

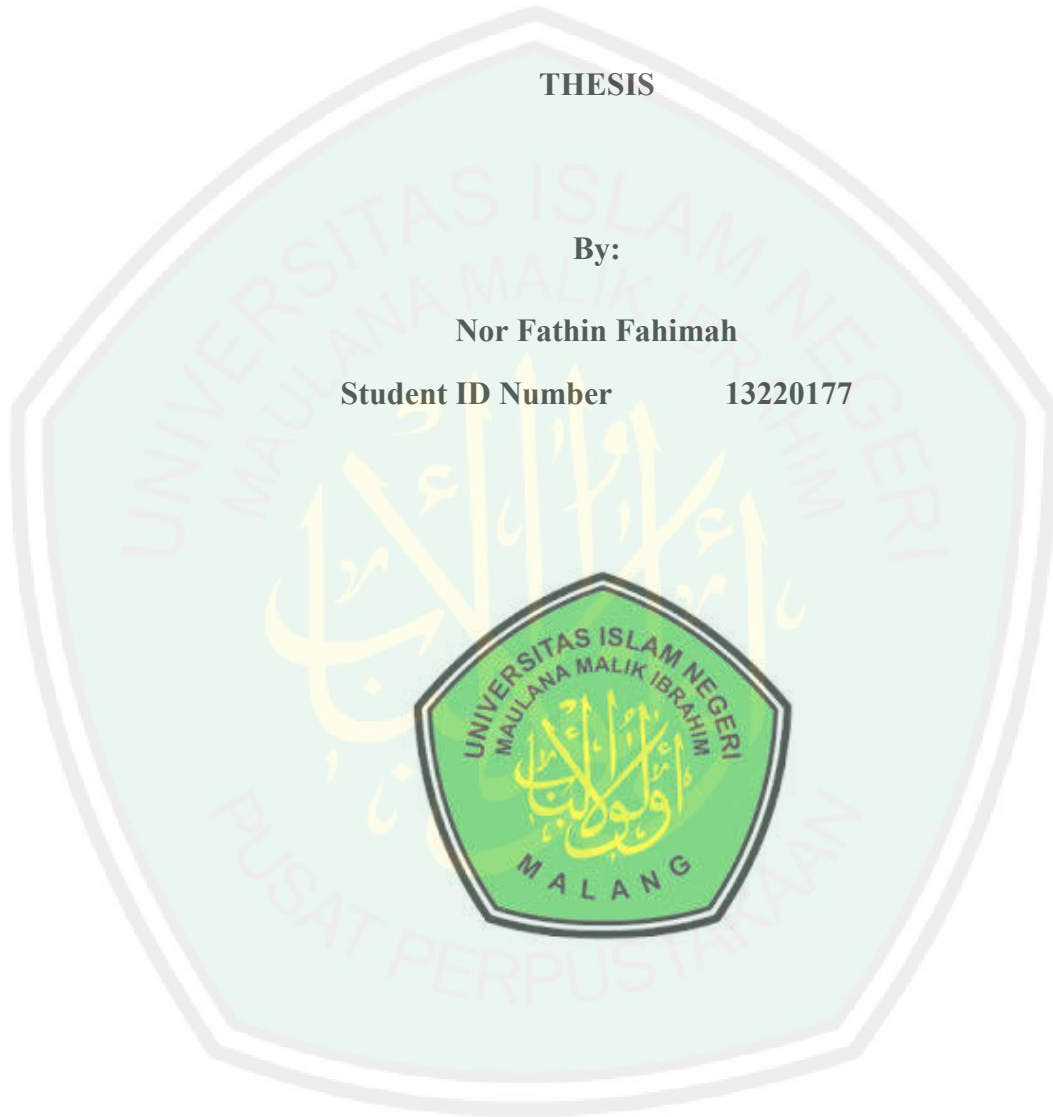
**UTILIZATION OF INSTAGRAM BOT FOLLOWERS ACCORDING TO
*FIQH AL-MUAMALAH***

THESIS

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SHARIA BUSINESS LAW DEPARTMENT

SHARIA FACULTY

STATE ISLAMIC UNIVERSITY OF

MAULANA MALIK IBRAHIM MALANG

2017

**UTILIZATION OF INSTAGRAM BOT FOLLOWERS ACCORDING TO
*FIQH AL-MUAMALAH***

THESIS

Presented to

Sharia Faculty of State Islamic University of Maulana Malik Ibrahim Malang

To Fill One of Requirements Used to Get Degree of

Bachelor of Law (S.H)

By:

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Student ID Number 13220177



SHARIA BUSINESS LAW DEPARTMENT

SHARIA FACULTY

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2017

STATEMENT OF THE AUTHENTICITY

In the name of Allah SWT,

With consciousness and responsibility towards the development of science, the author declares that the thesis entitled:

UTILIZATION OF INSTAGRAM BOT FOLLOWERS ACCORDING TO FIQH AL-MUAMALAH

Is truly the author's original work. It does not incorporate any material previously written or published by another person. If it is proven to be another person's work, duplication, plagiarism, this thesis and my degree as the result of this action will be deemed legally invalid.

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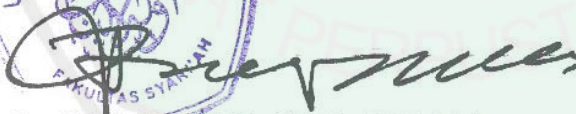
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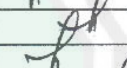



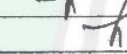





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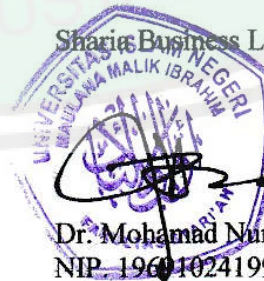
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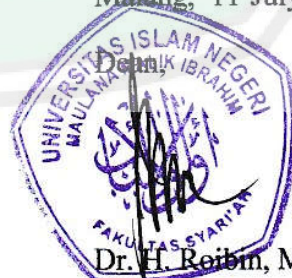
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MOTTO

خير الناس أنفعهم للناس

“The best people are those who bring most benefit to the rest of mankind”



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All praise due to Allah (SWT), the Cherisher and Sustainer of all the world. There is neither might nor power but with Allah The Great, The Exalted. With only His Grace and Guidance, this thesis entitled “Utilization of Instagram Bot Followers According to *Fiqh Al-Muamalah*” could be completed. *Shalawat* and *salaam* may deliver to the Prophet Muhammad (PBUH) who had brought us from the darkness into the lightness, in this life. May us be together with those who believe and receive intercession from Him in the day of Judgment. Amîn.

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Hopefully, by imparting what has been learned during the course of study in the Sharia Faculty of State Islamic University, Maulana Malik Ibrahim Malang, it will benefit all readers and the author herself. Realizing the fact that errors and weakness is impartial to being human, and that this thesis is still far from perfection, the author appreciates constructive criticism and suggestions for the improvement of this thesis.

Malang, 6 June 2017

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TRANSLITERATION GUIDANCE

A. General

The transliteration guide which is used by the Sharia Faculty of State Islamic University, Maulana Malik Ibrahim Malang, is the EYD plus. This usage is based on the Consensus Directive (Surat Keputusan Bersama/SKB) from the Minister of Religion, Minister of Education and Culture of Republic of Indonesia, dated January 22, 1998, No. 158/1987 and 0543. b/U/1987, which is also found in the Arabic Transliteration Guide book, INIS Fellow 1992.

B. Consonants

ا	=	unsigned	ش	=	sy	ن	=	n
ب	=	b	ص	=	sh	و	=	w
ت	=	t	ض	=	dl	ه	=	h
ث	=	ts	ط	=	th	ي	=	y
ج	=	j	ظ	=	dh			
ح	=	h	ع	=	' (comma facing up)			
خ	=	kh	غ	=	gh			
د	=	d	ف	=	f			
ذ	=	dz	ق	=	q			
ر	=	r	ك	=	k			
ز	=	z	ل	=	l			
س	=	s	م	=	m			

The hamzah (ء) which is usually represented by *alif*, when it is at the beginning of a word, henceforth it is transliterated following its vocal pronouncing and not represented in writing. However, when it is in the middle or end of a word, it is represented by a coma facing upwards (ˆ), as oppose to a comma (,) which replaces the “ع”

C. Vocal, long and Diftong

In every written Arabic text in the *latin* form, its vowels *fathah* is written with “a”, *kasrah* with “i”, and *dolomah* with “u”, whereas elongated vowels are written such as:

Elongated (a) vowel = â for example قال becomes qâla

Elongated (î) vowel = î for example قيل becomes qîla

Elongated (u) vowel = û for example دون becomes dûna

Specially for the pronouncing of *ya' nisbat* (in association), it cannot represented by “i”, unless it is written as “iy” so as to represent the *ya' nisbat* at the end. The same goes for sound of a diftong, *wawu* and *ya'* after *fathah* it is written as “aw” da “ay”. Study the following examples:

Diftong (aw) = و for example قول becomes qawlun

Diftong (ay) = ي for example خير becomes khayrun

D. Ta' marbûthah (ة)

Ta' marbûthah is transliterated as “ṭ” if it is in the middle of word, but if it is *Ta' marbûthah* at the end, then it is transliterated as “h”. For example: الرسالة للمدرسة will be *al-risalaṭ li al-mudarrisah*, or if it happens to be in

the middle of a phrase which constitutes *mudlaf and mudlaf ilayh*, then the transliteration will be using “t” which is enjoined with the previous word, for example *في رحمة الله* becomes *fi rahmatillah*.

E. Definite Article

Arabic has only one article, “al” (ال) and it written in small letters, unless at the beginning of word while “al” in the pharase of *lafadh jalalah* (speaking of God) which is in the middle of a sentence and supported by and (*idhafah*), then it is not written. Study the following:

1. Al-Imâm al-Bukhâriy said....
2. Al-Bukhâriy explains in the prologue of his book....
3. *Masyâ' Allâh kâna wa mâ lam yasya' lam yakun.*
4. *Billâh 'azza wa jalla*

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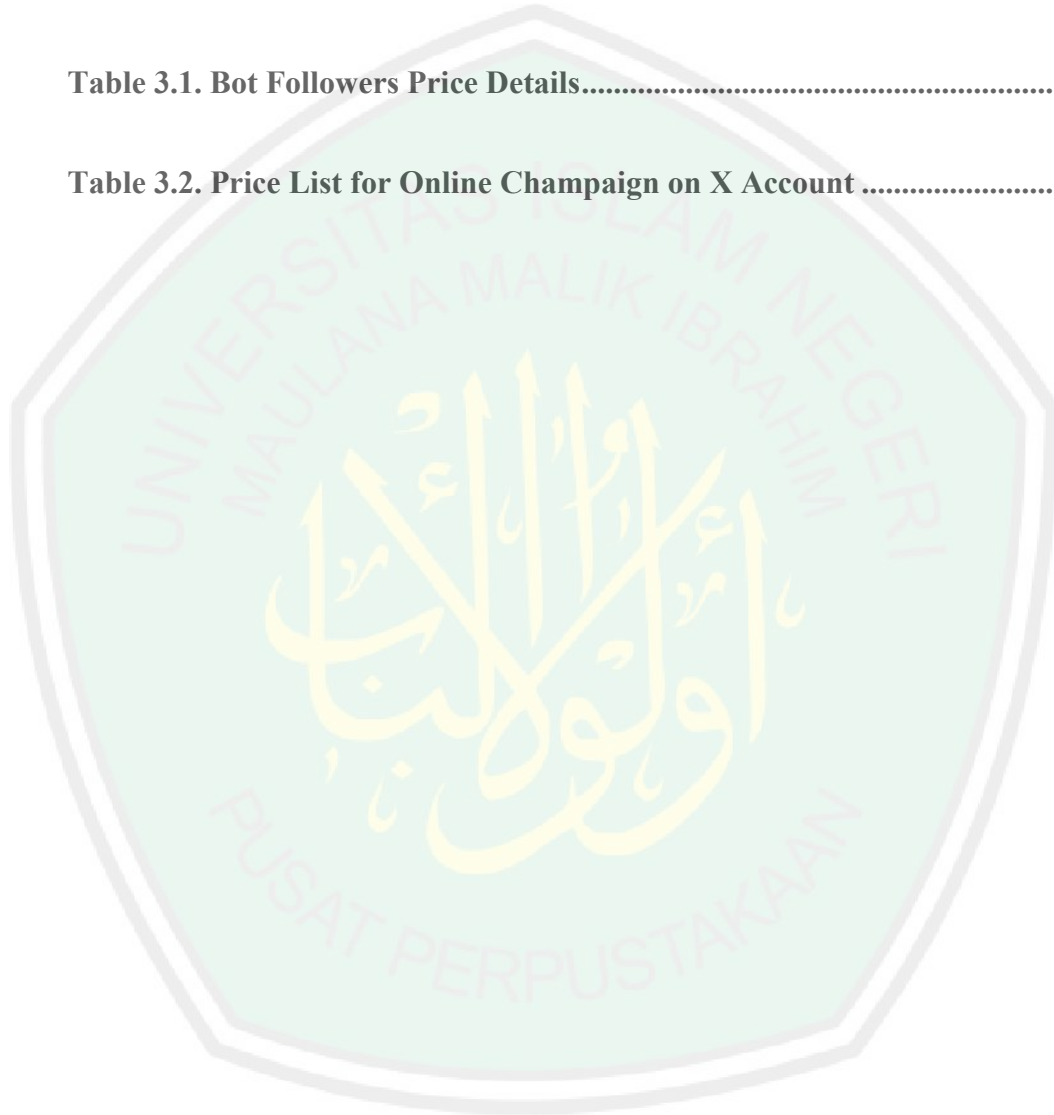
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ABSTRACT

Nor Fathin Fahimah, 13220177, *Utilization of Instagram Bot Followers According to Fiqh Al-Muamalah*, Thesis, Sharia Bussines Law Department, Sharia Faculty, State Islamic University of Maulana Malik Ibrahim of Malang. Supervisor: Dra. Jundiani, S.H, M.Hum

Keywords: Bot Followers, Instagram, *Fiqh Al-Muamalah*

Instagram is one of the most popular social media among internet users in Indonesia. Recorded during 2016, instagram users in Indonesia reached 19.9 million users. In its development instagram utilized by the online business as a tool to promote its products to online market. In order to be an effective tools of online marketing, the instagram account used should have many followers. In addition, the number of followers can be used as a reference to determine the advertising rate or widely known as endorsement. Therefore, many online businesses are utilizing bot followers to increase the number of followers massively in a short period of time.

In this research, there are two problem formulation discussed, first is about how bot followers work in increasing the advertising rates. Then, the second is a *fiqh al-muamalah* review against its utilization.

This research is a normative legal research using statute approach and conceptual approach. The method of collecting legal materials used is documentation method, which is collecting written data obtained from various sources. Legal materials analysis method conducted is editing of legal materials, classification of legal materials, analyze the legal materials that have been classified, and draw conclusions from the results of the analysis has been done.

The results obtained from this research that bot followers is a fake account run by a computer program. The number of bot followers on an instagram account determines the advertising rates offered, so the more bot followers he has, the more expensive advertising rates offered. Based on this, the utilization of bot followers analogous to the sale and purchase of *najasy*, where there is a mock offer to increase the price of goods. In this case the bot followers act as *al-naajisy*, i.e. the fake bidder in order to increase the advertising rates.

الملخص

نور فاطن فاهمة. 13220177. استعمال *bot followers Instagram* عند الفقه المعاملة. بحث جامعي، كلية الشريعة، شعبة الحكم الإقتصادي الإسلامي، جامعة الإسلامية الحكومية مولانا مالك إبراهيم مالانج. المشرفة: الدكتورة جندياني الماجستير

الكلمات الرئيسية: *Instagram Bot Follower*، فقه المعاملة.

Instagram هي واحدة من وسائل الاعلام الاجتماعية المشهورة بين مستخدمي الإنترنت في إندونيسيا. منذ خلال عام 2016، بلغ عدد مستخدمي Instagram في إندونيسيا 19.9 مليون شخصا. وفي تطورها، يستخدم التجار الإلكتروني (pelaku bisnis online) Instagram كي تكون واحدة من وسائل الإعلان على نتائهم. من أجل أن تكون وسيلة فعالة للترويج عبر الإنترنت، يجب أن المتابعين (followers) في حساب Instagram يضم كثيرا من المتابعين. وبالإضافة إلى ذلك، فإن عدد من المتابعين في حسابه يمكن استخدامها لتحديد السعر في الإعلانات. لذلك، فإن كثير العدد من الشركات على الانترنت التي تستخدم bot followers لزيادة عدد المتابعين في وقت قصير.

والبحث عن هذا ينقسم إلى مشكلتين، الأول هو حول كيفية العمل bot followers في رفع سعر الإعلانات. والثاني هو نظرة فقه المعاملة لاستخدامها.

هذا البحث هو البحث القانوني المعياري باستخدام نهج التشريع ونهج المفاهيم. الطريقة لجمع المواد القانونية المستخدمة هي طريقة التوثيق، وهي جمع البيانات المكتوبة التي تم الحصول عليها من مصادر مختلفة. المنهج التحليلي للمواد القانونية تفعل هو تفتيش المواد القانونية، وتصنيف المواد القانونية، وتحليل المواد القانونية التي تم تصنيفها، واستخلاص النتائج من التحليل الذي تم إنجازه.

والحاصل من هذا البحث هو أن bot followers هي حسابات وهمية يديرها برنامج كمبيوتر. عدد bot followers في حساب Instagram استخدم لتحديد السعر الإعلانية، فالزيد على عدد bot followers لديه يسبب إرتفاع سعر الإعلان، ولأجل ذلك استخدم bot followers بمثابة لبيع النجش حيث هناك عرض المروغة لزيادة أسعار السلع. في هذه الحالة bot followers بمثابة النجش، أي مرتكبي العروض الكاذبة من أجل زيادة سعر الإعلانات.

ABSTRAK

Nor Fathin Fahimah, 13220177, *Penggunaan Bot Followers Instagram Menurut Fikih Muamalah*, Skripsi, Jurusan Hukum Bisnis Syariah, Fakultas Syariah, UIN Maulana Malik Ibrahim Malang. Pembimbing: Dra. Jundiani, S.H, M.Hum

Kata Kunci: *Bot Followers*, Instagram, Fikih Muamalah

Instagram merupakan salah satu media sosial terpopuler diantara para pengguna internet di Indonesia. Tercatat selama tahun 2016, pengguna instagram di Indonesia mencapai 19,9 juta pengguna. Pada perkembangannya instagram dimanfaatkan oleh para pelaku bisnis online sebagai salah satu sarana untuk mempromosikan produknya. Agar dapat menjadi sarana pemasaran *online* yang efektif, maka akun instagram yang digunakan harus memiliki banyak *followers*. Selain itu, jumlah *followers* yang dimiliki dapat digunakan sebagai acuan untuk menentukan tarif pemasangan iklan atau yang disebut sebagai *endorse*. Oleh karena itu, banyak pelaku bisnis *online* yang memanfaatkan *bot followers* untuk meningkatkan jumlah *followers* yang dimiliki dalam waktu singkat.

Dalam penelitian ini, terdapat dua rumusan masalah yang dibahas, pertama yaitu tentang cara kerja *bot followers* dalam meningkatkan tarif pemasangan iklan. Kemudian yang kedua adalah tinjauan fikih muamalah terhadap penggunaannya.

Penelitian ini adalah penelitian hukum normatif yang menggunakan pendekatan perundang-undangan dan pendekatan konseptual. Teknik pengumpulan bahan hukum yang digunakan adalah metode dokumentasi, yaitu mengumpulkan data tertulis yang diperoleh dari berbagai sumber. Metode analisis bahan hukum yang dilakukan adalah pemeriksaan bahan hukum, pengklasifikasian bahan hukum, menganalisis bahan hukum yang telah diklasifikasikan, dan menarik kesimpulan dari hasil analisis yang telah dilakukan.

Hasil yang didapat dari penelitian ini bahwa *bot followers* adalah akun palsu yang dijalankan oleh program komputer. Jumlah *bot followers* yang dimiliki suatu akun instagram menentukan harga iklan yang ditawarkan, sehingga semakin banyak *bot followers* yang dimiliki, maka harga pemasangan iklan pun meningkat. Berdasarkan hal tersebut, penggunaan *bot followers* dianalogikan kepada jual beli *najasy* dimana terjadi penawaran pura-pura untuk meningkatkan harga barang. Dalam hal ini *bot followers* bertindak sebagai *al-naajisy*, yaitu pelaku penawaran palsu agar dapat meningkatkan harga pemasangan iklan.



CHAPTER I

INTRODUCTION

A. Background of Research

Humans are social creatures that need the others to survive and fulfill their needs. One of the ways human beings to survive is to work in order to earn a living, so they can fulfill their basic needs every day. Work can be done in various ways either farming, breeding, teaching, become experts, or trade.

Trade or sale and purchase, is one of the alternatives for people to earn a living which is highly recommended in Islam. It is stated in the Al-Qur'an:

وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا¹

“But Allah has permitted trade and has forbidden interest”

¹QS Al-Baqarah (2): 275

Moreover sale and purchase is regarded as one of the noble work because sale and purchase can be a medium of mutual helps among others. Told as a medium of mutual helps among human beings because of the sale and purchase transaction the seller is a medium for the buyers to meet their needs for goods, while the buyer becomes a medium for the seller in order to fulfill its obligations to provide living for his family.²

Related to the position of sale and purchase as a noble job in Islam, there are several provisions that must be fulfilled for the sale and purchase is considered legitimate according to Islamic Law, that is fulfilled the principles the conditions and free from harmful elements, i.e. *dhalim*. As for the avoidance of *dhalim* is the sale and purchase should be protected from the elements that could harm one or both of the parties. As for the elements that could harm one or both parties are:³

1. *Ihtikar*, i.e. stockpiling goods or merchandise with the aim of raising the price.
2. *Ghisysyi*, i.e. cheating or swindle.
3. *Thathfiif*, ie reducing the dose or scales.
4. *Najasy*, i.e. raising the price of goods by people who do not want to buy it by making a bit of the goods with high prices, either with the aim of benefiting the seller, harm the buyer, or tricking buyer.

²M. Yazid Afandi, *Fiqh Muamalah dan Implementasinya dalam Lembaga Keuangan Syariah*. (Pub. I; Yogyakarta: Logung Pustaka, 2009), p. 54-56

³Qomar Suaidi, "Adab Jual Beli", *Asy-Syariah*, 46 (November, 2011)

5. Forcing the other side to do the transaction, it can be forced the buyer to buy something which he doesn't desire nor forced the seller to sell his belongings.
6. Hiding disgrace or *'aib* of the merchandise which to be sold.
7. Gharar, i.e. something that is not yet known its certainty or contains speculation.

Sale and purchase can be done in several ways, for the example by opening a kiosk or shop to promote their products, around the village with a cart, or store the products at other people kiosk or shop. However, according to the times, this time trading is not only done by selling merchandise through a kiosk or shop, or what is now known as offline stores, but can also be selling products online by opening an online shop through web hosting or open an account specifically intended to trade in social media, such as facebook, bukalapak, OLX, Instagram, etc.⁴ This kind of sale and purchase is widely known as online shopping.

Online sale and purchase is the easiest and the cheapest way, particularly for the beginner sellers who do not have much capital for buying or renting a shop, because online sale and purchase doesn't require a place or a special location to sell the products, so it can reduce the fund to rent or buy a stall or shop. Therefore, online sale and purchase growing rapidly attracted many beginners who want to learn the business, especially students. In addition, online sale and purchase is easier for consumers to buy the goods

⁴Madcoms, *Sukses Membangun Toko Online dengan E-Commerce*, (Yogyakarta: Penerbit Andi, 2011), p. 5-7

they want without wasting energy by visiting one by one the outlets and also the consumers can choose and compare the prices of goods sold in several online shop easily, only through a smartphone or personal computer that connected to the internet network.

The most widely used tool by online sellers to sell their product is opening an account on various social media platform. Furthermore, the most popular social media is used as a tool of online shopping nowadays is Instagram, i.e. the social media that is specifically designed as a tool of sharing photos and short videos. Recorded during 2016, Instagram users in Indonesia reached 19.9 million users from a total of 132.7 internet users. This makes Instagram the second most popular social media used by internet users in Indonesia after facebook which is used by 71.6 million internet users in Indonesia.⁵ Factors that cause Instagram is widely used by internet users in Indonesia, firstly Instagram users can easily upload and edit photos and short videos and can write a short description of the photos or short videos they upload. Second, Instagram is considered as the most appropriate online promotional media for online businesses because the public has a tendency to be more interested in visual appearance than narrative text. Based on this, Instagram began to be used as an online promotional media for a product or service, either by micro businesses or large companies.

On Instagram there are two categories of accounts that are used as online promotional media, the first is an online store owned by business

⁵Data quoted from *Infografis Penetrasi dan Perilaku Penggunaan Internet Indonesia: Survei 2016* released by APJII in November 2016.

people to market their products by online. Second is an account that is devoted as a media campaign or advertising a product or service, or better known as endorsement account. Users who use their accounts as an endorsement media consists of various circles, ranging from celebrities, writers, to students or university students who already have thousands of followers who follow his account. In addition there are several accounts that are used specifically as an online promotional media for an event, product, restaurant, café, etc.

In order for an account can be used as an endorsement account, one of the conditions is that the account must have a lot of followers, minimal number of followers he has must have reached thousand number. Some endorsement accounts have many followers from the beginning because of their good reputation or because they are Indonesian celebrity or celebgram, i.e. the famous person through Instagram who eventually became a celebrity. However, there are some accounts that utilize bot followers to increase the number of followers that are owned massively in such a short time, so that the reputation of their owned accounts increases and businesspersons are interested in advertising or endorsements through their accounts.

The bot followers are social media followers who do not perform activities such as uploading photos, videos or another contents, nor replying comments with other users, so it only serves as a followers enhancer in social media. Bot followers are virtual accounts or robotic accounts that are not operated or owned by a real users, and run by a computer program, often

called fake followers or passive followers.⁶ The utilization of bot followers can increase the popularity and reputation of an account, because the more followers he has, the more customer attracted to shop through his online shop, so his online shop known as trusted seller or it can attracted more advertisers to advertise through his account.

Besides can increase the reputation of online shop and attract customer, the numbers of customer also used as a determinant of advertising rates in commercial account that provide slots for advertisement or account that provide endorsement. So the more followers they have the more expensive advertisement slot they sell. Whereas once traced, the followers of that account has is mostly bot followers. Therefore, the utilization of bot followers causes material loss for the costumers, because if the seller doesn't use bot followers the followers must not be that much and the advertising rates must not be that expensive.

Although it has undergone such a rapid development, but there is no specific provisions governing the online sale and purchase in Indonesian legislation. The only rules relating to online sale and purchase are the Electronic Information and Transactions Law that govern generally all activities conducted through the internet or other electronic media. One thing to note in Article 4 of the Electronic Information and Transactions Law states that one of the purposes of utilizing information technology and electronic transactions is to provide a sense of security, fairness and legal certainty for

⁶@ivandipa, *Twitter is Money*, (Pub.I; Jakarta: Mediakita, 2013), p. 40-41; Itasika, "Apa itu Followers Bot atau Pasif di Instagram?", <http://alivmedia.com/apa-itu-followers-bot-atau-pasif-di-Instagram/>, accessed 3 November 2016

users and providers of information technology.⁷ So it should be that all the activities of online sale and purchase must be free from dzalim and fraud.

According to the explanation above, in this research will be discussed about “**The Utilization Of Instagram Bot Followerss According to *Fiqh Al-Muamalah***”.

B. Statement of Problem

1. How is the ways of Instagram bot followers working in increasing advertising rates?
2. How is *fiqh al-muamalah* review against the utilization of Instagram bot followers?

C. Objective of Research

1. To describe how Instagram bot followers works in increasing advertising rates.
2. To analyze the law of utilizing Instagram bot followers in increasing advertising rates according to *fiqh al-muamalah*.

D. Significance of Research

1. Theoretical Significance

Through this research is expected to expand the horizons of scientific insights on how bot followers Instagram work in increasing advertising rates.

⁷Supplement to the State Gazette of the Republic of Indonesia number 5952 of Law Number 19 Year 2016 on Information and Electronic Transactions

2. Practical Significance

The result of this research is expected to be a reference for Muslims, particularly for online sellers who use Instagram as a promotional media for their merchandise, in terms of *fiqh al-muamalah* review against utilization of Instagram bot followers in increasing advertising rates.

E. Conceptual Definition

1. Bot Followers

Social media followers who do not perform activities such as uploading images or replying comments with other users, so it only serves as a followers enhancer in social media. Bot followers are virtual accounts or robotic accounts that have no real users and are run by a computer program, often called fake followers or passive followers.⁸

2. Online Sale and Purchase

Sale and purchase activity which conducted online, through computer or other electronic communication devices connected to internet network. This kind sale and purchase activity can be done whenever and wherever we are without promoting goods through physical shop or stall.⁹

⁸@ivandipa, *Twitter is Money*, (Pub.I; Jakarta: Mediakita, 2013), p. 40-41; Itasika, "Apa itu Followers Bot atau Pasif di Instagram?", <http://alivmedia.com/apa-itu-followers-bot-atau-pasif-di-Instagram/>, accessed 3 November 2016

⁹Duwi Priyatno, *Panduan Mudah Bisnis Online*, (Pub.II; Yogyakarta: MediaKom, 2010), p. 9-10

3. Instagram

A kind of social media platform for photo or short video sharing that lets users take photos or short videos, use filters or digital effects, and share them through various social networking services, such as facebook, twitter, tumblr, etc.¹⁰

4. *Fiqh al-Muamalah*

One of the areas of Islamic jurisprudence that specifically addresses the legal issues that govern various aspects of human life, both personal life, community, and human relationships with the creator. More specifically, muamalah jurisprudence is a regulation concerning human rights and their relationship with each other related to the mastery of objects, consumption, and distribution.¹¹

F. Research Method

1. Type of Research

Type of research is used in this research is normative legal research. According to Peter Mahmud Marzuki, legal research aims to discover the coherence truth, i.e. is there any rule of law that appropriate to legal norms and any norms as a command or prohibition is appropriate to the principle of law, and whether the person's action is appropriate to legal norms or legal principles.¹²

¹⁰ "Instagram", <https://id.wikipedia.org/wiki/Instagram>, accessed 12 March 2017

¹¹ M. Yazid Afandi, *Fiqh Muamalah*, p. 2

¹² Peter Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi*, (Pub.VII; Jakarta:Kencana, 2011), p.

According to those explanations, this research aims to analyze Islamic regulation against the utilization of Instagram bot followers in increasing advertising rates is already according to Islamic law or not, the law in this research specifically means *fiqh al-muamalah*.

2. Research Approach

Research approach is used in this research is statute approach and conceptual approach. Statue approach is an approach which reviewing laws and regulations relating to legal issues which is being researched.¹³ Meanwhile conceptual approach is an approach by building a concept which is used as a reference for the research. The concept is built departs from the views and doctrines in legal studies.¹⁴

As in this research the law which is used as the basis in review is Law Number 19 of 2016 about Electronic Information and Transaction. Meanwhile the issues that will be examined in this research is the *fiqh al-muamalah* perspective against utilization of Instagram bot followers in increasing advertising rates, so the concept is used in this research is based on Imam Ibnu Hajar al-Asqalani thoughts on sale and purchase of *najasy* as written on *Fath al-Baari*.

3. Type of Data

In normative legal research, the type of data is used is secondary data which consist of primary legal material as the main source of the research, secondary legal material as supporting data in the research, and

¹³Tim Penyusun Pedoman Penulisan Karya Ilmiah Fakultas Syariah UIN Maulana Malik Ibrahim Malang, *Pedoman Penulisan Karya Ilmiah 2012*, p. 20-21

¹⁴Peter Mahmud Marzuki, *Penelitian Hukum*, p.177

tertiary legal material as supplementary data in the research. The primary legal material consist of Al-Qur'an, hadith, imam madhab books, legislation, official records or minutes in legislation, and jurisprudence. While secondary legal material includes books which explain the interpretation of legislation or verse of Al-Qur'an, legal journals, and comments on the court decision. Then the tertiary legal materials include dictionaries and encyclopedias.¹⁵

The legal material is used in this research as follows:

1. Primary legal research, viz.: the verses of Al-Qur'an, hadits, and fiqh books of imam madhab and contemporary scholars which explain about sale and purchase in Islam.
2. Secondary legal research, viz.: books, theses, research, journals, or articles which discuss about sale and purchase in Islam.
3. Tertiary legal material, viz.: dictionaries to translate foreign terms in Arabic or English to Indonesian.

4. Legal Material Collecting Method

Legal material collecting method is used in this research is documentation method, viz. the method is conducted though written material such as books, articles, journals, research, etc. using content

¹⁵Peter Mahmud Marzuki, *Penelitian Hukum*, p. 181; Tim Penyusun Pedoman Penulisan Karya Ilmiah Fakultas Syariah UIN Maulana Malik Ibrahim Malang, *Pedoman Penulisan*, p. 22

analysis.¹⁶ This research uses documentation method because it is a normative legal research.

The steps in collecting data, viz. collecting materials which includes in primary legal material such as verses of Al-Qu'ran, hadits, and Islamic regulation about sale and purchase contained in fiqh books, both classical and contemporary. Then, collecting materials which includes in secondary and tertiary legal material, such as books, articles, journals which related to sale and purchase, specifically online sale and purchase, also dictionaries to translate or to interpret foreign sentences in Arabic or English to Indonesian, vice versa.

5. Legal Material Analysis Method

The first step in processing data that has been collected is editing, i.e. re-examine the legal materials have been collected, especially its clarity and relevance with the other data and research conducted. The next step is classifying, i.e. classifying the legal materials into primary legal material, secondary legal material, or tertiary legal material. Then, after classifying the legal materials into those three categories, is analyzing its content. The last step is concluding, i.e. concluding the analysis of legal materials that have been classified.

¹⁶Soerjono Soekanto, *Pengantar Penelitian Hukum*, (Pub.III; Jakarta: UI-Press, 1986), p. 21

G. Previous Research

1. **Muhammad Haris Anwar. 2016. *Islamic Law Perspective On Pay Per Download (PPD) System in Business Online*. Sharia Faculty. UIN Maulana Malik Ibrahim Malang**

This research is a normative legal research with conceptual approach that discussed about Pay Per Download (PPD) system in online transaction. There are two main point are examined in this research, first is describing about PPD mechanism between the site which provides PPD system and the people who upload the download materials, viz. uploader. Second, is about Islamic law review on Pay Per Download practice.

The result of this research are, first is the mechanism between the site which provides PPD system and uploader is as follows, the uploader sign up in PPD site and following steps that have been determined by the site. Second, is the Islamic law reviews against PPD practice which is PPD doesn't violate Islamic law because the principle in its contract is fulfilled. Besides the willingness principle is fulfilled between uploader and site provider because in the beginning of the contract the uploader agreed with site's Terms Of Service (TOS). Although it has fulfilled the principle of contract and principle of willingness, there is other aspect on PPD system which violates Islamic law, viz. the uploader doesn't have freedom in determining preconditions

for site provider in the beginning of contract because the uploader only can accept the requirements from site provider.

Similarity between the research conducted by Muhammad Haris Anwar and researcher's are both of research discusses about Islamic review against an online business transaction, but the researcher's is more specific discussing to the *fiqh al-muamalah* review. Then, the object of research in Muhammad Haris Anwar's research is Pay Per Download in online business transaction, while the researcher's object of research is bot followers which used in online sale and purchase transaction via Instagram to attract customer and to increase advertising rates.

2. **Fatkhul Lana Masruroh. 2016. *Perjanjian Paid To Review antara Broker, Publisher, dan Advertiser Tinjauan Hukum Perdata dan Hukum Islam (Studi di CV. Indonesia-Online Malang)*. Sharia Faculty. UIN Maulana Malik Ibrahim Malang**

This research is an empirical legal research discusses about civil law and Islamic law review against Paid To Review (PTR) agreement by taking legal material in CV. Indonesia-Online Malang. The result of this research are three points, first there are two systems in PTR agreement on CV. Indonesia-Online Malang which are direct and indirect order. Second, indirect PTR agreement is appropriate to civil law because fulfilled all agreement requirements according to article 1320 Civil Code, while the direct system order doesn't appropriate to civil law because it

doesn't meet one of the agreement requirements. Third, based on Wahbah Zuhaily's opinion, PTR in Islamic law perspective includes in *ijarah al-amal* contract. When examined from the principle and requirement of agreement, PTR is appropriate to Islamic law because It meets all the principle and requirements of *ijarah*.

The difference between research conducted by Fatkhul Lana Masruroh and researcher is spotted on the research object, viz. the research object of Fatkhul Lana Masruroh's research is Paid To Review agreement in terms of civil law and Islamic law perspective. While the researcher's research object is utilization of bot followers in sale and purchase transaction via Instagram to attract customer and to increase advertising rates reviewed from *fiqh al-muamalah* perspective.

- 3. M. Sukma Ridlo Pamungkas. 2015. Pay Per Click (PPC) Tinjauan Kompilasi Hukum Ekonomi Syariah (KHES). Sharia Faculty. UIN Maulana Malik Ibrahim Malang**

This research is normative legal research with the conceptual and statute approach which discusses about Sharia Economic Law Compilation (KHES) against Pay Per Click (PPC) transaction. PPC is an advertising business in blogs or websites with the commission revenue model calculated by every click. This research result is this advertising business doesn't violate KHES regulation because it meets requirements in article 318 paragraph (1) and (2).

The research conducted by M. Sukma Ridlo Pamungkas and researcher have a similarity, both of the research examine Islamic law perspective against an online business transaction. But M. Ridlo Sukma Pamungkas uses KHES to analyze the law of PPC online transaction, whereas the researcher's uses *fiqh al-muamalah*, which is more general than KHES, to analyze an online business transaction.

4. **Moh. Afifuddin Zuhri. 2013. *Tinjauan Hukum Islam terhadap Jual Beli Followers Twitter*. Undergraduate Thesis. Sharia Faculty. IAIN Sunan Ampel**

This research is a empirical legal research, discusses about Islamic law review against sale and purchase practice of twitter followers. Te research result is sale and purchase of twitter followers is appropriate to Islamic law because it meets the requirements, principle, the procedure of handover the product or goods, and the payment method in sale and purchase transaction in Islam. However, when seen from the impact caused by the practice of sale and purchase transaction of twitter followers, it is inappropriate to the *muamalah* principle.

The research conducted by Moh. Affifuddin Zuhri has similarity with the researcher's, viz. the research object is social media followers. However Moh. Afifudin Zuhri's research specifically discusses about sale and purchase transaction of social media followers, particularly twitter, but in the researcher's discusses about utilization of bot followers in online sale and purchase transaction via Instagram to attract customer

and to increase advertising rates reviewed by *Fiqh al-muamalah* perspective.

5. **Mufida Herdani. 2014. *Jual Beli Followers Sosial Media Twitter Dalam Perspektif Hukum Islam*. Undergraduate Thesis. Sharia Faculty. UIN Sunan Kalijaga**

This research discusses about Islamic law perspective against sale and purchase transaction of twitter followers. The result of this research is sale and purchase transaction of twitter followers included into *bai' al-salaam* because of the goods, i.e. twitter followers, is delivered few days later after the payment. Then the legal implication of this sale and purchase transaction is *fasid* or broken because it contains speculation which affect some risks and damage to user's account.

The similarity this research with the researcher's is on the object of research, viz. social media followers. But this research discusses about sale and purchase transaction of social media followers reviewed from Islamic law perspective, viz. the analysis about the validity of the contract and its legal implication, while the researcher's discusses about legal implication of of bot followers in online sale and purchase transaction via Instagram to attract customer and to increase advertising rates reviewed by *fiqh al-muamalah* perspective.

Table 1.1. Previous Research

No	Researcher Identity	Research Title	Similarity	Difference
1	Muhammad Haris Anwar, Undergraduate Thesis, 2016, Sharia faculty, UIN Maulana Malik Ibrahim Malang	<i>Islamic Law Perspective On Pay Per Download (PPD) System in Business Online</i>	Islamic law analysis against online business transaction	<ol style="list-style-type: none"> Specifically the analysis is based on <i>Fiqh al-muamalah</i> perspective The object of research is bot followers in Instagram
2	Fatkul Lana Masruroh, Skrispsi, 2016, Undergraduate Thesis, UIN Maulana Malik Ibrahim Malang	Perjanjian <i>Paid To Review</i> antara <i>Broker, Publisher, dan Advertiser</i> Tinjauan Hukum Perdata dan Hukum Islam (Studi di CV. Indonesia-Online Malang)	Islamic law analysis against online business transaction	<ol style="list-style-type: none"> Specifically the analysis is based on <i>Fiqh al-muamalah</i> perspective The object of research is bot followers in Instagram
3	M. Sukma Ridlo Pamungkas, Undergraduate Thesis, 2015, Shariah Faculty, UIN Maulana Malik Ibrahim Malang	<i>Pay Per Click (PPC)</i> Tinjauan Kompilasi Hukum Ekonomi Syariah (KHES)	Islamic law analysis against online business transaction	<ol style="list-style-type: none"> Generally the analysis is based on <i>Fiqh al-muamalah</i> perspective The object of research is bot followers in Instagram

1	2	3	4	5
4	Moh. Afifuddin Zuhri, Undergraduate Thesis, 2013, Sharia Faculty, IAIN Sunan Ampel	Tinjauan Hukum Islam terhadap Jual Beli <i>Followers</i> <i>Twitter</i>	The object of research is social media followers	<ol style="list-style-type: none"> Specifically the followers is bot followers in Instagram Legal implication against utilization of bot followers as online business strategy
5	Mufida Herdani, Undergraduate Thesis, 2014, Sharia Faculty, UIN Sunan Kalijaga	Jual Beli <i>Followers</i> Sosial Media Twitter Dalam Perspektif Hukum Islam	The object of research is social media followers	<ol style="list-style-type: none"> Specifically the followers is bot followers in Instagram Legal implication against utilization of bot followers as online business strategy

From the table above it is concluded that, research number 1, 2, and 3 have relevance with this research, that is about analysis of an online business transaction according to Islamic law. Then, research numbers 4 and 5 have similarities with this research in terms of object research, i.e. social media followers. Despite having the same research object with the two previous studies, but the study is different because in both previous studies discussed about the sale and purchase of social media followers and its provisions in Islamic law, while in this study reviewed the utilization of bot followers in online business and its provisions in Islamic, especially the *fiqh al-muamalah*.

H. Discussion Structure

The research will be written in the structure below:

Chapter I: Introduction

This chapter included description about background of problems, statement of problem, objective of research, significance of research, conceptual definition, research method, previous research, and discussion structure.

Chapter II: Review of Related Literature

This chapter is explaining about literatures which related to this research, such as sale and purchase in Islam which includes terms and principles of sale and purchase, also the forbidden sale and purchase in Islam. Then, in another point of discussion is describing about *bai' al-najsyi*, the definition of online sale and purchase and its regulation in *fiqh al-muamalah*.

Chapter III: Findings and Discussion

This chapter discussing about the answers from the statement of problem, so it will be written in two main points. First, describing way of Instagram bot followers working in increasing advertising rates. Second, is the analysis about the utilization of Instagram bot followers in increasing advertising rates according to *fiqh al-muamalah*.

Chapter IV: Conclusions and Suggestions

This chapter is included conclusions from the findings and discussion that found in chapter three. Then from those conclusions will get the suggestions.



CHAPTER II

REVIEW OF RELATED LITERATURE

A. Sale and Purchase in Islam

1. Definition

Sale and purchase in Arabic is called *al-bai'* (البيع). In the *Kifayah al-Akhyar* described the meaning of *al-bai'* in terms of etymology is:

إعطاء شيء في مقابلة شيء¹⁷

“Giving something to exchange for something.”

According to al-Sayyid Sabiq, the meaning of *al-bai'* in terms of etymology is (المبادلة) which means exchange. Then M. Yazid Affandi

¹⁷Taqiyyudidin Abi Bakr Muhammad al-Hushniy al-Husainiy al-Dimasyqiyy, *Kifaayah al-Akhyaar fii Halli Ghaayah al-Ikhtishaar: fii al-Fiqh al-Syaafi'iy*, (Pub. IX; Damaskus: Daar al-Basyaa'ir, 2001), p. 279

mentions that *al-bai'* means selling, replacing, and exchanging something with something else.¹⁸ So based on these two meanings, it can be concluded that the meaning of *al-bai'* etymologically is to replace or exchange something with something else

The term *al-bai'* corresponds to the term which is his opponent word, i.e. *al-syiraa'* (الشراء) which means to buy or to purchase. So aside from being interpreted as selling, *al-bai'* can also be interpreted as buying and selling or sale and purchase.¹⁹

While in terms of terminology, there are some notions for *al-bai'* or sale and purchase, namely as follows:

- a. In the book of Kifayah al-Akhyar, sale and purchase is defined as:

مقابلة مال بمال قابلين للتصرف بإيجاب وقبول على الوجه المأذون

فيه²⁰

“The exchange of property with the property that is used to transact using the *ijab* and *qabuul* in justified ways.”

¹⁸al-Sayyid Sabiq, *Fiqh al-Sunnah*, Juz III (Beirut: al-Maktabah al-Ashriyyah, 2015), p. 92; M. Yazid Afandi, *Fiqh Muamalah*, p. 53

¹⁹M. Yazid Afandi, *Fiqh Muamalah*, p. 53; al-Sayyid Sabiq, *Fiqh al-Sunnah*, p. 92; Muhammad Taufiiq Ramadhaan, *al-Buyuu' al-Syaai'ah wa Atsara Dhawaabith al-Mabii' 'alaa Syar'iyatihaa*, (Damaskus: Dar Al-Fikr, 1998), p. 22

²⁰Taqiyyudidin al-Dimasyqiy, *Kifaayah al-Akhyar*, p. 279

- b. According to al-Sayyid Sabiq, sale and purchase is defined as:

مبادلة مال بمال على سبيل التراضي أو نقل ملك بعوض على

الوجه المأذون فيه²¹

“The exchange of property with property on the basis of willingness or handover an ownership by an equal replacement in justified ways”

- c. According to Muhammad Arifin bin Badri, sale and purchase is defined as the process of exchanging property, benefits, or services that are lawfully exchanged for equal things for an indefinite period, in justified ways.²²
- d. According to the Hanafi scholars, there are two notions of *al-bai'*. The first opinion, *al-bai'* is defined as mutual exchange of property in a certain way. The second opinion defines *al-bai'* as the exchange of something desired with something equivalent through a certain useful way.²³
- e. According to Maliki scholars, Syafi'i scholars, and Hanbali scholars, *al-bai'* defined as exchanging property with

²¹al-Sayyid Sabiq, *Fiqh al-Sunnah*, p. 92-93

²²Muhammad Arifin bin Badri, *Sifat Perniagaan Nabi SAW*, (Bogor: Pustaka Darul Ilmi, 2008), p. 52

²³M. Yazid Afandi, *Fiqh Muamalah*, p. 53

property in the form of transfer the ownership and possession.²⁴

Based on some definitions above, there are some similarities to each definition of *al-bai'*, ie the exchange of property, benefits, or services, transfer of ownership, equal things or equal replacement, and in justified ways. So from these equations it can be concluded that the definition of *al-bai'* or sale and purchase is the exchange of property, goods, services, or benefits made on the basis of a willingness with a similar or equivalent replacement through an *ijab* and *qabuul* in a certain ways justified by the Islamic Law.

2. Legal Basis

The legal basis of sale and purchase is contained in the al-Qur'an, Al-Sunnah, and Ijma'. As for some texts of Al-Qur'an and Al-Sunnah which mentioned the lawfulness of sale and purchase, as follows:

a. QS. Al-Baqarah: 275

وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا²⁵

“But Allah has permitted trade and has forbidden interest”

b. QS. Al-Baqarah: 198

²⁴M. Yazid Afandi, *Fiqh Muamalah*, p. 53

²⁵QS. Al-Baqarah (2): 275

لَيْسَ عَلَيْكُمْ جُنَاحٌ أَنْ تَبْتَغُوا فَضْلًا مِنْ رَبِّكُمْ فَإِذَا أَفَضْتُمْ مِنْ عَرَفَاتٍ فَاذْكُرُوا

اللَّهِ عِنْدَ الْمَشْعَرِ الْحَرَامِ وَاذْكُرُواهُ كَمَا هَدَاكُمْ وَإِنْ كُنْتُمْ مِنْ قَبْلِهِ لَمِنَ الضَّالِّينَ²⁶

“There is no blame upon you for seeking bounty from your Lord (during Hajj). But when you depart from ‘Arafat, remember Allah at al-Mash’ar al-Haram. And remember Him, as He has guided you, for indeed, you were before that among those astray.”

c. QS. Al-Nisaa’: 29

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ

تَرَاضٍ مِنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا²⁷

“O you who have believed, do not consume one another’s wealth unjustly but only (in lawful) business by mutual consent. And do not kill yourselves (or one another). Indeed, Allah is to you ever Merciful.”

d. Hadits Rafi’ ibn Khadij

عن رافع بن خديج قال: قيل يا رسول الله! أي الكسب أطيب؟ قال: عمل

الرجل بيده وكل بيع مرور

²⁶QS. Al-Baqarah (2): 198

²⁷QS. Al-Nisaa’ (4): 29

“From Rafi’ ibn Khadij he said: It is said (to Rasulullah PBUH), “O Messenger of Allah! Which income is the best?” He replied, “The work of someone with his own hands, and every trade is good.”²⁸

3. Principles and Terms of Sale and Purchase

Principles are the elements that cause validity and binding of the contract. So if the principles are not fulfilled, then cause the contract or transaction is not legitimate and doesn’t have the power to bind the two sides.²⁹ There are differences of opinion among *fiqh* scholars related to the principles that must be fulfilled in the sale and purchase transactions, as follows:

- a. According to the Hanafiyah scholars the principle on sale and purchase is only one, i.e. the *ijab* and *qabuul*. So if there has been an *ijab* and *qabuul*, then the sale is considered legally valid by Islamic Law. This is also stated by al-Sayyid Sabiq in *Fiqh al-Sunnah*. But according to him, this doesn’t apply to inexpensive goods or merchandise, so for inexpensive goods and merchandise the sale and purchase is considered legally valid only by handover the goods and currency between the seller and the buyer.³⁰

²⁸(HR. Ahmad, al-Thabrani, Al-Hakim, *tashiih* by Syaikh al-Albani)

²⁹M. Yazid Afandi, *Fiqh Muamalah*, p.57

³⁰M. Yazid Afandi, *Fiqh Muamalah*, p.57; al-Sayyid Sabiq, *Fiqh Sunnah*, p. 93

- b. In the book of *Kifaayah al-Akhyaar* stated there are three principles on sale and purchase transaction, i.e. *al-aaqid* (العاقِد) or the subject of contract (seller and buyer), *al-shiighah* (الصيغة) or *ijab* and *qabuul* enunciation, and *al-ma'quud 'alaih* (المعقود عليه) or object of transaction.³¹
- c. According to *jumhuur al-'ulama*, there are four principles on sale and purchase transaction, i.e. subject of contract (seller and buyer), *al-shiighah* (*ijab* and *qabuul* enunciation), merchandise or object of transaction, and exchange value of object.³²

Based on the explanation above, it can be concluded that there is one equation on the opinions of the *fiqh* scholars related to the principles that must be fulfilled in sale and purchase transaction, i.e. *ijab* and *qabuul*. As for other principles, exclude *ijab* and *qabuul*, i.e. subject of contract, objects, and the exchange value of object, is principles are derived from differences of opinion among the *fiqh* scholars.

After fulfilling all the principles, sale and purchase is considered legally valid if it meets certain conditions. These specific conditions relate to the subject of contract, the object of the contract, and the *ijab*

³¹Taqiyyudidin al-Dimasyqiy, *Kifaayah al-Akhyaar*, p. 279

³²M. Yazid Afandi, *Fiqh Muamalah*, p.57

and *qabuul* enunciation.³³ The terms of sale and purchase are explained in detail in the following discussion:

a. Subject of Contract (*al-Aaqid*)

People who are allowed to do a sale and purchase contract, both sellers and buyers, must meet the following criteria, they are:

1) Independent

Independent person is a person who is not in the power of others, like a slave. So if a slave trading contract, then the contract is not legally valid unless he has got his master's permission. This is so because a slave has no possessions and all the wealth that is in him belongs to his master.³⁴

2) Capacity of The Subject of Contract

What is meant by the capacity of the subject of contract is a person who perform the sale and purchase transaction, both sellers and buyers, must be someone who has reached *baligh*, *mumayyiz*, and *intelligent*. So the sale and purchase transaction that is done by drunken people and crazy people is considered invalid legally, while sale and purchase transaction is done by a child who has not *mumayyiz* considered valid legally

³³M. Yazid Afandi, *Fiqh Muamalah*, p.57-59

³⁴Muhammad Arifin bin Badri, *Sifat Perniagaan*, p. 127

if he has received permission from his guardian. Then al-Sayyid Sabiq explains in *Fiqh al-Sunnah*, that the sale and purchase transaction done by a crazy person who relapsed, that is sometimes he is crazy and sometimes he recovered from his craziness, is considered valid if the contract is done in the state he recovered from his craziness.³⁵

3) *Rashid*

Rashid is a man who is able to spend his wealth well, so he spends his wealth in the things that are useful and halal things.³⁶ Then the one who can't spend his wealth well is called *safih*, as mentioned in the following Qur'anic verse:

وَلَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ الَّتِي جَعَلَ اللَّهُ لَهُ قِيَامًا وَارْزُقُوهُمْ

فِيهَا وَاکْسُوهُمْ وَقُولُوا لَهُمْ قَوْلًا مَعْرُوفًا³⁷

“And do not give the weak-minded your property, which Allah has made a means of sustenance for you,

³⁵M. Yazid Afandi, *Fiqh Muamalah*, p. 58; Taqiyyudidin al-Dimasyqiy, *Kifaayah al-Akhyaar*, p. 279; al-Sayyid Sabiq, *Fiqh al-Sunnah*, p. 95; Muhammad Arifin bin Badri, *Sifat Perniagaan*, p. 127-128

³⁶Muhammad Arifin bin Badri, *Sifat Perniagaan*, p. 129

³⁷QS. Al-Nisaa' (4): 5

but provide for them with it and clothe them and speak to them words of appropriate kindness.”³⁸

4) On the Basis of Willingness

Both parties who do the contract must be equally willing to make a contract of his own will without any coercion from other parties. So that if one or both parties are forced to make a contract without any justified reason, then the contract is not legitimate. As for the justified reasons for forcing someone to make a sale and purchase contract such as a person forced to sell a house with a cause for expanding roads, mosques, or graves. In other cases, if a person is forced to sell his goods to pay off his debts or to provide for his family, then both the sale and purchase are considered valid by Islamic law.³⁹

b. Object of Sale and Purchase Contract

The object of sale and purchase contract must meet the following six conditions, which are:

- 1) The goods must be refinement.⁴⁰
- 2) The goods in the form of useful goods.⁴¹

³⁸In the translation of the al-Qur’an that has been *tashiih* by the Ministry of Religious Affairs of the Republic of Indonesia, explained that *safih* or people who have not perfect the mind is orphans who have not *baligh* (adults) or adults who can not manage their property.

³⁹Muhammad Arifin bin Badri, *Sifat Perniagaan*, p. 123-125; al-Sayyid Sabiq, *Fiqh al-Sunnah*, p. 104-105; Taqiyyudidin al-Dimasyqiy, *Kifaayah al-Akhyaar*, p. 279

⁴⁰al-Sayyid Sabiq, *Fiqh al-Sunnah*, p.95

- 3) Items belong to the subject of the contract or the person who transacted the goods shall be the person who has been given permission by the owner of the goods. So that the sale and purchase of goods that do not belong to *'aaqid* and without the knowledge and permission of the owner, then this sale and purchase contract is called *bai' al-fudhuuliy*. The *bai' al-fudhuuliy* is considered as valid transaction if the person who transacts has received permission from the owner or guardian of the goods, but if the owner or guardian doesn't allow the sale and purchase is considered void.⁴²
- 4) Goods traded can be handed over, so if the goods are traded can not be submitted, then the trade is not legitimate. For the example, the sale of fish that are still in the ocean.⁴³
- 5) The goods traded shall be known in terms of price, characteristics, and specifications in general.⁴⁴
- 6) The goods traded must be shown when transacted.⁴⁵

⁴¹al-Sayyid Sabiq, *Fiqh al-Sunnah*, p. 96-97

⁴²al-Sayyid Sabiq, *Fiqh al-Sunnah*, p. 97

⁴³al-Sayyid Sabiq, *Fiqh al-Sunnah*, p. 99

⁴⁴al-Sayyid Sabiq, *Fiqh al-Sunnah*, p. 100

⁴⁵al-Sayyid Sabiq, *Fiqh al-Sunnah*, p. 101

c. *Shiighah al-'Aqd (Ijaab and Qabuul Enunciation)*

Shiighah al-'Aqd consist of *ijaab* and *qabuul*. As for the meaning of the *ijaab* is the enunciation spoken by the seller, while the *qabuul* is the enunciation spoken by the buyer.⁴⁶

There are several provisions that must be fulfilled related to the *ijaab* and *qabuul*, ie:⁴⁷

- 1) *Ijaab* and *qabuul* should be spoken continuously in the forum without any interlude between the *ijaab* and the *qabuul*.
- 2) Enunciation of *qabuul* should be the same and as it is pronounced in the *ijaab*. Suppose the seller said, "I sell this clothes by one hundred thousand", then the buyer should answer, "I bought the clothes by one hundred thousand". If the name of the goods and the price pronounced in *qabuul* is different from the *ijaab*, then the sale and purchase transaction is considered not valid.
- 3) Not linking to a requirement or timing.⁴⁸

⁴⁶Muhammad Arifin bin Badri, *Sifat Perniagaan*, p. 119

⁴⁷Muhammad Rizqi Romdhon, *Jual Beli Online Menurut Madzhab Asy-Syafi'i*, (Pub.I; Tasikmalaya: Pustaka Cipasung, 2015), p. 46; al-Sayyid Sabiq, *Fiqh al-Sunnah*, p. 94.

⁴⁸In the book of *Fiqh al-Sunnah* the third requirement of *shiighah al-'aqd* is the enunciation of *ijaab* and *qabuul* may be pronounced in the past verb (*fi'l al-maadhiy*) or the present verb (*fi'l al-mudhaari*).

4. Prohibited Sale and Purchase

1) *Najasy* Sale and Purchase (بيع النجش)

Najasy etymologically means *al-itsarah*, i.e. to arouse. Then *najasy* in the term of terminology is someone bargain the price of an item, but he doesn't intend to buy the goods, because his bid to bargain the price of goods only want to raise the price of goods in order to increase profits for the seller.⁴⁹ While al-Hafidz Ibn Hajar al-Athqalany gives a different understanding of the sale and purchase of *najasy*, that is the sale and purchase of *najasy* is to increase the supply of an item, which is done by people who do not want to buy it with the aim that others interested to buy it.⁵⁰

So from the two terms related to the sale and purchase of the *najasy*, it can be concluded that the sale and purchase of *najasy* is the seller raising the price of an item by using a person or group of people to pretend to bargain at high prices, in order to increase the price of the goods and to attract other people to buy it with higher price than a mock offer.

Sale and purchase of *najasy* is included into the category of prohibited sale and purchase in Islam because the sale contains the element of deception and dhalim, which is detrimental to the buyer.

⁴⁹Muhsin Hariyanto, "Bai' (Jual Beli) Najasy", <http://muhsinhar.staff.umy.ac.id/bai-jual-beli-najasy/>, accessed 12 March 2017

⁵⁰Muhammad Arifin bin Badri, *Sifat Perniagaan*, p. 266

The law of *najasy* sale and purchase are listed in the following Hadith:

عن نافع عن ابن عمر رضي الله عنهما قال: (نهى رسول الله صلى

الله عليه وسلم عن النجش)⁵¹

“From Nafi’, from ibnu Umar RA, he said, “Rasulullah PBUH prohibit (sale and purchase) *najasy*.”

Explanation and law *istinbath* of the hadith, is as follows:⁵²

a) In this case al-Tirmidhi said in his Sunan, “This hadith is prevailing among scholars, they stated *makruh* to the practice of *najasy* in sale and purchase transaction.” In the opinion of al-Hafiz Ibn Hajar, in this case the *makruh* is referred to *makruh tahrim*, which is approaching haram. According to Imam al-Shafi’i, that the person who commits *najasy* has sinned, but the sale and purchase done remains valid.⁵³

b) In practice of *najasy* there are two subjects, i.e. seller and *najasy* perpetrators (الناجش).

⁵¹Imam Abi ‘Abdullah Muhammad Ibn Isma’il al-Bukhari, *Shahih al-Bukhari*, (Pub.I; Beirut: Daar Ibn Katsiir, 2002), p. 515; Hadith Number: 2142

⁵²Maman Firmansyah, *Hadis-Hadis tentang Praktik-Praktik yang Terlarang dalam Jual Beli*, Undergradute Thesis (Jakarta: UIN Syarif Hidayatullah, 2011), p. 48-49

⁵³Muhammad Nashiruddin al-Albani, *Shahih Sunan Tirmidzi*, trans. Fachrurazi, (Pub. I; Jakarta: Pustaka Azzam, 2006), p. 76; Ibnu Hajar al-Asqalani, *Fathul Baari: Penjelasan Kitab Shahih Al-Bukhari*, trans. Amiruddin, Book 12, (Pub. I; Jakarta: Pustaka Azzam, 2005), p. 212

c) The seller who cooperates with the *najasy* perpetrators and gives a percentage of profit sharing from the profit earned from the sale and purchase of *najasy*, then both are sinners for having consumed usury and committed fraud and betrayal.⁵⁴ As narrated by ibn Abi Aufa that:

الناجش آكل ربا خائن⁵⁵

“The perpetrator of *najasy* is consuming of usury and a traitor”

d) If the sale and purchase of *najasy* done without the knowledge of the seller, then the sin is borne alone by the perpetrators of *najasy*. However, it is sometimes only the sellers who bear the sin, just as if the seller said that he has purchased the item at a price that is more expensive than the existing sale price with the intention of deceiving others.⁵⁶

e) The form of *najasy* practice is as follows, someone who has been assigned to bid goods to the seller then bid the item at a price higher than the usual. It was done in front of the buyer with the aim of deceiving the buyer. While he himself did not intend to buy it, but the goal solely

⁵⁴Ibnu Hajar al-Asqalani, *Fathul Baari*, trans. Amiruddin, p. 214

⁵⁵Imam Abi ‘Abdullah Muhammad Ibn Isma’il al-Bukhari, *Shahih al-Bukhari*, p. 653; Hadith Number: 2675

⁵⁶Ibnu Hajar al-Asqalani, *Fathul Baari*, trans. Amiruddin, p. 212

wants to deceive the buyer with the offer. This includes a form of fraud.⁵⁷

It can be concluded from some legal istinbath above, that the principle of sale and purchase of *najasy* is a false bid to increase the price of goods. The practice of *najasy* is as follows: a person or a group of people who has been assigned as a fake bidder to the seller and then bargains the item at a price higher than the usual. This is done in the presence of the buyer, whereas he doesn't intend to buy it, but his goal merely wants to trick buyers into purchasing the item for a higher or higher price. These include fraudulent forms, and are therefore referred to as forbidden trading practices and both perpetrators, i.e. seller and fraudsters, are equally sinful.

B. Online Business

Online business is consisted of two words: business and online. The meaning of the word business is a business or commercial business, activity of buying and selling, and commerce or trade.⁵⁸ While online means *controlled by or connected to a computer or to the internet*.⁵⁹ So from the these two words, the definition of online business is literally a business that is done through a computer which connected to the internet.

Definition of online business in terminology is a business that uses the internet as a marketing media of a product or service.

⁵⁷Ibnu Hajar al-Asqalani, *Fathul Baari*, trans. Amiruddin, p. 212-216

⁵⁸Pusat Bahasa Departemen Pendidikan Nasional, *Kamus Bahasa Indonesia*, (Jakarta: Pusat Bahasa, 2008), p. 209; Victoria Bull, ed., *Oxford Learner's Pocket Dictionary: Fourth Edition*, (Oxford: Oxford University Press, 2008), p. 55

⁵⁹Victoria Bull, ed., *Oxford*, p. 305

C. Instagram

1. History

Instagram is a mobile, desktop, and internet-based photo sharing application and service that allows users to share pictures and videos either publicly or privately, and allows users to share it onto another social media platform, such as Facebook, Twitter, Tumblr, and Flickr. This application was originally developed in San Francisco by Kevin Systrom and Mike Krieger. It was launched in October 2010 as a free mobile application specifically for iOS devices. In April 2012 Instagram, officially launched on android devices.⁶⁰

2. Definition

Etymologically, Instagram consists of two words, i.e. insta and gram. The word insta is a fragment of the word instant camera, the analog polaroid camera that produces a direct image without going through the process of printing films. Then the word gram is a fragment of the word telegram, the media sender messages to others quickly. Based on those two concepts, i.e. instant camera and telegram, Instagram is an application that displays photos instantly and can be shared to others with a short time when connected to the internet network.⁶¹

⁶⁰T.p., "Instagram", <https://en.wikipedia.org/wiki/Instagram>; accessed 12 March 2017

⁶¹Siti Saniah, *Pengaruh Persepsi Endorse Selebritis terhadap Daya Tarik Iklan OSD (Oki Setiana Dewi) Online di Instagram pada Mahasiswi UIN Maliki Malang*, Undergraduate Thesis (Malang: UIN Maulana Malik Ibrahim, 2016), p. 29; t.p., "Instagram", <https://en.wikipedia.org/wiki/Instagram>, accessed 12 March 2017

3. Instagram Features

a. Followers

The social system on Instagram is to follow other user accounts or have Instagram followers. The function of followers is to establish communication between users and can give each other posts a “like” sign or replying comments on photos or videos that have been uploaded. In addition, followers and the number of likes are very influential in making the photo popular or not on Instagram.⁶²

b. Uploading Photos or Videos

The main use of Instagram is a media for photo and video sharing to other users worldwide. The photos and videos that will be uploaded on Instagram can be obtained through the device camera or photos and videos that stored in the album on the device.⁶³

c. Camera

Photos taken through the Instagram application can be stored in the users’s device. Although the photos which could be uploaded on Instagram are not limited to a certain amount, Instagram has size limitations for photos. The size used in Instagram is with a 3:2 ratio. Users can only upload photos with that format only, or should edit the photo first to customize the existing format. After the user selects a photo to upload in Instagram, the user will be taken to the next page to edit the photo.⁶⁴

⁶²T.p., “Instagram”, <https://id.wikipedia.org/wiki/Instagram>, accessed 12 March 2017

⁶³T.p., “Instagram”, <https://id.wikipedia.org/wiki/Instagram>, accessed 12 March 2017

⁶⁴T.p., “Instagram”, <https://id.wikipedia.org/wiki/Instagram>, accessed 12 March 2017

d. Photo and Video Editing

Before uploading photos or videos to Instagram, users can edit them using special effects provided by Instagram to make the photos or videos uploaded look more interesting. In addition to adding effects to photos or videos, users can also edit the scope of the focus area on an object using the tilt-shift feature.⁶⁵

e. Photo Title

Once the photo has been edited, the user can write a photo title to provide a short description of the photo they uploaded. In addition to writing photo descriptions, users can also tag other users by listing the username of the person tagged. Users can also label the photo titles to group the photos in a category.⁶⁶

f. At Sign

As well as Twitter and Facebook, Instagram also has features that can be used by users to mention other users by adding an at sign (@) and write someone's Instagram username. Users can not only mention other users in the photo title, but also in the photo comment section. Basically other user's intersection is meant to communicate with the user that has been mentioned.⁶⁷

g. Like

Instagram has a feature which other users can give a like on other users' posts that have been uploaded. In addition, the number of

⁶⁵T.p., "Instagram", <https://id.wikipedia.org/wiki/Instagram>, accessed 12 March 2017

⁶⁶T.p., "Instagram", <https://id.wikipedia.org/wiki/Instagram>, accessed 12 March 2017

⁶⁷T.p., "Instagram", <https://id.wikipedia.org/wiki/Instagram>, accessed 12 March 2017

likes that accumulate at any given time determines the popularity of uploaded photos or videos. Popular photos will automatically fit into popular pages or known as explore page, which allowing more people to view uploaded photos or videos.⁶⁸

h. Photo Tag

A photo tag in Instagram is a code that allows users to search for images by using keywords. When users use a tag on a photo, it can be found by other users by writing a keyword on the search bar. The photo tag itself can be used in any form of communication that is concerned with the photo itself. Users can enter their own name, where the image is taken, to promote an event, to indicate that the photo is joined in a competition, or to indicate that the photo was produced by a member of the Instagram community. Photos you have uploaded may be tagged as appropriate with the information in question with the photo. At this time, tags are the best way for users to promote photos in Instagram.⁶⁹

i. Geotagging

After writing the title of the photo, the next part is the geotagging. This section will appear when device users enable GPS within their own devices. Thus the device can detect where Instagram users are located. Geotagging itself is the identification of geographical metadata in websites or photos. With Geotagging, the

⁶⁸T.p., "Instagram", <https://id.wikipedia.org/wiki/Instagram>, accessed 12 March 2017

⁶⁹T.p., "Instagram", <https://id.wikipedia.org/wiki/Instagram>, accessed 12 March 2017

location where users take photos that have been uploaded can be detected.⁷⁰

j. Social Networking

In sharing photos, users can not only share photos that have been uploaded into Instagram only, but photos that have been uploaded can also be shared through other social media platforms, such as Facebook, Twitter, and Tumblr.⁷¹

k. Popular Page

Popular pages are pages that contain popular photos from around the world at that time. So when a photo entry into a popular page, then the photo can be seen by worldwide Instagram users. Photographs that are shown on popular pages only last for a certain period of time because other popular photos will pop and shift the popularity of the photo.⁷²

D. Followers

Followers in this case defined as people who follow someone's social networking accounts, especially Instagram. There are two types of followers on social networking platforms, they are:

1. Real Human Followers, i.e. followers who can perform online activities such as feeds updates, replying comments, and give a like to a photos or videos that have been uploaded by other users.

Real human followers accounts are operated by real users in the

⁷⁰T.p., "Instagram", <https://id.wikipedia.org/wiki/Instagram>, accessed 12 March 2017

⁷¹T.p., "Instagram", <https://id.wikipedia.org/wiki/Instagram>, accessed 12 March 2017

⁷²T.p., "Instagram", <https://id.wikipedia.org/wiki/Instagram>, accessed 12 March 2017

real world, both individual person who operates his own account or a group of people who responsible for managing a certain account, such as e-commerce account.⁷³

2. Real Looking Followers, i.e. social media followers who do not perform activities such as uploading images, giving likes to other users' posts, or replying comments with other users, so it only serves as a followers enhancer on social media. Bot followers are virtual accounts or robotic accounts that doesn't have real users and are run by a computer program, often called fake followers or passive followers.⁷⁴

⁷³@ivandipa, *Twitter is Money*, p. 41-42; Mop. Afifuddin Zuhri, *Tinjauan Hukum Islam terhadap Jual Beli Followers Twitter*, Undergraduate Thesis (Surabaya: IAIN Sunan Ampel, 2013), p. 47

⁷⁴@ivandipa, *Twitter is Money*, p. 40-41; Mop. Afifuddin Zuhri, *Tinjauan Hukum Islam*, p. 47; Itasika, "Apa itu Followers Bot atau Pasif di Instagram?", <http://alivmedia.com/apa-itu-followers-bot-atau-pasif-di-Instagram/>, accessed 3 November 2016



CHAPTER III

FINDINGS AND DISCUSSION

A. How Instagram Bot Followers Work in Increasing Advertising Rates

1. Definition of Instagram Bot Followers

Bot Followers is the name for social media account that doesn't have real users in the real world, so bot followers cannot do online activities like uploading content, giving like sign to uploaded content, replying comments with other users, or other interactions that usually done by the real user. In addition to not being able to perform various online activities and interact with other users, the bot followers account is

created and operated by a computer program, so it is often called fake followers or passive followers because bot followers only serve as an enhancer to the number of followers on a social media account. Bot followers can be found easily on various social media platforms, such as twitter, facebook, Instagram, etc., but in this study the notion of bot followers is devoted to passive followers found on Instagram. So the meaning of Instagram bot followers is a fake account or account created and run by a computer program that cannot perform online activities, such as uploading photos or short videos and do not interact with other users such as leave and reply to comments, as well as give a like sign and only serves as an enhancer to the number of followers of an account.

2. The Characteristics of Bot Followers

Basically, bot followers account have significant differences with accounts which created and operated by real users, referred to as real human followers, because bot followers don't do various online activities and not interacting with other users. The characteristics that can be considered to distinguish between real human followers with bot followers on Instagram as follows:

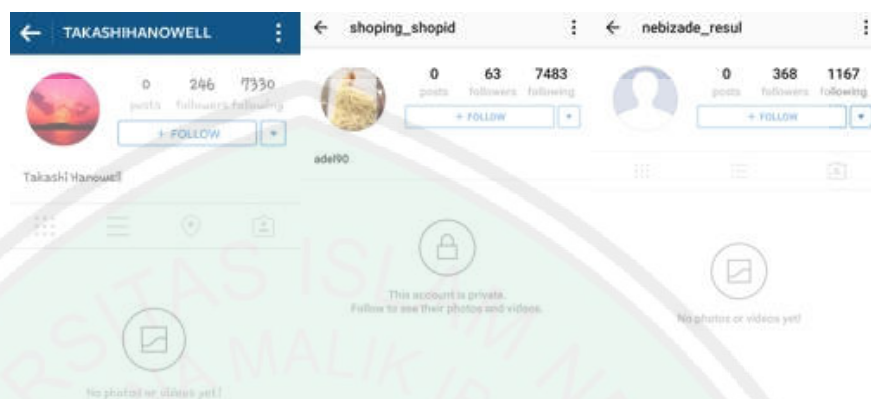
- a. On bot followers, the number of following⁷⁵ more than the number of followers. For example, the number of following of a bot account reaches a number of thousands or tens of

⁷⁵Following is the term on Instagram which is the opposite word of followers. If followers has meaning as someone who follow and subscribe an Instagram account, then the following has meaning as other accounts followed by an Instagram user. For the example, the number of following owned by account A reaches 200 accounts, this means that A follows 200 other accounts on the Instagram.

thousands, but the number of followers he has is just tens, even some bot account doesn't have a number followers. Whereas in real human followers the number of followers is proportional to the number of following, even if the user is a celebrity or public figure the number of followers can reach hundreds of thousands to millions, but he only has a little of number of following.

- b. Most bot followers do not have a profile picture, or if they have a profile picture then the photo is a stranger's photo, mostly a westerner's photo.
- c. Bot followers accounts never perform online activities like real human followers, such as uploading pictures, liking posts, and leave and reply to comments with other users. This resulted in the number of likes received by users who use bot followers, he just received a little number of likes inversely proportional to the number of followers that he has because the bot followers account he has cannot give a like to the photos or videos that have been uploaded.
- d. Bot followers are only temporary because since 2014, Instagram tries to erase and destroy many bot accounts that roam on the platform. This resulted in a suddenly drastic

reduction in the number of followers, as happened to Justin Bieber who lost 3.5 million followers in 2014.⁷⁶



Picture 3.1. Sample of Bot Follower

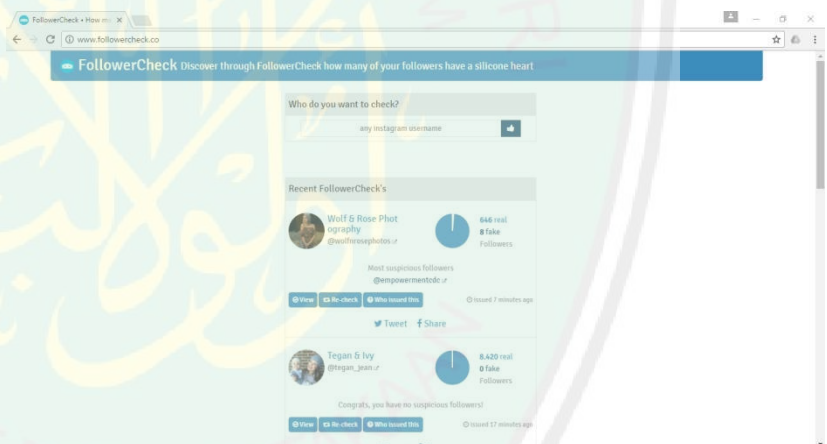
Based on the explanation of the characteristics of bot followers, then if there is an account that its number of followers reaching thousands, but it only received a little of number of likes on each posts that have been uploaded, then some of the followers do not have a profile picture or its picture is a stranger who follows thousands of accounts and only has a few followers, it can be concluded that the account has bot followers.

⁷⁶Ellavie Ichlasa Amalia, “Instagram Makin Serius Hantam Bot”, <http://teknologi.metrotvnews.com/news-teknologi/9K5jYjxN-Instagram-makin-serius-hantam-bot>, accessed 21 April 2017; Muhammad Mamduh, “Instagram Mulai Hapus Akun Palsu”, <http://teknologi.metrotvnews.com/read/2014/12/23/335527/Instagram-mulai-hapus-akun-palsu>, accessed 03 November 2016

3. How To Track The Number of Bot Followers on an Instagram Account

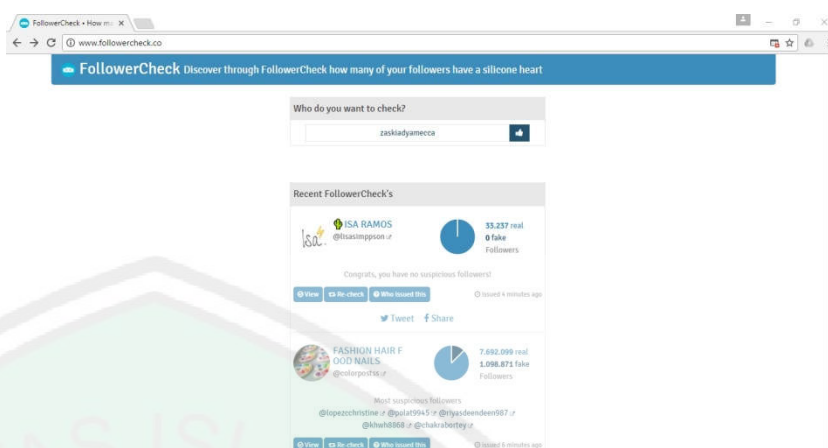
How to track bot followers that belong to an Instagram account is through a followers tracker application that is available online. One online application that can be used to track the authenticity of Instagram followers is followercheck that can be accessed via followercheck.co. The steps that must be done to track the authenticity of followers owned by an Instagram account through followercheck.co is as follows:

- a. Open new window on browser, write followercheck.co, Then the the display on the browser will appear as follows



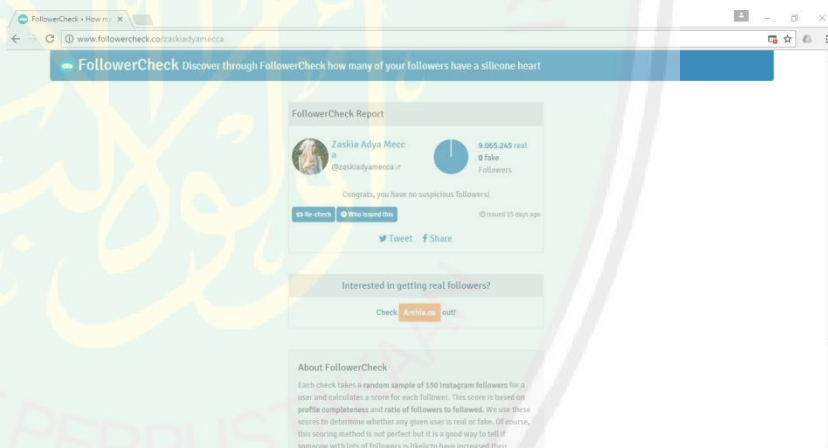
Picture 3.2. Site Preview of followercheck.co

- b. Write Instagram username which will be checked on the column any Instagram username, e.g. zaskiadyamecca



Picture 3.3. Write Instagram Username on the available column

c. Press enter, then the display will appear as follows



Picture 3.4. Results of Bot Followers Tracking through followercheck.co

4. The Function of Instagram Bot Followers

In general followers, i.e. the meaning of followers in this case is people who follow another users' account, used as a measure of

someone's popularity whose have an account on Instagram. Therefore, many Instagram users are trying to improve their own followers in different ways, first by writing various hashtags on the description page, i.e. photo title, so that uploaded photos or videos can be searched by other users around the world, so they can attract them to become their followers. Then the second way is to add an at sign, i.e. @ sign, to a photo or video that has been uploaded to mention popular accounts in the hope that the photos or videos that have been uploaded are re-posted by one of those popular accounts, so as to attract other users to visit their owned accounts and become their followers. In addition to write various hashtags on uploaded photos and adding at sign to mention popular accounts, another easier way to increase massive number of followers over short periods is to buy bot followers offered through various online shops which can be found on various social media platforms or online shopping forums.

Although in the beginning, Instagram bot followers is used as a tool to enhance the number of followers massively in a short period, there are other underlying motives behind Instagram users to buy bot followers. The first is to build a personal branding of account owner, because the more the number of followers he owned, it can improve the image or popularity of account's owner. This is because an Instagram user who has a number of followers of thousands to millions is a more popular user compared to a user who has followers just countless tens or hundreds. In

addition to the number of followers who have owned it will increasingly attract other users to follow his account, even the popular accounts that have thousands of followers attracted many online sellers to advertise their items on those popular accounts through endorsement system.

The second purpose of buying bot followers is to improve the Instagram account's brand for accounts which used as an online shop, because in general buyers are more interested in buying items through online shop accounts that have many followers. This is because the number of followers owned signifies the credibility of the owners of the account, so the buyers are more comfortable if they shop through an account that already has many followers. In addition, the number of followers can be used as a benchmark to determine the endorse rate or advertising rates because the more followers are owned, then the rate offered for the endorsement or advertisement is increasing. This usually applies to accounts that offer endorsement or online shop services that specializes their accounts as marketing mediums as well as classified advertisings contained in newspapers.

5. How to Get Bot Followers

In general, bot followers are sold online and offered through Instagram, twitter, websites, and various other social media platforms at varying prices. One of the online shops that offers bot followers is Alivmedia. Below is given details of the selling price of bot followers offered by Alivmedia:

Table 3.1. Bot followers Price Details

NUMBER OF FOLLOWERS	PRICE
250	Rp15,000
500	Rp30,000
1,000	Rp60,000
PS: payment through the balance cut = Price x 1.3	

On the table above shows that to get 250 bot followers, then the buyer must pay Rp15,000. Then if the buyer wants to get 500 bot followers, then he has to pay Rp30,000, and if he want to get 1,000 bot followers, then he has to pay Rp60,000. But in the table it is noted that there is a difference in price between bank transfer payments and balace cut, i.e. payments made through balance cut cost 1.3 times more expensive than payment by bank transfer. For example, if buyer buys 500 followers for Rp30,000 and chooses payment by balance cut, buyer must pay Rp39,000, but if buyer chooses payment by bank transfer, then buyer only pay Rp30,000.

Like other online shops in general, where the goods are delivered after the buyer pays a certain amount of money, the addition of the number of followers is done after the buyer pays the price according to the agreement through bank transfer or balance cut. The procedure of purchasing bot followers through Alivmedia is described as follows:

- a. Buyer orders bot followers via one of alivmedia's contacts by sending format:

order followers to account _____(buyer's username) account via payment (bank transfer/balance cut).

- b. Once the order is confirmed by the alivmedia party, the buyer pays an amount of money through one of the agreed payment methods.
- c. Once payment has been made and confirmed to have been received by the seller, followers will automatically added to buyer's account within a period of several hours to three days if there is a technical malfunction.

6. Instagram as Online Marketing Media

Instagram is one of the most popular social media among internet users in Indonesia. Disclosed by the Indonesian Internet Service Providers Association, or more commonly abbreviated as APJII (Asosiasi Penyedia Jasa Internet Indonesia), of 132.7 million Internet users in Indonesia recorded during 2016, 19.9 million of them are users of Instagram free photo and video sharing applications. This makes Instagram become the

second most popular social media used by internet users in Indonesia after facebook which used by 71.6 million internet users in Indonesia.⁷⁷

Factors that cause Instagram to be one of the most popular social media platforms among Indonesian internet users is because Instagram is a social media that is specialized for sharing photos and short videos. Other than only sharing short photos and videos, Instagram users can edit and give interesting filters provided by Instagram on their photos or videos before they are uploaded to the timeline. Then Instagram users can also provide a review or a brief description of the photo they upload and can provide a hashtag so that the photo can be searched by people around the world through the hashtag listed. In addition, Instagram is considered as a more effective means of conveying messages or information to others because the public has a tendency to be more easily attracted to the visual display than the narrative text.

Based on these factors, many online sellers are using Instagram as a media of online sale and purchase and online promotion because Instagram is considered as the most appropriate tools as an online promotion media that can attract many potential buyers. This is reinforced from a survey conducted by Jakpat, that 47.8% of Instagram users in Indonesia during the third quarter of 2016 used Instagram to browse online shop accounts.⁷⁸

⁷⁷Data quoted from *Infografis Penetrasi dan Perilaku Penggunaan Internet Indonesia: Survei 2016* released by APJII in November 2016

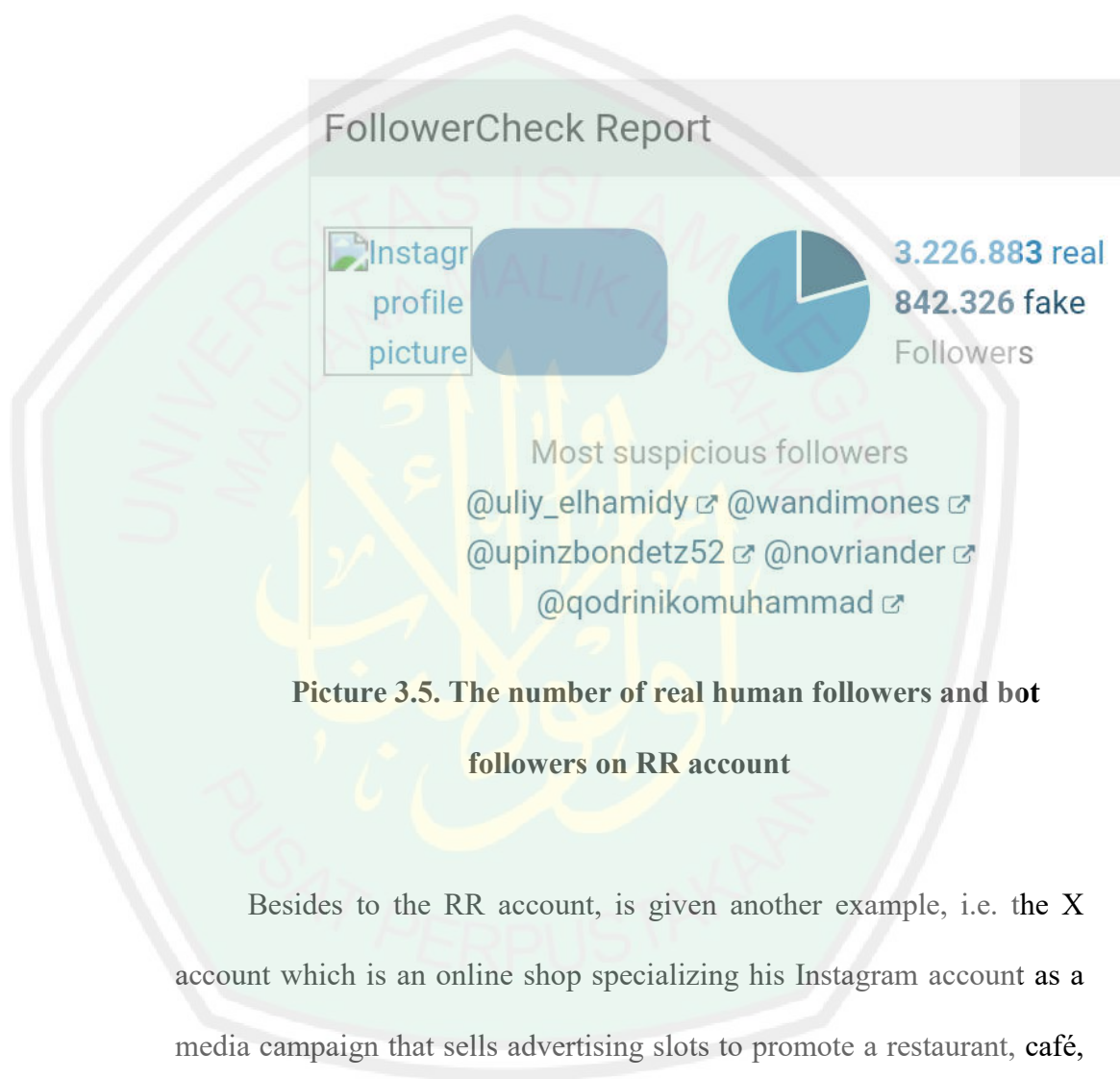
⁷⁸Jakpat is an abbreviation of Jajak Pendapat, is an online survey platform in Indonesia that allows companies or individuals to survey segmented users and view their responses in real time.

7. How Bot Followers Work in Increasing Advertising Rates

As explained in the previous sub-discussion, bot followers are used not only for individuals who want to improve their existence in cyberspace, but also used by sellers who do their online sale and purchase activity to improve the credibility of their online shops to attract customers to buy something through their online shops and to determine the endorsement and advertising rates on an online shop that specializes its account as an online marketing medium as well as a classified advertising contained in a newspaper. In this sub-discussion will be explained in detail about how bot followers work to increase advertising rates on an online shop on Instagram that sells advertising slots through photo or video postings as an online promotional medium.

On Instagram there are several personal accounts, be it celebrity or non celebrity accounts, that receive endorsement or online shop accounts that specialize their online store into a marketing medium for a product or an ongoing event, determine the price of one advertising slot on the post of Instagram account based on number of followers they owned at the time. For example, there is an Instagram account owned by a celebrity known for often uploading a funny video called RR, determines the endorsement rates in Instagram in accordance with the followers he owned at the time, so that when the number of followers owned increases, the endorse price also increases. However, after searching using an online application to track the number of bot

followers owned by RR accounts, from 4,069,209 followers owned 842,326 of them are bots followers, so the real human followers of RR accounts are only 3,226,883 followers.⁷⁹



Picture 3.5. The number of real human followers and bot followers on RR account

Besides to the RR account, is given another example, i.e. the X account which is an online shop specializing his Instagram account as a media campaign that sells advertising slots to promote a restaurant, café, ongoing event, or products, set the price of advertising slots on Instagram uploads based on the number of followers owned, so if there is an increase in the number of followers, then the price of advertising slots

⁷⁹Checking was done on 24 December 2016 through *followercheck.com*

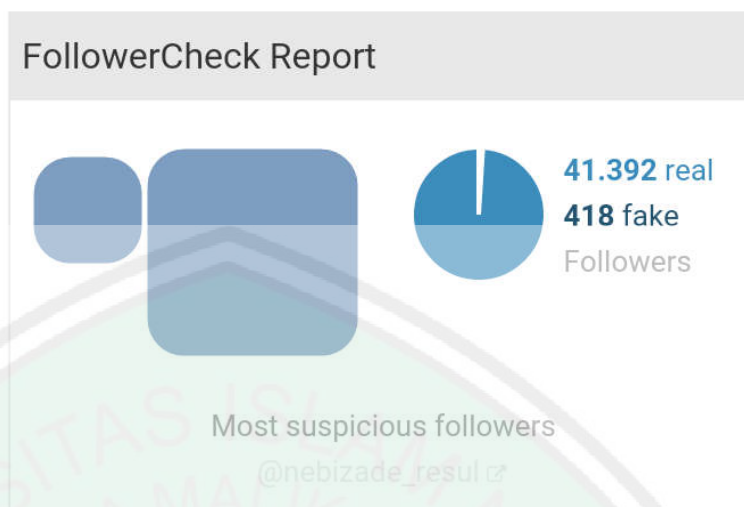
also increased. The details of the X account price at the time of having a follower of 41.392 as follows:

Table 3.2. Price List for Online Campaign on X Account

Package	Number of Posts	Period	Price
1	1x Instagram Post	1 Month	Rp500,000
2	2x Instagram Post	1 Month	Rp950,000
3	3x Instagram Post	1 Month	Rp1,350,000
4	4x Instagram Post	1 Month	Rp1,700,000
5	5x Instagram Post	1 Month	Rp2,000,000
Competition	3x Instagram Post	Competition ends	Rp1,500,000

As with RR, the X account also tracked the number of bot followers he owned using the online application, followercheck.co. Finally, known from 41,392 followers owned by the X account, 418 followers owned is bot followers.⁸⁰

⁸⁰Checking was done on 24 December 2016 through followercheck.com



Picture 3.6. The number of real human followers and bot followers on X account

From this case, it can be concluded that the presence of bot followers may affect the endorsement and advertising rates offered by an account. Though the main purpose of endorsement giver⁸¹ is his product can be viewed by all followers owned by accounts who receives the endorsement, but in fact there are bot followers which are fake followers or followers who do not have real user and run by computer program so it is possible for its product to be seen by all followers owned by endorsement receiver account is reduced.

⁸¹Endorsement givers are online shop accounts that have paid a certain amount of money to have their products promoted by endorsement receiver accounts. For example, the @jualmukeahbali account pays some money to a celebrity account so that its products can be displayed and promoted on that celebrity account.

8. *Fiqh Al-Muamalah* Review Against the Utilization Of Instagram Bot Followers

The workings of bot followers in improving endorsement and advertising rates on Instagram which described in previous discussions are similar to sale and purchase of *najasy*. As for how sale and purchase of *najasy* works, i.e. there is a person or a group of people who do not intend to buy goods or items but pretend to buy the item by make a bid with high prices with the aim that other buyers are interested to buy the item at that price or even higher. A group of people who pretend to bid on the merchandise are called *al-naajisy* or frauds.

In terms of endorsement and offers of advertising slots through Instagram as described previously, bot followers act as *al-naajisy* or *najasy* perpetrators who have a contribution in increasing the price of an item to be sold, i.e. advertising slots or photos or videos posted on X and RR accounts which is used to promote a product. Based on this, then the law of utilization of bot followers in online sale and purchase can be analogous to *bai' al-najasy*. As in the *fiqh al-muamalah* sale and purchase of *najasy* included into the category of prohibited sale and purchase because it contains elements of *dzalim* and fraud, so the scholars stated that *najasy* practice in sale and purchase is *makruh*. Then al-Hafiz Ibn Hajar provides further explanation,

that *makruh* stated by the scholars is referred to *makruh tahrim*, which *makruh* close to *haram*.⁸²

As for the sellers who cooperate with the perpetrators of *najasy* and give percentage for the results of the profits derived from the sale and purchase of *najasy*, then both are equally sinful for having consumed usury and commit fraud and betrayal.⁸³ As narrated by ibn Abi Aufa that:

الناجش آكل ربا خائن⁸⁴

“The practitioner of *najasy* practice is the consuming of usury and traitor”

It can be concluded from the explanation of the *bai' al-najasy* law above, that if the utilization of bot followers in online sale and purchase is analogous to *bai' al-najasy*, then it is *makruh tahrim*, i.e. *makruh* which close to *haram* and the sellers who use bot followers to increase advertising rates on his Instagram account is sinful for consuming usury and price manipulation using bot followers and betrayal of the consumer

⁸²Muhammad Nashiruddin al-Albani, *Shahih Sunan Tirmidzi*, trans. Fachrurazi, p. 76; Ibnu Hajar al-Asqalani, *Fathul Baari*, trans. Amiruddin, p. 212

⁸³Ibnu Hajar al-Asqalani, *Fathul Baari*, trans. Amiruddin, p. 214

⁸⁴Imam Abi 'Abdullah Muhammad Ibn Isma'il al-Bukhari, *Shahih al-Bukhari*, p. 653; Hadith Number: 2675



CHAPTER IV
CONCLUSIONS AND SUGGESTIONS

A. Conclusion

Based on the explanation in the previous discussion, it can be take two conclusions:

1. Instagram bot followers used for enhancing the number of followers on a social media account, for enhancing the popularity of the owner of social media account, for attracting customer in online sale and purchase transaction, and for increasing advertisement rates.
2. The legal analysis in utilizing the bot followers in online sale and purchase can be analogous to the *bai' al-najasy*, where the bot followers act as *al-naajisy* or *najasy* perpetrators, which increases the advertising rates on an account which utilizing

the number of followers he owned as a benchmark in determining the advertising rates. Though bot followers are artificial or fake accounts that are operated by a computer program and do not have real users in the real world.

B. Suggestion

As a Muslim, should always be careful in everything, especially in the case of *muamalah* or relationships between individuals. Sale and purchase is included in one aspect of *muamalah* which should be kept by every Muslim as sale and purchase is one of the medium for individuals to survive and make a living to meet their needs and their family members. Therefore, every Muslim should be more concerned about *fiqh al-muamalah*, especially related to sale and purchase, so that everything purchased or sold are *halal* and in accordance with the provisions of Islamic Law. In addition, sale and purchase is a very risky aspect because if a little off guard, it will slip to usury.

For sellers who conduct their business activities through internet network, especially through social media Instagram, should be more careful in using strategies to attract customers and to improve the number of followers. One way to attract customers is to diligently upload interesting photos and use the popular hashtags used by other online merchants. In addition sellers can tag popular accounts, such as celebrity accounts, online sale and purchase forum, etc. to be re-posted by those accounts or to hold a giveaway or other events in order to attract more customers and to gain more number of followers.

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