

Benefits of Leased Objects Renting Through the Boterindriver Application Perspective of MUI Fatwa No/09/DSN-MUI/IV/2000

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Abstract

In accordance with technological developments, many applications provide transportation services for the community, especially in driver applications. Many people want to become driver partners because the requirements are easy and it's also free when joining as a driver. This makes the online motorcycle taxi's income to be small. The impact of these conditions resulted in unhealthy competition between drivers. One of them is by adding features, namely the boteridriver application. The boteridriver application is an illegal application made by someone to earn more income by manipulating data, location, and distance. The focus of this research is to find out the practice of using the driver application in the city of Medan and the views according to the MUI fatwa No/09/DSN-MUI/IV/2000 regarding the practice of renting driver applications in the city of Medan. This type of research is qualitative research using field methods and by conducting interviews with online motorcycle taxi drivers and the public. The results of this study will conclude that the practice of using the boteridriver application only provides a few advantages for users and receives many disadvantages for users of the boteridriver application, the public, companies and drivers who do not use the application. The Boteridriver application rental prices vary, where the practice of renting the Boteridriver application used by online motorcycle taxi drivers is not in accordance with Islamic sharia provisions placing its placement in MUI fatwa No/09/DSN-MUI/IV/2000 which applies to the public.

Keywords: *Boteridriver, benefit, harm, rent*



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INTRODUCTION

As a country with a Muslim population, law is used solely to provide maximum benefit or happiness for its citizens. In the law of expediency is to protect humans, both actively and passively. Actively, namely efforts to create a humane social condition in a process that takes place naturally, while passively is seeking to prevent arbitrary actions and abuse of rights. (Muhammad Reza, 2017)

The Qur'an as the main source of Islamic law has put forward the principle of benefit as one of its legal principles. Imam Ahmad narrated from a friend of Abu Hurairah that when Rasulullah SAW arrived in Medina he saw his friends drinking khamr and gambling. Then the companions asked about khamr and gambling. Then the word of Allah SWT came down as an answer to their question, namely:

يَسْ ء لُونَا عَنْ الْخَمْرِ وَالْمَيْسِرِ قُلْ فِيهِمَا إِثْمٌ كَبِيرٌ وَمَنْفَعٌ لِلنَّاسِ وَإِثْمُهُمَا أَكْبَرُ مِنْ نَفْعِهِمَا وَيَسْ ء لُونَا مَاذَا يُنْفِقُونَ قُلِ الْعَفْوَ كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ آيَاتِهِ لَعَلَّكُمْ تَتَفَكَّرُونَ

Meaning: "They ask you (Muhammad) about alcohol and gambling. Let's say both have big sins and some benefits for humans. But the sins are more than the benefits. "And they ask you (about) what they (should) spend. Say, "Excess (of what is necessary)." Thus, Allah explains the Verses to you so that you think. (Surah Al-Baqarah [2]: 219).

If you pay attention to the editor of the verse above, it turns out that drinking khamr and playing gambling still has benefits, but the sin or harm is greater, so it is prohibited. Islamic law also adheres to the principle of benefit. (Latif, 2017)

In muamalah fiqh it discusses issues related to relations between humans, these relationships can be in the form of material (al-madiyah) or politeness (al-adabiyah). Al-Muamalah Al-Madiyah is a muamalah that examines the aspect of its object, namely objects. Some scholars are of the opinion that Al-Muamalah Al-Madiyah is material in nature, namely objects that are lawful, unlawful, and doubtful to own, trade or cultivate, objects that cause harm and bring benefit to humans, as well as other aspects. Al-Muamalah Al-Adabiyah, namely muamalah in terms of how to exchange objects originating from the five human senses, the enforcement elements of which are rights and obligations, for example honesty, desire, envy, and revenge. In simpler language, al-muamalah al-adabiyah are God's rules relating to human activity in social life in terms of the subject, namely humans as actors. (Tuljannah, n.d.)

As for one of the human cooperation in the field of muamalah is leasing. Leases in general are transfers of use rights or benefits of an item or service followed by payment of rental wages without any transfer of ownership of the object being leased. Meanwhile, according to fiqh muamalah leasing contract is called ijarah. Ijarah linguistically comes from the word al-ijārah whose origin is al-Ajāru which means the same as al-iwadh, namely substitute. Etymologically the word Ijarah comes from the word ajaraya' jiru which means wages given in doing a job. Meanwhile, terminologically, Ijarah is a transaction for the benefits of a certain item or whose nature has been explained within a certain time limit, or a transaction for work that is known together with the payment of wages which is also known. (Riani, n.d.)

Technological developments have recently developed so fast, this has an impact on the world economic system. This development had an impact on progress in the field of transportation services, then various transportation service companies emerged that provide services to help individuals carry out routines in increasing efficiency and productivity. The use of online transportation services is already very popular among people who live in big cities in Indonesia, one of which is in the city of Medan, both from the community, students, and the public. There are several online transportation companies that have entered the Indonesian market, one of which is indriver. Indriver itself is not an original Indonesian company but from Russia, indriver has just started operating in Indonesia on August 8, 2019, and Medan is the first city to operate this service. Indriver is already very popular in Indonesia with tens of millions of downloads from each application in the Playstore. Indrivers provide unique and different services that have no competitors. (Sin TORUS, 2021) There are several advantages to these indrivers. These advantages are of course very beneficial for indrivers. One of these advantages is the availability of profit-sharing features provided by indrivers and there is no

need to pay when joining indrivers. With the driver's application someone can get income from these transportation services.

The phenomenon that occurs in drivers shows that these drivers have deviated from the work ethics that have been made by the company, namely regulations prohibiting the addition of illegal applications such as Fake GPS, Satpol A-PP, Fictitious Orders, and others of the like. But still modifying prohibited applications to get more orders than other drivers. Makes other drivers quite due to the driver's anomalous behavior. (Satria et al., 2022) However, humans also always have the desire to gain an advantage over others. These different and excessive desires are sometimes too excessive or out of bounds. Such a situation is called greed. Chasing wealth to excess, and not paying attention to others who also need it will interfere with living together. With human greed, drivers commit various kinds of fraud, transportation service workers want to use an additional application, namely the boteridriver application.

The boteridriver application is illegal because the application was not created by the company. The use of the boteridriver application is increasingly widespread in the world of online motorcycle taxis or transportation services. It has the advantage of getting orders without the need to execute orders and the boteridriver application is also called the tuyul application where users can easily manipulate locations. By using the illegal Boteridriver application, users must pay or rent to use the application and can also beat the competition with the original indriver account. As happened in North Sumatra, especially the city of Medan, not a few online motorcycle taxi service workers are willing to pay or rent the Boteriindriver application to gain more profits. In carrying out the practice of leasing or leasing, it must contain benefits for both and not harm either party, including the service user. Because the legal requirements for carrying out an Ijarah or leasing contract must be that the benefits of the contract are clearly known and there must be wages earned or given. In leasing or Ijarah activities, the agreement made is not in accordance with MUI Fatwa No/09/DSN-MUI/IV/2000 because the fatwa states that the implementation of Ijarah must obtain benefits that are permissible or not contradictory. (Nurhadi, 2015)

Greedy behavior that occurs is associated with a lack of morality, honesty, online motorcycle taxi drivers by committing fraudulent acts that can benefit drivers. Fraud that occurs in online transportation is mostly dominated by economic pressure factors. As a partner driver, it's his main job as well as his only job. The increasingly urgent needs of families cause drivers to seek additional money by tricking companies with counterfeit GPS applications to manipulate the system, the position of a driver. The forms of fraud committed by unscrupulous drivers also vary. There are those who use tuyul for engineering maps or the position of a driver when taking orders, and there are also ways to order shots. So, the driver tells his friend to order himself while he is not walking, or he is walking but not carrying passengers. (Khanif, 2019) In fraudulent acts that occur in online motorcycle taxi transportation (grab/gojek) it is the same as being carried out by online transportation drivers (Indiver) by manipulating distances or locations so that it is easy to get orders but in online motorcycle taxi drivers (indrider) using the boteridriver application instead of the original application. The Boteridriver application used has been modified in such a way as to replace the original application. Unlike the driver (grab/gojek), the driver does not replace the application published by the company, but the driver (grab/gojek) adds or duplicates the fake GPS application. (Risal & Jaurino, 2022)

This study analyzes the use of the *boteridriver* application and the benefits of leased objects in the *boteridriver* application that uses an *Ijarah* contract which is one of the leading transportation services using qualitative methods. The use of the *boteridriver* application using an *ijarah* contract raises the question, can an *ijarah* contract be used? In the DSN fatwa No 09/DSN-MUI/IV/2000 regarding the benefits of objects whose provisions have been regulated where the benefits of goods or objects must be in the form of benefits that are justified (not prohibited). in sharia (*mutaqawwam*), the benefits must be clear so that the *mu'jir* and *musta'jir* know and the rental goods used as media to realize the benefits are carried out according to the agreed contract.

RESEARCH METHODS

This research is field research that is about the use of the *boteridriver* application with the type of data used from primary and secondary sources. The primary source is data obtained directly from the research subject by taking data directly on the subject as a source of information such as interviews, namely conversations between two people who aim to explore and obtain information carried out on driver partners who use the *boteridriver* application, including Mr. Zuhri, Faris Simbolon's brother, and Taufik Agusman and interviews with passengers or transportation users, including Kak Suci Faradilah, Kak Nurhayanti Ritonga and Bang Fauzan Naufal. Secondary sources are data obtained from sources indirectly to data collection, namely from libraries, the internet, and documents related to research problems. Analysis of the data that has been collected in this study using a qualitative descriptive method, which aims to describe the current and applicable problems based on data about the practice of using the *boteridriver* application, after that to find out the *ijarah* contract where the practice of renting the *boteridriver* application is used by motorcycle taxi drivers. online whether its application causes harm to many parties and is contrary to the MUI fatwa No/09/DSN-MUI/IV/2000 which is carried out using the verification method.

RESULT AND DISCUSSION

Boteridriver Application: Benefits and Harms in society

Humans and technology are two things that are interrelated, namely some humans as creators/makers of technology and some other humans as users of technology. The development of technology every time is growing rapidly and is inseparable from the role of humans who continuously create and perfect technology. Especially in the application system and social media, it has given rise to a variety of new creative industries, one of which is the service and transportation sector. Information and communication technology makes all human activities easier, both in the economic and social fields.

Indriver is an online transportation service with more than 100 million users operating in 625 cities in 28 countries. Indriver is the 2nd largest ridesharing and taxi app in the world by downloads. The company is headquartered in Mountain View, California and has operations in Russia, Armenia, Botswana, Kazakhstan, Kyrgyzstan, Brazil, Mexico, Guatemala, Colombia, Perú, El Salvador, Chile, Ecuador, Costa Rica, Panamá, Honduras, Dominican Republic, Bolivia, Nicaragua, Tanzania, South Africa, Kenya, Uganda, Nigeria, India, Indonesia, Malaysia, and Thailand. The company was founded in 2013. Indriver offers a unique feature where passengers and drivers can negotiate the price for each trip. With the Real Time Deals

(RTD) feature, passengers will first submit a price for their trip request. The nearest driver will receive a request notification and have the option of accepting the offer, ignoring the request, or negotiating prices with passengers to get a more favorable price. (Indriver, 2022) The online motorcycle taxi phenomenon is booming and very popular, especially in the transportation service business, customer service Free smartphone-based application to organize trips in real time with the provision of services. People see services as an alternative that's fast, flexible, responsive, and easy to use. Online motorcycle taxis are equipped with a guaranteed security system as well as uniformity in clothing and helmets. The image of online motorcycle taxis, which used to be a lowly job, is now increasing in achievement and is in great demand by the public.

Information and communication technology currently tends to provide many conveniences for humans, one of which can be seen from the ease of using the internet. The role of the internet is very important for society, through the internet we can know and do various things. However, the development of information and communication technology can have both positive and negative impacts. One of the positive impacts of the development of information and communication technology is the emergence of online-based transportation services that use the internet. Online transportation services are one of the businesses that are currently developing in Indonesia. Online transportation as a service that makes it easier for people to travel mobility, existing online transportation services are online taxis and online motorcycle taxis. Online transportation uses smartphone technology to connect consumers with available drivers near the consumer's position. With the existence of an online transportation business, this does not only benefit consumers but also benefits drivers. (Anindhita et al., 2016)

With so much competition in online transportation services, humans create an application that can be used to manipulate applications. One type of application that is often used is called Boteridriver, but because of the effectiveness of the Boteridriver application, many drivers want to know how to install and use it. Boteridriver Both drivers directly have the advantage of being able to compete with other drivers without the need to execute orders. The boteridriver application is also called the tuyul application, where users can easily manipulate locations. You don't have to bother going around looking for orders because through the application you can immediately receive orders even up to 1 meter. Using boteridriver is indeed an illegal activity because it can harm other drivers, even the indriver system that has been created as fair as possible. The risk of using boteridriver is quite large because it can cause the driver's account to get into trouble and even get banned. Even so, if its use is done carefully, the driver system will find it quite difficult to recognize it. Directly using the Botindriver application, users can use it without the need for root access. You will also get several versions that can be adjusted to the needs and features provided. (Rosyida, 2022).

You can see the difference in the application in Figure 1.



How to Install the Boteridriver Application

In using the Boterinidriver application, you must ask someone for access permission, after downloading the Boterinidriver application, then all you must do is install it on your smartphone. The installation requires permission and login access to your driver account by entering the code sent. As for how to install the application, as follows:

1. Enter the download folder, continue by opening the botidriver application with the apk extension.
2. Next, please immediately press install to install it.
3. Once installed, open the botinidriver application, then press the button to grant access permission.
4. Give permission access one by one for notification, storage, SMS, phone, camera, location, battery, and background.
5. Returning to the main menu, please type the mobile number that has been registered with indriver to log in.
6. Get the verification code via WhatsApp or SMS, if so, enter it back into the boteridriver application.
7. After that, you will enter the initial appearance of the boteridriver application. Here you can set the location as well as other parameters.
8. For further settings, you can enter Configuration then please set the distance, cost per km, minimum service fee, message, and others. (Safhudin, 2022)

Benefits of the Boteridriver Application for Users.

The Botterinidriver application is the choice because it can make orders overflow so that driver profits increase. Here are some of the benefits of the Boteridriver application:

1. Be a priority.

Priority is a term in which a person is treated as important compared to others. Priority can also be interpreted as work that is easily obtained or completed quickly. Using botteridriver is indeed very profitable because the system will automatically prioritize the application owner or user account, therefore working time can be more optimal because the dominant incoming orders for the botteridriver application.

2. Set or manipulate the distance received.

Setting or manipulative distance is a Fake GPS term that can make online motorcycle taxi orders go wrong because with the Boteridriver application we can manipulate our location, so we can get orders more often. By using fake GPS, drivers also don't have to drive around on the road but can while hanging out at coffee shops or at home but still get orders.

3. Can set the price received.

In this case, the in-driver application is known for its agreed-to fare offering feature. However, by using the Botterin in-driver application, the application user or online motorcycle taxi can set for themselves how much the fare they receive. For example, an online motorcycle taxi that uses the boteridriver application only wants to accept a fare offer at a price of 30,000 Rp. Orders or passengers below the price of 30,000 Rp will not be accepted by the boteridriver application.

4. Get a high rating.

With the abundance of orders coming in for drivers who get ratings more often, this rating is useful for seeing the performance of online motorcycle taxis, both from the assessment of passengers or the number of orders completed. (Wicaksono, 2020)

The loss of the Boteridriver application for users

In using the Boterrindriver application, there are disadvantages or disadvantages for someone who works in the online motorcycle taxi sector. The following are the disadvantages for botterindriver application users, namely:

1. Deceiving or gharar

The meaning in Arabic of gharar is Al-Khathr; betting, Majhul al-aqibah; the results are not clear, or it can be interpreted that Gharar is a form of deception, doubt, or that aims to harm other people. Fraud experienced by online transportation users is quite varied, including taking orders but not picking up and delivering them to the intended location. According to Muslih, the fraud that has become rife is of course detrimental to the company and makes it difficult for other driver-partners to get orders. Meanwhile, from the customer side, if you get a driver who uses 'tuyul', they tend to have to wait longer for the driver to arrive. Because the distance shown in the application is not the actual distance. (Hosen, NadrattuzamanHosen, N.2019)

2. Greedy or take the rights of others.

In Arabic, greed is called greed, which means the attitude of never being satisfied with what has been achieved. According to the term greed is love for the world (wealth) is too much regardless of the law of illegitimacy which results in a great sin not thinking whether to sacrifice the honor of others or not. In this case, users of official or legal applications from in-driver companies will be unable to compete or get a few orders and also harm competition between online motorcycle taxi workers.

3. Suspend

Suspension in Latin is to suspend or suspend. Suspend is an account freeze so that drivers cannot access activity in the application. Drivers who are suspended mean they violate the code of ethics or rules set by the company. Suspend occurs because the account owner is automatically detected by the system for committing a violation. By using the Boteridriver application, the company will detect it because it uses an illegal application sooner or later. (Farah, 2021)

4. Company losses

Workers in transportation services or online motorcycle taxis will get incentives or prizes from the company because indrivers work hard and get lots of orders. Using the botteridriver application will make it easier to get incentives from the company, therefore users of the boteridriver application are detrimental to the company because the wrong target is giving gifts due to fraudulent actions to get incentives and also disrupt the online transportation company application server. (Zebua, 2021)

The increasing number of online applications and social media sites, such as Facebook, Line, Twitter, WhatsApp, Instagram and so on. Lots of things are offered in it, because several groups or forums appear on social media Facebook and Telegram. There is a forum consisting of boterinindr account owners which contains information related to boteridriver. The process of implementing a lease for a boteridriver account is almost the same as carrying out other leases, namely offering something that can be rented and benefited from. This leasing service

is determined by the period the account is leased and the rental price is determined according to the agreement on the length of time the account is leased. The activity carried out by this driver is an agreement or contract activity that is categorized as a leasing agreement or *ijarah*. The form of activity carried out, namely as the owner of the *boteridriver* application, is channeled through a lease agreement in oral form to users of the *boteridriver* account.

Rent the Boteridriver application According to MUI fatwa No/09/DSN MUI/IV/2000

Al *ijarah* comes from the word *al-ajru*, which according to the language means *al iwadh*, which in Indonesian means compensation and wages. According to MA. Tihami, al-*Ijarah* (leasing) is a contract (agreement) relating to certain benefits (taking the benefits of something), so that it becomes legal to take the benefits, by providing certain (rent) payments.

In terms of terminology, the scholars differed in defining al-*ijarah*, including the following:

1. According to Malikiyah, al-*ijarah* is:

Ijarah is a contract that gives ownership rights to a permissible good for a certain period with compensation that does not come from benefits.

2. According to Sayyid Sabiq, al-*ijarah* is:

a type of contract or transaction to take advantage of by providing compensation. The object of the lease agreement is goods and prices, where the goods become objects that do not conflict with sharia, law, public order, and decency or are often referred to as permissible goods. The purpose of holding a lease agreement is to give user rights to the lessee so that objects that are not owned by the status of property rights can be rented out by parties who have rights over these objects. So, objects leased by the lessor can be in the form of property rights, usufructuary rights, usufructuary rights, usufructuary rights, lease rights and building use rights. (Harahap, 1986)

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Fatwa comes from Arabic, al-fatwa which means advice, advice, and answers to questions related to law. Meanwhile, in *ushul fiqh* terminology, fatwa is interpreted as an opinion expressed by a *mujtahid* or *fakih* as an answer submitted by a fatwa applicant in a non-binding case. According to Amir Syarifuddin's explanation, fatwa comes from the word *afta'*, which means giving an explanation. Definitely that fatwa is an attempt to provide an

explanation of syara' law by experts to people who do not know. Therefore, a fatwa is an explanation of shari'ah law on a problem from a problem that occurs, and is supported by arguments originating from the Qur'an, hadith, and ijihad. In fiqh terms, the giver of a fatwa is called a mufti, while those requesting a fatwa are called mustafti. Mustafti can be individuals, institutions, or community groups. The fatwa stipulated by the mufti does not have to be followed by the mustafti, because the fatwa is not bound (ghairu mulzimin) but depends on the mustafti's calmness and confidence in the issues raised. Fatwas have an important position in shari'ah law because fatwas are legal provisions put forward by experts regarding the position of Islamic law in problems that occur in society. When there is a problem that has just emerged but there is no firm legal provision, both in the Qur'an, hadith and ijma', then the fatwa becomes one of the guidelines of Islamic law that can answer or determine the position of the problem. (Imaro Sidqi, 2019)

If you look at the ijarah fatwa on fatwa number 09/DSN-MUI/IV/2000, it has been regulated in the second part regarding the object of ijarah, namely:

1. The object of ijarah is the benefit of the user of the goods or services.

According to Sayyid Sabiq in fiqh sunnah, al Ijarah comes from the word al ajru which means al iwadh (replace/compensate). Ijarah can be interpreted as a contract for the transfer of use rights (benefits) for an asset or service, within a certain time with the payment of rental wages (ujrah), without being followed by a transfer of ownership of the item itself. In this case the use of the boteridriver application, the lessee provides a link or application to download to the renter or user of the application because the boteridriver application to be used cannot be accessed easily either in the playstore or appstore. This is the application used is an application created by someone and the botinidriver application provides benefits, but from these benefits it can cause harm to society, drivers who do not use the botteridriver application and provide losses to users of the application and provide losses to companies, fraud and even to the point of dismissal or suspension.

Prohibition of harm in any form is one of the basic principles of life regulated by Islam. The history that explains this is a hadith which reads:

لا ضرر ولا ضرار

means "Don't harm yourself, and don't harm other people" (HR. Ibnu Majah and Daruquthni).

This short hadith explains that we are not allowed to harm ourselves or others either verbally or in behavior. On a broader scale, our actions should not cause harm to plants, animals, nature, and the environment. Harmful behavior can in turn return to the person who did it. Because the Prophet once said, whoever does harm to a Muslim, Allah will inflict harm on him (HR. Abu Dawud Dan al-Tirmidhi).

In every good deed there must be a bad side that always haunts. As in worship, there will always be whispers to commit immorality. Maintaining assets or property ownership individually, publicly and state ownership is one of the five elements of benefit in maqashid sharia. From the point of view of its importance, maintaining assets can be adjusted such as maintaining assets at the daruriyyat level, such as the Shari'a regarding procedures for owning assets and the prohibition of taking other people's assets in an illegal manner. If these rules are violated, the existence of assets is threatened.

Allah Subhanahu Wa Ta'ala says:

وَلَا تَلْبِسُوا الْحَقَّ بِالْبَاطِلِ وَتَكْتُمُوا الْحَقَّ وَأَنْتُمْ تَعْلَمُونَ

Meaning: "Do not mix up truth and falsehood and hide the truth when you know it." (Q.S. Al-Baqarah [2]: 42).

Included in the category of explanation of this verse, the prohibition of mixing halal and haram matters. This prohibition is a big and serious prohibition. This is because the right to determine halal and haram is Allah's provision and only His right. Therefore, Allah condemns those who mix up the truth and falsehood, between truth and lies. Because it is in those ways and their dirty hands that God's law is mixed up between prohibitions and orders. Imam Al-Baidhawi in the Book of Anwarut Tanzil wa Asrarut Ta'wil said, the word "talbisū" or mixing is the act of making something like another. Thus, the meaning of Surah Al-Baqarah verse 42 is, "Do not mix the truth that was revealed to you with the evil that you fabricated and hid the truth so that the two cannot be distinguished. (Tsani, 2017)

In leasing usufructuary rights (benefits) by paying variously such as in one month, one week or per day, in terms of different prices depending on the agreement of the tenant and the specified tenant.

1. Fulfillment of benefits must be permissible (not prohibited)

Islam does not justify renting something that is prohibited by religion, for example renting a house to commit immorality. In the case of hiring the Boteridriver application to commit fraud for passengers, taking other people's rights and manipulating online motorcycle taxi accounts so that they become superior.

Human tyranny means mistreating other people so it is contradictory to human rights that must be respected. There are many phenomena of tyranny that occur in Muslim society, both internally and externally, such as stealing, abusing other people, allowing other people to be mistreated, disturbing the comfort of society, to the very fatal thing, namely killing. As a result of this act, a person's rights are injured and make him persecuted. The Qur'an defines tyranny as ghafala or the tendency in a part of the human being to continuously maintain unconsciousness or indifference. It is this unconsciousness that ultimately forms unjust acts in personal and collective life. (Ayubi, n.d.)

وَلَقَدْ ذَرَأْنَا لِجَهَنَّمَ كَثِيرًا مِّنَ الْجِنِّ وَالْإِنسِ لَهُمْ قُلُوبٌ لَا يَفْقَهُونَ بِهَا وَلَهُمْ أَعْيُنٌ لَا يُبْصِرُونَ بِهَا وَلَهُمْ آذَانٌ لَا يَسْمَعُونَ بِهَا أُولَئِكَ كَانُوا لَنَا نَعِيمًا بَلْ هُمْ أَضَلُّ أُولَئِكَ هُمُ الْغَافِلُونَ

Meaning: And verily We have made for the contents of hell Jahannam mostly from jinns and humans, they have hearts, but they do not use them to understand (the verses of Allah) and they have eyes (but) they do not use them to see (signs of Allah's power), and they have ears (but) do not use them to hear (the verses of Allah). They are livestock, they are even more astray. They are the heedless ones. (QS. Al-A'raf 7: 179).

Thus, when a man's complacent heart is no longer able to see truth and justice, his eyes are no longer able to see suffering, his ears are no longer able to hear groans of pain and he does not pay attention to the sources of tyranny, then he will fall into tyranny itself.

2. Object specifications must be clearly stated.

In the specification of the boteridriver application there is no clarity from the indriver company regarding the application because the boteriindriver application is a third party (illegal) application created by someone for profit and in the use of the boteridriver application

it has a time of uncertainty because one day the application cannot be used due to detected fraud then the application can be deactivated from the company. (Muhammad dayyan, n.d.).

This case is clearly a violation, so the botinidriver application should not be used, in accordance with the recommendations of Rasulullah SAW, namely:

عَنْ أَبِي عَبْدِ اللَّهِ التُّعْمَانِيِّ بْنِ بَشِيرٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ : إِنَّ الْهَلَالَ بَيْنَ وَإِنَّ الْحَرَامَ بَيْنَ وَبَيْنَهُمَا أُمُورٌ مُشْتَبِهَاتٌ لَا يَعْلَمُهُنَّ كَثِيرٌ مِنَ النَّاسِ ، فَمَنْ اتَّقَى الشُّبُهَاتِ فَقَدْ اسْتَبْرَأَ لِدِينِهِ وَعَرْضِهِ ، وَمَنْ وَقَعَ فِي الشُّبُهَاتِ وَقَعَ فِي الْحَرَامِ ، كَالرَّاعِي يَرْعَى حَوْلَ الْحِمَى يُوشِكُ أَنْ يَزْتَعَ فِيهِ ، أَلَا وَإِنَّ لِكُلِّ مَلِكٍ حِمًى أَلَا وَإِنَّ حِمَى اللَّهِ مَحَارِمُهُ أَلَا وَإِنَّ فِي الْجَسَدِ مُضْغَةً إِذَا صَلَحَتْ صَلَحَ الْجَسَدُ كُلُّهُ وَإِذَا فَسَدَتْ فَسَدَ الْجَسَدُ كُلُّهُ أَلَا وَهِيَ الْقُلُوبُ [رواه البخاري ومسلم]

Meaning: From Abu Abdillah Nu'man bin Basyir radhiyallahu anhu he said: "I heard Rasulullah SAW say: Indeed, what is lawful is clear and what is unlawful is clear. Between the two there are doubtful (vague) that are not known by many people. So, whoever fears syubhat means he has saved his religion and honor. And whoever falls into doubtful matters, he will fall into things that are forbidden. As a shepherd grazes his animals around (fields) that are forbidden to enter, then gradually he will enter it. Know that every king has prohibitions and Allah's prohibitions are what is forbidden. Know that within this lump of flesh, if it is good then the whole body is good and if it is bad, then the whole body is bad; know that he is the heart". (History of Bukhari and Muslim)

Everyone who violates the law then that person must be held responsible for what has been done. Error as an element of accountability in this view makes a guarantee for someone and makes control of one's freedom over others. The existence of this guarantee makes a person protected from the actions of other people who violate the law, and as a control because everyone who violates criminal law is burdened with criminal responsibility.

Fraud in the Criminal Code is a terminology in criminal law, which is regulated in Book II (On Crime) in Chapter XXV Article 378 of the Criminal Code, it states: "Whoever with the intent to unlawfully benefit himself or others, by using a false legal name or false dignity, by deceit or false dignity, by trickery, or a series of lies, moves another person to surrender something to him or so that giving debts or writing off receivables, is threatened with fraud with a maximum imprisonment of four years".

In Article 378 of the Criminal Code regarding fraud (bedrong), there are two main elements namely, "objective" and "subjective" elements.

1. Objective Elements

The objective element is to persuade/move others with persuasion/motivator:

- a) Using a fake name.
- b) False dignity/circumstances.
- c) A series of lies deception.
- d) handing over an item.
- e) Create debt.
- f) Write off receivables.

2. Intentional or Intentional

Deliberately contains a subjective element, namely with the intention of benefiting oneself or others by breaking the law. About intention (dolus/opzet) or negligence (kulpa), from

the above formulation of error (sculd) it is an error in the form of intentional (opzettelijk/dolus), not in the form of intentional (culpa). According to Cleiren, the offense of fraud is an offense with consequences (gevolgsdelicten) and committed offenses (gedragsdelicten) or commission offenses. Generally, offenses in fraud are by consequence (gevolgsdelicten) and offenses by doing (gedragsdelicten). Legislators view fraud offenses as the most important fraud offense. There are several formulations of fraud offenses. times changed in the Netherlands. Behind the words "moving other people to give an item" there are words to control data that has a monetary value in trade traffic. (Anwar, 1996).

From the presentation of this research, it has been stated that the boteridriver application will bring greater harm than benefits because the impact of the losses is more than the advantages. The impact of the losses that exist from using the boteridriver application is in terms of customers or the public, drivers, or drivers and the company. From the point of view of the public, users of the boteridriver application commit fraud because in the application the driver's position is not actually at or closest to him. Judging from the application screen, the driver's position is spinning and there is no clarity. After being confirmed by the customer, he was asked if his position was close, there were network problems, he tended to lie. The position is still far from the customer according to what was said by Suci Faradilah's brother as an indriver customer. Likewise, the opinion of Fauzan's brother who said that the boteridriver application takes other people's rights or commits injustice. Regarding the use of the boteridriver application, the damage that arises is clear. Damage caused from a system perspective due to breaking into data from the original application by requesting a verification code, changing the nominal price that should have entered the application so that it cannot be entered or received by the system, taking unfair incentive rights, which was stated by Mr. Maulana Taslam, SH.

In using the boteridriver application, users can get a lot of orders, drivers who have a lot of family and dependents will use the application because if they don't use the application, the income received is small, both from the risks that will be accepted, that is the consequence. This is the statement by Mr. Zuhri as a user of the boteridriver application. And so is what brother Faris stated "if I don't use the boteridriver application I will get less income or orders because I need money for college and my daily life, so I use the application".

CONCLUSION

With so much competition in online transportation services, humans have created an application that can be used to manipulate driver applications. One type of bot that is often used is called Boteridriver, in using the application the user requests an application or a link from someone with the condition of paying according to the agreed time. And the application provider modifies the boteridriver application with data support such as the cellphone number and driver identity name. The boteridriver application is equipped with modified features such as price settings that can be accepted by the application and manipulative GPS. Using botinidriver is indeed an illegal activity because it can be detrimental to society, drivers who do not use boteridriver and those who use the boteridriver application and harm the company. The risk of using boteridriver is quite large because it can cause the driver's account to get into trouble and even get banned. Whereas what is felt by passengers or customers is that the pick-up time becomes long, and the effect of using the boteridriver application on the company is

that it interferes with the online transportation company's application server which is also the wrong target in giving ratings or incentives.

Based on an analysis of the MUI fatwa No/09/DSN-MUI/IV/2000 that the user of the boteridriver application cannot be used or does not comply with the lease contract because the object of use in the application conflicts with objects contrary to sharia, law, public order and decency or as goods are not allowed and also the boteridriver application contains damage, fraud and tyranny so that the law is unlawful and also when the rental agreement is unclear because at times the boteridriver application cannot be used because it is detected by the company system, the application or driver account immediately banned or blocked.

Online motorcycle taxi drivers should comply with the regulations that apply both in law and Islamic law, so that jobs that are originally halal become illegal because there are disadvantages in them due to human greed. To the government, companies, the Indonesian Ulama Council at least supervise or eliminate related to the boteridriver application so that there are no losses received by the community, drivers or companie.

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