

Implementation of *Khiyar Ta'yin* in Online Flash Sale Product Purchase Transactions

(Study of Students of the Faculty of Sharia UINSI Samarinda Tiktok Shop Users)

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Abstracts:

The khiyar right that provides specific information related to similar products but different in quality is khiyar ta'yin. In practice, in purchasing flash sale products in the TikTok Shop marketplace, there are comments and testimonial columns contain various consumer experiences related to the products they have previously purchased, in the comments and testimonial columns there are also reviews related to product information both in terms of quality and so on, but many consumers who use testimonials and comments as a reference feel cheated in terms of product quality because it does not match the contents of the information provided in the testimonial reviews and comments on the TikTok Shop marketplace. With the formulation of the problem, namely first, how is the implementation of khiyar ta'yin in online flash sale product purchase transactions on the TikTok Shop marketplace according to the review of muamalah fiqh, second, how do Sharia Faculty students view testimonials and user comments as a reference in finding product information to be purchased. The purpose of the research is to find out the implementation of khiyar ta'yin in online flash sale product purchase transactions on the TikTok Shop marketplace according to muamalah fiqh review, and to find out the views of Sharia Faculty students on testimonials and user comments as a reference in finding product information to be purchased by consumers.

This research uses qualitative research with an empirical normative approach, with primary data sources, namely the results of interviews with 20 students of the Faculty of Sharia UIN Sultan Aji Muhammad Idris Samarinda and secondary data consisting of the book of Fikih Muamalah, Kitab Bulughul Maram, and Kitab tafsir Ibn Kathir, journals, scientific articles, and other scientific works. The data were obtained from observations, interviews, and documentation, then the author analysed the data with descriptive qualitative methods.

The results showed that the implementation of khiyar ta'yin in flash sale product purchase transactions on the TikTok Shop marketplace is not fully in accordance with fiqh muamalah because traders and buyers do not know about khiyar ta'yin so that the form of implementation of khiyar ta'yin carried out by sellers and buyers occurs by itself with business ethics to achieve benefits in the form of an element of willingness between traders and . and from the results of the interview there are still several cases of consumers who feel cheated, so from this product description, testimonials and comments there is still an element of gharar in it and can cause mafsadah to other consumers, And from the results of the interviews there are still several cases of consumers who feel cheated, so departing from this product description, testimonials and comments there is still an element of gharar in it and can cause mafsadah to other consumers.

Keywords: Khiyar Ta'yin, Flash Sale Products, TikTok Shop Users.

A. Introduction

Humans are social creatures, which cannot live alone and always need other people to fulfil all their needs, especially in life.

muamalah matters. According to Muhammad Yusuf Musa quoted by Abdul Madjid, muamalah is the rules of Allah that must be followed and obeyed in social life to safeguard human interests.¹

Buying and selling is one of the activities in bermuamalah. In language, buying and selling means absolute exchange. In terminology, buying and selling is the exchange of property for property in the form of transferring property and ownership. From the above definition, it can be understood that the essence of buying and selling is an agreement to exchange goods or objects that have value, voluntarily between the two parties, one party receives the object and the other party receives according to the agreement and conditions that have been justified by Shara' and agreed upon.²

In Islam, there are rules and regulations on how buying and selling should be done. Starting from the word of Allah SWT which explains that buying and selling is halal, including in the Al-Qur'an surah Al-Baqarah verse 275 which means: "...whereas Allah has legalised buying and selling and forbidden usury".

Based on the verse above, it is clear that Allah SWT legalises buying and selling (trade) while usury is forbidden and prohibited by Allah SWT. Allah prescribes buying and selling as a gift of power for His servants to cover each other, because personally humans have needs in the form of clothing, food, shelter, and other needs. Needs like this will not stop as long as humans are alive, while humans are not able to fulfil the needs of life by themselves.³

In buying and selling, *khiyar* rights apply, *khiyar* in buying and selling is the right to choose to continue the sale and purchase transaction or cancel it according to the agreement made by *al-aqidain*, in this case the consumers and traders. In the Compilation of Sharia Economic Law in Article 20 paragraph (8) Basically *khiyar* is a right of choice for sellers and buyers to continue or cancel the sale and purchase agreement made.⁴ The right of *khiyar* is prescribed or allowed because of an urgent need to maintain the interests of both parties to the transaction. If a buyer buys a defective item without realising it, it is only fair that he is given the opportunity to choose whether to validate the purchase or cancel it.⁵

In the sale and purchase transactions carried out with the seller, each consumer

¹ Abdullah Rahmad Ghazaly et al, *Fikih Muamalat*, (Jakarta: Kencana Prenada Media Group, 2010), pp. 3.

² Shobirin, "Buying and Selling in the Islamic View", in *Journal of Islamic Business and Management*, No. 2, Vol. 3, 2015.

³ Rachmat Syafei, *Fikih Muamalah*, (Bandung: CV. Pustaka Setia, 2011), p. 15.

⁴ Mardani, *Fiqh Ekonomi Syariah (Fiqh Muamalah)*, (Jakarta: Kencana, 2013), pp. 105.

⁵ Ridwan Nurdin & Azmil Umur, *Contemporary Islamic Law*, (Banda Aceh: Universiti Teknologi Mara, 2015), p. 224. 224.

trying to get the best quality goods according to their economic ability and purchasing power. This is due to consumer orientation to get the best goods so that buyers usually set certain specifications and quality of goods marketed and traded by producers and traders. However, in reality, not all buyers understand and understand the quality of the transaction object they want to buy because there are so many goods and products being traded that have different standardised values, qualities and specifications and are very varied in the object of sale and purchase. Therefore, accurate and transparent information is needed from the seller or other parties who are able to explain the quality and actual condition of the transaction object needed by the buyer. Conceptually in Fikih Muamalah, it has been spelled out specifically and in detail about this in the form of *khiyar ta'yin* as an alternative in obtaining clarity about the quality of the object of sale and purchase marketed by the trader.⁶

Based on the concept of Muamalah Jurisprudence, *khiyar ta'yin* is the right of choice for buyers or consumers in buying and selling transactions that provide specific information related to similar but different quality products that consumers want to buy. In *khiyar ta'yin*, the two *al-aqidain* (parties to the agreement) in the sale and purchase transaction agree to postpone or choose a product of different quality, and the consumer is obliged to make his choice until the agreed time and the right to choose is only given to the consumer based on information about the variants and quality of the product from the seller.⁷

The existence of *khiyar ta'yin* now also applies to *online* buying and selling carried out by utilising social media, usually the seller offers goods only by showing image or video posts with a description of the product being sold, then the buyer will choose the desired product.⁸ *Online* buying and selling is in great demand because it is practical, saves time, and also buyers can compare and choose various variants of products in terms of quality, price, and style. One *marketplace* that is in great demand by sellers and buyers is the TikTok Shop *e-commerce* platform.

TikTok shop is a feature presented by the TikTok application to make it easier for businesses and users to sell and buy products, because with this feature buyers will very easily make purchases through social media without the need to switch to another application to shop. Users can do

⁶ Zahrul Fuadi, "Implementation of Khiyar Ta'yin in the Sale and Purchase Transaction of Processed Wood in Panglong, Kuta Baro District", *Thesis*, (Banda Aceh: UIN Ar-Raniry, 2020), p. 3. 3.

⁷ Ahmad Wardi Muslich, *Fiqh Muamalat*, (Jakarta: Amzah, 2010), pp. 218.

⁸ Teti and Syathir Sofyan, "Implementation of Khiyar in Online Buying and Selling (Case Study of Object Discrepancy in Shopee Marketplace)", in *Journal of Sharia Science and Law Studies*, No. 2, Vol. 15, 2021.

purchase goods directly and get many promos and discounts such as free shipping.

In general, when consumers want to buy *flash sale* products in the TikTok shop application, consumers will first see content about the product created by the seller, the content usually contains specifications, prices, and product photos. In general, consumers can also obtain information related to the product to be purchased from comments and testimonials from previous buyers, potential consumers can see product reviews or testimonials presented by previous buyers in the form of images or videos, besides that testimonials and comments are widely used as a reference to assess whether the product specifications match the product information presented by the seller.⁹

Based on the data obtained, related to consumer experience in buying *flash sale* products on the TikTok Shop *marketplace*, that consumers are interested in buying *flash sale* products because the prices are more affordable than the market price in general. Before making a transaction, consumers have also sought information related to product specifications both from information provided by the seller and from testimonials and comments from previous buyers as a reference. Although in practice, buying and selling *flash sale* products on the TikTok Shop *e-commerce* platform contains concerns about fraudulent practices, fraud, and other things that can harm consumers or buyers, especially with the many cases of consumers being deceived by *flash sale* products where the goods ordered by consumers are not all in accordance with consumer expectations. So that not a few feel disadvantaged when making *flash sale* product transactions.

Judging from the various problems described above, testimonials and user comments on the TikTok shop *marketplace* are an interesting topic for further research, because basically user testimonials and comments on the TikTok Shop site are very widely used by consumers as an additional reference in assessing product quality, and in practice the existence of testimonials and comments is misused with many fake testimonials and pirated testimonials used to attract the attention of potential consumers. This is based on the many discrepancies between product content and testimonials and comments and the products that reach consumers. This makes consumers very disappointed and certainly contradicts the concept of buying and selling and also *khiyar ta'yin* because it causes mafsadat to the consumer, if this incident continues to be allowed to occur it will cause financial losses, disputes, fraud, *gharar*, in buying and selling practices. Therefore, the researcher is interested in studying this problem as a research topic.

⁹ Riyan Auliyanda Safrizal, "Implementation of Khiyar Ta'yin in Online Electronic Product Purchase Transactions in the Perspective of Islamic Law (Study of Testimonials and User Comments on the Shopee Marketplace)", *Thesis*, (Banda Aceh: UIN Ar-Raniry, 2021), p. 5. 5.

B. Research Methodology

The type of research used in this research is to use normative empirical research methods with descriptive qualitative analysis, namely research that describes phenomena or research facts in the field, where the researcher is the key instrument. Normative research is research related to theories where the theory is obtained from existing literature. Empirical research is field research because primary data is obtained directly from the community which is the object of research.

Primary data material is data obtained directly from the field or object of research, either in the form of data from observation, documentation, or interviews with people or respondents from related parties, who experienced the incident by asking questions in oral form. The primary data source in this study is the results of interviews with students of the Faculty of Sharia UIN Sultan Aji Muhammad Idris Samarinda who in making *flash sale* product purchase transactions make testimonials and comments as a reference when buying *flash sale* products offered by the seller.

Secondary data material is data obtained from the source as a support for primary data. Researchers use secondary data to strengthen findings and complement information that has been collected through interviews. Secondary data consists of the book of Fikih Muamalah, *Kitab Bulughul Maram*, and *Kitab tafsir Ibn Kathir*, as well as from books, journals, scientific articles, and other scientific works. In this case, the data that researchers use is obtained through data from various literacies that have relevance to the discussion that researchers do such as books that discuss the right of *khiyar ta'yin* in buying and selling.

C. Discussion

After the researchers presented data in the field, the researchers then analysed several respondents and informants of TikTok Shop *marketplace* consumers, which are as follows:

1. Implementation of *Khiyar Ta'yin* on Purchasing *Flash Sale* Products Online at Tiktok Shop *Marketplace*

The form of *khiyar ta'yin* from the purchase of *flash sale* products, which is the author's review, is by giving the right to choose the goods desired by consumers before they make an agreement on the sale and purchase transaction of product. However, conceptually the application of *khiyar ta'yin* is carried out in accordance with the applicable conditions, namely:

- a. Selecting items to purchase

In terms of choosing *flash sale* products to buy on the *marketplace* TikTok, then consumers must compare between two, three and so on.

product that he will be sure to buy. In *Khiyar ta'yin* it is referred to as the good, middle, and bad quality types.

In terms of purchasing *flash sale* products on the TikTok *marketplace* by taking the example of products in the form of clothing, the seller distinguishes his products from the type of material used, such as imported quality fabrics, premium, and ordinary types of fabrics. In contrast to products in the form of skincare categorised in original and second quality (KW) goods. With original quality on the TikTok marketplace can be categorised to goods that do come from the skincare product company produced, these skincare products can be found in the official store or official TikTok account of the skincare product that we will buy such as Skintific_id, Maybelline_Indonesia, Wardah Beauty Official, and so on.

- b. The goods to be selected must have different properties and values

The consumer has the right to choose *khiyar ta'yin* from the transaction, so the product to be purchased by consumers at TikTok Shop must have a price difference depending on the category chosen. For example, at TikTok Shop with the account name Rayta Arsyila, one of the sellers on the TikTok marketplace offering products in the form of shirts. For shirts with premium satin material sold at a price of Rp. 120,000, for shirts with linen crinkle material sold at a price of Rp. 99,000 and for shirts made of Japanese cotton material sold at a price of Rp. 200,000.

- c. Has a time limit that must be determined

In implementing the selection time limit for *flash sale* products, the seller on the TikTok marketplace applies *flash sale* promos with a time limit, for example in the 6.6 promo which is valid for a day (24 hours), and *flash sale* promos provided by the seller as long as the seller does LIVE TikTok. During this time consumers can choose several products in the store if consumers feel there is a match then consumers can put the product in the TikTok Shop basket feature, so that consumers have time to look for references such as looking at testimonials and comments from previous consumers or other references, so that if consumers are sure buy the product, consumers can continue the transaction by *checking out* and making payments via bank, atm, e-payment or with the Cash of Delivery (COD) system.

As for the time period, TikTok has its own calculations on the warranty period calculated based on the seller's delivery day and estimated delivery time, which starts from the checkout date. In more detail, here is the formula for calculating the TikTok warranty time:

2 (delivery days)+ 7 (estimated delivery time)+ 2 (confirmation time

buyer)= 12 days

Delivery days is the number of days needed by the seller to prepare for delivery, estimated delivery time is the average delivery time by logistics partners, and buyer confirmation time is the number of days needed for the buyer to confirm receipt after delivery. During this period, consumers can cancel their order, but must be accompanied by a clear reason.

2. Testimonials and Comments as a Reference for Sharia Faculty Students to Find Out Product Information

Khiyar ta'vin is the right of choice for buyers or consumers in buying and selling transactions that provide specific information (references) related to similar products but different in quality that consumers want to buy. The importance of the application of *khiyar ta'vin* is based on the argument that similar products today have many variants and different qualities, so *khiyar ta'vin* is a solution for someone who is inexperienced about the condition of the goods he buys, so that buyers need information from various sources so that buyers are not deceived and so that buyers get products that match their desires.

In general, consumers to get information related to the desired product, consumers will first look at the product information provided by the seller in the form of product descriptions, videos, and images. However, in practice, in *online* buying and selling, consumers need additional information to strengthen the information provided by the seller. Currently, the existence of consumer comment features is often used by new consumers to serve as an additional reference to avoid fraud.

From the results of interviews conducted by researchers to Faculty of Sharia students who use the TikTok *marketplace*. There is a classification of the tendency of students to seek additional information in assessing the quality of the product to be purchased, namely as follows:.

No.	Respondents	Product Information Search Techniques
1.	Respondents 1,2,5,6,8, 10,11,12,13,14,16,17,18, and 20	Before the transaction, use testimonials and comments as an additional reference in assessing quality Products.
2.	Respondents 3, 4, and 19	At process transaction process using information that has been provided by the seller in the form of adverts and videos.

3.	Respondents 7, 9, and 15	Using advice from friends who have purchased the product similar.
4.	Respondents 3, 17, and 19	Goods that arrive not in accordance with seller information.

Based on the results of research conducted by researchers, testimonials and comments cannot be used as a basis for potential consumers to assess product quality, apart from the absence of a specific explanation regarding product quality, it is also due to differences in expectations of some consumers so that they provide varied comments that can confuse some consumers, this is also evidenced by empirical facts in the field by the existence of several respondents who felt cheated when purchasing products even though they had used additional references.

D. Conclusion

Based on the discussion described in the theoretical basis and the results of field research which are combined and then analysed, it can be concluded that:

1. The implementation of *khiyar ta'yin* on the sale and purchase of *flash sale* products on the TikTok *marketplace* in buying and selling products that are in accordance with the quality desired and needed by consumers is fully in accordance with the perspective of Islamic law. The basic principle used in this case is the existence of 3 conditions in *khiyar ta'yin*, namely choosing one of the 3 types of goods to be purchased according to the level of quality possessed, then the second condition is that the types of goods to be selected have different prices and characteristics, the price must also be known with certainty, and the last condition is the time of *khiyâr ta'yîn* which is limited in accordance with the agreement that has been made when the transaction between the seller and the buyer occurs. From the results of this study, these three aspects have been fulfilled entirely.
2. Faculty of Sharia students in finding information on *flash sale* products that suit their needs in the TikTok *marketplace* use testimonials and user comments as references in finding information on the quality of the products to be purchased. Although not all of them use testimonials and user comments as the main reference, but as a reinforcement of the product description listed by the seller. Other references that consumers refer to in assessing quality products are the type of official store or official TikTok account, the number of buyers who have purchased the product, the price of the product, the warranty, references obtained from other media or friends' suggestions.

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