there was still a great chance of criminal acts being committed by both the buyer, the seller, and those who were in between. Until finally the expression emerged that in running an online business, we can find three categories of people who are in the e-commerce area, namely those who want to buy goods from us, those who want to steal things from us, and those who want to steal from those who do not. buy our stuff (Zorzini, 2016). The existence of a crime called cybercrime is a threat to the stability of the country (Abidin, 2017). So that in the end emerged the law on Consumer Protection which provides legal certainty and aims to protect consumers themselves from purchase transactions made to ensure the continuity of production of both goods and services for the business they run ("Undang-Undang Perlindungan Konsumen," n.d.). The law in Indonesia for online transactions is currently still using Law no. 8 of 1999 concerning Consumer Protection (UUPK), there are no special rules regarding online transactions (Safitri, 2020). Protection However, even though this consumer protection law has emerged, it still does not cause criminal acts of fraud, especially

fraud committed on online transactions to decrease. Even in the span of 2020, there were 192,000 accounts indicated for criminal acts (KOMINFO, n.d.).

In connection with the above, if we dig back into Islamic law, actually Islam already has very strong guidelines that can be used as rules or procedures that can guarantee the security level of transacting online through e-commerce. This guideline applies to transaction actors, both as consumers and as business actors, which in this case are producers and/or distributors who are directly involved in a transaction. This guideline is referred to as "Khiyār", which in Arabic means choice, where each transaction actor is given the right to choose to continue or cancel the transaction as long as the goods have not changed ownership because of the cash in the sale and purchase transaction (Oktasari, 2021). Khiyar is designed to maintain the balance of transactions as well as protection against losses (Amiruddin, 2016). Because khiyār can realize consensual transactions as stated in Q.S. An-Nisa verse 29 which reads:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا ۚ ٢٩

Meaning:

"O you who have believed, do not consume one another's wealth unjustly but only [in lawful] business by mutual consent. And do not kill yourselves [or one another]. Indeed, Allah is to you ever Merciful ("An-Nisa' - النساء | Qur'an Kemenag," n.d.)"

This is what is called khiyar, as contained in the hadith narrated by Hakim bin Hizam in Bukhari no. 1972 follows:

حَدَّثَنَا إِسْحَاقُ حَدَّثَنَا حَبَّانُ حَدَّثَنَا هَمَّامٌ حَدَّثَنَا قَتَادَةُ عَنْ أَبِي الْخَلِيلِ عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ عَنْ حَكِيمِ بْنِ حَزَامٍ رَضِيَ اللَّهُ عَنْهُ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ الْبَيْعَانِ بِالْخِيَارِ مَا لَمْ يَتَفَرَّقَا قَالَ هَمَّامٌ وَجَدْتُ فِي كِتَابِي يَخْتَارُ ثَلَاثَ مَرَّاتٍ فَإِنْ صَدَقَا وَبَيَّنَّا بُورِكَ لَهُمَا فِي بَيْعِهِمَا وَإِنْ كَذَبَا وَكَتَمَا فَفَعَسَى أَنْ يَرْبِحَا رِبْحًا وَيُمَحَقَا بَرَكَةً بَيْنَهُمَا قَالَ وَحَدَّثَنَا هَمَّامٌ حَدَّثَنَا أَبُو النَّيَّاحِ أَنَّهُ سَمِعَ عَبْدَ اللَّهِ بْنَ الْحَارِثِ يُحَدِّثُ بِهَذَا الْحَدِيثِ عَنْ حَكِيمِ بْنِ حَزَامٍ عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ

Meaning:

Having told us Ishaq told us Habban had told us Hammam had told us the Qatada from Abu Al Khalil from 'Abdullah bin Al Harits from Hakim bin Hizam radiallahu' anhu that the Prophet sallallaahu 'alaihi wasallam said: "Two people who do buying and selling may do khiyar (the option to continue or cancel the sale and purchase) as long as the two have not separated ". Hammam said: "I found in my notes (He said):" He may choose with a chance up to three times. If both of them are honest and show their trade defects, then both of them are blessed in their sale and purchase and if they hide their defects and lie then maybe both of them will get profit but will lose the blessings of buying and selling both. "Hibban said; And had told us Hammam had told us Abu At- Tayyah said that he heard 'Abdullah bin Al Harith telling about this hadith from Hakim bin Hizam radiallahu' anhu from the Prophet sallallaahu 'alaihi wasallam.

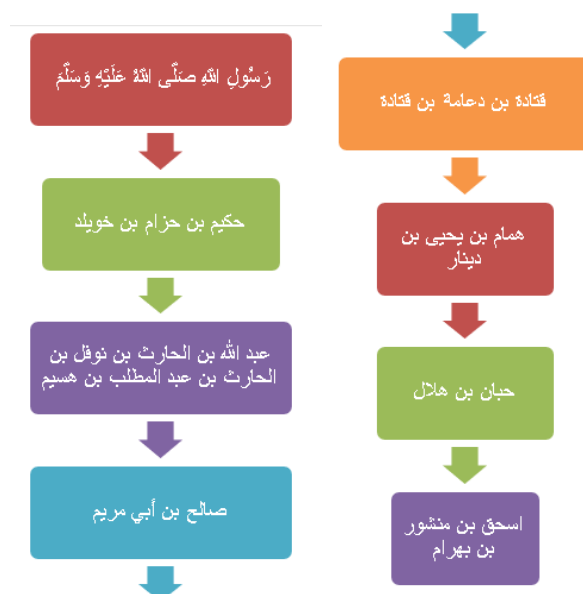
METHOD

This study used a qualitative method approach with literature study in the form of Takhrij al-Ḥadīts and the data source used in the form of a history of the Hadith in Ṣaḥīḥ al-Bukhārī no. 1972 on Khiyār. Takhrij al-Ḥadīts is an activity to collect or collect adts-Ḥadts data related to one theme, both in pronunciation and meaning (Ahmad, 2015). The type of data is in the form of hadith text in Ṣaḥīḥ al-Bukhārī about Khiyār complete sanad and its matn. The data collection technique is carried out by tracing the Hadith history about Khiyār in Ṣaḥīḥ al-Bukhārī, through the use of the Hadith 9 Imam Encyclopedia application found on a web-based application. Data analysis techniques are carried out by applying the Syarḥ al-Ḥadīts method, both in sanad and matn aspects.

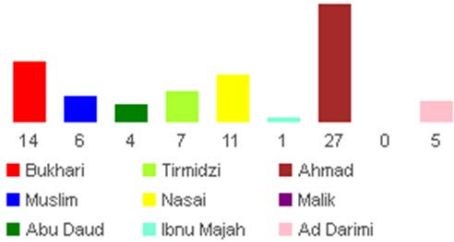
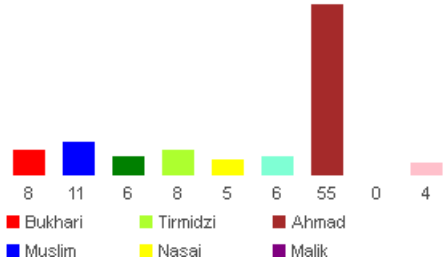
RESULT AND DISCUSSION

Aspect Analysis of Sanad

The above hadith has the following path:



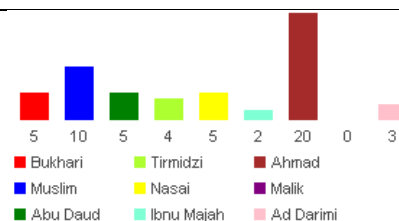
Each explanatory narrator can be known as follows (Pusaka, n.d.):

1. حكيم بن حزام بن خويلد																						
Full Name: Hakim bin Hizam bin Khuwailid Among: Shahabah Chew: Abu Khalid Place of Birth: Ka'bah ("Hakim bin Hizam," 2019) Country when he lived: Marur Rawdz Birth and Death: 54 AH	 <table><thead><tr><th>Collection</th><th>Count</th></tr></thead><tbody><tr><td>Bukhari</td><td>14</td></tr><tr><td>Muslim</td><td>6</td></tr><tr><td>Abu Daud</td><td>4</td></tr><tr><td>Tirmidzi</td><td>7</td></tr><tr><td>Nasai</td><td>11</td></tr><tr><td>Ibnu Majah</td><td>1</td></tr><tr><td>Ahmad</td><td>27</td></tr><tr><td>Malik</td><td>0</td></tr><tr><td>Ad Darimi</td><td>5</td></tr></tbody></table>		Collection	Count	Bukhari	14	Muslim	6	Abu Daud	4	Tirmidzi	7	Nasai	11	Ibnu Majah	1	Ahmad	27	Malik	0	Ad Darimi	5
Collection	Count																					
Bukhari	14																					
Muslim	6																					
Abu Daud	4																					
Tirmidzi	7																					
Nasai	11																					
Ibnu Majah	1																					
Ahmad	27																					
Malik	0																					
Ad Darimi	5																					
2. عبد الله بن الحارث بن نوفل بن عبد المطلب بن هاشم																						
Full Name: Abdullah bin Al Harits bin Naufal bin Al Harits bin 'Abdul Muthallib bin Hashim Among: Tabi'in the elderly Chew: Abu Muhammad Place of birth : - Country when he lived: Medina Birth and Death: 84 AH	 <table><thead><tr><th>Collection</th><th>Count</th></tr></thead><tbody><tr><td>Bukhari</td><td>8</td></tr><tr><td>Muslim</td><td>11</td></tr><tr><td>Abu Daud</td><td>6</td></tr><tr><td>Tirmidzi</td><td>8</td></tr><tr><td>Nasai</td><td>5</td></tr><tr><td>Ibnu Majah</td><td>6</td></tr><tr><td>Ahmad</td><td>55</td></tr><tr><td>Malik</td><td>0</td></tr><tr><td>Ad Darimi</td><td>4</td></tr></tbody></table>		Collection	Count	Bukhari	8	Muslim	11	Abu Daud	6	Tirmidzi	8	Nasai	5	Ibnu Majah	6	Ahmad	55	Malik	0	Ad Darimi	4
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Ibnu Majah	6																					
Ahmad	55																					
Malik	0																					
Ad Darimi	4																					
	ULAMA	COMMENTS																				
	Abu Zur'ah	Tsiqah																				
	Yahya bin Ma'in	Tsiqah																				
	An Nasa'i	Tsiqah																				
	Ibnul Madini	Tsiqah																				
	Ibnu Hibban	is mentioned in 'ats tsiqaat																				
	Ibnu Sa'd	Tsiqah																				

Al 'Ajli	Tsiqah
Ya'kub bin Syaibah	tsiqah tsiqah
Ibnu Hajar al 'Asqalani	had seen the Prophet

3. صالح بن أبي مريم

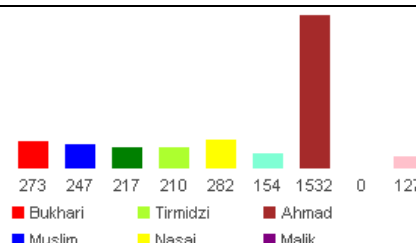
Full Name: Salih bin Abi Maryam
Circles: Tabi'in (didn't see *shahabah*)
The land of his life: Basrah
Chew: Abu Al Khalil
Place of birth :
Birth and Death:



ULAMA	COMMENTS
Abu Daud	Tsiqah
An Nasa'i	Tsiqah
Yahya bin Ma'in	Tsiqah
Ibnu Hibban	is mentioned in 'ats tsiqaat
Ibnu Sa'd	Tsiqah
Al 'Ajli	Tsiqah
Adz Dzahabi	Tsiqah

4. قتادة بن دعامة بن قنادة

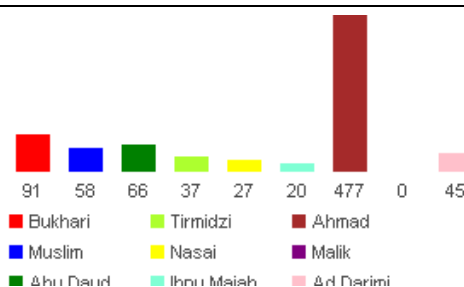
Full Name: Qatadah bin Da'amah bin Qatadah
Circumstances: Tabi'in among the commoners
Kunyah: Abu Al Khaththab
The land of his life: Basrah
Died: 117 H / 735



ULAMA	COMMENTS
Yahya bin Ma'in	Tsiqah
Muhammad bin Sa'd	tsiqah ma'mun
Ibnu Hajar al 'Asqalani	tsiqah tsabat
Adz Dzahabi	Hafizh

5. همام بن يحيى بن دينار

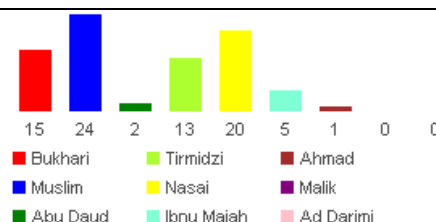
Full Name: Hammam bin Yahya bin Dinar
Circumstances: Tabi'in (didn't see *shahabah*)
Kunyah: Abu Al Khaththab
The land of his life: Basrah
Died: 117 H / 735



ULAMA	COMMENTS
Ahmad bin Hambal	Tsiqah
Yahya bin Ma'in	Tsiqah
Ibnu Sa'd	Tsiqah
Ibnu Hibban	mentioned in 'ats tsiqaat
Al 'Ajli	Tsiqah
Hakim	Tsiqah
As Saji	"shaduug, bad memorization"
Ibnu Hajar al 'Asqalani	Tsiqah
Adz Dzahabi	Hafizh

6. حبان بن هلال

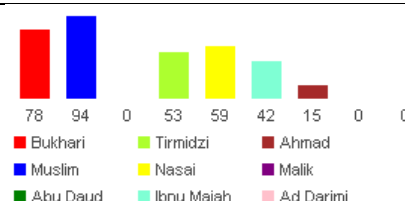
Full Name: Hibban bin Hilal
Among: Tabi'ut Tabi'in the common people
Kunyah: Abu Habib
The land of his life: Basrah
Died: 216 AH



ULAMA	COMMENTS
Yahya bin Ma'in	Tsiqah
An Nasa'i	Tsiqah
At Tirmidzi	Tsiqah
Ibnu Hajar al 'Asqalani	Tsiqah Tsabat
Adz Dzahabi	Hafizh

7. اسحق بن منصور بن بهرام

Full Name: Ishaq bin Manshur bin Bahram
Circle: Tabi'ul Atba 'among the middle class
Kunyah: Abu Ya'qub
Country when he lived: Himsh
Died: 251 AH



ULAMA	COMMENTS
Muslim	tsiqah ma'mun
An Nasa'i	Tsiqah Tsabat
Ibnu Hajar al 'Asqalani	tsiqah tsabat
Abu Hatim	Shaduug
Ibnu Hibban	mentioned in 'ats tsiqaat
Ibnu Syahin	mentioned in 'ats tsiqaat
Adz Dzahabi	Alhafidz

The results of the analysis:

- Based on the results of the detailed analysis of each narrator, the continuity of sanad is very strong, this is seen from the period of life and the country during the life between the two narrators, it is concluded that they meet each other or are contemporaries (Mujiyo, 2018, p. 69).

2. All narrators based on the comments of the scholars receive a tsiqoh (credible) assessment, this means that the above hadith sanad have met the criteria of being fair and dhabith (Mujiyo, 2018, p. 70).
3. From the two points of the analysis above, it can be concluded that because sanad is considered continuous and all the narrators get a tsiqoh assessment, the above hadith is included in the authentic hadith (Mujiyo, 2018, p. 71).
4. In addition to the Hadith History of Muslim 2825 above, the hadith of Bukhari 1972 also relates to 22 other hadiths, namely (Pusaka, n.d.): Tirmidzi 1166, Tirmidzi 1167, Nasa'i 4406, Ibnu Majah 2173, Ibnu Majah 2174, Ahmad 4338, Ahmad 5161, Ahmad 7752, Ahmad 14775, Ahmad 14783, Ahmad 14785, Ahmad 14786, Ahmad 14788, Ahmad 15024, Ahmad 18974, Ahmad 19283, Ahmad 19322, Ahmad 19328, Ahmad 19370, Ahmad 19379, Ahmad 19392, Darimi 2435.

It does not stop here, it turns out that when one of the hadiths mentioned above, each of them is also related to other hadiths. Because there are so many who narrated the hadith from the Prophet Muhammad, then the hadith from the 1972 Bukhari narrative can be said to be a sanad or mut Worried hadith (Mujiyo, 2018, p. 72).

Matan Aspect Analysis

As mentioned above, the hadiths of the 1972 riwayat Bukhari hadith are narrated a lot. One of the hadiths that have the same obsession is the hadith narrated by Muslim no. 2825 which reads:

حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ شُعْبَةَ ح وَحَدَّثَنَا عَمْرُو بْنُ عَلِيٍّ حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ وَعَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ قَالَا حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ عَنْ أَبِي الْخَلِيلِ عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ عَنْ حَكِيمِ بْنِ حِزَامٍ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ الْبَيْعَانِ بِالْخِيَارِ مَا لَمْ يَتَفَرَّقَا فَإِنْ صَدَقَا وَبَيَّنَّا بُورِكَ لَهُمَا فِي بَيْعِهِمَا وَإِنْ كَذَبَا وَكَتَمَا مُحِقَ بَرَكَتُهُ بَيْعُهُمَا حَدَّثَنَا عَمْرُو بْنُ عَلِيٍّ حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ حَدَّثَنَا هَمَّامٌ عَنْ أَبِي النَّيَّاحِ قَالَ سَمِعْتُ عَبْدَ اللَّهِ بْنَ الْحَارِثِ يُحَدِّثُ عَنْ حَكِيمِ بْنِ حِزَامٍ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِمِثْلِهِ قَالَ مُسْلِمٌ بْنُ الْحَجَّاجِ وَلِدَ حَكِيمٌ بْنُ حِزَامٍ فِي جَوْفِ الْكُفَّةِ وَعَاشَ مِائَةً وَعِشْرِينَ سَنَةً

Meaning:

Has told us Muhammad bin Al Mutsanna told us Yahya bin Sa'id from Syu'bah. And from another route, has told us Amru bin Ali has told us Yahya bin Sa'id and Abdurrahman bin Mahdi both said; Having told us Syu'bah from Qatada from Abu Al Khalil from Abdullah bin Al Harith from Hakim bin Hizam from the Prophet Sallallahu 'alaihi wa sallam, he said: "The person who transacts buying and selling has the right to khiyar (to vote) as long as the two have not separated. If both are honest and open, then both of them will get blessings in buying and selling, but if both of them lie and don't open up, then the blessing of buying and selling between the two will be lost. " Having told us Amru bin Ali told us Abdurrahman bin Mahdi had told us the Hammam of Abu At Tayyah he said; I heard Abdullah bin Al Harith telling from Hakim bin Hizam from the Prophet sallallahu 'alaihi wa sallam, like the above hadith, Muslim bin Hajjaj said; Hakim bin Hizam was born in the Ka'bah, and he lived for one hundred and twenty years.

Comparison of matan:

Bukhari's history	Muslim History
النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ الْبَيْعَانِ بِالْخِيَارِ مَا لَمْ يَتَفَرَّقَا قَالَ هَمَّامٌ وَجَدْتُ فِي كِتَابِي يُخْتَارُ ثَلَاثَ مَرَارٍ فَإِنْ صَدَقَا وَبَيَّنَّا بُورِكَ لَهُمَا فِي بَيْعِهِمَا وَإِنْ كَذَبَا وَكَتَمَا فَعَسَى أَنْ يَرْبَحَا رُبْحًا وَيُمَحَقَا بِرَكَتِهِ بَيْعُهُمَا	النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ الْبَيْعَانِ بِالْخِيَارِ مَا لَمْ يَتَفَرَّقَا فَإِنْ صَدَقَا وَبَيَّنَّا بُورِكَ لَهُمَا فِي بَيْعِهِمَا وَإِنْ كَذَبَا وَكَتَمَا مُحِقَ بَرَكَتُهُ بَيْعُهُمَا

<p>The Prophet shallallahu 'alaihi wasallam said: "Two people who are buying and selling are allowed to do khiyar (the choice to continue or cancel the sale and purchase) as long as the two have not separated". Hammam said: "I found in my notes (He said):" He may choose with a chance up to three times. If both are honest and show defects in their merchandise, both of them are blessed in buying and selling and if they hide their defects and lie then maybe both of them will get a profit but the blessings of buying and selling both will be lost ".</p>	<p>The Prophet shallallahu 'alaihi wasallam, he said: "The person who transacts buying and selling has the right to khiyar (to vote) as long as the two have not separated. If both are honest and open, then both will get blessings in buying and selling, but if both are lying and not open, then the buying and selling blessing between the two will be lost. "</p>
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The comparison of sanad in the two traditions is as follows:

Bukhari's history	Muslim History
<p>حَدَّثَنَا إِسْحَاقُ حَدَّثَنَا حَبَّانُ حَدَّثَنَا هَمَّامٌ حَدَّثَنَا قَتَادَةُ عَنْ أَبِي الْخَلِيلِ عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ عَنْ حَكِيمِ بْنِ حِزَامٍ رَضِيَ اللَّهُ عَنْهُ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ</p>	<p>حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ شُعْبَةَ ح وَحَدَّثَنَا عَمْرُو بْنُ عَلِيٍّ حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ وَعَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ قَالَا حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ عَنْ أَبِي الْخَلِيلِ عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ عَنْ حَكِيمِ بْنِ حِزَامٍ عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ</p>

In contemporary terms, this hadith can be interpreted that as long as we are in the period of buying and selling transactions, meaning that it starts from the first communication or contact relating to what is intended to transact on an item or product, then we are both buyers. and the seller has no legal provisions regarding the transaction until the goods actually pass from the seller to the buyer, meaning that both the buyer and the seller still have the right to cancel the transaction.

CONCLUSION

With the strictness of the hadiths that have been described in the discussion and the results above, it can be concluded that:

1. There is a clear statement that if two people make a buying and selling transaction, then it is permissible to do khiyar (the option to continue or cancel the sale and purchase) as long as the two have not separated (Pusaka, n.d.).
2. Another statement that is no less emphatic than the hadith is that khiyar is given up to three times. If both of them are honest and show their trade defects, then both of them are blessed in selling and buying and if they hide their defects and lie then maybe both of them will get profit but will lose the blessings of buying and selling both.

Thus, as long as the transaction period has not ended, there is an opportunity or free time to be used by both the seller and the buyer so that consensual transactions occur. This is a buying and selling transaction that is truly blessed by Allah SWT which has an impact on the realization of consumer protection and at the same time ensuring the continuity of production.

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