

ABSTRAK

Ulil Amri : Analisis Hukum Ekonomi Syariah Terhadap Sistem Transaksi Online Valuta Asing Pada Komunitas Trader Go Green Trading Sistem Bandung

Penelitian ini dilatarbelakangi oleh transaksi valuta asing yang dilaksanakan oleh komunitas trading Go Grand Trading Sistem (GGTS) secara online, sistem transaksi valuta asing tersebut memiliki sejumlah praktek yang memerlukan analisis Hukum Ekonomi Syariah yang secara substansi, praktik transaksi valuta asing di GGTS menggunakan mekanisme dunia maya yang mempertemukan antara penjual dan pembeli melalui piranti internet yang diperantarai oleh agen, tidak bertemu secara langsung.

Tujuan penelitian ini adalah untuk mengetahui sistem transaksi valuta asing yang dilakukan oleh GGTS secara online (e-commerce) apakah termasuk dalam kategori akad *sharf* yang ketentuan dan persyaratannya diatur berdasarkan rukun dan syarat.

Metode penelitian yang digunakan dalam pembahasan penulisan menggunakan pendekatan yuridis normatif (legal research) yaitu sumber data penulisan diperoleh dari para pelaku usaha trading yang bergabung di komunitas traderGGTS dengan jenis data berupa data primer dan data sekunder.

Penelitian ini menemukan bahwa transaksi yang dilakukan oleh para pelaku usaha trading yang bergabung di komunitas GGTS adalah bentuk terobosan baru dalam sistem transaksi valuta asing yang dilakukan secara online (e-commerce) dan sistem transaksi yang dilaksanakan oleh GGTS termasuk dalam kategori akad *sharf* yang ketentuan dan persyaratannya diatur berdasarkan rukun dan syarat.

Kesimpulan penelitian ini, bahwa dalam metode sistem transaksi valuta asing memiliki beberapa mekanisme metode transaksi GGTS yaitu; (1) registrasi-syarat mengikuti pelatihan;(2) mengikuti pelatihan;(3) memilih broker yang sudah disarankan;(4) trading akun demo; (5) trading akun real; dan (6) melakukan bimbingan dan melaporkan hasil trading secara berkala. Kemudian dasar hukum perdagangan valuta asing sudah diatur dalam Undang- undang Nomor 32 Tahun 1997 Tentang perdagangan Berjangka Komoditi, khususnya bab VII yang mengatur mengenai ketentuan yang bersifat umum, kelembagaan, perizinan, mekanisme perdagangan, pembukuan/pelaporan dan penerapan hukum. Berdasarkan hukum ekonomi syariah sistem transaksi yang dilaksanakan oleh GGTS termasuk dalam kategori akad *sharf* yang ketentuan dan persyaratannya diatur berdasarkan rukun dan syarat. Adapun rukunnya yaitu; (1) adanya pelaku akad - penjual (*ba'i*) pembeli (*musytari*), (2) objek akad – *sharf* (valuta). Kemudian syaratnya yaitu (1) serah terima antara kedua pihak sebelum berpisah diri, (2) adanya kesamaan ukuran jika kedua barang satu jenis (*tamâtsul*), (3) terbebas dari hak *khiyaar* dan syarat, dan (4) akad dilakukan secara kontan (tidak boleh ada penangguhan). Secara substansi hukum pelaksanaan transaksi menganut kepada bentuk mata uang yang memiliki beda nilai.

ABSTRACT

Ulil Amri: The Analysis of Syari'ah Economy Law towards the System of Online Foreign Exchange Transaction at trader community "Go Green Trading System Bandung"

This study is motivated by foreign exchange transactions carried out by the trader's community, Go Grand Trading System (GGTS) through online, foreign exchange transactions system has several practices that requires an analysis of syari'ah economy law substantially, the practice of foreign exchange transactions in GGTS uses online method that brings the buyers and sellers through the internet tools, they do not meet directly but are mediated by the agent.

The purpose of this study is to know whether the system of foreign exchange transactions conducted by GGTS through online (e-commerce) are included in the category of Sharf contract that the provisions and the regulations are arranged by the pillars and conditions

The method used in this study was normative juridical (legal research) that was obtained from the sources of data. The sources was from the traders who were joining the trader's community "GGTS". The types of data are in the form of primary and secondary data.

This study found that transactions conducted by the traders who joined GGTS community was a new breakthrough in the system of foreign exchange transactions conducted via online (e-commerce) and a transaction system implemented by GGTS was included in the category of *sharf* contract which the provisions and the regulations were arranged based on the principles and requirements.

The conclusion of this study is, the method of foreign exchange transaction system has several mechanisms, namely; (1) registration training's requisite; (2) training; (3) choose the broker that has already been suggested; (4) trading demo account; (5) trading real account; and (6) conducting a guidance and reporting the tradings' result regularly. Then, the basic law of foreign exchange transaction has been regulated in Law on number 32 of 1997 about the commodity Futures trading, especially in chapter VII which is concerning about the provision in general, institutional, licensing, trade mechanisms, accountancy / reporting and implementation of the law. Based on Syari'ah economic laws, the transaction system which is implemented by GGTS included in the category of *Sharf* contract which the provisions and the regulations are arranged based the principles and requirements. The requirements are; (1) the agent of contract - seller (Ba'i) buyer (musytari), (2) the object of the contract - Sharf (currency). Then, the requirements are (1) the handover between the two sides before leaving, (2) there is a similarity of measuring the same kind of goods (tamâtsul), (3) free from rights of khiyaar and the requirements, and (4) the contract made in cash (there should be not any postpnement). Substantially, the law in the implementation of this transaction follows the form of currency that has different value.