

LEGAL ANALYSIS OF BUYING AND SELLING CAUSED BY FEAR OF MISSING OUT BASED ON IMAM SYAFII'S PERSPECTIVE



Muhammad Asyraf Al Kholis¹

Universitas Islam Negeri Sumatera Utara, Deli Serdang, Indonesia
muhammadasyrafalkholis@gmail.com

Ardiansyah²

Universitas Islam Negeri Sumatera Utara, Deli Serdang, Indonesia
ardiansyah@uinsu.ac.id

Abstract

Fear of Missing Out (FOMO) action is a social media that displays social status and flaunts success in life which often drives fear, anxiety, and behavior in individuals. The FOMO behavior from a buying and selling perspective has been an opportunity. The fears and anxieties of FOMO actors can stimulate individual consumption and shopping behavior by formulating certain marketing strategies. Islam itself has explained the rules in buying and selling activities, including explaining the law of buying and selling from the point of view of Imam Syafii. This study adopted a qualitative method. The Imam Syafi'i school says that when an *aqad* (transaction) has 3 (three) pillars (as) An-Nawawi said in *Syarh Muhadzab*, one of them is *sighat*. Meanwhile, the sale and purchase law with Fear of Missing Out is considered invalid because it removes one of the pillars of the contract, namely *sighat*, a clause of intent based on the purpose of buying and selling. The purpose of this study is to find out how the legal aspects of buying and selling where the perpetrators are influenced by the FOMO phenomenon from an Islamic perspective, especially Imam Syafi'i. The results of the study show that there is no fraud (free from deception or *tadlis* or deception or *taghrir*) as long as the buyer and seller both have sincerity, especially Imam Shafi'i. The results of the study show that there is no fraud (free from deception or *tadlis* or deception or *taghrir*) as long as the buyer and seller both have sincerity, especially Imam Syafi'i.

Keywords: Fear of Missing Out, Buying and Selling, Imam Syafi'i

INTRODUCTION

Today's economic activity is increasing along with the increasing development of the times. Improvement in the field of information technology is one of the main factors in the development of the spread of the phenomenon of globalization. Rudolf stated that the accelerated spread of globalization had a significant impact on the changes that occurred in society, in addition to having a positive impact on the economy, the phenomenon of globalization, whether it likes it or not, will affect many aspects of human life. As a result, society must be prepared to face the changes that come by adapting itself to these changes. For example, changes in global trade patterns have made it possible for people in remote towns and villages on other continents to consume goods produced in other countries (Yuniarto, 2014).

Ease of internet access makes it easy for interaction activities which are increasingly experiencing development, be it ease of accessing information, sharing information, exchanging data, or even trading activities. However, besides these conveniences, there are always other aspects that need to be highlighted from the impact of the development of the internet with all its conveniences which also has a negative side that should get attention and anticipate its prevention.

Social media, also known as social networking sites, makes it easy for users to interact with others so that they can virtually form social bonds and present themselves through social media. In addition, the intensity of time a person accesses social media is also an aspect that can trigger FOMO syndrome. As explained by Germaine and Bewley in 2016, which shows that someone who is emotionally unstable tends to use social media excessively (Christina, 2019).

Fear of Missing Out, or FOMO for short, is the need to always be aware of what's going on. This syndrome belongs to what is called an interpersonal phenomenon, namely someone with FOMO syndrome has a feeling of worry, anxiety, and fear of being left behind due to information circulating on social media, especially regarding what is currently developing.

From about 32 minutes in 2011 to 155 minutes in 2021, the average daily time spent using a mobile device to access the Internet has increased significantly. The average

amount of time spent on social media platforms each day has also increased, increasing from 96 minutes in 2012 to around 135 minutes in 2018. Then, it continues to increase until 2020, when the average person worldwide uses social media for 145 minutes per day (Kemp, 2023).

People are ultimately driven to create more interesting virtual lives as a result of the FOMO syndrome. There are those who upload their life on social media in the form of posts about holidays, concerts, places to eat, weddings, children, and even personal life which cannot be exploited materially for postings because they do not want to feel isolated on the internet. They often get the impression that something is not right in life when they don't have anything interesting to post. According to Zhang, in the internet era, tangible goods can often be used as indicators of social status and prestige because of their opinions. On social media, people can show off by sharing photos or videos, and the feeling of "experiencing" life can signal success (Zhang, 2018). On this platform, the satisfaction of extrinsic needs related to social status and Brand transforms life satisfaction into fear and anxiety when comparing one's life with the lives of others (Lee Hadlington, 2018).

Viewed from a business perspective, people with FOMO can present opportunities to develop specific marketing strategies to encourage spending and personal consumption. According to Apple, considering the future of social media in the context of consumer behavior and marketing is very important, considering that social media has emerged as a channel that has quite such an impact on marketing and communication in institutions, businesses, and organizations, even in politics. Moreover, from a cultural perspective, social media has emerged as a prime location where individuals acquire a wealth of information, share content and aspects of their lives with others, and learn about the world around them (Megan C. Good, 2020). Marketers and advertisers can use a variety of tactics to get customers' friends and family to create FOMO boosters from social media posts. Reading social media content posted by friends and/or family is thought to encourage consumers to immediately participate in purchasing products or spreading product information via social media, according to Good & Hyman (Gil Apple, 2019).

Previous research discussed the fear of Missing Out (FOMO) syndrome experienced by many young people. FOMO is defined as a feeling of fear of missing out on a precious

moment involving a friend or group of peers when the individual is absent from interaction or connection with them., of course, this can affect the law in buying and selling in the market (Andreas Trianto Soewandi, 2021). In searching for articles or writings related to research on FOMO, we find writings like Caroline's which focus on the effect of the tendency that FOMO has on online shopping considerations (Christy, 2022).

(Putri et al, 2019) discusses how FOMO influences student lifestyles which are reviewed through how they use social media. There is a significant difference to the results of previous research, the focus of this research is to emphasize more on the legal aspects of buying and selling where the perpetrators are influenced by the FOMO phenomenon from an Islamic perspective, especially Imam Syafi'i.

REVIEW OF LITERATURE

Smartphone Use

The impact of smartphone use and Fear of Missing Out (FOMO) on buying and selling participation in social media brand communities was the subject of research by Osemeahon and Agoyi who also hypothesized about its impact on consumer loyalty (Oseyenbhin Sunday Osemeahon, 2020).

Buy-sell engagement and consequently, buy-sell loyalty in social media Brand communities were found to be affected by smartphone use and FOMO. In addition, smartphone use is a direct contributor to FOMO (Fear of Missing Out) in consumer engagement (Nurcholifah, 2018).

Internet

The rapid expansion of the Internet and its growing popularity have contributed to the worldwide expansion of online shopping in recent years. As a result, more and more users are familiar with and utilize the media to obtain information and shop online (Sudiby, 2019).

Online Commerce

Online trading is permissible as referred to in paragraph 29 of the An-Nisa letter which states: "...Except for trading that applies on the basis of a mutual agreement..." Indonesian electronic transaction regulations require that the transaction be made in good

faith. However, in the Imam Syafi'i school, the terms and pillars of buying and selling do not require acts of the heart. This principle of good faith is expressed in modern teachings as *Mabda` Husn An-Niyyah* or the principle of good faith, and in Islamic teachings, it is directly related to morality or behavior which is part of the rule of Sharia law.

Therefore, the principle of good faith is not only an intrinsic behavior but also a reflection and behavior that is in accordance with Sharia law. Related to this context, the principle of good faith (intention) is also contained in a review of worship, meaning that the principle of good faith is found in every study of law.

So, if there is bad intention or belief, then the contract is canceled according to the hadith. For example, buying and selling with the aim of usury, and getting married with the aim of being a divorce barrier for three people. The hadith in question is:

عَنْ أَمِيرِ الْمُؤْمِنِينَ أَبِي حَفْصِ عُمَرَ بْنِ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ قَالَ : سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ : إِنَّمَا الْأَعْمَالُ بِالنِّيَّاتِ وَإِنَّمَا لِكُلِّ امْرِئٍ مَا نَوَى . فَمَنْ كَانَتْ هِجْرَتُهُ إِلَى اللَّهِ وَرَسُولِهِ فَهَجْرَتُهُ إِلَى اللَّهِ وَرَسُولِهِ، وَمَنْ كَانَتْ هِجْرَتُهُ لِدُنْيَا يُصِيبُهَا أَوْ امْرَأَةٍ يَنْكِحُهَا فَهَجْرَتُهُ إِلَى مَا هَاجَرَ إِلَيْهِ .

From Amirul Mu'minin, Abi Hafsa Umar bin Al-Khatib RA, said: I heard Rasulullah SAW. said, "Surely the success of a deed depends on its intention. Indeed, the deeds of a human being depend on his intentions. Whoever migrates for Allah and His Messenger, then migrate for Allah and His Messenger. For worldly matters or for a woman to marry, then he emigrated only for that which was intended (HR. Al-Bukhari).

According to Imam Syafii, the pillars of buying and selling consist of only 3 (three) things, namely the party holding the contract, *shigat* (*qabul* consent), and the goods that are the object of the contract. However, some jurists allow buying and selling of worthless goods without saying *sighat*. According to the jury of scholars from friends and *tabi'in*, buying and selling that cannot be witnessed directly, the sale and purchase are canceled because it contains an element of fraud that endangers one of the parties.

However, the Imam Shafi'i school allows such buying and selling, as long as the goods have been witnessed beforehand. Or only trade goods whose nature and characteristics are known and the goods are covered by the seller's guarantee. Buying and

selling Online buying and selling transactions according to the view of the Sharia School of Imam Syafi'i are permissible as long as the goods being traded are in accordance with the identified characteristics or the type and nature of the goods to be purchased are known. With advances in information technology, product specifications can be checked in advance through pictures and videos. If the goods do not meet the agreed characteristics, the buyer can make a *khiyar* (Salim, 2017).

Buy and Sell

In online buying and selling transactions, the seller does not directly hand over the goods to the buyer. There are third parties, namely couriers or delivery services that deliver goods to buyers on behalf of sellers. Transactions with these couriers in the Fiqh of the Imam Syafi'i school are called buying and selling with *Wakalah* (representatives) (Dhianty, 2022).

According to this term, *Wakalah* is surrendering to someone because what one has to do allows Shigat to be done by someone else in the life of someone who has authority on behalf of another person (Fadillah, 2020). *Wakalah* is permissible in Islamic law based on the hadith:

حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ أَخْبَرَنَا سُفْيَانُ حَدَّثَنَا شَيْبُ بْنُ عُرْقَدَةَ قَالَ سَمِعْتُ الْحَيَّ يُحَدِّثُونَ عَنْ عُرْوَةَ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَعْطَاهُ دِينَارًا يَشْتَرِي لَهُ بِهِ شَاةً فَأَشْتَرَى لَهُ بِهِ شَاتَيْنِ فَبَاعَ إِحْدَاهُمَا بِدِينَارٍ وَجَاءَهُ بِدِينَارٍ وَشَاةٍ فَدَعَا لَهُ بِالْبَرَكَةِ فِي بَيْعِهِ وَكَانَ لَوْ اشْتَرَى التُّرَابَ لَرَبِحَ فِيهِ

“Having told us [‘Ali bin Abdullah] had told us [Sufyan] had told us [Syabib bin Gharfadah] said, I heard [people from my qabilah] who told me from [‘Urwah] that the Prophet Muhammad SAW gave him one dinar to buy a goat, with that money he bought two goats, then one of them was sold for one dinar, then he met him with a goat and one dinar. So, he prayed for him to be blessed in his buying and selling. Indeed, even if he trades dust, he will definitely get a profit (HR Bukhari).

According to the Imam Syafi'i school of thought, based on Imam Syafii's view, *wakalah* (representative) is permissible in any issues concerning one's (human) rights,

namely everything related to individuals, not society. Such as representing buying and selling, marriage, divorce, cooperation (*shirkah*), peace, and equality. *Wakalah* is a non-binding contract, meaning that the representative or person representing him is not obligated to continue the *wakalah* contract. Either party can cancel the contract at any time, and the contract ends with the death of either party.

Fear of Missing Out (FOMO)

FOMO can be described through identical characteristics, self-image, and social space in a FOMO person. Patterns of using social media that are too severe, for example, can cause someone to experience FOMO because they always want to connect with other people through social media. A FOMO person expresses their lifestyle with excessive things, cannot control themselves to continue to be connected with other people's activities and ignore their own activities. The characteristics of a FOMO person generally seem mediocre, it's just that if examined in depth, they have activities, interests, and opinions that are too excessive so they lose control of themselves in using social media (Lisya Septiani Putri, 2019).

RESEARCH METHOD

The data collection method used in this research is the interview method or interview method. Koentjaraningrat said that conversations between individuals with the intention of being friendly cannot be said to be interviews as well as chats filled with questions. Interviews are aimed at gathering information about human life in the scope of society and their principles, which are the main means of the observation method (Koentjaraningrat, 1985). Using a qualitative approach, the study aims to provide an analysis of the law of buying and selling for fear of being left behind from Imam Syafii's point of view (a case study of UMSU students).

The selection of the sample is carried out with criteria that meet the requirements of the situation and are familiar with the object being studied. The criteria for informants are 1) Muslim 2) UMSU students 3) Active consumers of trending goods/services. In this case, there are 8 informants who are willing to be interviewed, by narrowing down to 2 "key informants". considered representative of the entire sample. 1) Rais (21) is a student of

Universitas Muhammadiyah Sumatera Utara majoring in Management, is a person who has recently experienced a fairly consumptive lifestyle towards things that are currently popular. 2) Panji (23) is a student majoring in Islamic Religious Education who always wants to appear up to date by always wearing a brand that is currently popular.

RESULTS AND DISCUSSION

The Influence of social media on the FOMO Phenomenon and Knowledge Buying and Selling in Islam

The use of social media for students is no longer just an activity that is carried out in their free time but has become an integral part of all the activities that accompany it, just as smartphones cannot be left out of everyday life. The function of social media which continues to experience development is one of the factors, starting from the means of sharing data and information, discussion platforms, and lecture media. The informant provided information that social media users are active with a high intensity of daily use (Cahyono, 2016).

Based on the research results described by Rais (21):

“I use social media every day for lectures, communication, and entertainment. My use of social media is quite frequent, namely 4-5 hours per day, and the platforms I use the most are Whatsapp and Instagram.”

Panji (23) gives the same answer, “Yes, of course, I actively use social media every day, from waking up to even before going to bed, whether it’s to communicate with friends, see the latest news, or just for entertainment to relieve fatigue. For the intensity of using social media, if a total of about 3-4 hours per day.”

From the results of the interview, it can be observed that the role of social media is quite strong in their daily activities, which not only has an impact on daily activities but social media also influences how a person acts, starting from opinions, behavior and even the way to make a decision, this is in line with the information submitted by Rais (21), “Yes, it’s quite influential, like wanting to visit a place, whether it’s a cafe or a certain shop, at least you have to see first how the reviews are on Instagram, and whether or not there are many good reviews or not certainly really influences my decision.”

There is a slight difference from the statement conveyed by Panji (23), “In my opinion, it doesn’t really affect me because I don’t really believe in what’s on social media unless it's in the form of facts or information that can be double-checked, for things like going to a cafe. certain items or buying certain items that are currently popular, I trust more to ask friends than to review on social media.”

Based on the information provided by informants when they were asked about knowledge about Fear of Missing Out (FOMO), such as Ridwan (22) who is a student at the Faculty of Law at UMSU, “I don’t know anything about FOMO”, a similar answer was also conveyed by Rais (21), “I do not know it and the term sounds foreign to me.” Of the eight people who became informants in this study, all answered that they did not know what FOMO was, even among economics students. It shows that there is still a lack of use of smartphones aimed at increasing literature and a lack of outreach from the government itself about the FOMO phenomenon and how dangerous it is for mental health.

A person affected by FOMO syndrome tends to be unconscious and knows that they have it, and then they will feel significant “suffering” if they have had this syndrome for a long time. Victims will feel unhappy, feel anxious, feel ostracized from society, and even tend to always feel jealous. The beginning of a person being able to suffer from FOMO syndrome is because that person simply wants to know or wants to feel things that are currently “viral” as experienced by informants based on interviews that have been conducted.

Rais (21), “I often buy things or come to places that are going ‘viral’ on Instagram just want to know and I’m afraid to miss the trend, there are many places or things that I visit or buy just for that reason including Chatime drinks, Gacuan noodles, Ice cream Mixue and so on. The experience afterward is usually as good as in the reviews, some are mediocre, but not infrequently they fall far short of expectations and sometimes regret it. Yes, of course, there is satisfaction in itself after buying and the strong encouragement is of course from social media.”

Having a slightly different answer, Panji (23) stated “It’s true that lately, I like to follow things that are going viral, such as buying sneakers, buying coffee at well-known coffee shops just because I’m afraid of being up to date and so on, and I’ve been doing it

quite often lately. considering I already have my own income. For my own encouragement, I feel it from social media, but it doesn't feel so significant compared to the encouragement I'm afraid of missing out on updates from my friends, work environment, campus friends and so on, which can be said as an environment that is always up to date."

From the results of the interviews several other informants also experienced FOMO, by having carried out buying and selling activities where the initial impulse was based on psychological coercion for fear of being left behind, but these buying and selling activities were not as frequent as the two informants above. Furthermore, based on interviews it was found that social media is a significant driving factor for someone to become FOMO followed by the social environment.

Even though economic activity is experiencing very rapid development, identity as a Muslim cannot be removed from self-embedding, therefore buying and selling activities must remain in accordance with the provisions of the Sharia. Knowledge of buying and selling according to the Sharia must be known to every individual who holds the status of a Muslim, recently this has become something that is considered unimportant, and even tends to be indifferent to it (August, 2017).

In this case, several informants who have been questioned about their knowledge of buying and selling according to the Sharia, on average, answered minimal knowledge about it and only knew a little, as Fitri (22) Student of the Islamic Faculty of UMSU "I know the Sharia about buying and selling is only limited to such as whether the goods we buy are *haram* or not and about how to obtain these goods whether they are *haram* or not. Likewise, the informant Panji (23), "My knowledge of the law of sale and purchase can be categorized as minimal, not knowing things such as terms, pillars, things that can cancel".

Analysis of the Law of Buying and Selling from The Point of View of Imam Syafi'i

Based on the book Al-Umm which is directly written by Imam Syafii in the chapter on buying and selling, it is stated that basically buying and selling is permissible on condition that there is consent or consensuality between the two of them as stated on page 432:

فَأَصْلُ الْبَيْعِ كُلُّهَا مَبَاحٌ إِذَا كَانَتْ بَرِيضًا الْمُبَايِعِينَ الْجَانِزِي الْأَمْرِيْمَا تَبَايَعَا إِلَّا مَا نَهَى عَنْهُ رَسُولُ اللَّهِ ﷺ مِنْهَا

“Originally, buying and selling are all permissible (*mubah*), if with the pleasure of two people who are buying and selling, those who are allowed to deal in what they are buying and selling, other than what was prohibited by the Messenger of Allah.”

Through analytical research it was found that the buying and selling contract (transaction) has 3 (three) pillars, namely: (1) people (*al-‘aqid*) who do business, namely the seller and the buyer; (2) *sighat* (editor) consent-*qabul*; (3) Goods for sale (*ma’qud alaih*) which are referred to from the books of Ulama jurisprudence with Syafiiyyah ideology such as *Kifayah Al Akhyar* written by Al-Imam Taqyuddin Abi Bakr bin Muhammad Al-Hasany Al-Hishny Ad-Dimasyqi (referring to book by Syarh Muhadzab) Imam Abi Zakariya Yahya bin Syaraf An-Nawawi). In *Kifayah Al Akhyar* it is stated on page 239:

الإيجاب وهي الصيغة والمشتري البائع ويشمل العاقد، المهدب شرح في النووى قاله ثلاثة، فأركانه العقد وأما عليه والمعقود والقبول،

“Regarding the contract (transaction) there are 3 (three) pillars”, (also) said An-Nawawi in Syarh Muhadzab (namely): (1) people (*al-‘aqid*) who do business, namely sellers and buyers; (2) *sighat* (editor) consent-*qabul*; and (3) traded goods” (*Kifayah Al Akhyar*: 239) From the explanation above it can be argued that editorial (*sighat*) in buying and selling transactions is a pillar of Shafi’i.

As pillars, it must be carried out, otherwise the transaction is invalid (legal). Even in the Syafi’iyyah books, the correct editorial language used in buying and selling contracts is exemplified. When a buyer says, “I bought this at that price!” the seller replies, “Yes, I sold it for that price!” Likewise, the seller begins by saying, “I’ll sell it at that price.” This item!”, and the buyer’s response is: “Yes, I bought this item at the price you just mentioned.”

Differences of opinion arise when (as *Kifayatul Akhyar* notes) buying and selling do not use editorials at all. That is, the buyer first takes the item he wants or eats the food offered first, then gives some money to the merchant. Is that enough?

There are several points of view to explain this. First, the Imam Shafi’i school says it is not enough. In a sense, it’s invalid. Second, the opinion of Ibnu Suraij (from

Syafi'iyah) said that small sales such as cakes and other things were sufficient (*halal*). Third, according to Imam Malik it was successful. Fourth, the opinion of Imam Nawawi (from the Imam Syafi'i school), he said, is valid. It would be interesting to explain the arguments of these various opinions. On page 240 of *Kifayatul Akhyar* it is written:

..المذهب في أصل الروضة أنه لا يكفي لعدم وجود الصيغة، وخرج ابن سريج قولاً أن ذلك يكفي في المحقرات، وبه أفتى الروياني وغيره، والمحقر كرتل خبز ونحوه مما يعتاد فيه المعاطاة، وقال مالك رحمه الله تعالى ووسع عليه: ينعقد البيع بكل ما يعده الناس بيعاً، واستحسنه الإمام البارع ابن الصباغ، وقال الشيخ الإمام الزاهد أبو زكريا محي الدين النووي قلت: هذا الذي استحسنه ابن صباغ هو الراجح دليلاً، وهو المختار، لأنه لم يصح في الشرع اشتراط اللفظ فوجب الرجوع إلى العرف كغيره

“...this school (the Imam Syafi'i school) based on the book *Raudhah* (which) is not sufficient (invalid) because there is no editing of the transaction, except for the opinion of Ibn Suraij who said (buying without an editor) is sufficient in buying and selling small items. With this opinion, Imam Rauyani and others issued a fatwa. Something small means like a piece of bread because people are used to handing it over (buying without editing and selling). While Imam Malik (says): “The transaction itself occurs on the basis of every form of transaction that is considered by the community (together) to be buying and selling. Imam Al-Bari' Ibn Shabbagh adopted (this opinion) from *Istihsan*. Imam Az-Zahid Abu Zakariya Muhyiddin An-Nawawi said: “In my opinion: The view that Ibn Shabbagh is *Istihsan* is the view that the argument is more important.

Based on the quotation above, the following conclusions can be drawn: (1) The Shafi'i group said that buying and selling without using *sighat* is invalid. (Second) Ibn Suraij as a follower of Syafi'iyah argues that buying and selling without using *sighat* is valid when buying and selling small (trivial) items. (iii) Imam Malik said buying and selling without an editorial permit is legal because the issue of editorial permission is not determined by Sharia law, so the law returns to local community traditions. (Fourth) Imam Nawawi who is a Syafi'iyah scholar tends to have the same views as Imam Malik for the same reason. That is, Imam Nawawi believes that because the issue of *sighat* is not regulated in Sharia texts, the law will return to the customs of the local community where

the sale and purchase are carried out.

It should be noted beforehand that the Imam Shafi'i school also accepts custom or tradition (*'urf*) as its legal basis. In this case, as stated on page 249 of the book *Kifayatul Akhyar*:

العادة إلى فيه الرجوع كان الشرع في محدودا يكن لم إذا الشيء لأن

“...Because something is not prescribed in the Sharia (text), then the basis of the question returns to the hadith.” The Imam Syafi'i school stipulates the obligation to say that buying and selling must be based on mutual agreement (*taradhin*).

In the view of the Imam Syafi'i school, the issue of will or voluntarism is an abstract matter, which can be said to be invisible and intangible. Therefore, things that are vague and immeasurable must be made visible in order to be measured. In other words, this willingness question is a qualitative variable that needs to be quantified. Therefore, the editorial contract-*qabul* in buying and selling is an indicator of the willingness of the party making the sale and purchase. In this case, there are sellers and buyers. In Fathul Mu'in, page 67, Sheikh Zainuddin bin Abdul Aziz Al-Malibari said:

“...and (an example of an editorial) is to complete the editorial, as the Prophet Muhammad SAW said: ‘Buying and selling can only be done on the basis of a mutual agreement.’ If (variable) ‘compliant’ is not clear (qualitative) then (must) be measured by what is stated in the *lafadz*, then transactions cannot occur by themselves only through the handover process...(Fathul Mu'in: 67)”

Analysis of Buying and Selling Law from Imam Syafi'i's Point of View in a Fear of Missing out (FOMO) Situation

If seen from an Islamic perspective, it was FOMO's actions that caused this excessive anxiety and even hatred and anxiety in the heart. The Koran itself clearly states that Allah commands to avoid jealousy. This has been stated in the Qur'an An-Nisa verse 32.

وَلَا تَتَمَنَّوْا مَا فَضَّلَ اللَّهُ بِهٖ بَعْضَكُمْ عَلَىٰ بَعْضٍ ۗ لِلرِّجَالِ نَصِيبٌ مِّمَّا كَتَبْنَا ۙ وَاللِّسَاءِ نَصِيبٌ
مِّمَّا كَتَبْنَا ۙ وَسَأَلُوا اللَّهَ مِنْ فَضْلِهِ ۗ إِنَّ اللَّهَ كَانَ بِكُلِّ شَيْءٍ عَلِيمًا

“(Because) for men, there is a share of their income, and for women (even) there is a share of their income. Ask Allah for some of His favors. Verily, Allah is All-Knowing (QS An-Nisa: 32)”.

Long before the term FOMO was known, Allah had mentioned in the Koran that the problem of envy is definitely prone to occur in humans, both men and women. The terminology may be different, but the essence of the values taught is the same. For that, Allah has also provided solutions and medicines to prevent it.

In another verse, Allah also explains that we must let go and not stuck in this *hasad* or FOMO feeling.

لَا تَمُدَّنَّ عَيْنَيْكَ إِلَىٰ مَا مَتَّعْنَا بِهِ أَزْوَاجًا مِّنْهُمْ وَلَا تَحْزَنْ عَلَيْهِمْ وَاخْفِضْ جَنَاحَكَ لِلْمُؤْمِنِينَ

“Don’t let your eyes see the pleasures of life that we have given to some of them, and don’t be sad about it, be humble to those who believe” (QS Al-Hijr: 88).

Therefore, based on these two verses, it is not permissible to do or do any act, either buying or selling or things that cause excessive anxiety, including jealousy. In Islam itself, it is interpreted as staying away from things that make the heart anxious and jealous. This matter explained in QS. Al-Hasyr verse 18:

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَانْتِظِرُوا لِلَّهِ أَجْرًا حَيْثُ مَا تَعْمَلُونَ

“O you who believe, fear Allah and let everyone pay attention to what he has done for tomorrow (hereafter); And fear Allah, verily Allah is Aware of what you do.” (QS Al-Hasyr: 18)

FOMO behavior can lead to self-loathing and even ingratitude because FoMO behavior makes people scramble to live up to other people's standards. Even in the Koran, it is interpreted as gratitude.

وَلَقَدْ آتَيْنَا لُقْمَانَ الْحِكْمَةَ أَنِ اشْكُرْ لِلَّهِ ۚ وَمَن يَشْكُرْ فَإِنَّمَا يَشْكُرُ لِنَفْسِهِ ۚ وَمَن كَفَرَ فَإِنَّ اللَّهَ غَنِيٌّ حَمِيدٌ

“Indeed, I have bestowed wisdom on Luqman, namely: Thanks be to Allah. Whoever is grateful (to Allah), then he is grateful to himself; and whoever is ungrateful, verily Allah is Rich, Most Praised” (QS Luqman: 12).

So what is Imam Syafii’s opinion about buying and selling just because of FOMO? Described in the school of thought in the book *Kifayah Al-Akhyar*, page 239 “As for the *aqad* (transaction) there are 3 (three) pillars”, (as) An-Nawawi in *Syarh Muhadzab* said

(namely): (1) both parties transact, including buyers and sellers; (2) *sighat* transactions; namely the editorial consent-*qabul*; and (3) commodities in transactions” (Kifayah Al-Akhyar: 239) From the statement above it can be seen that the editorial section of buying and selling (*sighat*) is a pillar in the Imam Syafi’i school of thought.

While the *sighat* requirement itself is al-Fiqh’ ala Mazahib al-Arba’ah Abdurrahman al-Jaziri in Volume II, (132) is a) face to face b) the buyer and seller must show that vigilance of the contract works by making transactions, namely according to the target person. c) For Contract Entities. It is illegal to say “I sold this thing to your head or hands.” d) *Qabul* (sentences spoken by the buyer to the seller during the transaction) are spoken by the person mentioned in the consent letter. Unless there is a representative, then the person who says *qabul* must be someone who is invited to transact by someone who says yes. e) When saying *sighat*, it must be accompanied by an intention. f) Goods or services must be mentioned. g) Pronunciation of agree and *qabul* must be perfect. If the person making the transaction is crazy before saying *qabul*, then the transaction being made is invalid. h) *Ijāb* and *qabul* are not separated from other statements. i) No change in pronunciation. The sound of the consent cannot be changed, for example, “I sell five thousand, then say,” I sell ten thousand, even though it is the same as the first, without *qabul*. j) There is a perfect match between *ijab* and *qabul*. k) not related to anything. An agreement may not be related to matters that have nothing to do with the agreement (Al-Jaziri, 1999).. l) Free time. It’s the same as the first, without *qabul*.

In this case, it is clear that the statement of intent and the contract has nothing to do with things that have nothing to do with the contract and must be done in good faith when intending to buy or sell, and the FOMO action is an act of showing social status and status, showing off success in life. on social media. Meaning that FOMO may result in invalid transaction editing or *sighat*. Whereas in the Imam Syafi’i school, *sighat* is said to be a pillar that must be implemented. Based on this statement, the sale and purchase transaction with FoMo is considered void and therefore the sale and purchase transaction is also canceled.

CONCLUSION

Based on the results of the research above, it can be concluded that FOMO may result in invalid editing of transactions or *sighat*. Whereas in the Imam Syafi'i school, *sighat* is said to be a pillar that must be implemented. Based on this statement, the sale and purchase transaction with FOMO is considered void and therefore the sale and purchase transaction is also cancelled. Besides that, there is no cheating (free from deception or *tadlis* or deception or *taghrir*) as long as the buyer and seller both have sincerity. The FOMO behavior described also displays social status actions and shows off success in life and is always up to date in society.

The FOMO phenomenon can cause certain tendencies that result in transaction editing or invalid transaction sightings. Whereas in the Imam Syafi'i school, *sighat* is said to be a pillar that must be implemented. Based on this statement, the sale and purchase transaction with FOMO is considered void and therefore the sale and purchase transaction are also canceled. Suggestions for further research, the researchers hope to develop this topic into a more in-depth study by observing the phenomena that occur. In future research, comparisons can also be made with other schools of thought regarding buying and selling of FOMO by scholars other than the Imam Syafi'i school.

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