

The Phenomenon of Market Distortion Practices in E-Commerce (*Bai' Najasy*)

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Abstract

E-commerce is one of the marketing technologies used as a platform for online buying and selling in the present time. However, in its mechanism, there are similarities with the practice of Market Distortion (bai' najasy) in e-commerce, which is prohibited in Islam. This research aims to understand the practice of Market Distortion (bai' najasy) in e-commerce from the perspective of Islamic economics. This study uses a qualitative descriptive method by conducting direct research on the target audience. It is known that the phenomenon of market distortion (Ba'i Najasy) among e-commerce users in the Tanjung Village, Kedamean Subdistrict, Gresik Regency, still frequently occurs due to consumers being less selective and hasty in choosing a seller for a product. Based on interviews conducted by the researcher with 100 respondents representing the target audience, it was found that 67 of them expressed dissatisfaction with products purchased through e-commerce applications, while 17 others stated that they had been satisfied with their initial purchase but were less satisfied with their second purchase, and 16 others had not experienced what the other respondents had. This indicates the need for education among the public to selectively choose sellers on e-commerce applications.

Keywords: Market Distortion, Ba'i Najasy, E-Commerce

Abstrak

E-commerce adalah salah satu teknologi pemasaran yang digunakan sebagai media jual beli online masa kini. Tetapi dalam mekanismenya terdapat kemiripan dengan praktek Distorsi Pasar (bai' najasy) dalam e-commerce yang dilarang dalam Islam. Penelitian ini bertujuan untuk mengetahui bagaimana praktek Distorsi Pasar (bai' najasy) dalam e-commerce dalam tinjauan ekonomi Islam. Penelitian ini menggunakan metode Deskriptif Kualitatif dengan melaksanakan penelitian secara langsung pada sasaran. Diketahui bahwa fenomena distorsi pasar (ba'i najasy) pada pengguna e-commerce di wilayah Desa Tanjung kecamatan Kedamean kabupaten Gresik masih sering terjadi dikarenakan konsumen kurang selektif dan tergesa-gesa dalam memilih penjual sebuah produk. Dilihat dari hasil wawancara peneliti kepada narasumber sejumlah 100 orang yang mewakili. 67 diantaranya menyatakan ketidakpuasan atas produk yang telah dibeli melalui aplikasi e-commerce, sedangkan 17 orang lainnya menyatakan pernah merasa puas dan pembelian produk yang kedua kurang puas, dan 16 orang lainnya belum pernah mengalami apa yang dialami oleh responden lainnya. Hal ini menunjukkan bahwa perlunya edukasi kepada masyarakat agar dapat memilih penjual di aplikasi e-commerce secara selektif.

Kata kunci: Distorsi Pasar, Ba'i Najasy, E-Commerce

Introduction

Market distortion refers to the disruption of ideal market conditions, leading to market imbalance. Market distortions occur when market participants have the intention to gain short-term and unfair profits by deceiving others. It can be understood as taking advantage of circumstances to maximize profits through deception. In Islamic economics, there are five forms of market distortions, namely: *Bai' najasyi* (demand manipulation), *ihtikar* (hoarding), *Talaqqi rukban*, *Tadlis* (deception), and *Taghrir* (uncertainty). This paper will focus on *Bai' najasyi* (creating false demand/engineering)¹. *Najasy* is a trading practice where a seller collaborates with others to offer goods at higher prices, enticing potential buyers to purchase at the predetermined price.

In trade, *najasy* transactions are prohibited because sellers ask someone to praise the goods being sold at inflated prices, attract buyers with raised prices, and engage in false offers with no intention of purchasing the goods but only to deceive others. This leads to the creation of false demand.² Such demand is not naturally generated, resulting in the illusion of increased value for the goods and allowing the perpetrators of *Bai' najasy* to reap excessive profits through manipulation.³

Technology has had a significant impact on human life, particularly in changing shopping habits from offline (traditional) to online (e-commerce). Over time, this transition has become a new tradition in society, driven by the convenience offered by e-commerce.

In today's global trade, electronic transactions, or Electronic Commerce (E-Commerce), are unavoidable. *E-commerce* represents the advancement of information technology, where business transactions are no longer conducted conventionally or face-to-face, requiring buyers to meet sellers or make cash payments. Sellers are now facilitated by online systems that utilize computer networks connected to the internet.⁴ During a transaction, buyers interact with the system acting as the seller. Therefore, *E-commerce* requires a secure transaction infrastructure, and there are now many applications with robust and secure systems.

The current era of global trade necessitates the presence of the Digital Economy, marked by the emergence of electronic transactions such as retail trade, auctioning goods, and offering services, among others. This shift has an impact on traditional stores in society, potentially replacing them with electronic stores such as Cyberstores, Virtual Stores, Digital Markets,

¹ Kurniawan Rachmat dkk, "Kasus Najasy Di Pasar Dan Relevansinya Dengan Pemikiran Ibnu Qudama Hukum Ekonomi Syariah Sekolah Tinggi Ekonomi Islam SEBI 2021," *Jurnal Sekolah Tinggi Ekonomi Islam Sebi* 08, no. 02 (2015).

² Adiwarman A. Karim, *Ekonomi Mikro Islam* (Jakarta: PT Raja Grafindo Persada, 2007): 221.

³ Faisal Badroen, *Etika Bisnis Dalam Islam* (Jakarta: Kencana Prenada Media Group, 2006): 70.

⁴ Adiwarman A. Karim, *Ekonomi Mikro Islam*: 222.

Electronic Malls, Online Shops, and others. The development of the digital economy has both positive and negative implications for the global economy.⁵ *E-commerce* can be understood as a service that utilizes the internet for buying and selling activities. It can accelerate and enhance the sales of businesses.

E-commerce has become a lifestyle for people, both in urban and rural areas. The behavior of users from various social classes in Indonesia is one of the reasons why e-commerce continues to thrive. This business has significant value and is regulated by laws such as Article 65 of Law No. 7 of 2014 on Trade, Government Regulation No. 80 of 2019 on Trade through Electronic Systems, and Law No. 19/2016 on Information and Electronic Transactions (ITE Law).⁶

The convenience offered by digital businesses attracts everyone to engage in online transactions, whether for buying or selling. However, online transactions are susceptible to fraud, as most transactions involve prepayment before the goods are delivered to the buyer. Online trade is based on trust and carries risks since buyers have no prior knowledge of the sellers, and the online process prevents them from assessing the quality and quantity of the goods.⁷

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Sellers employ various tactics to attract buyers, including paying individuals to pretend to purchase their goods. This prompts people to flock to their online stores, subsequently engaging in purchasing activities. In Islamic economics, this practice is referred to as *Ba'i Najasy*. To determine the presence of *Ba'i Najasy* in e-commerce, a survey of e-commerce transactions in the Tanjung Village of Kedamean District, Gresik Regency, is conducted. Based on the above description, the aim of this research is to investigate whether there is market distortion behavior

⁵ Imam Lukito, "Tantangan Hukum Dan Peran Pemerintah Dalam Pembangunan E-Commerce (Legal Challenges and Government's Role in E-Commerce Development)," *Jurnal Ilmiah Kebijakan Hukum* 11, no. 3 (2017).

⁶BP Lawyers Counselors at Law, "bplawyers.co.id" accessed September 28, 2022, <https://bplawyers.co.id/2021/06/12/undang-undang-yang-harus-dipatuhi-pelaku-bisnis-online/#:~:text=Bisnis%20online%20sendiri%20diatur%20dalam,informasi%20secara%20lengkap%20dan%20benar>

⁷ Catarin M. Simamora, "pusdiklat.kemendag.go.id" accessed Juni 10, 2023, <http://pusdiklat.kemendag.go.id/v2019/article/e-commerce#:~:text=Dengan%20adanya%20e%2Dcommerce%20memungkinkan,mencakup%20pasar%20yang%20lebih%20luas>.

occurring in e-commerce transactions from the perspective of consumer users in the specified region.

Literature Review

Market Distortion

In the Indonesian dictionary KBBI, the term "distorsi" is defined as an obstacle or the reversal of reality, regulations, or the mismatch of a reality that should occur. On the other hand, "pasar" can be translated as the location where sellers and buyers interact⁸.

Price and quantity of production determine the success of a market. It is not easy for a market to function independently and fairly. This leads to market distortion. The market mechanism in the economic system should align with Islamic economic principles because Islam-based economics is guided by the values of the Qur'an and Hadith. In the concept of Islamic economics, the relationship between sellers and buyers involves negotiation, and even the demand (supply and demand) in transactions should be based on sincerity. This is contrary to oppression, where one party benefits unilaterally. Market distortion can be seen as a reality where the situation does not match the existing literature on market mechanisms.⁹

Market distortion is often driven by the pursuit of quick profits by exploiting others. Distortion creates conditions of injustice and market disparities by favoring one party. Unfair activities in the market can lead to distortions in both supply and demand. These conditions can cause instability in supply and demand prices due to specific intentions. Additionally, natural factors that humans cannot prevent, such as weather, natural disasters, and others, can also contribute to market instability. Market activities that give rise to market distortion include Ba'i Najasy (Demand Engineering), Ihtikar (Hoarding), and Tallqi Ruqban (Supply Engineering).¹⁰

1. Demand Engineering and Supply Engineering

Market transactions that fail to achieve optimal market mechanisms can lead to distortions in price formation. Distortions in market engineering originate from two perspectives: demand and supply.

a. Ba'i Najasy (Demand Distortion)

⁸ KBBI Online, accessed September 28, 2022 <http://kamusbahasaIndonesia.org/distorsi>

⁹ S B Lahuri et al., "The Development of Traditional Market By the Government of Special Region of Yogyakarta in Islamic Economics Perspective," *International Journal of ...* 3, no. 1 (2021): 171–79, <http://myjms.mohe.gov.my/index.php/ijbec/article/view/12995>.

¹⁰ Meichio Lesmana et al., "Manajemen Strategi Pengelolaan Pasar Induk Tradisional Giwangan Oleh Pemerintah Daerah Istimewa Yogyakarta" 11, no. 1 (2022).

Najasy refers to activities carried out by sellers in collaboration with other parties to promote the sale of a product and raise its price, making others willing to buy at that price. Ibn 'Umar narrated that the Prophet Muhammad strongly prohibited the practice of *najasy* in buying and selling. In line with this, Tirmidhi also reported that the Prophet Muhammad said,

"Do not engage in offering goods without the intention to buy." (HR. Tirmidzi)

Najasy is prohibited in commercial transactions because it involves deception by praising something to increase its value and make others interested in buying it. The hired bidders do not actually buy the goods but deceive others. As a result, there is false demand or demand that is not naturally generated.¹¹ The person engaging in *Ba'i Najasy* can exploit above-average profit growth due to manipulation.

b. *Ihtikar* (Supply Distortion)

Ihtikar is also known as monopoly or hoarding. It involves stockpiling goods not for the purpose of supply but with the intention of manipulating prices and selling them when prices soar, resulting in substantial profits. In Islam, anyone can engage in business activities regardless of whether the seller monopolizes the market or other sellers exist. However, accumulating or stockpiling goods for future purposes, considering unpredictable natural factors such as uncertain whether to ensure sufficient supplies over an extended period, is allowed and not prohibited by Islam. It can be said that monopolistic activities are permissible. What is prohibited is *ihtikar*, which involves artificially inflating prices by trading limited products at high prices.¹²

The three elements that fall under the category of *ihtikar* are:

- a) Creating scarcity of goods by stockpiling or using entry barriers.
- b) Selling at a higher price compared to the price before scarcity occurred.
- c) Earning higher profits compared to the profits before elements 1 and 2 were implemented.

2. *Tallaqi Rukban*

The prohibition of *Tallaqi Rukban* during transactions is due to the manipulation of offers, which involves withholding goods entering the market and preventing sellers from outside the area from knowing the prevailing market prices.¹³

¹¹ Adiwarman A. Karim, *Ekonomi Mikro Islam*: 221.

¹² Meichio Lesmana, Siti Nurma Rosmitha, and Andika Rendra Bimantara, "Analisis Penerapan Etika Jual Beli Islami Dalam Meminimalisir Distorsi Pasar Pada Pasar Tradisional," *Islamic Economica Journal* 6, no. 2 (2020): 175–92.

¹³ *Ibid.* 225.

This transaction practice is triggered by the injustice of actions taken by local traders who are unaware of the true market prices. Islam does not prohibit seeking affordable prices but prohibits trading where one party has detailed information about the actual market prices and refuses to disclose it, while the other party is unaware of the market prices, which is what is prohibited.

The wisdom behind this prohibition is to prevent one party from monopolizing the purchase of essential commodities, allowing the government to more easily regulate prices in the market. Both the affluent and the less fortunate will obtain the same prices.

1. *Tadlis* (Deception)

Tadlis refers to a situation where one party lacks knowledge about the true condition, and another party takes advantage of it to gain profit by deceiving the uninformed party. *Tadlis* can occur due to dishonesty between the parties involved in the transaction. Various forms of *Tadlis* include:

a) *Tadlis Kuantitas* (Quantity Deception)

One party is aware of deception in terms of quantity, such as the seller reducing the weight of the goods sold on the scale, without the buyer being aware of it.

b) *Tadlis Kualitas* (Quality Deception)

Keeping the poor or defective quality of goods a secret, for example, a merchant selling a used Polytron TV claiming it to be in good condition at 85% with a price of Rp. 1 million. In reality, not all TVs are in good condition as promised by the seller.

c) *Tadlis Harga* (Price Deception)

Selling products at prices that are either significantly higher or lower than the normal price due to the buyer's lack of knowledge.

d) *Tadlis Waktu Penyerahan* (Deception of Delivery Time)

Deception regarding the delivery time is prohibited. For example, the seller knows that the goods cannot be delivered the next day, but promises to deliver them the next day

2. *Taghrir*

The word "*Taghrir*" originates from the Arabic word "*gharar*," which means disaster, impact, risk, uncertainty, and misfortune. In fiqh, *Taghrir* is described as an action carried out without considering the knowledge possessed or deciding on a risky action without knowing its exact consequences or influence.

Buy-sell transactions involving *gharar* practices involve uncertainty, such as: 1) Invisible items being traded; 2) The seller cannot provide examples of the items being sold; 3) The sale is conducted through deception to entice the buyer to proceed with the transaction; 4) vague agreements that lead the buyer into deception. The uncertainties in *gharar* agreements include the buyer and seller, price, the nature of the goods being traded, delivery time, and quality. Uncertainty leads to

oppression by one party, providing unjust benefits, flawed contracts, and creating conflicts between parties.¹⁴

E-Commerce

E-Commerce (Electronic Commerce) is an electronic tool that utilizes telephones and the internet for buying and selling processes. E-commerce is not just about online purchasing and selling products but also encompasses sales, demands, offers, deliveries, services, and non-cash payments, driven by the relationships among business entities worldwide as part of the e-commerce process. The *E-commerce* system relies on internet resources and other information technologies to facilitate these processes.¹⁵

Based on various definitions, it can be concluded that e-commerce assists sellers in promoting their products online. E-commerce provides convenience for buyers to purchase the needed items without having to go to physical stores or sellers' locations. Buyers can search for and access a wide range of desired products, allowing them to receive the desired products at generally stable prices. With e-commerce, consumers are enabled to engage in buying and selling transactions anytime and anywhere, as e-commerce platforms are accessible 24/7, even for late-night purchases. E-commerce brings new breakthroughs in conducting businesses, making it quicker and easier for entrepreneurs to establish and grow their businesses. E-commerce is not limited to online trading processes alone.¹⁶

E-commerce offers advantages that other businesses do not have, including:

1. Products: Various products, both goods and services, are marketed and sold through e-commerce systems, such as household appliances, beauty tools, wall decorations, and more.
2. Selling platform: The internet is a crucial platform for buying and selling in e-commerce, requiring domain and hosting.
3. Order acceptance methods: Email, telephone, SMS, and others.
4. Payment methods: Pay on delivery, credit card, PayPal, cash.
5. Shipping methods: Utilizing local courier services in Indonesia, such as Pos Indonesia, J&T, or JNE.
6. Customer service: Email, contact forms, telephone, available chat features in software platforms.

¹⁴ Lahuri et al., "The Development of Traditional Market By the Government of Special Region of Yogyakarta in Islamic Economics Perspective."

¹⁵ Mulyana, Elissa, and Ingge, "Analisis Faktor-Faktor Yang Mempengaruhi Keputusan Pembelian Via Internet Pada Toko Online," *Jurnal TI Undip* 03, no. 03 (2013): 143-152.

¹⁶ Royyan Ramdhani Djayusman Ahmad Lukman Nugraha, Mechio Lesmana, "PENGEMBANGAN PASAR TRADISIONAL SONGGOLANGIT PONOROGO: TINJAUAN PERSPEKTI EKONOMI ISLAM," *AL-INTAJ*, 5, no. 2 (2018): 10-17.

Based on its characteristics, e-commerce can be categorized into two types:

1. Business to Business (B2B)
 - a) Data exchange occurs periodically and repeatedly, following agreed-upon formats.
 - b) One party does not need to wait for another party to supply data.
 - c) A common model used is where processing is distributed among businesses, also known as peer-to-peer within a network context.
2. Business to Consumer (B2C):
 - a) Services are provided based on customer demand.
 - b) Often utilizes a client-server system approach.

Methodology

The research used in this study is Qualitative Descriptive, conducted by directly studying the target subjects, such as through data and information collection efforts. This type of research is field research. Field research is conducted in a detailed, thorough manner and focuses on the target as a specific case. The research being investigated is descriptive in nature. Soerjono Soekanto (1986) has stated that descriptive research is an effort to present detailed data about humans, conditions, and phenomena.¹⁷ The descriptive method aims to define, visualize, or illustrate systematically, accurately, and carefully the reality, characteristics, and interrelationships in each condition. The selection of this topic is not without reason. First, because this issue frequently occurs around researchers. Second, there is a need for an Islamic legal perspective on this issue.

Result and Discussion

The Market Distortion Phenomenon (Ba'i Najasy) in E-Commerce Users

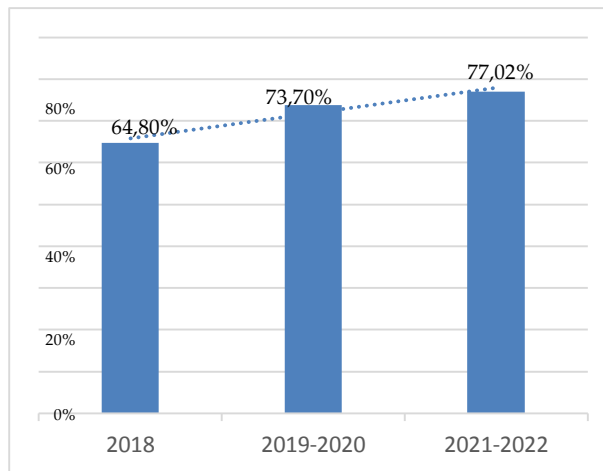
Indonesia's digital economy has great potential, with a projected value of Rp 4,500 trillion by 2030, positioning Indonesia as the largest digital economy in Southeast Asia. Additionally, Indonesia has the largest population of young people, with 54% being under the age of 35.¹⁸ The government aims for Indonesia to become the largest digital economy in Southeast Asia by 2030. Many e-commerce startups have emerged, conducting online trading with various innovations and exciting ideas. The

¹⁷ Soerjono Soekanto, *Pengantar Penelitian Hukum VI* (Jakarta: Press, 1986): 9.

¹⁸ Lona Ovalia, "Investor.id" accessed September 28, 2022, <https://investor.id/market-and-corporate/307949/indonesia-maujadi-negara-ekonomi-digital-terbesar-seasia-tenggara-ini-kuncinya#:~:text=Nilai%20ekonomi%20digital%20Indonesia%20diproeksikan,populasi%20generasi%20muda%20yang%20besar>.

rise of these startups is supported by the use of the internet for online shopping and the convenience provided by e-marketplaces and other technologies in the field of economy. E-commerce serves as a platform for businesses to engage in seller-buyer agreements. In e-commerce, buyers can search for products from various sellers by filtering according to their preferences, enabling them to find products at market prices. This information is based on a survey conducted by APJII in 2022.

Picture 1. Increasing Internet Penetration Percentage in Indonesia (2018-2022)



Source: Indonesia Internet Service Provider Association (APJII), 2022

Based on the survey conducted by the Association of Indonesian Internet Service Providers (APJII) in the period of 2021-2022, there were approximately 210.03 million internet users in the country. This represents an increase of 6.78% compared to the previous period, which was 196.7 million people. As a result, the internet penetration rate in Indonesia reached 77.02%. In terms of income levels, the majority of internet users have incomes between Rp 5 million and Rp 15 million. The penetration rate in this income bracket is recorded at 96.83%. For those with incomes above Rp 15 million, the internet penetration rate is 88.53%. Meanwhile, the penetration rate among those with incomes between Rp 1 million and Rp 5 million is 88.07%. On the other hand, the group with incomes below Rp 1 million has the lowest exposure to the internet, with a penetration rate of only 67.46%.¹⁹

The highest internet penetration rate is among the age group of 13-18 years, at 99.16%. The second-highest penetration rate is among the age group of 19-34 years, at 98.64%. The internet penetration rate among the age group of 35-54 years is 87.30%. Meanwhile, the penetration rates among the age

¹⁹Ridhwan Mustajab, "DataIndonesia.id" accessed September 28, 2022, <https://dataindonesia.id/digital/detail/apjii-pengguna-internet-indonesia-tembus-210-juta-pada-2022>.

groups of 5-12 years and 55 years and above are 62.43% and 51.73%, respectively. This means that the largest group of internet users consists of Generation Z, who are still enthusiastic about using e-commerce for buying and selling. However, there are also older people who have transitioned to e-commerce. The enthusiasm of the public for conducting transactions in e-commerce is high.

E-business, also known as e-commerce, is a relatively new concept in the business world that has experienced significant growth. This is driven by the presence of internet technology. The internet is a global network of computer networks, connecting people around the world and facilitating interactions between individuals. One of the functions of the internet is to serve as the main infrastructure for e-business.²⁰ *E-commerce* offers convenience in conducting transactions.

Alongside the advantages offered by *e-commerce*, there is also a high risk of fraud due to the nature of the transaction process, where buyers usually pay before receiving the ordered goods. Online trading relies on trust and risk assessment, as buyers often make purchases from sellers they have no prior knowledge of. Online trading also makes it difficult for buyers to assess the quality and quantity of the products being transacted. Sellers employ various strategies to attract buyers, such as paying individuals to pretend to bid on a product, creating a false sense of demand. This is known as "*Ba'i Najasy*" in Islamic economics.

Ba'i Najasy refers to the practice of trade where sellers collaborate with others to artificially increase the selling price of their goods, thereby convincing others to buy at any price. In Islamic commerce, *Ba'i Najasy* is considered prohibited because it involves deception, such as manipulating demand by providing false information, shaping public opinion, and inflating prices.²¹ Additionally, *Ba'i Najasy* involves the intention to harm other parties in the buying and selling process. Although *Ba'i Najasy* is a form of deception, it does not validate the transaction itself, as the acceptance of price and goods is essential for a valid transaction.

Based on observations and interviews with 100 e-commerce consumers conducted by the researcher, it was found that 67 out of 100 e-commerce users expressed dissatisfaction as the products they purchased through e-commerce applications did not match the descriptions, for example, the product images and track records reviewed by other consumers or parties involved in creating a climate of false competition to attract consumers to their products. Meanwhile, 17 individuals stated that their first purchase was satisfactory, but they felt unsatisfied with the same seller when making subsequent purchases. Another 16 individuals stated that they had not

²⁰ Muhammad dan Lukman Fauroni, *Visi Al-Qur'an Tentang Etika Dan Bisnis* (Jakarta: Salemba Diniyah, 2002): 118.

²¹ Adiwarman A. Karim, *Ekonomi Mikro Islam*: 221.

experienced the issues mentioned by other interviewees because they were selective when buying a product.

Based on the researcher's observations, the problem of market distortion (*Ba'i Najasy*) in Tanjung Village, Kedamean Subdistrict, Gresik Regency, still frequently occurs among the community, especially among e-commerce users. Even though there are 16 e-commerce users who have not experienced this phenomenon, caution should still be exercised to avoid such phenomena. One way to avoid the Market Distortion Phenomenon (*Ba'i Najasy*) is to selectively choose sellers when purchasing a product.

According to an Islamic perspective, scholars believe that *Ba'i Najasy* involves elements of deception through engineered demand, which inflates prices, creating a false impression of the seller's track record. Therefore, *Ba'i Najasy* is prohibited due to (1) the manipulation of positive information, (2) shaping public opinion, and (3) price inflation.²²

Ba'i Najasy also involves harmful intent towards other market participants due to the buying and selling of goods still being offered to other potential buyers. Although *Ba'i Najasy* involves deception, it is not considered a valid transaction because it relies on the acceptance of both price and goods, which is known as "illat mu'tabar." If someone has the intention to engage in deceptive activities (*khadi'ah*) to deceive others, they are considered "ashin," a person who has engaged in wrongdoing through lying.²³ In conclusion, *Ba'i Najasy* is prohibited in Islam due to its deceptive nature and the numerous fraudulent elements involved in its implementation.

Conclusion

It can be concluded that the market distortion phenomenon (*Ba'i Najasy*) among e-commerce users in Tanjung Village, Kedamean Subdistrict, and Gresik Regency still frequently occurs due to consumers' lack of selectivity and rushing in choosing sellers for a product. Based on interviews conducted by the researcher with 100 respondents representing the community, 67 of them expressed dissatisfaction with the products they purchased through e-commerce applications, while 17 others stated that they were initially satisfied but became dissatisfied with their second purchase, and 16 others have not experienced what the other respondents mentioned. This indicates the need for education to the public to selectively choose sellers on e-commerce applications. The purpose of this education is to minimize the occurrence of market distortion (*Ba'i Najasy*) among e-commerce users or consumers.

²² Bukhari li Ibn Hajar al-Asqalani, *Fathu Al-Bari Juz 4*, n.d: 417.

²³ *Ibid*: 418

References

- Ahmad Lukman Nugraha, Mechio Lesmana, Royyan Ramdhani Djayusman. "PENGEMBANGAN PASAR TRADISIONAL SONGGOLANGIT PONOROGO: TINJAUAN PERSPEKTI EKONOMI ISLAM." *AL-INTAJ*, 5, no. 2 (2018): 10–17.
- Bukhari li Ibn Hajar al-Asqalani. *Fathu Al-Bari Juz 4*, n.d.
- Faisal Badroen. *Etika Bisnis Dalam Islam*. Jakarta: Kencana Prenada Media Group, 2006.
- Fauroni, Muhammad dan Lukman. *Visi Al-Qur'an Tentang Etika Dan Bisnis*. Jakarta: Salemba Diniyah, 2002.
- Hakim, Lukmanul. "Distorsi Pasar Dalam Pandangan Ekonomi Islam." *Ekomadania: Journal of Islamic Economic And Sosial* 1, no. 1 (2017).
- Karim, Adiwarman a. *Ekonomi Mikro Islam*. Kelima cet. Jakarta: Rajawali Pers, 2014.
- Kurniawan Rachmat dkk. "Kasus Najasy Di Pasar Dan Relevansinya Dengan Pemikiran Ibnu Qudama Hukum Ekonomi Syariah Sekolah Tinggi Ekonomi Islam SEBI 2021." *Jurnal Sekolah Tinggi Ekonomi Islam Sebi* 08, no. 02 (2015).
- Lahuri, S B, M Lesmana, I S Husni, and ... "The Development of Traditional Market By the Government of Special Region of Yogyakarta in Islamic Economics Perspective." *International Journal of ...* 3, no. 1 (2021): 171–79.
<http://myjms.mohe.gov.my/index.php/ijbec/article/view/12995>.
- Lesmana, Meichio, Akbar Zulfia Fratama, Siti Nurma Rosmitha, and Ahmad Suminto. "Manajemen Strategi Pengelolaan Pasar Induk Tradisional Giwangan Oleh Pemerintah Daerah Istimewa Yogyakarta" 11, no. 1 (2022).
- Lesmana, Meichio, Siti Nurma Rosmitha, and Andika Rendra Bimantara. "Analisis Penerapan Etika Jual Beli Islami Dalam Meminimalisir Distorsi Pasar Pada Pasar Tradisional." *Islamic Economica Journal* 6, no. 2 (2020): 175–92.
- Lukito, Imam. "Tantangan Hukum Dan Peran Pemerintah Dalam Pembangunan E-Commerce (Legal Challenges and Government's Role in E-Commerce Development)." *Jurnal Ilmiah Kebijakan Hukum* 11, no. 3 (2017).
- Mulyana, Elissa, and Ingge. "Analisis Faktor-Faktor Yang Mempengaruhi Keputusan Pembelian Via Internet Pada Toko Online." *Jurnal TI Undip* 03, no. 03 (2013).
- Soerjono Soekanto. *Pengantar Penelitian Hukum VI*. Jakarta: Press, 1986.