

ABSTRAK

NADIA NURALIAH LUKMAN Dengan judul “*Tinjauan Hukum Terhadap Jual Beli Emas Online Berdasarkan Prespektif Hukum Perdata dan Hukum Islam*”. (dibimbing oleh Jamal Hi.Arsad dan Iyam Irahlatmi Kahari)

Penelitian ini bertujuan untuk mengetahui bagaimana hukum jual beli emas online dan emas virtual ditinjau dari hukum perdata dan hukum islam, dan bagaimana keabsahan jual beli emas yang dilakukan secara online dalam perspektif hukum perdata dan hukum islam

Metode penelitian yang digunakan dalam skripsi ini ialah penelitian hukum kualitatif dengan pendekatan yuridis normatif, menganalisis berbagai literatur, fatwa, dan peraturan perundang-undangan terkait.

Berdasarkan hasil penelitian pelaksanaannya dalam hukum perdata Indonesia, jual-beli emas online harus memenuhi syarat sah perjanjian sebagaimana diatur dalam Pasal 1320 KUHPerdata, yang meliputi kesepakatan antara para pihak, kecakapan hukum, suatu hal tertentu, dan sebab yang halal. Selain itu, perlindungan konsumen yang diatur dalam Undang-Undang Perlindungan Konsumen (UUPK) juga menjadi aspek penting dalam keabsahan transaksi ini. Dalam perspektif hukum Islam, jual-beli emas harus dilakukan secara tunai dan serah terima langsung (taqabudh) untuk menghindari riba, serta harus menghindari unsur gharar (ketidakpastian). Fatwa Dewan Syariah Nasional Majelis Ulama Indonesia (DSN-MUI) No. 77/DSN-MUI/V/2010 memberikan panduan tambahan mengenai jual-beli emas secara tidak tunai, yang diperbolehkan selama memenuhi syarat tertentu. Untuk mencapai keabsahan dalam kedua perspektif hukum ini, pelaku usaha dan konsumen harus memahami dan mematuhi ketentuan yang berlaku. Edukasi konsumen dan pengawasan oleh otoritas terkait juga sangat penting untuk memastikan transaksi dilakukan secara sah dan adil.

Kata kunci: Jual beli emas Online, Hukum Perdata, Hukum Islam

ABSTRACT

NADIA NURALIAH LUKMAN with the title *"Legal Review on Buying and Selling Gold Online Based on the Perspective of Civil Law and Islamic Law."* (supervised by Jamal Hi. Arsad and Iyam Iraharmi Kahari)

This research examines the legal status of online gold and virtual gold trading from the perspective of civil law and Islamic law, as well as the validity of gold trading conducted online under these legal frameworks.

The research methodology used in this thesis is qualitative legal research with a normative juridical approach, analyzing various literature, fatwas, and related regulations.

The research results show that online gold trading is valid under civil law as long as it fulfills the legal requirements for agreements and consumer protection. In Islamic law, the transaction is valid as long as it adheres to the principle of taqabudh (immediate possession), avoids riba (usury), and is transparent. In Indonesian civil law, online gold trading must meet the legal requirements of an agreement as stipulated in Article 1320 of the Indonesian Civil Code (KUHPerduta), which includes mutual consent between the parties, legal competence, a definite object, and a lawful cause. Furthermore, consumer protection, as regulated in the Consumer Protection Act (UUPK), is also a critical aspect of the validity of this transaction. From the perspective of Islamic law, gold trading must be done in cash and with immediate possession (Taqabudh) to avoid riba and must avoid elements of gharar (uncertainty). The National Sharia Council - Indonesian Ulama Council (DSN-MUI) Fatwa No. 77/DSN-MUI/V/2010 provides additional guidance regarding non-cash gold trading, which is permissible under certain conditions. To achieve validity in both legal perspectives, businesses and consumers must understand and comply with the applicable rules. Consumer education and oversight by relevant authorities are also crucial to ensure that transactions are conducted legally and fairly.

Keywords: Online gold buying and selling, Civil Law, Islamic Law