

Revitalization of the Application of Islamic principles and the ITE Law in Business Development in the Era of Digital Transformation

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ABSTRACT

This research investigates the significance of adopting Islamic principles and adhering to the Law on Information and Electronic Transactions, particularly for business players who are establishing their businesses. As planned, the application manifests itself as an awareness of business actors' attitudes and behavior in adopting Islamic teachings under the guidance of the Qur'an and Hadith, as well as awareness of citizens' compliance with Indonesian legal rules. This article falls under the heading of literature study, with a qualitative approach as its foundation. The practice of applying Islamic principles to business actors in the era of digital transformation is by implementing the ideals of oneness (*tawhid*), balance (*tawazun*), justice (*al-adalah*), freedom (*al-hurriyah*), and tolerance (*al-tasamuh*). As for the application of the principles-principles in the Law on Information and Electronic Transactions (Law Number 11 of 2008) in business activities, it can be as practicing the principles of prudence, legal certainty, good faith, expediency, and freedom to choose technology and provide complete and proper information concerning the terms of the contract.

Keywords: Revitalization, Islamic principles, Business Development, ITE Law, Digital Transformation.

1. INTRODUCTION

Islam is not only a religion but a way of life whose teachings are comprehensive, universal, and aim to benefit humanity, including in economic activities[1]. Islamic teachings emphasize the importance of economic activity in meeting necessities. The world is viewed as a land of worship for every human being to do good and work in order to live his life under religious teaching, bringing blessings and happiness during his lifetime.[2]

In many facets of life, particularly economic activity, human existence is inextricably linked to technological development.[3]. Business is the activity of selling things or services for a profit in order to meet the needs of others.[4]

Empirically, business development based on digital technology systems and the use of internet networks has been shown to provide ease of business transactions and to serve as an alternative in bridging the gap between sellers and buyers, improving the welfare of businesses in Indonesia.[5] However, corporate activities in the age of digital transformation using the internet network are still

rife with irregularities and infractions that are not covered by Islamic law and norms, one of which is the Electronic Information and Transaction Law. For example, there is unfair price competition in the marketplace, The goods provided do not fulfill the parameters offered, or the order for goods was canceled unilaterally without confirmation or a logical reason. As a result, both the seller and the buyer suffered major and immaterial losses as a result of the transaction.

Other examples of business practice deviations can be found in online and manual savings accounts at financial institutions, where a particular percentage of principle loans is required. Of course, the lender will benefit over time in this type of business operation, whereas the borrower will not benefit in terms of profit. This image shows the inequity of interest-bearing transactions.[1]

The reality of business practices described above is directly contrary to Islamic economic law, and the principles stated in Article 3 of the ITE Law, which states that "*Utilization of Information Technology and Electronic Transactions is carried out based on the principles of legal certainty, benefit, prudence, goodwill,*

and freedom to choose technology or method."[6] Both fundamental principles have basically provided a moral or ethical (religious) message to every citizen in carrying out business activities, the necessity to generate excellent connections between business people as part of religious conduct in Islam to create a mutual trust that can eventually expand their respective businesses.

Dahlan's research titled "Paradigm of Maqasid Al-Syariah in Answering Contemporary Economic Dynamics" showed that in this era, the digital-based economic system is becoming the primary need for most Indonesians, including the Muslim community; however, there are problems of sustainable innovation and disruptive innovation.[5]

Juliyanti conducted a study titled "Business Ethics in an Islamic Perspective." Morality (ethics) plays an important role in many parts of people's lives, including business operations. Furthermore, it is critical to impose moral standards based on Islamic teachings in order for market competition to function smoothly because human survival depends on their morals.[4] Fahmi and Ismail conducted similar research in which they addressed the importance of establishing religious attitudes from early childhood, such as the significance of faith (tawhid), worship, and morals (morals), so they can grow living these important principles.[7]

Some of the above research studies can at least serve as a foundation for this study, such as studying the relationship between morality and business, but the difference is that this study is focused on how business in Islam, Islamic spirituality in online business, and how to apply Islamic principles and the Information and Electronic Transactions Law to business development in the digital age. This research study aims to align business people's perspectives and attitudes under Islamic law and applicable legislation, resulting in a business practice that is based on belief in goodness, truth, and the ability to discriminate between halal and haram.

2. RESEARCH METHOD

This paper was written as a sort of qualitative library research with a normative juridical approach, such as Islamic law and legislation. This normative legal approach applies to the study and analysis of many Qur'anic and hadith texts, as well as laws and regulations governing business activities.

Secondary data, which comprises main legal resources, secondary legal materials, and tertiary legal materials, was employed as a data source. Primary legal materials that are still relevant to this topic include the Qur'an and Hadith, as well as the Information and Electronic Transactions Law (Law No. 11 of 2008) and other legal norms. Books, journal articles, and other secondary legal literature are available. Meanwhile, encyclopedias, legal dictionaries, and other dictionaries that are relevant to this

topic can be found in tertiary legal materials. In addition, all previously gathered data is analyzed using novel qualitative methods.

3. RESULTS AND DISCUSSION

Working is one way people gain riches. Working is a *fitrah* for man, and it is a human means of meeting their family's necessities.[8] Furthermore, working, based on religious principles (tauhid), demonstrates oneself as a servant of Allah SWT, who was appointed as the caliph in this world, in managing natural resources as gratitude for His gift.[9]

3.1. Business in Islam

Islamic beliefs include employment as a fundamental component. Every Muslim, particularly those with physical talents, is obligated to work according to Islam. As a result, Islam forbids its followers from sitting on their hands and instead encourages them to rely on others for help when they are able.[10]

The command to work for a Muslim is explained in one verse of the Qur'an. [11] And say: "Working," and Allah, his Messenger, and the believers will see what you do, and you will be returned to Allah, the All-knowing, the Omniscient, the All-knowing," according to Surah al-Tawbah: 105. The verse's explanation tells us that Islamic effort begins and ends in a sublime state and that it includes *jihad fi sabilillah*. The spirit of working *fi sabilillah* should be supported by the avoidance of laziness and the cultivation of a competitive mindset, with this attitude serving as an encouragement to attain great work results.[12]

One job that Islam has prescribed is business. Even the Prophet Muhammad SAW encourages his people to work in the commercial world. Furthermore, nine out of ten sources of nutrition are received through commerce or business, according to the Prophet. Because of information and communication technology, such as marketing a company through social media, doing business is an example of a type of work that is in high demand. Individuals and groups of people enter the business world with the purpose of producing value by providing goods and services that meet people's needs while also profiting (gain a margin) through traditional and online transactions.[13]

3.2. Islamic Spirituality in Online Business

The availability of technology with a wide range of uses implies a high value for human life, one of which provides convenience and speeds up *muamalah* (enterprise) development. It has negative implications for business practices. Digital technology-based business operations, such as using the internet, computers, and other social media, are not without risk and can lead to ethical lapses, particularly when parties do not know each other and meet in one location or assembly.[3]

In business, ethics (morality) is critical, especially if the community believes that the company's actions are intended solely to make the greatest amount of money possible. Businessmen, from an ethical (Islamic) standpoint, are concerned not just with profit but also with blessings (spirituality). What role does ethics play in this situation? Because Islamic ethics instructs people to avoid jealousy, hatred, provocation, and vengeance, as well as fostering collaboration and assisting others in need, according to Islamic law.[14]

It's crucial that we all understand that under the Islamic concept of property, materiality is only considered important when it's balanced with spirituality (transcendancy). Spirituality is a condition of enlightenment concerned with discovering the meaning and purpose of life. As perceived by man as a creation of Allah SWT, the goal and purpose of existence is nothing more than to perform one's position as a world leader (caliph) simply to serve and worship Him, and whatever one does is for Allah SWT's pleasure.[15]

In Islamic thought, spirituality refers to the dimension of one's spirituality that tries to establish earthly and afterlife equilibrium. Of course, this is the most significant factor in cultivating a desire that is accompanied by tauhid to Allah SWT's might in all parts of life, including business.[16] As a result, spirituality is defined as one's awareness of the existence of a human relationship with his God or a transcendent person.[17]. In Islam, spirituality is defined as the consciousness of faith (*tauhid*) in Allah SWT's will in human life.

This spiritual includes one's inner life, thinking, idealism, attitude, and optimism toward Allah SWT, as well as how to realize one's relationship with Allah SWT in daily life. Profit, transactions, management, marketing strategies, and accounting are all addressed by Islamic spirituality in the business world, as are development, service, the environment, social responsibility, helping each other, and justice. The concept of spirituality appears to be like the religious mission. Spirituality and religion have theoretical differences. Faith, practice, and institutions are additional religious traits. Meanwhile, spirituality is restricted to a person's relationship with Allah's SWT.

Because religion is the foundation that is the basis of the development of spiritual values in human beings, religion is presented to improve human attitudes or behaviors and become a guide and handle of man included in the activities of doing business, because religion is the foundation that is the basis of the development of spiritual values in human beings.[18] As a result, a person's religious behavior is determined by how well he understands the theory of the religion that he practices in his daily life. According to Adim, a person's level of religion varies depending on the extent of his religious comprehension. As a result, religion has a significant impact on people's views and behaviors. The actual

behavior reflects *batiniyah* as *dhahiriyah*; therefore, the appropriateness of one's attitude is judged by one's behavior.[19]

As previously said, both traditional and online-based firms are identical, implying that there is no substantial difference. If there is a distinction, it is only in the manner in which the business is conducted. Online businesses are run using internet media, whereas traditional businesses have shops.[20] Online business practices are a part of *muamalah's* modernization, as well as human civilization's advancement in the realm of technology, in meeting his life's necessities.

In the Islamic perspective, online commerce is essentially permissible as long as it is conducted without components prohibited by religion, such as cheating/fraud, usury, gambling of any type, and compliance with conditions and pillars. Although online buying and selling might be subject to ethical blunders that result in losses for one party, it is still a viable option.[21]. This is where the significance of spiritual values in internet commercial activities comes from.

The dimension of Islamic spirituality in business relates to a businessman's understanding that his operations are not merely for profit but also as a type of worship (*muamalah*) in working for Allah SWT's blessing. The intelligence in merging worldly aspects and *ukhrawi* in operating the business in such a way that the two are balanced is how the potential of these enterprises is understood.

Spirituality-based business activities can foster attitudes and behaviors that serve as a kind of worship in order to maintain sharia-compliant business continuity. Production, marketing, financing, and human resource management are further elements of the growth of Islamic business activities for business continuity. According to Zahroh, the attributes of virtue, piety, and gratitude are among the characteristics of spirituality in business activities. Working with the sacred aim of worship is the second step. It has a powerful vertical and horizontal push as well. A businessman must also be trustworthy. There's also the aspect of service optimization. Finally, define the freedom of doing business as the ability to act responsibly.[15]

It may be concluded from the foregoing explanation that adding Islamic spirituality into business practices can bring about Islamic business operations and transform one's perspective through rational encouragement. The deep implications of the values inherent in Islamic spiritual intelligence will be expressed in speech, ideas, and noble character attitudes.

3.3. Revitalization of the Application of Islamic principles and Electronic Information and Transaction Law in Business Development in the Digital Transformation Era

Online commerce has exploded in popularity in recent years. As an indicator, the number of sellers or owners who offer goods and services on social media sites like Facebook, Instagram, websites, and other media can be used. The existence of this online business is certainly very helpful for humanity in achieving peace, especially in terms of ease of transaction, even though people are not physically in the same place or meeting face-to-face. Especially in the new normal life due to the Corona-19 virus that has hit the world, including Indonesia, where social distancing is a must, internet commerce is an option for people to fulfill their needs.

Online agreements for sale and buy are made by first identifying particular qualities of an item using a payment mechanism and then giving over the goods via a delivery service.[20] This transaction can develop a model that shows how geography and contract are the primary differences between online and offline commerce. *Akad* is important in determining a company's long-term viability. According to Islamic treaty law, an agreement is an act by two or more parties regarding an object that may be the subject of the transaction. *Fiqh* defines a contract as a relationship between *ijab* and *qabul* that is based on sharia's will and affects the agreement's object.[22]

The fundamental problem with making agreements in online and offline business is that terms and harmony aren't met. Under Islamic treaty law, the contract's foundation, such as *shighat* (*ijab* and *qabul*), the existence of the parties (legal subjects), and the existence of objects, becomes a required factor and is at the heart of every contract. If one pillar is not met, the contract is invalid. Meanwhile, the condition is a quality that must exist in every pillar, such as the ability to hand over a sold item, but it is not the essence of the contract since it is harmonious, but the important requirement in the contract is that the contract completed is not a religiously forbidden agreement, and the contract must be helpful or useful.[13].

According to Article 1320 of the Civil Code (KUH Perdata), the legal conditions must be met, which include agreement (both parties' approval), the ability (proficiency) to conduct legal acts, and a specific thing. There are many sorts of contracts that people employ in their daily lives. In Indonesia, buy and sell agreements (*al-bay'u*), income sharing agreements (*mudharabah*), capital investment (*musyarakah*), and lease agreements (*ijarah*) are commonly used. In Islamic banking and financial institutions, this agreement is commonly employed.[23]

A contract made legally has legal consequences for the parties, including: first, both parties must carry out the contract voluntarily and in good faith; second, in the event

of a default, one party who feels aggrieved can seek compensation from the other party and seek to end the contract through the courts. Second, if one person breaks the agreement, that party is bound by God's rule, which governs both this world and the next.[24]

For a Muslim who is also a citizen who observes the rule of law, using Islamic principles and legal rules in business is unavoidable. When these standards are followed, they raise individual awareness. Using Islamic ideas in business might be considered as a reaction to the religious ideology of Islamic teachings. Religion is a set of behaviors, acts, and activities that believers engage in to put religious teachings into reality in their daily lives.[25] While adhering to the rule of law as mandated by Law No. 11 of 2008 on Information and Electronic Transactions, the fact is the manifestation of one's attitude toward law enforcement from the standpoint of legal culture.

Religious attitudes in conducting business under Islamic beliefs, for example[13]: First, there is a sense of belonging (*tauhid*). This principle shows that human creation in the world serves and glorifies Allah's SWT. Implementing Islamic law is a devotion that stems from this unity (*tauhid*). A Muslim's entire life should revolve around his or her beliefs.

Second, there is a need for equilibrium (*tawazun*). This notion of balance must be followed in all commercial operations. However, this principle is frequently disregarded, resulting in injury to one party. This principle of balance governs what is accepted and provided, as well as the risks associated with them, such as those represented in the ban on usury. Usury is prohibited since it benefits only one party while harming the other by abusing the weaknesses of its partners. Of course, this is not the same as buying and selling, where the profit margins of the vendor and the buyer are equal.

The third principle is Justice (*al-adalah*). Allah SWT emphasizes the importance of applying the principle of justice in business. Although sharing parallels, this principle and the principle of equality (*taswiyyah*) have differences. They have several connotations and are the opposites of the word injustice, such as robbing someone of their liberty rights. In Islam, one of Allah SWT's characteristics is justice, and practicing the principle of justice is a part of business people's (Muslims') obedience to Allah SWT, as this principle is highly important in human life.[26] Sura An-Nahl 16:90, according to the translation, "God tells you to be just and do good, to give to family, and to abstain from indecency, evil, and hatred. He has instructed you in order for you to pay attention." The requirement that the parties remain valid in every will, condition, or performance in the agreement is one example of how the idea of fairness is used in business.

Fourth, there's accountability and liberty (*al-hurriyah*). The issue is freedom in its fullest definition, which

includes both individual and communal liberty. In Islam, freedom refers to a Muslim's ability to enter a contract in terms of content, requirements in the formulation of rights and obligations, form (written/oral), establishing mechanisms to solve problems when defaulting, and performing contracts/agreements with anyone as long as they do not violate Islamic law. As a result, contract freedom is a personal right, but it is not without limitations, including the requirement to follow the law.

An agreement's legality depends on its freedom. In Islam, an agreement is lawful if it satisfies the following criteria: there must be no opposition to Islamic law in the Qur'an or Hadith, it must be voluntary (a taradhin) and devoid of compulsion, the parties' rights and obligations, and the goal of the agreement must be clear. A legitimate agreement has legal ramifications, requiring the parties to carry out the agreement's terms freely and in good faith as a sign of responsibility. The parties' willingness must be recognized at the moment of the agreement. And if a transaction incorporates coercion, it cannot be considered being agreed upon.

Tolerance is the fifth virtue (*al-tasamuh*). Tolerance entails being patient, courteous, restrained, tolerant, and accepting of others' differing viewpoints and attitudes, including those regarding religion.[27] Tolerance is required in business since the business is expected to realize a harmonious life and not injure each other between the parties. As a result, the parties must promote the notion of tasamuh. "Allah blesses someone who is pleasant and tolerant in selling, buying, and collecting," the Prophet stated. " (HR. Bukhari and at Tirmidhi).[28]

Tolerance in commercial activities includes not making profits beyond the bounds of fairness, giving customers freedom, but not demanding too much from the seller, and providing tolerance within the bounds of fairness, and so on. The parties involved in commercial practices felt content and trusted each other because of their tolerance for business activity.

The current state of affairs shows that media and information technology will continue to develop unabated in the face of fresh breakthroughs in the sectors of technology, information, media, and informatics. Although it is acknowledged that the use and application of information technology in online business activities have a positive impact, namely making it easier for humans to conduct exchanges with one another rather than in a single assembly, empirically, this business practice results in a variety of civil issues.

In Indonesia, information technology-related commercial activities are governed by laws and regulations, one of which being Law Number 11 of 2008 on Information and Electronic Transactions, also known as the Law on Information and Electronic Transactions. As is well known, the enactment of this law is government attention aimed at facilitating and preventing the misuse of information technology in trade while considering the

religious and socio-cultural values of the Indonesian people, which causes the establishment of legal infrastructure and regulation; for example, Law No. 19 of 2016 relating to Amendments to Law No. 11 of 2008.

According to the theory of legal division based on the area and place where the law applies, the Electronic Information and Transaction Law becomes part of the product of laws and regulations that apply nationally (*ius constitutum*) or apply outside the Indonesian jurisdiction where it has legal consequences in Indonesian territory or outside the jurisdiction.

When considering the substance of several articles in the Electronic Information and Transaction Law, such as Article 3, the law serves as a legal guide for business people engaged in online business/economic activities, with the goal of maintaining, maintaining, and strengthening unity and integrity. In using technology and information, unity is necessary to avoid conflicts or civic difficulties between commercial actors and consumers.

To avoid civil problems in this law, business actors should apply principles such as good faith, prudence, and expediency, as Article 3 emphasizes that "the use of information technology and electronic transactions is carried out based on the principle of certainty." Law, expediency, prudence, good faith, and freedom to choose technology Furthermore, as mentioned in Article 9, "businesses that offer products through an electronic system must disclose comprehensive and accurate information linked to contract" business actors are expected to be open to the object of goods and production processes.

When the substance of Article 3 and Article 4, letter e of Law Number 11 of 2008 is analyzed, they are in agreement with Islamic principles or principles that essentially have the same purpose, namely creating advantages in economic activities (muamalah), particularly if they are conducted online. One illustration of the importance of principles is in the exposition of the Law on Information and Electronic Commerce.

"The principle of employing information technology and electronic transactions is not focused on the use of certain technologies so that they can follow future advancements," it is said of transactions, including the principle of freedom to choose technology or technology neutrality.

The explanation's formulation can alternatively be read to mean that the Electronic Information and Transactions Law allows anyone to use whatever technology they desire in their business activities as long as they are not breaking the law. According to the author, the meaning contained in the law's formulation's explanation can be understood in terms of the Islamic concept of freedom (*al-hurriyah*), which refers to a Muslim's freedom to enter a contract/alliance (freedom of making the contract) both in terms of content,

requirements in the formulation of rights and obligations, and its form (written/oral).

Based on the study of the principles or principles above, Islamic teachings, as well as the Law on Information and Electronic Transactions, are highly concerned with cultivating individual mindsets and attitudes so that they provide the basis for individuals to do good. If each person can do well on their own, then the community will be good. In their varied legal provisions, Islamic Shari'a and the Law on Information and Electronic Transactions are oriented toward the purpose of preserving the welfare of individuals in this world and the afterlife.

4. CONCLUSION

Lawful behavior based on Islamic principles and positive legal rules for each individual in business activities has implications for business continuity or development because there is mutual trust between business actors and consumers in business relationships. According to the findings of this study, business in Islam is not only understood as a human relationship, but it also has a divine nature (spirituality).

Islamic spirituality in internet business refers to businessmen's knowledge that their actions are not solely for profit but also as a type of muamalah worship in which they labor to make them worthy of Allah SWT's blessings.

In the era of digital transformation, the application of Islamic principles for business players in business development can be realized through the practice of the values of oneness (*tauhid*), balance (*tawazun*), justice (*al-adalah*), freedom (*al-hurriyah*), and tolerance (*al-hurriyah*) (*al-tasamuh*). Meanwhile, the principle of prudence, legal certainty, good faith, benefit, and freedom to choose technology or neutral technology can implement the Electronic Information and Transaction Law as national law in business activities, as well as providing complete and accurate information about contract provisions, manufacturers, and products offered.

AUTHORS' CONTRIBUTIONS

Overall, in the writing of this article, all authors are involved in the discussion process.

ACKNOWLEDGMENTS

On this occasion, the authors would like to express his deepest gratitude to all parties, especially to the leadership of the Faculty of Sharia and the Faculty of Economics and Islamic Business State Islamic Institute of Kudus, for their guidance, support, and suggestions so that the author can complete the writing of this article. And hopefully, this article can be useful for the authors and readers in general.

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