

Buying and selling Gold in Gold Electronic Features in the BSI (Bank Syariah Indonesia) Mobile Application from the Perspective of Islamic Law

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ABSTRACT

The phenomenon of online buying and selling has become increasingly popular due to the convenience it offers. One of the commodities currently traded online is gold. In this practice, gold is purchased non-cash, meaning the buyer does not directly take possession of the physical gold at the time of purchase. Instead, under the system implemented by Bank Syariah Indonesia (BSI), the purchased gold is deposited until the buyer decides to withdraw it as a physical bar or exchange it back for money. This model raises important questions regarding its mechanism and its compliance with Islamic law. This study employs a qualitative research approach with data collected through observation, interviews, and documentation. The findings show that the mechanism of online gold transactions at BSI is carried out under a depository (wadiah) system. In this system, buyers can later print or withdraw gold bars that have been securely stored, with the condition that the minimum withdrawal amount is not less than 1 gram. In addition, buyers are subject to printing fees if they choose to obtain physical gold. From the perspective of Islamic law, this model is considered permissible. The transaction is structured through a deposit system in which the buyer's ownership rights over the purchased gold are preserved, even though the gold remains in the custody of the bank until withdrawal. This mechanism ensures that the transaction does not violate sharia principles, particularly regarding riba (usury) or gharar (excessive uncertainty). The ability of buyers to print or withdraw their gold at any time, with clear provisions and transparency, aligns the practice with general rules of buying and selling in Islam. In conclusion, the online gold trading mechanism through BSI's electronic application reflects a sharia-compliant model of modern financial transactions. By implementing a wadiah deposit system, BSI provides flexibility and security for customers, while maintaining compliance with Islamic legal principles. Thus, online gold trading via Islamic banks in Indonesia can be regarded as a legitimate and permissible form of commerce under Islamic law.

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INTRODUCTION

Bank Syariah Indonesia (BSI) provides several products to meet the needs of society and the demands of an increasingly sophisticated era, with modern technology as well as competition in the global world. In addition, the implementation of these products aims to improve people's welfare and store wealth. Such as fundraising products, channeling funds, and financial services. But it may be that in practice not everything can be justified by Islamic

law, therefore it needs to be understood again in more depth so as not to violate Islamic law which has been established for the benefit of mankind. Gold is the prima donna of investment because its value never goes down. Considered a means of protecting power and wealth, gold is also effective as a means of protecting asset values from inflation and exchange rate fluctuations.¹Moreover, gold is liquid, aka easy to cash. That is why, since Prophet Sulaiman until now, gold has always been hunted.(Tanuwidjaja, 2009)

The legal basis for Sharia gold investment is Law No. 21 of 2008 concerning Islamic Banking and DSN-MUI Fatwa No. 77/DSN-MUI/VI/2010 concerning Cashless Gold Trading. BI Circular Letter (SE BI) Number 14/7/DPBS dated 29 February 2012 concerning Gold-Backed Qardh Products for Sharia Banks and Sharia Business Units (UUS). DSN-MUI Fatwa No. 25/DSN-MUI/III/2002 dated 26 June 2002 concerning Rahn and DSN MUI Fatwa No. 26/DSN-MUI/III/2002 dated 28 March 2002 concerning Rahn Emas.**Asriani, "Gold Investment in the Perspective of Islamic Law," Al-'Adalah 12, no. 2 (2015).**

In the current global era, buying and selling gold has been used as an investment tool for the long term. As part of God's grace, Islam encourages its people not to remain silent or accumulate wealth, but to use it productively through various muamalah and transactions that are justified by sharia. Therefore this gold investment will be entrusted to the organizer of the gold investment and which can then be taken or traded back. In buying and selling gold, Bank Syariah Indonesia (BSI) provides an online application that makes it easier for people to buy and sell gold. With today's technology as smartphones (smartphones), the public can trade gold easily, and buy gold through the online application, the gold purchased is still in the form of savings, because the buyer has not received the goods (gold) due to the storage of these goods by Bank Syariah Indonesia (BSI).

Gold is one of the ribawi goods, so gold cannot be traded except with the same value or an amount of money equivalent to the value of the gold.(Purnama, 2014)Scholars are also of the opinion that gold can be traded as long as it is paid immediately to avoid riba nasiah and buying and selling gold on credit or for which there are no goods, in this case, buying and selling of the occult is not permissible.(Adha, 2022). With the sale and purchase of gold online, the gold purchased is non-cash where the goods purchased are not fully owned, with the system implemented by Bank Syariah Indonesia (BSI), namely by entrusting the goods until they are taken or exchanged for money. Therefore the contract used is the contract wadi'ah in goods storage.

Wadiahis a word that denotes an object/object entrusted to be guarded by the recipient of the deposit. Therefore, fiqh experts state that meaning wadi'ah terminologically, is property entrusted to another party to be guarded.²And can also be interpreted as a pure deposit from one party to another, both individuals and legal entities, which must be maintained and returned at any time to the owner. The Malikiyah, Syafi'iyah, and Hanabilah scholars stated that they

¹ Kholishudin, "Pengambilan Keputusan Investasi Generasi Y Terhadap Produk Tabungan Emas Di Pegadaian Syariah Cabang Babakan, Kota Surabaya," *Al Iqtishod: Jurnal Pemikiran Dan Penelitian Ekonomi Islam* 8, no. 2 (2020): 91–105, <https://doi.org/10.37812/aliqtishod.v8i2.156>.

² (نزه حمد, 1993)

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delegate other people to look after certain assets in a certain way.(Huda and Heykal, 2010, p. 49). With the development of an all-digital era, it has made it much easier for people who don't have time to leave the house to meet their daily needs. So buying and selling online becomes the most popular alternative that is widely used by the community. Almost all human needs, both primary and secondary needs, can be met with an online system. And now a lot of buying and selling gold in line is also provided by many gold companies and banks.

One that colonizes gold by buying and selling products online is Indonesian Islamic banks. Bank Syariah Indonesia, or what is often referred to as BSI, is a company engaged in the field of Islamic banking that provides gold buying and selling services, gold deposits, and gold installments using the Islamic system. One of the products owned by Indonesian Islamic banks is buying gold with a savings system only through an application. By paying 50 thousand you can buy gold, customers can already have gold which can be taken after the gold is paid off, the minimum value is 1 gram.(“Solusi Emas - Produk Dan Layanan | Bank Syariah Indonesia,” n.d.)So this article will explain the law of buying and selling gold through the Bank Syariah Indonesia Mobile application.

METHODS

This research is a qualitative descriptive study. The data obtained is in the form of qualitative data which was developed using a descriptive method. The descriptive method is a type of research that provides an overview of the description of a situation as clearly as possible without any treatment of the object under study. Where data in the form of words, interview results, field notes, and archives of official documents from related companies will be collected, then processed, and explained by what is.(Moleong, 2021) Legal research methods are carried out using normative-empirical legal research methods. Normative-empirical legal research with a qualitative approach, namely research that refers to legal norms contained in legislation and court decisions as well as norms that live and develop in society. This research is a descriptive analysis that reveals laws and regulations related to legal theories which are the object of research.(Ali, 2014, pp. 105–106)

The data collection used in the research was obtained using interviews, observation, and documentation. The data analysis used in this study is the Miles and Huberman model, using data reduction techniques, data presentation, and conclusion

RESULTS AND DISCUSSION

LITERATURE REVIEWS

Buy and Sell Gold

Buying and selling can be interpreted by transferring ownership of assets with assets.(Al-Jaziri, 2001, p. 2)Aqad that is upright based on exchanging property for property, then there is a permanent right of ownership.(Ash-Shiddiey, 1989, p. 97)Buying and selling is the exchanging of assets by way of consent or transferring ownership by changing the principle of not violating sharia. ,1983 (سید سابق, p. 126) The law of buying and selling according to fiqh scholars is permissible (permissible) but in certain situations. According to Imam Al-Syathibi, an expert in Maliki fiqh, it can become haram if it does not meet the requirements and pillars of buying and selling, the law may change to become mandatory.(Suhendi, 2002, p. 26)

The practice of buying and selling in Indonesia is generally aimed at making investments. The development of gold prices shows positive numbers. In certain months, you could say gold moves very aggressively by setting new records at quite high prices from previous records. This is inseparable from the unstable economic conditions. Investment instruments are very risky. Many people fall into this investment choice so that the value of their assets decreases. This awareness causes investors to start looking for safer investment instruments and more people to buy gold.(Purnama, 2014, p. 1). The development of buying and selling gold continues to change from time to time in transactions. This is due to the influence of technological developments that occur massively. In ancient times, the practice of buying and selling gold was carried out by the public only through gold shops, using gold certificates as authentic proof that the goods were pure gold. Where gold sellers can be sold in gold shops.

After technological developments, the practice of buying and selling gold in Indonesia changed. In recent years, there has been a virtual buying and selling of gold that does not need to meet with a buyer or seller, in the form of gold that cannot be held physically. Buying and selling gold virtually is also known as virtual property. Visual property is a code that is created using a system contained in computers and the internet that exists in cyberspace, which is formed in such a way and treated the same as objects in the real world.(Susilawati, 2016, p. 63)

Views of Ulama About Buying and Selling Gold

There is a difference of opinion among scholars about selling gold to get cash, some are prohibited and some are permissible, with the following explanation:

1. Scholars who do not allow buying and selling gold other than for cash.

The scholars who forbade not selling gold to get money are (Abu Hanifah, Malik, Syafi'i, and Ahmad Hanbali) in the hadith of Ubadah al-Shamit:

وَعَنْ عَبْدِ بْنِ الصَّامِتِ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ (الذَّهَبُ بِالذَّهَبِ، وَالْفِضَّةُ بِالْفِضَّةِ، وَالنَّبْرُ بِالنَّبْرِ، وَالشَّعِيرُ بِالشَّعِيرِ، وَالنَّمْرُ بِالنَّمْرِ، وَالْمَلْحُ بِالْمَلْحِ، مِثْلًا بِمِثْلٍ، سَوَاءٌ بِسَوَاءٍ، يَدًا بِيَدٍ، فَإِذَا اخْتَلَفَتْ هَذِهِ الْأَصْنَافُ فَيَبْعُوا كَيْفَ شِئْتُمْ إِذَا كَانَ يَدًا بِيَدٍ) رَوَاهُ مُسْلِمٌ

There are six things discussed in this hadith, namely gold, silver, wheat, stair, dates, and salt, these things can only be equated with money. Syafi'i's opinion is that this is prohibited except for gold and silver other than that it is permissible. If Imam Malik's opinion is buying and selling, both of them must accept it. Meanwhile, Hanafi scholars argue that buying and selling gold other than gold is prohibited.(Suliswati, 2017, p. 30)

2. Scholars who allow the sale of gold with cash

Among the scholars who surveyed buying and selling gold in cash, as stated in the fatwa of the National Sharia Commission, include Ibn al-Qayyim, Ibn Taymiyah, and Syekh Ali

لَا تَبِيعُوا الذَّهَبَ بِالذَّهَبِ إِلَّا مِثْلًا بِمِثْلٍ، وَلَا تَشْفُوا بَعْضَهَا عَلَى بَعْضٍ، وَلَا تَبِيعُوا الْوَرَقَ بِالْوَرَقِ إِلَّا مِثْلًا بِمِثْلٍ، وَلَا تَشْفُوا بَعْضَهَا عَلَى بَعْضٍ، وَلَا تَبِيعُوا مِنْهَا غَائِبًا بِنَاجِزٍ (مُتَّفَقٌ عَلَيْهِ)

In addition, a quote from Ibn al-Qayyim also explains that what is permissible is jewelry (gold or silver) due to a change in status to clothing and goods, not with the price (money).

Therefore, zakat is not imposed on jewelry (made from gold and silver), and is not applied (in lieu of buying and selling)..(Refianti, 2021)

Wadi'ah contract

A wadi'ah contract can be interpreted as a pure deposit from one party to another, both individuals and legal entities, which must be maintained and returned whenever the depositor wants it.(Mustika, 2021)According to Syafi'iyah and Malikiyah, a wadi'ah contract is defined as a contract giving another person a representative (agency) to take care of goods or legal ownership.(Misno, 2021, p. 242). According to fiqh scholar Imam Abu Hanafi said that the pillars of wadi'ah are only consent and qabul.(Waluya, 2017, p. 97)However, according to jumhur ulama, there are four pillars of wadi'ah:(Waluya, 2017)

1. The person who is entrusted or al-ain al-muda'ah. Items deposited are required to be objects that can be stored. If the object cannot be stored, such as a bird in the air or an object that has fallen into the water, then the wadi'ah is invalid so if it is lost, it is not obligatory to replace it. ,1939 علي فكر, p. 332(
2. Sighor pronunciation consent qabul. The requirements are not to be interrupted by other talks, not to be silent in the middle for a long time, there is an adjustment between the statement of consent and acceptance, not to be dependent on something else, and there is no time limit.
3. The person who entrusts it or al-mudi' The person who entrusts it must be intelligent, invalid wadi'ah from crazy people and children who have no mind. Baligh, is invalid if the child is not yet mature (underage)

The entrusted person or al-muda'. The person who is entrusted must be wise, mature, and able to take care of the goods entrusted to him, if he is unable to do so, the wadi'ah is invalid

Mechanism of Buying and Selling Antam's Gold Through Online Applications at Bank Syariah Indonesia, Kemirirejo, Magelang

Gold buying and selling transactions that occur at Bank Syariah Indonesia have differences from buying and selling gold in general, buying and selling gold is usually done in cash or cash but this is the case with Bank Syariah Indonesia. At Bank Syariah Indonesia, gold buyers who want to get gold but don't have enough money first debit funds from the account the customer designates. According to one of the staff who is the head of sales of Bank Syariah Indonesia, gold purchases are made with a minimum purchase transaction condition of 0.05 grams with a rupiah conversion equivalent to the gold purchase price that was in effect at that time and a maximum of IDR 100 million or according to the provisions in force at the Bank, the provisions it will be given in advance to the customer through any media deemed good by the Bank. The purchase price for gold for customers refers to the information on the purchase price of gold at the time of the transaction which is listed on the gold homepage display on BSI Mobile. The purchase price of gold can change at any time.

In buying gold transactions, customers who have registered their NPWP and been verified in the Bank's system are subject to a tax (PPH 22) of 0.45 percent of the total purchase price. Whereas for customers who do not have/do not complete/do not register NPWP data,

they are subject to tax (PPH 22) of 0.9 percent of the total purchase price. Customers can make physical gold withdrawal requests through BSI Mobile. Physical gold withdrawals can be made at Bank Branch Offices on working days and hours under the conditions set by the Bank. The customer must show a valid identity card at the time of physical gold collection at the Bank and proof of receipt of the physical gold withdrawal transaction.

Physical withdrawal of gold can be represented using a Power of Attorney by attaching the original customer's identity card, the proxy, and proof of receipt of the physical gold withdrawal transaction. The minimum physical withdrawal of gold is 2 grams according to the gold fractions available and selected by the customer. From the results of interviews with Bank Syariah Indonesia, physical withdrawal fees are borne by the customer and are debited from the designated customer savings account. The physical attraction fee refers to the physical attraction fee for gold for each fraction. The Bank provides a Time Password number (hereinafter referred to as OTP) to the Customer who comes to the Bank's Branch Office to carry out the physical gold collection process. OTP is given for one transaction. The customer must enter the OTP number through BSI Mobile when taking physical gold as proof of receipt of gold. Physical gold can be taken or received more than 14 working days after the transaction is processed according to the number of denominations, customer requests, and the location of the Bank Branch Office or according to notification from the Bank. Gold physical withdrawal transactions that have been processed cannot be canceled. The customer will receive notification via email and/or sms regarding the physical readiness of the gold to be collected at the Bank Branch Office. Taking physical gold more than 5 (five) working days after the notification as stated in point 10 above, the Customer will be charged a 0.04 percent deposit fee per day of the value of the stored gold multiplied by the purchase price. The cost for physical attraction is 2 grams IDR 95 thousand, 3 grams IDR 125 thousand, 5 grams IDR 150 thousand, 10 grams IDR 200 thousand, 25 grams IDR 350 thousand, 50 grams IDR 500 thousand, and 100 grams IDR 750 thousand. 04 percent per day of the value of gold stored multiplied by the purchase price. The cost for physical attraction is 2 grams IDR 95 thousand, 3 grams IDR 125 thousand, 5 grams IDR 150 thousand, 10 grams IDR 200 thousand, 25 grams IDR 350 thousand, 50 grams IDR 500 thousand, and 100 grams IDR 750 thousand. 04 percent per day of the value of gold stored multiplied by the purchase price. The cost for physical attraction is 2 grams IDR 95 thousand, 3 grams IDR 125 thousand, 5 grams IDR 150 thousand, 10 grams IDR 200 thousand, 25 grams IDR 350 thousand, 50 grams IDR 500 thousand, and 100 grams IDR 750 thousand.

Buying and selling Gold in Gold Electronic Features in the BSI (Bank Syariah Indonesia) Mobile Application from the Perspective of Islamic Law

In the practice of buying and selling gold at the Bank Syariah Indonesia Magelang branch, customers make transactions using BSI Mobile. Then the customer debits the purchase of gold into a gold savings account. If the funds in the savings account are insufficient to pay the price of gold, administration fees, or taxes, then the transaction cannot be continued. Gold purchases at Bank Syariah Indonesia have purchase conditions, namely a minimum transaction of 0.05 grams with a conversion of rupiah equivalent to the price of gold at that time and a maximum purchase of IDR 100 million or according to the provisions in force at the Bank. The purchase price for gold for customers refers to the information on the purchase price of gold at

the time of the transaction which is listed on the gold homepage display on BSI Mobile. The purchase price of gold can change at any time.

In practice, buying and selling gold at Bank Syariah Indonesia is gold savings, which is a saving activity in which the amount of money saved will be converted directly into the form of grams of gold. This gold savings is none other than to give people the opportunity to buy gold in cash (saving). In Islam, There is a difference of opinion among scholars about selling gold to get cash, some are prohibited and some are permissible, with the following explanation: First, Scholars do not allow buying and selling gold other than for cash. The scholars who forbade not selling gold to get money are Abu Hanifah, Malik, Shafi'i, and Ahmad Hanbali). Second, Scholars allow the sale of gold with cash. Among the scholars who surveyed buying and selling gold in cash, as stated in the fatwa of the National Sharia Commission, include Ibn al-Qayyim, Ibn Taymiyah, and Sheikh Ali. In addition, a quote from Ibn al-Qayyim also explains that what is permissible is jewelry (gold or silver) due to a change in status to clothing and goods, not with the price (money). Therefore, zakat is not imposed on jewelry (made from gold and silver) and is not applied (instead of buying and selling).

In practice, buying and selling gold at Bank Syariah Indonesia Magelang is the same as buying and selling in general, where there are pillars and conditions, namely, first, there are people who have a contract with the seller, seller, and buyer (al-muta'qidaini), second, there is an agreement and qabul (shighat) third, there are goods purchased (gold), fourth, there is an exchange rate for goods (the price of goods). The application of buying and selling at Bank Syariah Indonesia is the same as in general buying and selling, but here there are additional facilities after buying gold, namely the Wadi'ah deposit facility. In practice it is done at Bank Syariah Indonesia where the customer buys gold according to the price of gold at the time of purchase which will then be entrusted to Bank Syariah Indonesia and handed over later, the same is true for wadi'ah contracts in general where there are pillars and conditions, namely:

According to Hanafiah, harmonious wadi'ah only has one, namely consent and qabul. Meanwhile, according to jumhur ulama, harmonious wadi'ah there are four namely, First good entrusted or al-ain al-muda'ah, second Sighat or pronouncement of consent qabul, third, the person who entrusts or al-mudi', fourth, a person entrusted or al-muda'. The wadi'ah contract requirements that have been carried out by Indonesian Islamic banks are as follows; first, objects that can be kept (gold), second, consent and qabul, third, the person who left the fourth person who is entrusted. In this case, when viewed from the pillars and terms of wadi'ah, Bank Syariah Indonesia has fulfilled everything. First, the goods deposited are in the form of gold. M-banking, Fourth, namely the person being entrusted is an Indonesian Sharia bank. In this case, Indonesian Islamic banks, when viewed from the terms and pillars of wadi'ah, have fulfilled their provisions according to Islamic law.

From the explanation above, it can be concluded that buying and selling gold at Indonesian Islamic banks is by Islamic law, because in practice it is the same as the sale and purchase system in general, which fulfills the pillars and conditions, and the customer after purchase will receive a safekeeping facility (wadi'ah) by the terms and pillars of Islamic law. According to the author, buying and selling gold at Bank Syariah Indonesia Magelang is carried out on a savings basis with a deposit facility (wadi'ah). Buyers can print or take gold bars that have been saved, with a minimum saving of at least 1 gram of gold plus printing costs, this is

permissible. in Islam. Because the contract carried out by Islamic banks has fulfilled the terms and conditions.

CONCLUSION

The mechanism for the practice of buying and selling gold through the online application of Bank Syariah Indonesia is carried out on a savings basis with a deposit facility (wadi'ah). Buyers can print or take gold bars that have been saved, with a minimum saving of at least 1 gram of gold plus printing costs. The mechanism for the practice of buying and selling gold through the online application of Bank Syariah Indonesia is carried out on a savings basis with a deposit facility (wadi'ah). Buyers can print or take gold bars that have been saved, with a minimum saving of at least 1 gram of gold plus printing costs. Related to the review of Islamic law on buying and selling gold online, with a saving system at Bank Syariah Indonesia Magelang by saving and facilitated safekeeping (wadi'ah), then buyers can print or take gold bars that have been saved, by saving at least 1 gram of gold, this is the same as buying and selling in general which is permitted in Islam. the mechanism for the practice of selling gold through the electronic application of Bank Syariah Indonesia takes place at a depository (Wadiah) whereby the buyer can print or retrieve the gold bars that have been stored, provided that the gold is in an amount of at least 1 gram in addition to the cost of printing. Regarding the review of Islamic law regarding buying and selling gold online, with a deposit system at Bank Indonesia Syariah by way of saving and facilitating (deposits), buyers can print or take gold bars that have been stored, with the provisions of gold bars. with a minimum amount of not less than 1 gram, and this is the same as buying and selling in general which is permitted in Islam.

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