

Top-Up Individual Services On Fund Applications In Kota Langsa (Comparative Study Of Shafi`Iyyah And Malikiyyah)

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Abstract

The use of digital money (e-money) is very common around us. It can be seen that many individual top-up services can make it easier for us to exchange cash for digital money, in this case, the author uses the DANA digital wallet as the object of research. This study aims to determine whether the mechanism for the top-up of individual services on the application of funds is by the sharf contract and the views of Syafi`Iyyah and Malikiyyah on sharf transactions that are late or not cash. In this research, the writer uses the juridical-empirical research method. Based on interview data obtained from individual service top-up transactions, there are obstacles in terms of the network that can make top-up transactions require a waiting time of 2x24 working hours, from the analysis according to Syafi`Iyyah and Malikiyyah, sharf transaction contracts must occur in cash, but Syafi`Iyyah allows sharf transactions to occur slowly as long as the buyer and seller do not separate, on the contrary Malikiyyah requires sharf transactions to occur quickly even though the two are not separated, the transaction must be completed as quickly as possible.

Keywords: Top-Up, Sharf, E-Money

Abstrak

Penggunaan uang digital (e-money) sudah sangat umum di sekitar kita. Hal ini dapat dilihat dengan banyaknya jasa top-up individu yang dapat memudahkan kita dalam menukarkan uang tunai dengan uang digital, dalam hal ini penulis menggunakan dompet digital DANA sebagai objek penelitian. Penelitian ini bertujuan untuk mengetahui apakah mekanisme top up layanan individu pada aplikasi dana tersebut menggunakan akad sharf dan pandangan Syafi`Iyyah dan Malikiyyah terhadap transaksi sharf yang terlambat atau tidak tunai. Dalam penelitian ini, penulis menggunakan metode penelitian yuridis-empiris. Berdasarkan data wawancara yang diperoleh dari transaksi isi ulang pulsa layanan perorangan, terdapat kendala dari segi jaringan yang dapat membuat transaksi isi ulang pulsa membutuhkan waktu tunggu 2x24 jam kerja, dari analisis menurut Syafi`Iyyah dan Malikiyyah, akad transaksi sharf harus terjadi secara tunai, namun Syafi`Iyyah membolehkan transaksi sharf terjadi

secara tidak tunai selama pembeli dan penjual tidak berpisah, sebaliknya Malikiyyah mengharuskan transaksi sharf terjadi secara tunai meskipun keduanya tidak berpisah, transaksi tersebut harus diselesaikan secepat mungkin.

Kata Kunci: Top-Up, Sharf, E-Money

INTRODUCTION

The phenomenon of digital use in human life in the Industrial Revolution 4.0 is increasing sharply. This phenomenon can be found in various daily activities in society, such as digital computer technology, digital games, the use of digital media (e-media), digital-based films, to the development of digitalization of the use of currency (e-money) (Farid Abdullah, 2019). Electronic money (e-money) is one of the digital financial products. E-money is considered a very effective alternative means of non-cash payments. Electronic money is generally stored in digital wallets to facilitate transaction access. With the existence of a digital wallet that is very trendy in the 4.0 era, digital wallets offer benefits, convenience, and effectiveness in payment transactions, people will be easier to spend their money so it will affect people's consumptive behavior (Irna Kumala & Intan Mutia, 2020). Money has a variety of different functions, such as being a medium of exchange, medium of exchange, holding value, and the standard of delayed payments (Zainal Abidin, 2010).

E-money transactions use a system where users simply fill in the balance in their digital wallet account by top-up through transfers to ATMs/bank accounts, mini markets, and personal services. Then the money will be stored in a digital wallet available in the application, and users can use it at any time when making payments or transactions (Mochamad Ridho Ulin Nuha, 2020). By top-up balance to the digital wallet application, buying and selling transactions become very easy and practical by using this Dana application. This application is a solution for people who need to buy and sell transactions quickly and without having to do face-to-face. For Muslims, certain technological developments should be in line with religious concepts, especially with everything related to contemporary economic developments such as e-money. The use of e-money in some cases

still raises doubts for some ordinary people who are new to the transaction (Abdul Hamid et.al. 2019).

Islam does not limit innovation and creativity in muamalah, it's just that in muamalah Muslims can not only be oriented to the material but also its blessings. As for the modernization of e-money-based payment methods, of course, it must be in line with religious principles. Contracts used in e-money transactions must also be in line with existing contract principles, so as not to cause ambiguity and confusion (Sajida Sanata Islam & Iffatin Nur, 2021). In a digital wallet top-up transaction, what happens is the exchange of cash into digital money (e-money). When viewed from the field of muamalah, this currency sale and purchase transaction occurred during the Caliph Umar bin Khattab r.a, known as the transaction known as Al-Sharf. According to Heri Sudarsono Sharf is a sale and purchase agreement of one currency with another. Transactions of buying and selling foreign currencies (foreign exchange) can be carried out both with other currencies of the same type, for example, rupiah with rupiah, or with different types, for example, rupiah with a dollar or vice versa (Heri Sudarsono, 2004).

Currency buying and selling is a sale and purchase transaction in financial form that includes several transactions, namely: currency purchases, currency exchange, and purchases of goods for a certain amount of money (M. Rizky Kurnia Sah & La Ilman, 2018).

Malikiyyah scholars explained that the sale and purchase of currency must be carried out immediately if the acceptance at the majlis is late, then the sale and purchase is declared void, even though the two parties have not separated. Because he does not like the promises in the transaction. As in the case that the researchers found, namely the owners of individual top-up services, Vita and Nazwa. They made a top-up transaction in which Nazwa asked for a top-up of Rp. 200.000,- to Vita through the WhatsApp application, after Vita did the top-up, Vita sent proof of the top-up to Nazwa and Nazwa also paid for the top-up later when she met the Vita.

From the initial interview that the author conducted, it can be seen that the owner of the top-up service allowed to pay for the top-up when the two parties met. Cases like this often occur in the community and it is very important that there is a legal explanation for the

actions taken, as it can create a solution to the problem between the top-up service owner and the top-up customer.

METHOD

In this study, to obtain the data and information needed, the writer uses a field research type of research, namely a data collection technique where the author goes directly to the field to obtain data with initial observations followed by interviews. Through this qualitative approach, it is hoped that an in-depth understanding and interpretation of the meaning and relevant facts will be obtained. In practice, the author prepares a list of questions that will be asked to respondents, namely the owner of top-up services to find out how the practice of top-up individual services in the application of funds in Langsa City (Amirul Fatah et.al. 2019).

RESULT AND DISCUSSION

1. Definition of Money

a. Money

Money is a unit of value that is used as a transaction tool in every payment that occurs in the community, as we know on every money the nominal value, issuer, and other provisions will be listed (Irfan Fahmi, 2016). Money is basically an object that can function as: (1) a medium of change, (2) a store of value, (3) a unit of account and, (4) a measure of deferred payment (standard for deferred payment) (Solikin & Suseno, 2017). In the view of Islam, money is a flow concept, where money must rotate in the economy so that the higher the level of income earned by the community and the economy will improve (Amir Machmud & Rukmana, 2010).

b. Electronic Money

According to the Bank for International Settlements, the definition of electronic money (e-money) is a stored value product or a prepaid product, where a certain amount of money or funds is stored in an electronic media owned by the consumer (Rachmadi Usman,

2017). In Bank Indonesia Regulation No. 11/12/PBI/2009 concerning electronic money, has been updated to become Bank Indonesia Regulation No. 16/8/PBI/2014 what is meant by electronic money is a means of payment that meets the following elements: Issued on the basis of the value of money deposited in advance by the consumer to the issuer; Value of money is stored electronically in a medium such as a server or chip; Used as a means of payment to merchants who are not the issuers of the electronic money; and The value of electronic money deposited by consumers will be managed by the issuer, not as deposits as referred to in the law governing banking (Permata Bank Indonesia, 2009). Electronic money can be defined as a means of payment in electronic form where the money is stored in an electronic media or a certain server. Before consumers use electronic money, consumers are required to deposit or top-up a certain amount of money to the issuer through mobile banking, clearing, or individual services (Iskandar, 2021).

2. Benefits of E-Money

The use of payments is very easy, just attach a card or mobile transaction to transact without having to bother with change. Minimize the use of paper money so as to minimize the occurrence of physical damage to money in circulation, minimize circulation of counterfeit money, and minimize the risk of theft and very good for bulk payments of small value but high frequency such as toll road, parking and transportation payments (Rifyal Dahlawi Chalil, Basu Swastha Dharmmesta, 2015).

3. Types of E-Money

Types of e-money can be divided into several categories. Based on the storage media, e-money is divided into two, namely:

1. E-money value of money will be recorded by the issuer through the system, the records owned by the holder can be in the form of chips stored on cards, stickers, or hard disks on the user's server. With a recording system like this, payment transactions can be made off-line by directly reducing the value of the user's electronic money;
2. E-money whose value is only recorded on electronic media and managed by the e-money issuer. In this case the user is given access rights by the issuer to the use of electronic money

values. With a recording system like this, payment transactions can only be made online where the value of electronic money recorded on electronic media managed by the publisher will be reduced directly (Choiril Anam, 2018).

Based on the validity period of electronic money (e-money) it is divided into two, namely:

- a. Reloadable electronic money that can be refilled or top-up and if the validity period has expired or the value of the electronic money has been used up, then the electronic money media can be used again by recharging;
- b. Electronic money that cannot be filled with money or is disposable, then if the validity period has expired or the value of the electronic money has been used up, the electronic money media cannot be reused and cannot be refilled.

Based on the range of use of e-money or electronic money, it is divided into two, namely:

- a. Single-purpose is electronic money that can only be used for one type of transaction, such as payment of obligations arising from an economic transaction;
- b. Multi-purpose, namely electronic money that can be used in various kinds of economic transactions

4. Types of Transactions on Electronic Money

The types of transactions in electronic money are as follows:

- a. Transfers

Transfers are electronic money transfer transactions that can be made by consumers, either between digital wallets or between banks and digital wallets.

- b. cash withdrawal

Cash withdrawal is a cash withdrawal facility for the value of electronic money owned by consumers on their digital wallet media, which can be done at any time when consumers want to do so (Safwan Kamal, et.al. 2022).

c. Cashless Payment Transactions

Payment transactions on electronic media, when the user uses it, the value of the money in the stored digital wallet will be reduced by the transaction and after that the user can top-up (Firmansyah & M. Ihsan Dacholfany, 2018).

d. Top-Up

Top-up or loading of electronic money into digital wallets can be done by users in various ways, such as by depositing cash, through debiting bank accounts, mobile banking, or through places where refill service providers have been equipped with special equipment by the bank. Publisher (Siti Hidayati, et., al., 2006).

2. Sharf's Legal Basis

Buying and selling is a contract that is allowed based on the Qur'an, sunnah, and consensus of the scholars. Buying and selling as mutual help between human beings has a very strong foundation in Islam.

a. al-Qur'an

The Qur'an has a universal and comprehensive nature as the highest source of law. The Qur'an has given basic limitations regarding the issue of muamalah or commerce, as detailed in the hadith of the Prophet, as in one of the words of Allah in Surah Al-Baqarah verse 275:

It means: "Those who eat (take) riba cannot stand except like the standing of a person who is possessed by the devil due to (pressure) of insanity. Their situation is because they say (opinion) that buying and selling is the same as usury, even though God has made buying and selling lawful and prohibited usury. Those who have received a prohibition from their Lord, then continue to stop (from taking usury), then for him what he had taken before (before the prohibition came); and his affairs are (up to) God. Those who return (to usury), then those people are the inhabitants of hell; they remain in it." (QS. Al-Baqarah (2): 275).

This verse explains the way of acquiring forbidden property, which is the opposite of charity, that way is riba. Rasulullah saw also prohibited usury in the form of al-Fadhl usury, which is exchanging the same type of goods but at a different rate.

Exchanging one type of goods certainly implies that one is better than the other (M.Quraish Syihab, 2004). The verse above does not explain about sharf or exchange, but the verse above emphasizes the prohibition against usury. In a sharf transaction, if this transaction is not carried out in cash, the law will become usury.

b. Hadist

The permissibility of sharf (foreign exchange buying and selling) transactions is based on the hadith of the prophet, Meaning: "From Nafi` , from Abu Sa'id Al Khudri RA that the Messenger of Allah. said: "Do not sell (exchange) gold for gold but with the same size, and do not one of them is more than the other. And do not sell (exchange) silver for silver but with the same size, and do not make one of them more than the other, and do not sell (barter) while one and the other are not available (Ibnu Hajar, 2013).

Employment leases, namely by hiring someone to do a job. This kind of leasing is legal if the type of work is clear. There are rentals like this that are personal, for example paying a housemaid, gardener and security guard, as well as union rentals, namely a person or group of people who sell their services for the benefit of many people, such as shoemakers, factory workers, and others. tailor. Both forms of leasing of this work are legal.

3. Pillars and Terms of Sharfs

Sharf belongs to general buying and selling, which is harmonious in buying and selling, it will be harmonious in Sharf. Many scholars state that the pillars of buying and selling there are four, namely: (Abdul Rahman Ghazaly, et., al., 2010)

- 1) There are people who have a contract or al-muta`aqidain (seller and buyer)
- 2) There is a shighat (pronunciation of the consent qabul)
- 3) There are items purchased; and
- 4) There is an exchange rate of substitute goods.

However, the Sharf has a number of certain special conditions, as a new Sharf transaction is considered valid if it has fulfilled all the pillars and conditions, namely: (Abdurrahman al-Juzairy, 2015)

- 1) The object that is exchanged (bartered) is the same in value;
- 2) Hulul (cash)
- 3) Taqabudh in majlis (at the place of transaction);
- 4) Free from khiyar conditional rights.

CONCLUSION

1. Top-up Mechanism with Individual Services on Fund Applications in Langsa City

For top-up transactions via SMS Banking, the telecommunications operator will charge a fee for sending tokens via SMS, which fee will be determined directly by the telecommunications operator and will be borne by the service user. In top-up transactions through the direct debit feature, the source of funds originating from users who are on third parties, will be forwarded by PT Espay Debit Indonesia Koe (EDIK) the instructions that the user gives regarding the direct debit activity to the third parties as related. All information entered by the user in the direct debit feature will be attached to the user's Fund account. So there will be risks that may arise in the user's Fund account which will affect the direct debit feature. To avoid any doubts, for all risks arising from errors, user negligence and/or other factors not caused by the fault of PT Espay Debit Indonesia Koe (EDIK), it is not the responsibility of EDIK.

Top-up service users via third party channels (merchant) may experience system and/or network disturbances from time to time, this is beyond the control of PT Espay Debit Indonesia Koe (EDIK). PT Espay Debit Indonesia Koe will make reasonable efforts to resolve any disturbances that occur with third party channels. This type of transaction is included in the foreign exchange type of spot transaction, namely the transaction of buying and selling foreign currency (forex) for delivery at that time (over the counter) or the settlement of which is no later than two days. The law is permissible, because it is considered cash, while two days is considered an unavoidable settlement process and is an international transaction. The Fund application clearly explains in the terms and conditions of the Fund application that the Fund balance is not a deposit as contained in the Banking Law and Sharia Banking Law described above, then the top-up in this Fund application cannot use a *wadi`ah* contract. listed in the Sharia Banking Law.

2. Analysis of Top-Up Transactions on Individual Top-Up Services That Separated Before or Didn't Even Meet According to Syafi'iyyah and Malikiyyah.

The practice and mechanism of individual top-up services in the application of Funds in Langsa Baro District, Langsa City, which occurs in cash. In addition to not being cashless, there were network problems that caused top-up transactions to occur slowly. The use of sharf contracts (currency buying and selling) in top-up transactions in the Dana application that requires a waiting time of 2x24 hours of working time, if the top-up transaction does not enter immediately when the transaction takes place. According to DSN Fatwa No. 28/DSN-MUI/III/2002 Sharf transactions that occur are included in spot transactions and are legally allowed.

Syafi'iyyah and Malikiyyah have similarities and differences regarding the case of sharf, Syafi'iyyah and Malikiyyah require transactions in cash. Syafi'iyyah allows delays in transactions but the seller and buyer cannot separate as long as the transaction has not been completed. Malikiyyah requires top-up transactions to be completed as soon as possible without any delays and promises in transactions. Both of these opinions can be used in the community, but because of the frequent delays in entering top-up transactions, Syafi'iyyah's opinion is more suitable with cases that occur in the field, although it is not 100 percent in accordance with Syafi'iyyah's opinion.

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