



Application of Sharia Economic Principles of Qardh Agreements to E-Commerce: Study of Shopee Paylater Transactions

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Abstrak : The presence of the Shopee application with the paylater feature is proof of world development in the field of technology that can provide convenience for consumers in shopping from anywhere and anytime. The provision of limits in technical payments can certainly also make it easier for consumers when shopping when they don't have money, by using the predetermined limit. This research aims to discuss the synchronization of the *qard* contract in Islamic transactions with the OJK protection system for Shopee pay later, which is often a topic of discussion for usury transactions. The method used in this research is descriptive qualitative, which describes the results of the research using explanations in words in detail or detail so that readers can understand the discussion that the researcher will raise through online research to find theories and use them wisely. This research is directed and focused on discussing library materials in the form of journals. The results of this research explain that shopee paylater is called qardh or loan contract. Shopee paylater which stipulates fines for late payments shows usury. This shows that there is continuous usury when users are late in paying bills that are due. Therefore, as smart consumers, we must be careful when using the Shopee PayLater feature to avoid delays in payments and usury.

Keywords: Problematika, E-Commerce, Qardh Contract, Shopee Paylater

INTRODUCTION

In today's increasingly modern era, the development of globalization can have a huge impact on humans through various intermediaries, one of which is using technology and the internet. According to Ananda & Yasin, (2022), the development of technology and the internet can facilitate human activities from several aspects. For millennial people, the more rapidly technology develops, the more influence it will have on changes in human social lifestyles, including today's modern Islamic society. Everything can be done more quickly and efficiently and also more easily if you take advantage of technological developments and use existing electronic tools (Hasbi et al., 2023).

The positive impact that humans can have in using this technology, especially on e-commerce, can be called electronic commerce, including payment systems. The payment system is the use of credit cards as a tool to pay bills more easily, precisely, and of course faster. For sellers and buyers transacting in offering various services and goods, online buying and selling transactions are the solution. Meanwhile, the online buying and selling space, where when the goods have arrived in the hands of the buyer, the seller then receives the money is often called a marketplace (Kamaluddin, 2023).

Shopee is one of the marketplaces that is currently on the rise in Indonesia. Mobile platforms started in Southeast Asia and Taiwan which offer reliable, satisfying, and free online buying and selling transactions via mobile phones. What's more interesting is that at Shopee there are also products for sale, shop at low prices and you can get free shipping. The object of Shopee users is people who are used to carrying out activities with gadgets, especially when shopping

(Sungkawa & Windiyani, 2022). As time goes by, with the development and progress of the increasingly advanced era, Shopee provides Shoppe paylater services. Shopee paylater is a form of e-commerce product that provides loan services and has a limit of up to tens of millions. Shopee paylater is a service offered by Shopee through the buy now, pay later method. Initial payment for purchased goods is made by Shopee via the Shopee Paylater e-commerce platform, meaning that if you don't have the money to buy something, application users can use Shopee Paylater to buy goods (Lestari & Mahfudz, 2023).

In terms of language, paylater means pay later, that is, someone can buy goods and get them before making a payment transaction. This feature aims to make it easier for users to shop online, by providing solutions in the form of instant loans to users. Of course, it allows users to take advantage of services with a credit installment system, even though they don't have a credit card (Agustina et al., 2023). This loan service product is provided by PT Commerce Finance and is directly supervised by OJK (Nafi' Hasbi, 2021). Minimum installment fees 2.95% interest rate and other fees for users who choose the buy now, pay later program which must be completed within one month, 3.6 months, and 12 months. Each installment period is subject to a handling fee of 1% per transaction (Syaifuddin et al., 2022). However, the disputed Sharia law issue focuses on concerns about the existence of usury elements in paylater. Fajrussalam explains how to use Shopee Paylater. If the user is delayed in payment, a fine will be imposed for the delay. This is not by the provisions of online buying and selling transactions in Islam, which in this case is usury due to the addition of the price from the

previous amount. In Islam, these transactions are prohibited transactions (Isnaeni et al., 2023).

The installment system or delaying payments in Shopee paylater means that the Shopee marketplace provides electronic money loans which become debts and receivables or *qardh* contracts. According to Islam, the law of debts and receivables, or *qardh* permissible is even recommended to create mutually beneficial relationships and increase brotherhood. In language, *qardh* means to decide, while in terms it is defined as giving property to someone who needs it for use or use with an agreement to replace it (Nafi'Hasbi et al., 2022). According to DSN-MUI decision NO. 166/DSN-MUI/IX/2017 is categorized as a *qardh* contract, namely Sharia Electronic Money which is used for Electronic Money arrears. With an agreement to distribute the delay time to the owner of electronic money in a predetermined manner, he is obliged to return the funds that have been obtained to the owner of the electronic funds according to the time limit that has been agreed upon simultaneously by the seller and the buyer. In this case, Shopee paylater is included in aqad *qardh* because when carrying out the contract it is carried out clearly and openly, of course by the agreement, using various techniques contained in the application (Isnaeni et al., 2023).

Increasingly, with a new lifestyle that is more directed towards consumerism with the use of technology for easy transactions without waiting for sufficient fees, now there are digital credit cards with upcoming payment methods and often without having to think long to shop. With this, users involved in online commerce have many considerations regarding how to synchronize protection and supervision regulations for transactions in various available features

with existing Islamic buying and selling laws. Nowadays, when talking about Shopee paylater, many people only focus on meeting their needs, and give little consideration to usurious transactions if there is a delay in paying bills that are due, but as Muslims, we need to be careful when making transactions or buying and selling (Nafi' Hasbi, 2022).

This is a very serious problem among the Islamic ummah today. Many authors have explained how the *qardh* contract is implemented in Shopee paylater, but no one has explained whether all transaction features on the Shopee platform, especially the Shopee paylater feature, are required to comply with Islamic transactions. Meanwhile, the Shopee platform is only protected and supervised by the Financial Services Authority (OJK). The OJK does not guarantee that all transactions in it must comply with Islamic buying and selling laws.

LITERATURE REVIEW

Qard contracts prohibiting fines for late payment of bills in Shopee paylater have been widely written, including Aritonang, (2022), saying that the Shopee paylater system sets additional conditions for its users, namely that there are installments and other fees of 2.95% and 1% handling fees. If there is a delay in paying a bill that has been submitted on Shopee Paylater, the user will be charged an interest of 5% of the total bill. Agisni et al said that the 5% payment that occurs as a late fine falls into the category of jahiliyyah usury, namely usury caused by debts and receivables (Solihin et al., 2022). Khairul Wafa thinks that this *qardh* law follows the law of taklifi, sometimes it is permissible, makruh, obligatory, and even haram. It depends on how you practice it because wasilah law follows the law of purpose (Wafa, 2020). Stated

that Shopee paylater provides loan features that are supervised directly by the financial services authority (OJK) and carried out in collaboration with PT Commerce Finance.

From the various studies that have been explained, it can be concluded that adding price value due to late payment of bills in qard contracts is haram because it can be declared usury and the OJK protects shopee paylaters. Therefore, users should be careful in using this feature, but they are not allowed to demand that all systems in Shopee comply with Islamic transactions because there is no special protection against Islamic buying and selling regulations and special supervision regarding their conformity with Islamic transaction regulations.

Therefore, it is deemed necessary for Shopee users to know more about the suitability of the features on the Shopee platform with Islamic transactions, especially debt contracts or *qardh*, and how to use them wisely to avoid being haram.

METHOD

The type of research used in this research is descriptive qualitative research in which the results of the research are explained using detailed explanations in words so that readers can understand the discussion that the researcher will raise through online research to look for theories and concepts of Islamic law. *Qardh* agreement and financial services authority (OJK). Research using descriptive methods aims to tell stories about events or symptoms that are happening at the moment. This research is directed and focused on discussing library materials in the form of journals. The data presented in this journal is qualitative, and the main data

source for this qualitative research is words. Secondary data is a type of data source used in research. Secondary data is data collected from several library materials related to the problem being studied. The author cites articles, journals, journals and previous research related to the research title. The author uses a qualitative descriptive research design with secondary data sources, hoping to be able to describe broadly and in-depth the Application of Sharia Economic Principles of Akad Qard to E-Commerce: Shopee Paylater Transaction Study.

RESULT AND DISCUSSION

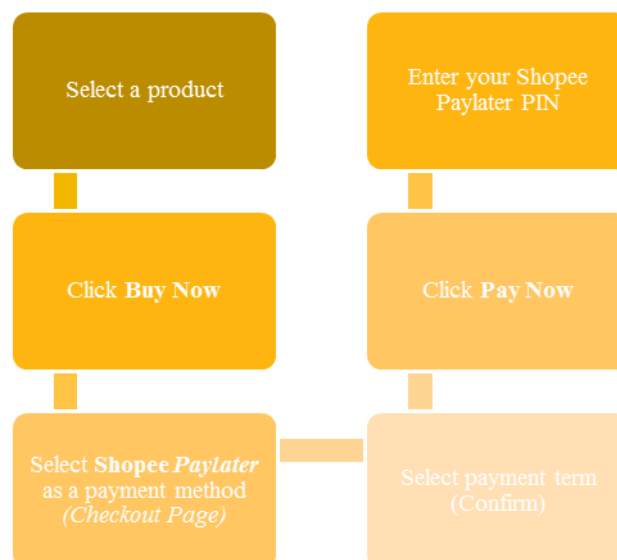
Order goods on the checkout page, the user can determine the payment method that will be used. One of them is the Shopee PayLater payment method. Several steps in activating Shopee PayLater include:

Figure 1.
Steps to Activate Shopee Pay later



Once the Shopee Paylater feature is active, users can use Shopee Paylater as a payment method for shopping transactions. The way to use Shopee PayLater at checkout is:

Figure 2.
Stages of using Shopee Paylater



Please note that if there is a notification that the payment has been successful, it means that the order placed will be processed. The order will be added to the shopee paylater bill after the user confirms "Order Received". Make sure Shopee Paylater users use their loan

limits wisely according to their capabilities so they can make bill payments on time to avoid late fees and fines.

Payments using this method are subject to a handling fee of 1% per transaction. Apart from handling fees,

there is also a late fine of 5% of the total bill if the user is late in paying bills that are due. Thus, if you cannot pay, then temporarily the user cannot use the payment feature using the Shopee PayLater method until the bill is paid in full. In this case, Shopee Paylater has 3 options for bill payments, namely payment in one month with no interest, payment in 2-month installments with 2.95% interest, or payment in 3-month installments with 2.95% interest. The users of this method are wise in determining payment options according to what is written on their respective cellphone screens (Monica, 2020).

DISCUSSION

The internet is a very global computer network that can be accessed throughout the world at unlimited times or we can call it online 24 hours a day. So the Internet is used and created by business people, entrepreneurs, and providers as a commercial opportunity to attract large profits. Electronic commerce or e-commerce has several business activities which include consumers and manufacturers, providers intermediaries using computer networks, namely the Internet. In a book entitled *Electronic Transaction Law in Indonesia* (Barkatullah, 2017). Explains that according to Julian Ding e-commerce is "Electronic Commerce or E-Commerce as it is also known as a commercial transaction between vendor and purchaser or parties in a similar contractual relationship for the supply of goods, services or acquisition of rights". This commercial transaction is executed or entered into an electronic medium or digital medium where the physical presence of parties is not required, and the medium exists in a public network or system as opposed to a private network. The public network system must be

considered an open system the Internet or the World Wide Web. The transaction depends regardless of national boundaries or local requirements.

What Julian Ding means is that e-commerce is a commercial transaction relationship including the actors in it are sellers and buyers or even other parties involved in the same contractual relationship to send several goods, services, or transfer of rights. This activity is carried out in digital media, which does not require direct meetings between various parties. E-commerce is a virtual meeting medium between companies and consumers in carrying out buying and selling economic transactions, and business transactions, namely buying, selling, and marketing goods and services using an electronic system. Can be via the Internet, television, or radio (Muhammad, 2020). E-commerce refers to the provision of business transactions carried out through digital technology both individuals and between organizations. E-commerce has several types of transactions carried out online, one of which is online banking transactions, online transportation, retail business, and online shopping (Sari, 2021). Entrepreneurs who want to increase their sales and profits have utilized e-commerce as a new model. One of the factors that drives the progress of e-commerce is increasing business income.

In terms of language, e-commerce electronic commerce is commerce or a form of business activity that generally involves several businesses via several computer networks including profitable activities (Khasanah & Ridwan, 2022). Generally, in buying and selling economic transactions, traders and buyers meet face to face and the goods are there and can be seen with the five senses. However, in the past few weeks, the question has often arisen, what if the desired item

cannot be reached because the distance is too far from the desired item? This question can be answered with the presence of online commerce or online commerce called e-commerce, a transaction system in a business that is an answer and solution for economic actors who have limited space and time. Since 1994, e-commerce has functioned to sell goods or services through an electronic system with various services offered to facilitate public transactions via the Internet (Mafruhah, 2023).

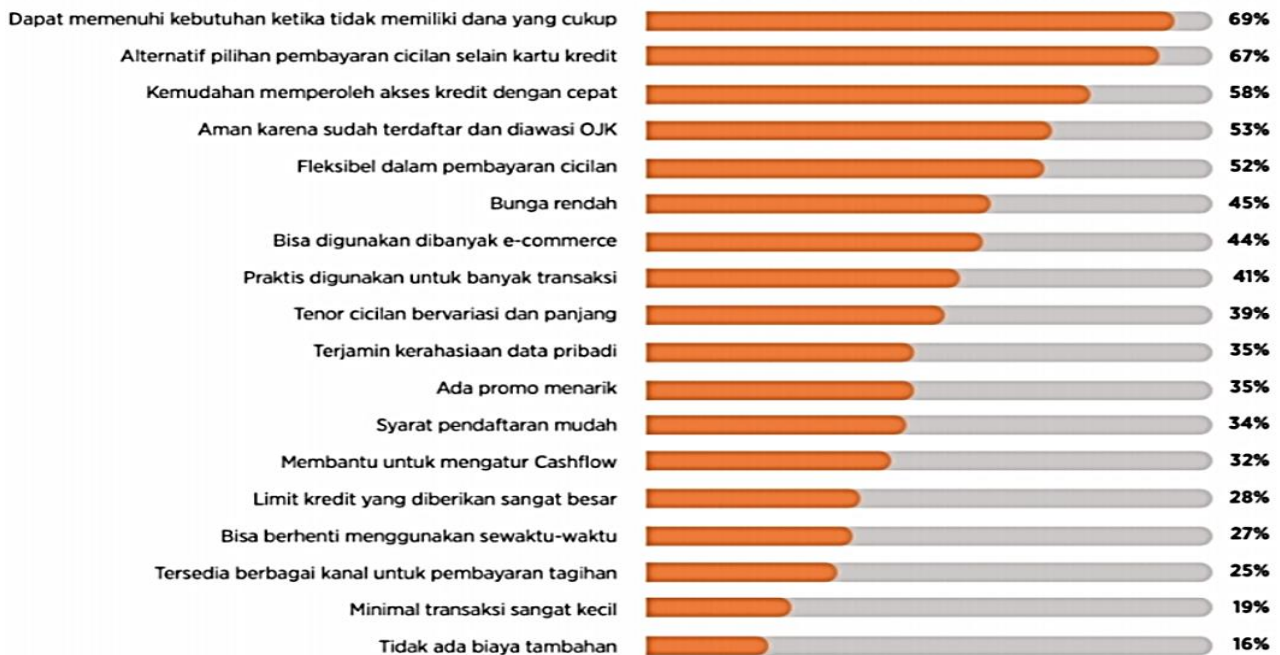
Fulfilling needs with the help of technological advances is proven by the existence of various marketplaces such as Shopee. (Bahtiar, 2020). Efficient because it can be reached by consumers more widely and quickly, because companies can open virtual shops 24 hours non-stop with a promotional or advertising system in the form of graphic displays that attract attention, both with videos or animations that have been provided as well as orders made online on the internet. It is said to be efficient because in terms of marketing, labor, and overhead costs the company can gain efficiency. Such as reducing the time and energy needed to print and send the latest catalogs to consumers, but they can be enjoyed and viewed on the website where product information and prices are available.

With the entry of e-commerce into the business world, consumer behavior has changed. In the beginning, they had to come to shops, markets, or other shopping centers to shop, but now they can do it online thanks to e-commerce. One of the supporting factors for its development is proven by the existence of

a payment system that can be accessed online, of course. The majority of payment methods provided by e-commerce are digital payments such as intra-bank transfers, virtual accounts, online credit cards, online debit cards, e-wallets, and so on (Sari, 2021).

Arrived at the Shopee marketplace, an online shopping place that has various payment systems for buying and selling transactions. On March 6, 2019, Shopee released its newest payment feature, namely Shopee Paylater. Shopee paylater is a payment using an online loan system that can pay bills in one month or pay in installments over two months or three months without using a credit card. Every consumer cannot receive money directly or in real life, but online with the available limits. The use of the Shopee paylater feature is only available in the Shopee application, it cannot be used in other applications (Khasanah & Ridwan, 2022). If the user receives a Shopee loan in the form of a balance, the user can use the desired goods or products before making a payment transaction. The mini-site is used by Shopee as an installment strategy when shopping on e-commerce on the Shopee application. Consumers who use this Shopee Paylater feature can use it depending on a non-general agreement. From this, it can be seen that Shopee Pay later makes it easy for consumers to get the goods they want first before making payment, but can follow up next month with the tagline "pay later" or the following month according to the agreed agreement by selecting the installment payment period (Aftika et al., 2022).

Figure 3.
*Data on Consumer Responses To The Advantages of Using
Keunggulan menggunakan PayLater*



Paylater Therefore, The Payment System With Shopee Paylater Remains An Interesting Thing In Shopping

In the law, Indonesian is said to be an agreement. The contract comes from the word al -'aqda which means to bind, connect, or join. Syamsul Anwar explained that a contract can be defined as something that creates law in its object and requires consent and Kabul to form the contract. Therefore, in Islam, equality is needed between the giver of the contract and the recipient of the contract to create the benefit of the contract so that it cannot harm one or both parties and also avoid harm to both parties (Ayu et al., 2022).

Meanwhile, *qardh* is a derivative word from *qaradha* which means *al-qarh'* (part), meaning part here is lending part of one's assets. In terms of *qardh*, it is defined as a form of activity of giving part of one's assets or lending one's property to another person, and what is lent can be asked for or collected back according to

the amount lent, therefore in this *qardh* contract, the only hope is for Blessings from Allah SWT does not expect any reward or additional value in returning loans (Abdillah, 2021).

One of the teachings of Islam is to provide loans to people who are in need. Mentioned in a hadith narrated from Abu Hurairah, Rasulullah SAW said, I saw at night when Isra' was written on the door of heaven alms are rewarded tenfold and *qardh* eighteen times. I asked, O Jibril, why is *qardh* more important than alms? He answered, because the beggar asks for something and he has it, while the person who borrows will not borrow unless it is necessary. From this hadith, there is an explanation that people who are willing to give loans will be doubled in return without expecting anything in return or return as proof of gratitude (Marsudi & Filiawati, 2022).

According to Budiman, (2013), there are several characteristics of *qardh* financing, including not being permitted

to take advantage of the loan, because its value is comparable to usury. Using a loan agreement, when the goods have arrived in the hands of the borrower, responsibility for them has shifted and they are obliged to return them to the borrower in the same condition as when they were borrowed. Within a certain time limit, if a due date is determined, it will be better because it makes things easier. Return the borrowed item if it is still there, but if the item has changed then return it for the same amount or at the same price. If it is in the form of money, the return is by the nominal amount borrowed.

The existence of an Islamic economic transaction with a *qardh* contract has conditions and harmony so that it can be carried out legally. Therefore, the following are the conditions and pillars of carrying out this Islamic economic transaction of the *Qardh* contract. The first is that the conditions for doing so must be the presence of an *aqid* the person carrying out the transaction, the object of the debt, and the presence of consent and *sighat*. Objects with goods or things that can be owned and given to the debtor when the debt agreement in question occurs must be required between the two people carrying out the transaction. As for the pillars, according to Syakhrul Islam Abi Zakaria Al Ansari, the same conditions apply to buying and selling and debt, including the existence of giver and recipient of debt, objects, and the existence of consent and *qabul*.

Currently, technology has proven its progress with various developments in lifestyle, especially in transactions. The real proof is that the Shopee platform allows users to use Shopee Paylater as a loan limit for transactions on Shopee. In the continuity of life that is currently felt by every human being, it cannot be

separated from the progress of living based on Islamic principles in the process of economic transactions. And in the case of loan transactions in the form of shopee paylater, if it is adjusted to Islamic transactions, the *qardh* contract is where the shopee is positioned as *Muqhrid*, and shopee paylater users are as *Muqtaridh*. Because a *muqridh* must have the ability to manage finances based on Sharia principles, there is no doubt that the Shopee marketplace is capable of managing its assets because it is supervised by OJK. Meanwhile, *muqtaridh* must carry out debt transactions without coercion and be proven by Shopee offering Shopee paylater users whether to activate the feature or not. The debt object referred to in this Shopee paylater is the loan limit that Shopee has provided to its users. There was consent and *qabul* that occurred in the Shopee Paylater feature after the user registers their data, the user data has been verified by Shopee (Komaria, 2021).

Please note that when using Shopee PayLater there is interest in the transaction process. The amount is between 0% to 2.95% every month. This provision has been set by the online shopping platform Shopee with a one-month installment method with 0% interest or around 2.95% per month if you choose 2 months, 6 months, and 12-month installment repayment, according to the user's estimated ability to pay the handling fee. Amounting to 1%. And transactions in Shopee PayLater are supervised by the Financial Services Authority (OJK). Users also need to pay attention to paying their bills on time when they are due because they will be subject to a fine of 5% of the total bill if bill payment is delayed. In this case, according to an Islamic economic perspective, Shopee PayLater

transactions are permitted and prohibited.

This is permissible because it has been explained at the beginning that the agreement has been proven when selecting features, accompanied by a description of the estimated price and delivery time. It can be said to be prohibited because the Shopee Paylater system contains elements of usury and this is prohibited by proving it when there is a delay in bill payment and you have to pay a fine according to the time of delay (Fajrussalam et al., 2022). This reminds users to minimize delays and be more careful in carrying out these transactions, so as not to be late, choose just one month's installments because it is a form of safeguarding against usury. PT Commerce Finance collaborates with other parties to offer loans to every user through the Shopee Paylater loan product, PT Commerce Finance which is of course directly supervised by the financial services authority or what we often call the OJK. With various installment periods, Shopee Paylater can be paid in installments starting from one installment, three installments, six installments, and twelve installments accompanied by a handling fee of 1% for each use of Shopee Paylater. The minimum interest rate is 2.95% for each transaction with a late fee of 5% every month for all overdue bills including previous bills (Rahayu & Aisyah, 2023).

Shopee is an online buying and selling marketplace that is easy and fast to use. Shopee released a new feature called Shopee Paylater, which allows Shopee users to shop with instant loans and very low interest. This loan can be paid in a period ranging from one month, two months to twelve months. Loans in the form of limits will continue to increase if you frequently shop with Shopee Paylater. Several conditions must be fulfilled when

using Shopee Paylater, namely that the Shopee account must be registered, verified, 3 months old, frequently used for transactions, updated Shopee applications and have a resident ID card (Ubaidillah, 2023).

CONCLUSION

Shopee paylater is one of the economic transaction features in the form of e-commerce and the system implemented includes payments using an online loan system that can pay bills within a certain period. With the availability of balance in the form of a limit in each Shopee marketplace user account. Shopee PayLater's monthly interest ranges between 0% and 2.95% every month. The mechanism for using Shopee Paylater is that the user must activate it after Shopee approves it. The user can use the Shopee Paylater feature to pay for transactions. From a Sharia Economics perspective, Shopee paylater is called a *qardh* or loan contract. Shopee paylater which stipulates that there is a fine for late payments indicates that there is usury. This shows that there is continuous usury when users are late in paying bills that are due. Therefore, as smart consumers, we must be careful in using the Shopee PayLater feature so that there are no delays in payments and avoid usury. This research is still in development, which will be very helpful if it can be used as a basis for further research on the perfection of sales contracts in Indonesia by Islamic Sharia.

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