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**Maqashid Shariah Perspective on Sharia Business Conduct in The Marketplace:
Case Study on The Transactions at Tokopedia, Shopee and Bukalapak**

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Abstract:

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Maqashid Shariah Perspective on Sharia Business Conduct in The Marketplace: Case Study on The Transactions at Tokopedia, Shopee and Bukalapak:

This research seeks to understand the behavior of sharia business in the marketplace, within the perspective of *maqashid al-shariah*. It also tries to analyze the transaction at the Tokopedia, Shopee and Bukalapak from the same perspective. It uses the qualitative approach, in its case study analysis. Data acquired will be juxtaposed by means of content analysis. The research object includes three marketplace, namely Tokopedia, Shopee and Bukalapak represented by 15 respondents who are interviewed to collect data. The data are also acquired by means of observation, indept interview and documentation. The behaviour of poth merchants and buyers under study will be analyze within the scope of sharia business conduct by focusing on the notions of willingness, justice, *gharar*, fraud, *maysir*, *najsy* and *ihtikar*. Thus will further be analyzed through the lens of *maqashid al shariah* with particular attention to the aspect of *maslaha and mafsada*.

Keywords: behavior, sharia business, marketplace, *maqshid al-shariah*

Preliminary

Business development in digital area is a necessity as technology runs faster than our shadow. In current era, a business that does not involve technology will be difficult to compete in the global arena. One of the factors to develop the growing offlinr business today is the existence of e-marketplace that can facilitate meetings between sellers and buyers through internet media.

The development of e-commerce today is fully supported by technological developments, which accelerate the pace of business towards online. Based on empirical surveys, a company's decision to use e-marketplace is identified from consideration prior to joining and after joining. E-marketplace is a **business to business (B2B)** effort using

electronic marketplace based on website services (Chian-Son Yu, 2007). Every business is a technological business, as companies in the present will look for ways on how to manage the growth of information technology and change the potential to make a profit (WSJ, 2015).

E-marketplace or marketplace brings a positive impact for the development of small and medium enterprises (SMEs). Marketplace is able to bring together business actors with their respective demands, thus it common for business owners move their business from offline platform to a marketplace, which then make their turnover skyrocketed. Kodong, Kaswidjanti and Setyawan (2012) in their research stated that electronic market or marketplace makes good and close communication among sellers, buyers and marketplace service providers. From social and business aspects is very profitable because it can add relations and friendship.

E-marketplace has highly increased the turnover of entrepreneurs as they can offer their products through the e-marketplace. Business behavior that arises needs to be observed for a conclusion that will contribute to the development of the world of online business, e-commerce and e-marketplace. This research will focus on research on the behavior of sharia business only.

There are several principles in sharia business, including the principle of willingness (*an taradhin*), the principle of justice (*al-is*), the principle of avoiding uncertainty (uncertain to both parties), the principle of avoiding fraud (*tadlis* /uncertain to one party), the principle of gambling ban (*maysir*), the principle of demand engineering ban (*bay 'al-najsy*), and supply engineering (*ihtikar*). Some of these principles carry the benefit among the businessmen, and this is in accordance with the purpose of shariah itself (*maqashid al-shariah*). Therefore, the study of behavior in sharia business will be very deep if analyzed with *maqashid al-shariah* especially for various types of transactions, contracts, transaction and payment process, transaction objectives and also features advantages in e-marketplace.

Maqashid al-shariah is a shariah goal. In marketplace, products and features of marketplace will be analyzed from the aspect of benefit and damage. To the present, the researchers have the initial assumption the marketplace is in accordance with *maqashid*

al-shariah as it brings benefits to its users. However, an assumption would be meaningless without evidence and data extracted from observation, in-depth interviews and documentation. Therefore, this research is useful for the development of sharia business, marketplace, and provide meaningful information for Muslim entrepreneurs of online business and marketplace users.

This research sees business behaviors that exist in three marketplaces: Tokopedia, Shopee and Bukalapak. Interaction between sellers and buyers in the marketplace is reviewed thoroughly. Business behavior to be studied is behavior in sharia business, which then will be analyzed with *maqashid al-shariah* from benefit aspect from marketplace.

³ Based on the background of the above research, the problem formulation in this research is, first, how is the behavior of sharia business in marketplace perspective *maqashid al-shariah* ?; second, how are the transactions in Tokopedia, Shopee and Bukalapak from *maqashid al-shariah* perspective? This study aims to, first, understand the behavior of sharia business in market place; second, understand transactions in the marketplace, represented by Tokopedia, Shopee and Bukalapak; third, understand the behavior of sharia business in the transaction and analyze it with *maqashid al-shariah*. The details of contributions in this study are, first, contributions in the development of research on the behavior of sharia business; second, the contribution to society, to answer the questions of society when they interact with the marketplace; third, contribution to marketplace owner, as material for product development.

Method

The object of this research is online sellers and buyers who make a transaction in the marketplaces of Tokopedia, Shopee and Bukalapak. The three marketplaces are all three big players in Indonesia. Informant determination is performed by exponential discriminative snowball model, which is a selective model to select informant through snowball network (Bungin, 2011).

As many as 19 informants are taken by this study, but after selection, only 15 informants are used. Information gathering is performed by face-to-face interviews or by using communication media in the form of telephone and social media such as what's up, facebook, instagram and directly visit informants' stalls in some marketplaces, for example their stalls in Tokopedia, Shopee and Bukalapak.

⁶ This research uses qualitative method by using case study approach. The case study is an in-depth study on one event, so it can solve puzzles beginning with data collection, analysis and writing. After the data is collected well, the researchers use content analysis method to analyze the behavior in the marketplace, in accordance with *maqashid al-shariah*. Data collection is performed by observation, indept interview and documentation.

Data analysis technique uses case studies. The type used is case study of observation. According to Bogdan and Biklen (1982) in Bungin (2011) this emphasizes on the use of observations to capture the detailed and actual empirical information from the unit of research analysis, whether this concerns the individual's life as well as certain social units in society. ² Case study is a series of intensive, detailed and profound scientific activities about a program, event and activity, whether on an individual level, a group of people, institutions or organizations to gain in-depth knowledge of the event (Rahadjo, 2017).

After a case study is performed, analysis by using content analysis is carried out that behavior of sharia business is found, which is found in marketplace with perspective of *maqashid al-shariah*. The analytical tool is *maqashid al-shariah*, which emphasizes aspects of *maslahah* and *mafsadah* in the marketplace. The current research flow is seen as follow:

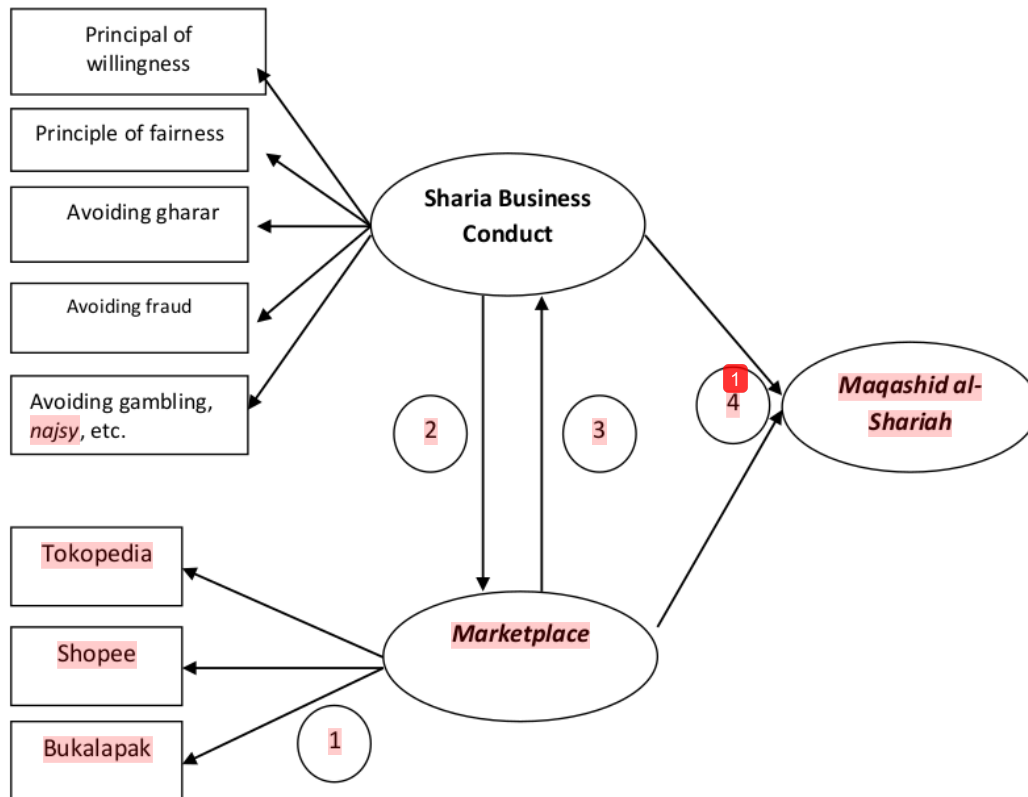


Figure 1. Flow Research and Technical Analysis

In the picture above, the researchers first collected data from 15 informants in Tokopedia, Shopee and Bukalapak. Observation and documentation as a whole is then performed. The existing data is then examined from the perspective of shariah business behavior. Cross re-analysis is conducted to restore the existing principles into transactions in the marketplace. Content analysis that focuses on *maslaha* and *mafsada maqashid al-sharia* perspective is then carried out.

Finding and Discussion

According to Fauzia (2016), Sharia business behavior is summed up in spiritual marketing. The essence of spiritual marketing is how to market products and services in accordance with the teachings contained in the text that aims to achieve the benefit. The

principles in the concept of spiritual marketing are, first, the principle of business acumen (an *taradhin minkum*) listed in the Qur'an (4): 29-30; second, justice for businessmen (*al-is*), which is the main foundation in the study of sharia business; third, avoidance of uncertainty (*gharar*/uncertain to both parties), *gharar* is unnecessary (ambiguity) and uncertainty (Gamal, 2005).

The essence of the meaning of *gharar* is the element of uncertainty about the goods traded. Karim (2011) argues that *gharar* is uncertain to both parties associated with the four forms, namely *gharar* which concerns the quality, quantity, price and time of handover of goods; to-four, avoiding fraud (*tadlis* / uncertain to one party). If *gharar* has no intentional element in it, fraud is an element of deliberate perpetration by one of the parties who has control over the other, and result in the loss of either party. Karim (2011) mentions that fraud in buying and selling may include fraud in quantity, quality, price and handover of goods; fifth, gambling ban (*maisir*) and false supply and demand.

Maisir is a transaction that contains high gambling, high-speculative or gambling. The principle of gambling is prohibited in the Qur'an: 2:90 and 5:90 due to the negative effects that arise from transactions in that form. False supply is commonly recognized in the study of jurisprudence muamalat with sale and *najasy* purchase. False demand is commonly identified with *ihthikar* or monopoly's rent-seeking has been widely prohibited in sharia. *Ihthikar* is the hoarding of goods to be sold, which is the goods that are needed by the public from the market circulation in a certain period, until then the price of the goods will be more expensive. When prices are high, they are sold (Basyuni, 1988 & al-Nabhani, 1985).

Online Sellers and Buyers' Behavior in Tokopedia, Shopee and Bukalapak

The present study yields some findings about behavior of sellers and buyers in three marketplaces indicating that there is a tendency to shift online buying media, from the use of paid media such as websites to unpaid social media like facebook, instagram, and so forth. A re-shift takes place, from unpaid social media usage to a marketplace that offers free on-shelf promotions. Several informants met by researchers in the field were

originally online media users for their business, starting from instagram then switching to marketplace. The following describes an interview from one of the shoe sellers who initially market their products through instagram and expand into the marketplace:

"Initially I only used instagram to sell the goods, but I was asked by many of my customers my whats'up number and account at Shopee. They want to order the goods I sell but they do not pay for the shipping fee, so they ask my shopee account in the marketplace. They then order goods from me through shopee because they do not have to pay shipping fee. "

Marketplace is an electronic market that is driven by internet network. Activities in it include buying and selling goods or services. Goods sold by seller are registered to the marketplace by displaying images and specifications of goods and prices on the website of the marketplace. The number of sellers gathering in a marketplace and promo are the attraction for prospective customers. This is the driving force of many potential consumers to download the brand from the marketplace and then surfing looking for items needed to be purchased.

A research conducted by Widiyanto and Prasilowati (2015) illustrates that ³ online purchasing decisions are influenced by the attractiveness of website design, vendor reputation and the perception of ease of affecting the attitude of online shopping. This research is not entirely true for the context of business behavior in the marketplace; there are other aspects that are more influential on the online buying behavior of consumers in some marketplaces.

Sellers in all three marketplaces are required to explain their products. In traditional markets, the seller does not explain the product much but the buyer can touch and see firsthand the goods to be sold. In imarketplace the seller is required to fill the form provided by the marketplace for clarity of goods to be sold.

If sellers sell low quality products, the disappointed buyer will be able to directly comment on the content for comments provided by the marketplace. Therefore, selling in the marketplace requires thoroughness because the comments comments consumer

satisfaction is openly accessible. Such openness will certainly lead to the trust of other potential customers. The positive side of sales in the marketplace is that if the services and products are sold well, good star ratings and good comments from consumers will appear that will quickly responded by prospective buyers. Conversely, if the record seller is bad due to bad product service, the consumer will directly assess the information, thus affecting other potential buyers.

Of the fifteen informants from this study, most of them stated that the biggest factor that affected their purchases is the stars on columns and comments for the products they wanted. When they want to buy an item, then they will read one by one the comments that exist, how the previous buyers review the goods they have bought. Here's an interview summary from buyers at *Bukalapak*:

"When I want an item in Bukalapak, I will look at the pictures and specifications of the items being sold. If I like the item, I will first read the comments of people who have bought the goods that I will buy. I do this because I do not want to be disappointed with my choice, so I make sure I buy something that people say is good. "

The above interview ⁵ is in accordance with the research conducted by Farki, Baihaqi and Wibawa (2016) that review and rating affect buying interest.

Summaries of some data mining in this study indicate that the movement of purchases in the marketplace is driven by the first, promo offered by a marketplace, the more promos offered, the more consumers download the marketplace. For example, *Shopee* offers free shipping fee so that it can outperform other marketplace despite its relatively new esyabishment; second, convenience in accessing the website. Interviews show that some consumers are not interested in the free shipping provided by *Shopee* because they feel that trading with *Bukalapak* is more convenient due to ease of access; third, many consumers have an in-depth impression of the services provided by the marketplace, for example the consumer has transferred money for the payment of a product, and it turns out the goods run out then the money cannot be reimbursed as they

have to buy other items that cost higher than the money transferred, making the consumer untrust the marketplace; *fourth*, consumers crave the certainty given by the marketplace; some buyers in the marketplace are more interested in marketplace that provides convenience, refund items that are not in line with buyer expectations; *fifth*, consumers feel the ease when shopping online in the marketplace, because the system provides easy payment, atm, credit card, cash payment in minimarket outlets that have been appointed, and so forth.

Behavioral Analysis, Justice, *Gharar*, Fraud, *Maysir*, *Najsy* and *Ihtikar* in Marketplace

Fauzia (2016) stated that most of online businessmen engaged in the garment sector have applied the principles of sharia business with the main basis of transcendent trust among online business players. Sharia business behavior is meant are some things included in the principle of willingness, justice, *gharar*, fraud, *maysir*, *najsy* and *ihtikar*. Online buying behavior produces impulsive behavior due to images, promos, website design and so forth.

The behavior of sharia business in the marketplace has been researched by researchers in terms of principles relating to willingness, justice, *gharar*, fraud, *maysir*, *najsy* and *ihtikar*. Here are described some things related to the principles of sharia business in three marketplace that became the object of research:

The behavior of sharia business in the marketplace has been investigated in the principles related to willingness, justice, *gharar*, fraud, *maysir*, *najsy* and *ihtikar*. Here are some points related to the principles of sharia business in three marketplace that became the object of research:

1. Willingness/ *al-Ridha*

Data collection in the marketplace shows that at first when consumers buy their products they perform transactions with willingness. However, online transactions have a disadvantage compared to offline transactions, for example

the specifications of goods received by the buyer are not in accordance with the expectations he or she imagined. Consumers prefer marketplaces that process returns and returns easily, although many of them say they tend to be lazy to return due to lengthy process.

2. Justice/ *al-Adalah*

According to one respondent, FH, a 23 years old man working in a private company, he chose one brand in the marketplace because of the sense of comfort. Marketplace is fair for it benefits both parties, the buyer and seller. He states:

"I chose to make transactions in Tokopedia because it is easier and simpler. I've been trading there for two years, because before the deal there is a choice of discussion with the seller, insurance is available and there are many ways to purchase. In Tokopedia there is also a provision that if the goods do not arrive then the money can be returned. I also never found any defective or defective items. "

3. Gharar/ *Uncertain Both of Parties*

Based on the data obtained from the field, some transaction processes in the three marketplaces that became the object of this study, *gharar* were not found. *Gharar* happens because of the uncertainty between the two sides. The seller explains with the detail of the product being sold, the buyer also study the specifications of the existing products. Some sellers register their products in the form of drawings and specifications. They also do dropshipping.

The goods they sell still belong to the supplier until order comes. Therefore, to anticipate this, sellers in the marketplace who do not have the products they sell should use *akad wakalah* or *samsarah* or *jualah* or *ijarah*. They have representatives from their suppliers to sell products from suppliers selling through the marketplace. If it is clear that the existing contract, the opportunity for *gharar* in the marketplace can be eliminated.

4. Fraud/*al-Tadlis*

Transactions in Tokopedia, Shopee and Bukalapak are a legal, also from shariah view. There is no fraud in it. Some informants stated that they were never fooled and they were comfortable shopping in it. However, some customers feel less satisfied with the existing service, for example when the specification of goods that do not match the one shown in the picture. There are also respondents from one of the above three marketplaces who feel disappointed with the existing system. See the story of a father aged 48 below:

"I bought a shirt in one of the marketplace and have transferred money for the shirt. It turns out my chosen t-shirt runs out. I wanted my money back but could not, and I was told to buy other items that I did not like which was worth the price of the shirt. I'm disappointed with this poor service. "

5. Gambling (*maysir*), fake demand (*najsy*) and fake supply (*ihlikar*)

Gambling in a business is a is closely related to a transaction based on high speculation, gambling and chancy. This behavior is clearly prohibited in shariah. There is no gambling behavior found in the three marketplace because the specifications of the products sold are clearly explained. Fake demand and supply in buying and selling activity in some marketplace also not found by buyer. Fake review and rating is prohibited as it is *najsy* or fake demand. Review and rating should be done by buyers.

8

Analysis of *Maqashid al-Shariah* on Sharia Business Conduct in the Marketplace

The final analysis of this research is aspect of *maslahah* and *mafsadah* on business behavior contained in the above three marketplace, as for the aspect of benefits and damage in the marketplace are:

1. Aspects of benefit (*maslahah*) and damage (*mafsadah*) in the process of the transactions on products in the marketplace.

Transaction process has met the qualifications of buying and selling in shariah. Selling through images is allowed, but items sold must be in accordance with the drawings and the specifications described at the time of the transaction. Both the seller and the buyer feel the benefits at the time of the transaction, because the buyer is willing with his choice when buying a product offered, no coercion from other parties. Buyers also feel satisfied to transact online in the marketplace because they feel eased, do not have to go out to get the product they want.

Aspect of damage in marketplace has not been found by researchers, because all the initial process of bargaining in purchases is carried out in a fair manner.

2. Aspects of benefit (*maslahah*) and damage (*mafsadah*) after transaction on products in the marketplace.

In shariah, the rules of post-transaction state are mentioned in the *khiyar* rule, which means the right to choose. *Khiyar* in online transactions is the ability to return products purchased when the product is received by the consumers after the transaction takes place. The transaction leaves two things from the buyer, first, satisfaction and; second, dissatisfaction. The majority of buyers in the marketplace are satisfied because of the good service from the marketplace. For more details see the explanation of Ni Nyoman P., a 48-year-old housewife:

"I have become shopee buyer for almost two years. Ever since I had a son I lazily shop out of the house. Shopee provides subsidy for shipping, and there is a guarantee that the goods we buy do not match with what we ordered, it may be returned and replaced new items without pay.

However, there are some cases in the marketplace where buyers feel that the goods they buy runs out while the money has been transferred, or the goods that come do not match their order. Check out interviews with housewives below:

"When buying goods I start by looking at comments, reviews and ratings from previous buyers. Once when I want to buy a shirt with a light blue color, the

color runs out. The seller told me to pick another color when I did not like it and the money could not be returned, eventually I had to buy something I did not like. "

It is important for customer to check the goods they are going to buy before making a deal with the seller in the marketplace to be sure in advance whether the goods are really in accordance with the order or not.

3. Aspects of benefit (*maslahah*) and damage (*mafsadah*) in the payment process on products in marketplace.

There are several different systems in some marketplaces for refund payment. Some give customers a convenience and some tend to incriminate buyers. For example an interview from Amalia PS, a 22-year-old entrepreneur:

"When I buy goods to the seller, the Shopee will not directly transfer the money I have paid to the seller. If the goods are not available, I can contact Shopee to refund my money. "

See also a narrative of a father when transacting in a marketplace:

"I once bought a product in one marketplace, it turns out that the product I selected is not available. I asked for my money back, was not able to return in the form of money, I have to spend again while I do not need another product. "

There is a benefit aspect in the payment system in the marketplace, that is if the marketplace managers try to facilitate consumers to refund their money when the transaction they do not match the first contract. For example, the goods initially agreed there was turned out when the money was transferred. But there is a problem with one marketplace when money can not be refunded and consumers are forced to buy other products just to take advantage of the money transferred.

4. Aspect of benefit (*maslahah*) and damage (*mafsadah*) in shifting consumptive behavior into productive behavior in the marketplace.

In addition to some aspects of the above benefits related to the transaction process, post transaction and payment, other aspects are the shift of business behavior, from consumptive behavior to productive behavior through marketplace. This generates the benefit of opening business pockets from home. Many housewives who initially only buyers in the marketplace turn into sellers in marketplace. Below is interview with Dian, a housewife:

"I was initially a Tokopedia user to buy electronic goods or kitchen utensils. The payment is easy, no ATM needed as it allows cash transaction through the nearest minimarket. Since then, I have initiated to sell in Tokopedia. At first I hesitated because I did not have the talent to sell, but my husband supported me so I started selling there. The registration process is easy, and I am now selling imported food and beverage products I take from distributors, such as Cheetos, Samyang, Morning Tea and so on."

Or see an interview with a Pak Handoko, a seller at Bukalapak:

"I become a member in Bukalapak initially by registering on Bukalapak's agent blog. I made an email first, although I am somewhat clueless but I asked my son for help. I need to have a balance in Open Wallet, and fill out the requested requirements. I was very helpful after I became agent of Bukalapak. I sell pulse, data package, token, electricity bill, PDAM and BPJS. I was originally only a consumer and now a seller there. My neighbors, friends and relatives are now my customers."

Shifting from consumption behavior in business is a positive thing and bring benefit to society. There is no aspect of damage to this shift behavior, except for one thing, that offline merchants should be able to adjust the demand shift from offline to online from real market format to electronic market. Damage will occur if the merchant is not preparing to enter the online area in this digital age.

Conclusion

This study yields a conclusion that initially digital based business emerged by utilizing website and search engine optimization. This trend is then shifted to the use of unpaid social media, such as instagram and facebook, and current buying behavior shifts to marketplace utilization. This research is digging information from some informant users of Tokopedia, Shopee and Bukalapak, they are sellers and buyers in the three marketplace. The researcher analyzes aspects of willingness, justice, *gharar*, deception, *maysir*, *najsy* and *ihtikar* in the marketplace. Aspects of willingness are represented by the learning process undertaken by consumers at pre-purchase by studying the images and specifications of products sold. The aspect of justice is perceived because of the perceived benefits of both sellers and buyers. *Gharar* aspect is not found in the above three marketplaces due to clarity between sellers and buyers. Aspects of fraud will be difficult in the marketplace, because the marketplace will not transfer the money payment of goods before the goods have reached the hands of the buyer. Aspects of *maysir*, fake demand and supply are also difficult in the marketplace because offerings are open, unless there is little gap for the seller to manipulate the demand if he wants, but this has not resulted in a high profit spike. The analysis of *maqashid al-shariah* is seen from the aspects of *maslahah* and *mafsadah*, related to the process of transactions in the marketplace, after the transactions in the marketplace, payment process in the marketplace, and process of shifting consumptive behavior into productive behavior in the marketplace.

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