



International Conference on Islam, Law, and Society (INCOILS)
Conference Proceedings 2023

REVIEW OF ISLAMIC LAW REGARDING PRICE ROUNDING BY COURIERS IN BUYING AND PAYING ON DELIVERY

Mohammad Taufik Hidayat¹, Fahmi Mahda Al Hakim², Kholid

Alawil, Mubarak, Dian Ferricha

Program Studi Hukum Ekonomi Syariah Pascasarjana Universitas Islam Negeri
(UIN) Sayyid Ali Rahmatullah Tulungagung

E-mail: mohammadtaufik051198@gmail.com, fahmimahdawork@gmail.com,
awilkholid@gmail.com dianferricha2@gmail.com

ABSTRACT :

This research is motivated by the practice of rounding prices by couriers in buying and selling using the Pay on Delivery delivery method in Kamulan Village, Durenan District, Trenggalek Regency, namely that there is a discrepancy in the actions carried out by couriers by rounding prices unilaterally without considering the principles of voluntarism and sincerity on the part of the buyer. Apart from being detrimental to the buyer, of course the actions carried out by the courier can affect the sale and purchase agreement that has been agreed between the seller and the buyer due to changes in prices as a result of price rounding carried out by the courier. The rounding carried out by the courier is not without reason, but aims to make it easier to make payments and return the remaining money, because it is difficult to provide refunds for denominations or loose change if the price of the item is in fractions. The problem formulation in this research is: 1) What is the practice of price rounding carried out by couriers in buying and selling using the pay-on-delivery method in Kamulan Village, Durenan District, Trenggalek Regency? 2) What is the view of Islamic law regarding the practice of rounding carried out by couriers in buying and selling using the Pay on Delivery delivery method in Kamulan Village, Durenan District, Trenggalek Regency?

The research method used by researchers is to use a qualitative approach with the Systematic Literature Review (SLR) research type, namely the process of identifying, assessing and interpreting all available evidence with the aim of providing answers to specific research questions. The data collection techniques used in this research are interviews, observations, and documents. Meanwhile, data analysis techniques use data reduction, data display, and drawing conclusions and verification. The results of this research show that: 1) the practice of rounding prices carried out by couriers in buying and selling using pay-on-site delivery in Kamulan Village, Durenan District, Trenggalek Regency is an act that is not legally valid, because the price rounding is not in accordance with the agreed price during transactions or contracts, so that it can be detrimental to society. 2) the practice of rounding prices carried out by couriers in buying and selling using pay-on-site delivery in Kamulan Village, Durenan District, Trenggalek Regency violates the principles of justice in Islamic law and destroys the contract that occurs, causing the transaction to be invalid, whereas in the *istinbat* method of sharia economic law, the practice of rounding prices is included in the *Al-Urf Al-Fasid* type. However, the practice of rounding prices is permitted if both parties feel mutually satisfied.

Key words: *Islamic Law, Price Rounding, Courier, Buying and Selling, Paying on the spot*

INTRODUCTION

In line with the development of the online community economy, of course this can open up business opportunities for companies engaged in goods delivery services such as Pos Indonesia,

JNE (Jalur Nugraha Ekakurir), J&T, TIKI and many others, apart from being an opportunity to make a profit, companies It also aims to support the running of the community's economy online. Companies operating in the field of goods delivery services, of course, in carrying out their practices in the field cannot be separated from various kinds of problems faced, one of the problem phenomena that arises in society is related to payments that must be paid by buyers. For example, in transactions carried out by buyers in online transactions using a pay-on-delivery system, which is a payment method that is generally carried out when the seller and buyer are in an area or within a certain distance so that the seller can immediately receive payment in cash when the goods are received by the buyer. However, this method still has loopholes where it can cause problems for both sellers and buyers.

When shipping using the pay-on-delivery method, the company that provides services in delivering goods is called the courier. In practice, the courier or delivery person will deliver the goods to the buyer's intended address, after which the courier will hand over the goods and state the nominal amount that must be paid by the buyer. It is at this stage that a problem arises, where the price of goods stated on the goods invoice by the courier is rounded up without the buyer's knowledge with the aim of making it easier to pay or give back. The fact that occurs in society is that it starts when a buyer makes a transaction or purchase on the Shopee application with a total payment of 99,800 using the pay on delivery system, then the courier will send the goods to the buyer's intended address. Upon arrival, the courier will hand over the goods and state the price to be paid, which was originally 99,800 to 100,000 without the buyer's knowledge.

Buyers on this issue gave varying opinions. Some of them are sincere and some are not. Those who are sincere are usually people who have insight into online buying and selling and are of the opinion that rounding prices carried out by couriers when sending goods is normal, for the reason that it makes the work process easier or to make it easier.

fast in the payment process. Meanwhile, buyers who are not sincere believe that the rounding carried out by the courier when delivering the goods is inappropriate or violates the transaction in buying and selling, because the buyer feels disadvantaged by the rounding of prices which is considered to benefit the courier or sender.

As for the basic principles in the issue of muamalah, it is to realize the benefit of humanity, by paying attention and considering the various situations and conditions surrounding humans themselves, so that the basic law of muamalah is that it is permissible until an argument is found that prohibits it. Apart from the basic principles above, there are also other basic principles that must be fulfilled by every type of muamalah, including containing benefits, upholding the principles of justice, being honest, helping each other, not making things difficult and liking each other. So, based on the basic principles in the muamalah issue, of course the practice of rounding prices carried out by couriers when sending goods to buyers still contains things that are contrary to the principles of muamalah, namely the courier's behavior in rounding prices without informing the buyer first.

From the problems above, here the researcher will examine a problem that arises from the practice of rounding prices by couriers in buying and selling using the pay-on-site delivery method in Kamulan Village, Durenan District, Trenggalek Regency, namely the existence of discrepancies in the actions carried out by couriers by rounding prices unilaterally without considering the principle of voluntariness and sincerity on the part of the buyer. Because according to the researcher, the problem mentioned above still requires review or research from the perspective of Islamic Law, therefore the researcher is interested in trying to discuss in the problem formulation:

1) What is the practice of price rounding carried out by couriers in buying and selling using the paid delivery method in Place in Kamulan Village, Durenan District, Trenggalek Regency? 2) What is the view of Islamic Law regarding the practice of rounding carried out by couriers in buying and selling using the pay-on-site delivery method in Kamulan Village, Durenan District, Trenggalek Regency? in a journal with the title "Review of Islamic Law on Price Rounding by Couriers in Buying and Selling with Pay on Delivery."

To avoid repetition of research, it is necessary to describe previous research that has been studied by other researchers, as a form of proof that the research carried out is different, namely as follows: The first research, namely thesis written by Ambarwati, Department of Muamalah, Faculty of Sharia and Law, Walisongo State Islamic University Semarang, entitled "Analysis of Islamic Law on Price Rounding in Murni Minimarkets, Winong District, Pati Regency" in 2017. The research method used was analytical descriptive research. The results of the research show that buying and selling in the Murni minimarket, Winong District, Pati Regency, in the practice of rounding prices carried out by the cashier, must ask for approval or inform the buyer as regulated in Article 6 paragraph (4) of the Regulation of the Minister of Trade of the Republic of Indonesia Number: 35/MDAG/PER/ 7/2013 concerning Inclusion of Prices for Traded Goods and Services Tariffs. This is so as not to violate consumer rights as regulated in article 4 of Law No. 8 of 1999 concerning Consumer Protection, so that the element of willingness remains inherent and accompanies buying and selling transactions at Murni minimarkets. Analysis of Islamic law shows that price rounding in the Murni minimarket, Winong District, Pati Regency is not fully in accordance with the muamalah principle, namely that there is no element of willingness on the part of some buyers, and such price rounding constitutes usury (additional)¹.

The second research is a thesis written by M. Alfian Yazdad, Muamalah Department, Sharia Faculty, Sunan Ampel State Islamic Institute with the title "Islamic Law Analysis of Rounding off Selling Prices in Gasoline Buying and Selling Transactions at Pertamina Gas Stations in South Surabaya". This research uses observation, documentation and interview data collection techniques. The data analysis technique used is descriptive analytical using inductive methods. The results of this research aim to facilitate operator performance and also the limited change because gas stations only provide change at a minimum of Rp. 50,-. So rounding is done to a minimum. If the rounding exceeds the provisions then the transaction is said to be usury.²

The third research is a thesis written by Rizki Kila Alindi, majoring in Sharia Business Law, Faculty of Sharia, UIN Maulana Malik Ibrahim Malang, entitled "Practice of Tariff Rounding by the Dufan Malang Post Office on Expedition Goods Review of the Consumer Protection Law and Muamalah Fiqh". On research

This uses empirical methods or field research. The primary material in this research is interviews, while the secondary legal material uses books, the Al-Qur'an, and previous research. The conclusion in this research is that the practice of rounding rates carried out by the Dufan Malang Post Office in the Consumer Protection Law (UUPK) and Fiqh Muamalah is actually

¹ Amabarwati, "Islamic Law Analysis of Price Rounding in Murni Minimarkets, Winong District, Pati Regency", Thesis, (Semarang: Walisongo State Islamic University Semarang, 2017), pp. 9-10

² M. Alfian Yazdad, "Islamic Law Analysis of Rounding Selling Prices in Gasoline Buying and Selling Transactions at Pertamina Gas Stations in South Surabaya", Thesis (Sunan Ampel State Islamic Institute), p. 12

permitted as long as there is a strong reason from business actors that does not burden consumers. The basic difference between the two is the penalty related to rate rounding³

Methods

Systematic Literature Review is a term used to refer to research methodology or specific research and development carried out to collect and evaluate research related to a particular topic focus. Systematic Literature Review (SLR) is a systematic way to collect, critically evaluate, integrate and present findings from various research studies on a research question or topic of interest. The SLR provides a way to assess the level of quality of existing evidence on a question or topic of interest. SLR provides a broader and more accurate level of understanding than traditional literature reviews. SLR requires a more rigorous and well-defined approach, more comprehensive and setting out in detail the time period over which the literature is selected.⁴

The data and research materials used in this research come from library sources, such as books, journals, newspapers, magazines, encyclopedias and other sources. The data collection technique in this research uses the documentation method. The documentation method is used by researchers to obtain data and information in the form of books, documents, archives, written numbers and images, as well as reports and information that can support research. So that the data that has been collected and reviewed can be used as a reference in this research⁵

Result

1. The practice of rounding prices by couriers in buying and selling using the Pay on Delivery delivery method in Kamulan Village, Durenan District, Trenggalek Regency.
 - a. There is a practice of rounding prices carried out by couriers on the prices of goods in buying and selling using pay-on-delivery in Kamulan village.
 - b. The practice of rounding prices carried out by couriers aims to make it easier to carry out payment transactions and provide returns and speed up the performance of couriers.
 - c. There are buyers who do not feel disadvantaged by the practice of price rounding carried out by couriers if the price rounding is still considered reasonable, because it is difficult to make payments with exact change at fractional prices.
2. Islamic Law's view of the practice of rounding carried out by couriers in buying and selling using the pay-on-site delivery method in Kamulan Village, Durenan District, Trenggalek Regency.
 - a. The practice of rounding prices carried out by couriers is an act that causes mutual dislike.
 - b. The practice of rounding carried out by couriers is carried out unilaterally without prior notification to the buyer.
 - c. There is an element of unwillingness from buyers towards the practice of price rounding carried out by couriers.
 - d. Price rounding carried out by couriers is an action that is often carried out so that it has become a habit in society.

³ Rizki Kila Alindi, "The Practice of Rounding Rates by the Dufan Malang Post Office on Expedition Goods Review of the Consumer Protection Law and Muamalah Fiqh", Thesis, (Faculty of Sharia at UIN Maulana Malik Ibrahim Malang, 2016), p. 76-77

⁴ Evi Triandini et al., "Systematic Literature Review Method for Identifying Information Systems Development Platforms and Methods in Indonesia," Indonesian Journal of Information Systems 1, no. 2 (2019): 63, <https://doi.org/10.24002/ijis.v1i2.1916>.

⁵ Sugiyono, "Combination Research Methods (Mix Method), (Bandung: Alfabeta, 2015), p. 329.

Discussion

1. The practice of rounding prices carried out by couriers in buying and selling using the pay on delivery delivery method in Kamulan Village, Durenan District, Trenggalek Regency The practice of rounding prices carried out by couriers is based on situations and conditions that encourage couriers to round prices. These situations and conditions can arise in terms of the price of goods whose nominal value is in fractions and the limitations of denominations or loose change in the payment process or giving refunds. In direct observation by researchers in the field, it turns out that the motives for price rounding carried out by couriers are more than imagined because of my job as a courier, I have to deliver a lot of goods, so I have to chase targets. The content is in accordance with the concept of courier services which can also involve a larger scale, namely company scale and is known as third party logistics (3PL).

In the practice of rounding prices, couriers do not convey to buyers whether the price of goods that must be paid is rounded up. It is felt that this has become a habit in the task of delivering goods. If a buyer is aware of this action, it could trigger a conflict between the courier and the buyer because the courier's actions are felt to be detrimental to the buyer and tend to benefit the courier. However, there are also buyers who understand and are willing to accept price rounding carried out by couriers.⁶

Based on field observations carried out by researchers, there were various responses from buyers. This opinion is based on the work and knowledge of the buyer himself. One of the buyers expressed the opinion that price rounding carried out by the courier was a fraud that could damage the contract in the sale and purchase transaction. The contract was damaged due to the price agreed upon in the transaction changing due to rounding carried out by the courier.⁷

Other buyers expressed the opinion that price rounding carried out by couriers was considered okay as long as the price rounding was still within reasonable limits. Difficulty in providing or obtaining denominations is a reason that often occurs in the process of paying or giving change, resulting in the courier having to round up the price so that he can complete the payment quickly. There are also buyers who do not provide an opinion regarding price rounding carried out by couriers due to a lack of knowledge regarding buying and selling using pay on delivery delivery methods or price rounding. So in this case the buyer only pays the price stated by the courier without knowing the rounding price for the goods.

2. Islamic Law's view of the practice of rounding carried out by couriers in buying and selling using the Pay On Delivery delivery method in Kamulan Village, Durenan District, Trenggalek Regency

One of the reasons why a sale and purchase is canceled in sharia economic law is because one of the terms and conditions of the sale and purchase has not been fulfilled. In field observations conducted by researchers regarding the practice of rounding prices carried out by couriers in Kamulan Village, there were factors that could cause the sale and purchase transactions to be cancelled. This factor is due to the practice of rounding prices itself which changes the price that has been agreed upon during the transaction between the seller and the

⁶ Wahbah az-Zuhaily, *Fikih al-Islam wa Adillatuh*, Translated by Abduh Hayyie al-Kattani, Volume 5, (Jakarta: Gema Insani, 2010), p. 81

⁷ Nasrun Haroen, *Fiqh Muamalah*, (Jakarta: Gaya Media Pratama, 2013), p. 125

buyer, making the rounding practice carried out by couriers in Kamulan Village a facile sale and purchase. Hanafiah scholars differentiate between fasid and void buying and selling. If the damage in the sale and purchase is related to the goods being bought and sold, then the law is void, as is buying and selling objects that are haram. If the damage to the sale and purchase concerns the price of the goods and can be repaired, then the sale and purchase is called fasid.

This is made clear in the Al-Qur'an Surah An-Nisa verse: 29.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونُوا تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ ۚ لَا تَقْتُلُوا أَنْفُسَكُمْ ۗ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

Meaning: "O you who believe, do not devour each other's wealth in a false way, except by means of commerce that is carried out with mutual consent between you. And do not kill yourself, indeed Allah SWT is Most Merciful to you." (QS. An-Nisa: 29)

The verse above explains that the prohibition on consuming wealth that is in the midst of those who are false means the prohibition on carrying out transactions or transferring assets that do not lead society to success, but even lead to depravity and destruction.

The contract used in the practice of rounding prices carried out by couriers in Kamulan village is the contract of delivery ('uqud at-tafwidh wa ithlaq), namely the contract which contains delivery to another person and gives authority to carry out work, such as wakalah and permits to small children. carry out some buying and selling activities. The basis of this contract is the Al-Qur'an, Surah Al-Maidah verse 1:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَفُوا بِالْعُقُودِ ۗ

Meaning: "O you who believe, fulfill these promises."

In price rounding carried out by couriers, if analyzed from the point of view of the principles of buying and selling, the role of aqid is the courier and the buyer. Ma'qud in the practice of rounding prices is goods purchased using the pay on delivery delivery method, Maudhu al'aqot in The practice of rounding prices is aimed at delivering goods. Meanwhile, sighot in the practice of rounding prices carried out by couriers is when the courier delivers the goods and states the nominal price.

In the researcher's observations of the practice of rounding prices carried out by couriers in Kamulan Village, if analyzed based on the information above, the practice of rounding prices carried out by couriers does not meet the requirements of the qobul agreement. This can be seen from the practice directly when the courier hands over the goods and states the nominal amount. that must be paid, the courier does not mention the rounding of prices to the buyer directly. This clearly violates the terms of the ijab qobul, which requires an agreement between the two parties, so it does not reflect the sincerity of the will of the party concerned.

Apart from that, the practice of rounding prices carried out by the courier also violates contract principles. Islamic law has established several contract principles which influence the implementation of contracts carried out by interested parties. The following are the principles of contracts in Islam: The principle of freedom of contract, The principle that agreements are binding, The principle of mutual agreement, The principle of worship, The principle of justice and balance of achievements, The principle of honesty (trust).

The practice of rounding carried out by couriers is an act that has been going on for a long time and has become a habit in society. Based on Urf's terms, price rounding is an action that is legally prohibited because it is contrary to sharia law, namely the element of usury and injustice towards other people which has been explained in the Al-Qur'an surah Al-Baqarah verse 275:

□ أَحَلَّ اللَّهُ الْبَيْعَ □ حَرَّمَ الرِّبَا □ فَمَنْ جَاءَهُ مَوْعِظَةٌ مِنْ رَبِّهِ فَانْتَهَى □ فَلَهُ مَا سَلَفَ □ أَمْرٌ إِلَى اللَّهِ □ مَنْ عَادَ فَأُولَئِكَ أَصْحَابُ النَّارِ ۖ هُمْ فِيهَا خَالِدُونَ □

Meaning: even though Allah has permitted buying and selling and prohibited usury. Those who have reached the prohibition from their Lord, and then continue to stop (from taking usury) will share what they have taken previously (before the prohibition came), and their affairs (are up to) Allah. Those who repeat it (take usury) are the inhabitants of hell, they will remain there forever.

If analyzed in terms of various types of Urf, then price rounding carried out by couriers is included in Urf Al-Fasid, namely a custom that is contrary to the postulates of Sharia'. In the practice of rounding up prices, it clearly illustrates the element of usury, where couriers tend to round up prices to a larger nominal amount, so that it exceeds the price agreed upon between the seller and the buyer in the buying and selling transaction. Of course, the practice of rounding prices can be detrimental to the buyer. However, price rounding can be legally permitted as long as there is consent from the parties involved. The existence of mutual understanding between the courier and the buyer, thereby creating a sense of willingness to round up prices, makes this practice legal.

Price rounding is carried out by the courier unilaterally without prior notification to the buyer because there are fractional prices for the goods, making the payment and refund process difficult because it is difficult to get fractional money or loose change.

The practice of rounding prices by couriers in buying and selling using the Pay On Delivery delivery method in Kamulan Village, Durenan District, Trenggalek Regency, in terms of sharia economic law, is a practice that can violate or damage a contract that occurs, causing the transaction to be invalid. The reason for the ease of payment which is the reason for rounding up the price of goods which should not be categorized as an annoyance. If the rounding money is included in the courier's profit or profit, then what happens is *riba* (additional). This practice certainly violates the principles of sharia economic law, namely the principle of fairness in transactions.

In sharia economic law, the practice of rounding prices carried out by couriers in Kamulan Village is included in the Al-Urf Al-Fasid category. The practice of rounding up prices is an act that is prohibited by law because it contains elements of usury and *zhalim* towards other people. The practice of rounding up prices is contrary to Islamic law, as is the habit of exaggerating the price of goods, thereby causing usury. Even though this practice aims to simplify the payment process and provide returns, the practice of rounding prices cannot be justified by Sharia law.

However, the practice of rounding prices carried out by couriers in Kamulan Village is permitted as long as there is the willingness/acceptance of the parties involved. This is in accordance with the basis of buying and selling, namely buying and selling is legal if you like and like.

ACKNOWLEDGMENT

Amabarwati, "Islamic Law Analysis of Price Rounding in Murni Minimarkets, Winong District, Pati Regency", Thesis, (Semarang: Walisongo State Islamic University Semarang, 2017): 9-10.

Az-Zuhaily, Wahbah, Fikih al-Islam wa Adillatuh, Translated by Abduh Hayyie al-Kattani, Volume 5, Jakarta: Gema Insani, 2010.

Haroen, Nasrun, Fiqh Muamalah, Jakarta : Gaya Media Pratama, 2013.

J. Moleong, Lexy, Qualitative Research Methods. Bandung: Rosdakarya Youth, 2002.

Kila Alindi, Rizki, "The Practice of Rounding Rates by the Dufan Malang Post Office on Expedition Goods Review of the Consumer Protection Law and Muamalah Fiqh", Thesis, (Faculty of Sharia at UIN Maulana Malik Ibrahim Malang, 2016), p. 76-77

Sugiyono, "Combination Research Methods (Mix Method), Bandung: Alfabeta, 2015.

Triandini, Evi et al., "Systematic Literature Review Method for Identifying Information Systems Development Platforms and Methods in Indonesia," Indonesian Journal of Information Systems 1, no. 2 (2019): 63, <https://doi.org/10.24002/ijis.v1i2.1916>.

Yazdad, M. Alfian, "Islamic Law Analysis of Rounding Selling Prices in Gasoline Buying and Selling Transactions at Pertamina Gas Stations in South Surabaya", Thesis (Sunan Ampel StateIslamicInstitute):12