

Analysis of Discounts in Shopeepay Transactions: Perspective of Islamic Law and Sociology of Law

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ABSTRACT

The development of digital technology has driven changes in economic transactions, including the increasing use of digital wallets such as shopeepay. Shopeepay offers ease of transactions as well as various promos such as discounts and cashback that attract consumers. However, from the perspective of Islamic law, there is a debate about the validity of this transaction, especially related to the element of riba in the profits obtained by users. In addition, from the perspective of legal sociology, the use of shopeepay reflects how society navigates Islamic legal norms in modern economic practices. This research uses a descriptive qualitative method with a legal sociology approach. Data is collected through literature studies by analyzing relevant literature, including journals, books, and articles. The analysis was carried out by identifying people's behavior patterns in the use of shopeepay as well as the influence of social norms and economic interests on compliance with Islamic law. Promos and incentives provided by shopeepay can be categorized as riba nasi'ah because they come from funds saved by users. Despite this, many people continue to use shopeepay because of its economic benefits, showing that economic interests are often more dominant than compliance with Islamic law. Therefore, stricter supervision from regulators and public education regarding digital transactions in accordance with sharia principles is needed.

Keywords: Discount, Shopeepay, Sociology.

ABSTRAK

Perkembangan teknologi digital telah mendorong perubahan dalam transaksi ekonomi, termasuk meningkatnya penggunaan dompet digital seperti shopeepay. Shopeepay menawarkan kemudahan transaksi serta berbagai promo seperti diskon dan cashback yang menarik minat konsumen. Namun, dari perspektif hukum Islam, muncul perdebatan mengenai keabsahan transaksi ini, khususnya terkait unsur riba dalam keuntungan yang diperoleh pengguna. Selain itu, dari perspektif sosiologi hukum, penggunaan shopeepay mencerminkan bagaimana masyarakat menavigasi norma-norma hukum Islam dalam praktik ekonomi modern. Penelitian ini menggunakan metode kualitatif deskriptif dengan pendekatan sosiologi hukum. Data dikumpulkan melalui studi kepustakaan dengan menganalisis literatur yang relevan, termasuk jurnal, buku, dan artikel. Analisis dilakukan dengan mengidentifikasi pola perilaku masyarakat dalam penggunaan shopeepay serta pengaruh norma sosial dan kepentingan ekonomi terhadap kepatuhan terhadap hukum Islam. Hasil penelitian menunjukkan adanya ketagungan antara prinsip Syariah dan praktik ekonomi digital. Promo dan insentif yang diberikan oleh shopeepay dapat dikategorikan sebagai riba nasi'ah karena berasal dari dana yang disimpan pengguna. Meskipun demikian, banyak masyarakat tetap menggunakan shopeepay karena manfaat ekonominya, menunjukkan bahwa

kepentingan ekonomi sering kali lebih dominan dibandingkan kepatuhan terhadap hukum Islam. Oleh karena itu, diperlukan pengawasan yang lebih ketat dari regulator serta edukasi public mengenai transaksi digital yang sesuai dengan prinsip syariah.

Kata Kunci: Diskon, Shopeepay, Sosiologi.

INTRODUCTION

The development of digital technology has brought significant changes in various aspects of life, including in economic transactions. In Indonesia, the use of e-commerce platforms such as Shopee and digital payment methods such as Shopeepay is increasingly popular. Shopeepay, as one of the features of digital wallets, offers convenience and various attractive promos such as discounts and cashback, which are the main attraction for consumers. However, behind this convenience, there are legal and ethical questions, especially in the perspective of Islamic law that prohibits the practice of usury.

In addition to a review of Islamic law, this study will also analyze the practice of using shopeepay through the perspective of legal sociology. Sociology of law as a branch of science that studies the interaction between law and society, can provide insight into how Islamic legal norms interact with modern economic practices. In this context, the sociology of law helps to understand how society responds to the rules of Islamic law that prohibit usury, while on the other hand, they also face economic and social pressure to take advantage of promos and discounts offered by digital platforms such as Shopeepay.

Changes in people's consumption behavior due to the COVID-19 pandemic also play an important role in the adoption of digital payment methods. The social restrictions imposed have made many people turn to online shopping to meet their daily needs. This creates opportunities for e-commerce applications like Shopee to grow rapidly. However, this phenomenon also poses new challenges related to compliance with Sharia principles.

From the point of view of Islamic law, there are two main opinions regarding the use of ShopeePay. The first opinion states that transactions using ShopeePay are valid as long as there is no element of riba. Meanwhile, the second opinion considers that the use of ShopeePay can contain an element of usury, especially related to the benefits obtained from the promos offered.

In the context of legal sociology, it is important to explore how societies interpret and apply legal norms in their daily lives. People may choose to ignore or modify their understanding of riba in order to get economic benefits from the use of ShopeePay. This shows the tension between religious norms and urgent economic needs.

The existence of attractive promotions such as discounts and cashback through ShopeePay encourages consumers to use this platform more often. However, it also raises ethical questions about the extent to which consumers are aware of or care about the legal implications of the transactions they make. In other words, there is a potential that consumers may focus more on financial gains than consider the legal and moral aspects of the transaction. The sociology of law also highlights how law functions as social control in society. In the context of using ShopeePay, Islamic law serves as a tool to regulate people's economic behavior in accordance with Sharia principles. However, technological developments and the demands of the modern economy often create tensions between formal law and evolving social practices.

The promo given by Shopee to buyers on cash payment is only given a discount of a few percent and free shipping (shipping costs) with a minimum purchase of a few rupiah. Each store in Shopee is different in setting discounts and free shipping (shipping costs). The difference is that if buyers make payments from a transaction with non-cash payments or through shopeepay, the promos given by Shopee to buyers can be larger than by making payments in cash. The interest of buyers or users of the Shopee application in promos or *free shipping vouchers* using shopeepay on the Shopee application is certainly a good thing and has a good impact on the development of an existing *marketplace* as a form of utilizing technology that is developing today. But what if in the transaction there are elements that are prohibited according to Islamic law, in addition to this, it can be beneficial for the seller and buyer when making transactions on the Shopee application.

Therefore, this study aims to analyze the use of Shopeepay from the perspective of legal sociology, focusing on how social norms and economic interests affect people's behavior in adopting digital payment methods, even though they are potentially contrary to Islamic legal principles.

METHODS

This study uses a descriptive qualitative research method with a legal sociology approach. Data is collected through library research by reviewing various literature, such as journals, books, and articles relevant to the research topic. Analysis is carried out through reading, recording, and categorizing information to build a theoretical framework and argumentation. From the perspective of Islamic law, the data are studied based on the principles of muamalah, while from the perspective of legal sociology, this study analyzes how Islamic legal norms are accepted, ignored, or adapted by society in daily life, as well as how social norms and economic interests affect compliance with Islamic law.

RESULTS AND DISCUSSION

Islamic Law Perspective on the use of Shopeepay

Along with the development of technology today, there are many online applications that can be used to shop, order food, and other transactions that can be done from home. One of the applications that is widely used by the public to meet their needs is Shopee. Shopee is an online shopping platform that can be easily accessed using smartphones that provides customers with an easy, secure, and fast online shopping experience through strong payment and logistics support. The Shopee application provides several payment methods offered to its users, one of which is payment using ShopeePay.

Shopeepay is a digital wallet (*e-wallet*) created by Shopee that is used to make payments almost the same as ATM transfers, only to use Shopeepay, users must have a balance.

ShopeePay is a wallet and electronic money service feature that can be used as an alternative payment method on the Shopee platform and to accommodate refunds. Here are some of the features of ShopeePay that can be used: top up balances, transaction payments on Shopee, and withdrawals from ShopeePay can be done after the user verifies their identity.

There is a difference of opinion regarding the legal basis for using shopeepay in its transactions. The opinion that says it is permissible refers to the evidence in a rule of ushul fiqh, namely:

الأصل في المعاملات الإباحة إلا أن يدل الدليل على التحريم

It means: "The origin of the law in the case of muamalah is permissible until there is a postulate that prohibits it".

With this postulate, the means of payment using shopeepay are halal and permissible for people who use them. In addition, payment transactions using shopeepay are legally allowed when there are no elements of riba and gharar in it.

The second opinion says that payment through shopeepay is haram. In Islamic law, the use of shopeepay top up is similar to a wadiyah contract. A wadiyah contract is a deposit that can be taken at any time where there is no obligation to give a bonus to the daycare service.

If viewed from the point of view of Islamic law, in payment transactions using shopeepay there is a wadi'ah contract. Shopeepay can be said to be a wadi'ah contract, because the person who uses it saves a certain amount of money in shopeepay with the intention of using it later when carrying out a purchase transaction. Shopeepay or virtual wallet is like funding funds that aim to collect funds from the public with various kinds of promos offered.

Shopeepay offers various promos such as discounts, cashback, and free shipping, which are the main attraction for consumers. However, from the perspective of Islamic law, these promos can be categorized as riba nasi'ah, because the profits obtained come from fund deposits stored in ShopeePay and used for ShopeePay Later activities. This is contrary to the principle of the wadi'ah contract in Islam, which prohibits the required reward for the deposited funds.

When viewed through the view of Islamic law, the results of the profits or benefits of the money used stored in ShopeePay are not in accordance with wadi'ah, because there are required prizes or payments through ShopeePay. In the fatwa of DSN MUI No. 116/DSNMUI/IX/2017 concerning Sharia Electronic Money states that:

1. In the event that the contract used is a wadi'ah contract, as a deposit that can be taken or used by the holder at any time, it must not be used by the issuer, except with the permission of the holder of electronic money. If used, then the deposit contract changes to qardh. And the regulatory authority is obliged to limit issuers in the use of float funds.
2. In the event that the contract used is a qardh contract, the issuer can use the debt money from the cardholder in a halal and legal way. The issuer is obliged to return the principal amount of the money holder's receivables at any time according to the agreement. The relevant authorities are obliged to restrict issuers in the use of float funds.

The funds that have been collected in shopeepay turn into loans, because the shopee application uses it to provide various kinds of subsidies, whether free shipping, cashback, shopee coins or others. Loans (qard) are debts and receivables that must be repaid in the future where the return must not be more than the amount borrowed. Meanwhile, when refunding or buyers using shopeepay balances, there are many promos that can be claimed. In this case, the benefits of the various subsidies mentioned above and other subsidies provided for shopeepay payments (non-cash) can be said to be riba, because there are benefits required for funds stored in shopeepay. As explained in Q.S Al-Baqarah verse 175 which reads:

الَّذِينَ يَأْكُلُونَ الرِّبَا وَلَا يُؤْمِنُونَ إِلَّا كَمَا يَقُولُ الَّذِيْنَ يَتَحَبَّطُهُ الشَّيْطَنُ مِنَ الْمُسْكَنِ ذَلِكَ بِأَنَّهُمْ قَاتُلُوا
إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَمَ الرِّبَا فَمَنْ جَاءَهُ مَوْعِظَةٌ مِنْ رَبِّهِ فَأَنْتَهُ فَلَهُ مَا سَلَفَ
وَأَمْرُهُ إِلَى اللَّهِ وَمَنْ عَادَ فَأُولَئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَلِدُونَ

It means: "Those who eat riba cannot stand but are like the establishment of a person who enters Satan because he is crazy. This is because they say that buying and selling is the same as usury. Even though Allah has legalized buying and selling and forbids usury. Whoever receives a warning from his Lord, and then he stops, then what he has obtained first belongs to him and his business is up to Allah. Whoever repeats, they are inhabitants of Hell, they abide in it." Meanwhile, riba is the determination of interest or exceeding the loan amount when repayment based on a certain percentage of the principal loan amount charged to the borrower.

In practice, ShopeePay provides many benefits or prizes offered, including *cashback* vouchers, free shipping vouchers (postage), and discount vouchers that can only be obtained if you use the ShopeePay payment method. While the shopeepay contract is a *wadi'ah* contract as mentioned in the fatwa of the National Sharia Council No: 02/DSN-MUI/IV/2000 concerning Savings must meet the general provisions of no required rewards. However, shopee provides rewards for everyone who makes transactions using shopeepay which violates the general provisions of the *wadi'ah* contract which causes this shopeepay law according to Islam to be riba because of the benefits required for funds stored in shopeepay.

Even though the Indonesian Ulema Council has issued a fatwa on the haram of usury in the use of electronic money, many people still use shopeepay because of promos and discounts. According to data from Katadata (2022), 71% of digital wallet users choose this payment method because of attractive promos, even though they are aware that the promos may contain elements of usury. This community response reflects the tension between formal (Islamic) law and social norms that are developing in society, where economic interests and ease of transactions often take precedence.

Legal Sosiology Perspective on the Use of Shopeepay

The online buying and selling marketplace that is currently often used is Shopee with various forms of promotions in the form of free shipping vouchers (postage), *cashback* vouchers and discount vouchers. From the point of view of legal sociology, this phenomenon shows how people are beginning to adopt technology in their daily lives, and how digital payment systems such as shopeepay play a role in shaping faster and more efficient consumption patterns, despite the tension between modern economic habits and Islamic legal principles.

From the perspective of legal sociology, the use of shopeepay reflects how people adopt technology in their daily lives, as well as how digital payment systems play a role in shaping faster and more efficient consumption patterns. However, behind this convenience, there is a tension between modern economic habits and the principles of Islamic law, especially regarding the prohibition of usury.

In the context of legal sociology, the use of shopeepay shows how social norms and people's habits in transactions can affect legal interpretation. People who are more concerned with the direct benefits of discounts and promos tend to ignore religious views on usury. The decision to use a payment method like shopeepay reflects the complex interplay between modern economic practices and Islamic law.

From the point of view of legal sociology, this phenomenon shows how people are beginning to adopt technology in their daily lives, and how digital payment systems such as shopeepay play a role in shaping faster and more efficient consumption patterns, despite the tension between modern economic habits and Islamic legal principles.

From the perspective of legal sociology, it describes how social norms and societal habits in transactions can affect the interpretation of law. People who are more concerned with the immediate benefits of discounts and promo offers without fully understanding the legal consequences of such actions tend to ignore religious views on usury. The decision to use a payment method like shopeepay reflects the complex interplay between modern economic practices and Islamic law.

However, although the benefits offered by shopeepay can be categorized as riba nasi'ah in the view of Islamic law, in practice, consumers are often more influenced by the social and economic factors that underlie their choice to use shopeepay. This shows that there is a conflict between the provisions of Islamic law and the reality of consumer behavior in the digital world.

Consumer behavior in digital transactions shows that social factors such as pressure from the environment, such as economic factors, namely the need to save expenses, are the main reasons why people choose to use shopeepay. The use of shopeepay reflects the conflict between Islamic law that prohibits riba and modern economic practices that offer promos and discounts. People tend to ignore the laws of Islamic law because they prioritize economic interests. This suggests that modern social norms and economic practices are often stronger than formal legal rules.

CONCLUSIONS

The use of shopeepay can be categorized as allowed as long as it does not contain elements of riba and gharar. The benefits offered by shopee when paying with the shopeepay payment method such as discount vouchers and so on are included in riba nasi'ah, because these benefits are obtained from the deposit of funds stored in shopeepay whose funds will be used for shopeepay activities later. This is contrary to the principles of Islamic law which prohibits riba in all its forms. In addition, the study reveals the tension between compliance with Islamic law and economic interests, where many users prioritize economic benefits over compliance with the prohibition of usury.

Based on these findings, this study recommends the need for stricter supervision from regulators and religious authorities on the practice of promoting digital wallets, as well as increasing public education about the dangers of usury. Thus, this research not only enriches the understanding of the challenges of Islamic finance in the digital economy, but also offers practical solutions for policymakers and users to deal with these challenges more effectively.

REFERENCES

Abdusshamad, S. (2014). Pandangan Islam Terhadap Riba. *Al-Iqtishadiyah: Ekonomi Syariah dan Hukum Ekonomi Syariah*, 1(1), 70-86.

Agus, P. A. (2018). Konsep Waád Dan Implementasinya Dalam Fatwa Dewan Syariah Nasional-Majelis Ulama Indonesia. *Amwaluna: Jurnal Ekonomi dan Keuangan Syariah*, 2(2), 222-237.

Agus, P. A. (2021). *Fikih Muamalah Kontemporer : "Perkembangan Akad-akad dalam Hukum Ekonomi Syariah"*. Malang: Inteligensia Media.

Ar-Riyawi, F. R. (n.d.). Hukum Shopee Pay dan Shopee Paylater dalam Tinjauan Syariat Islam.

Desminar, D. (2019). Akad Wadiyah Dalam Perspektif Fiqih Muamalah. *Menara Ilmu*, 13(3).

Fattah, A., Fadhilah S.N, Arifah, S.A, Agus, P.A. Tinjauan Hukum Islam Terhadap Keuntungan (Diskon) Melalui Metode Pembayaran Shopeepay. *Tahkim: Jurnal Peradaban dan Hukum Islam*, 7(2), 118-126.

Kharima, M. (2020). Transaksi Jual Beli Melalui Media Elektronik Dengan Fitur Serba 10 Ribu Di Aplikasi Shopee Perspektif Hukum Positif Dan Hukum Ekonomi Syariah. *Skripsi*.

Mapuna, H. D. (2022). Tinjauan Hukum Ekonomi Syariah Terhadap Transaksi Jual Beli Pada Online Marketplace Shopee. *El-Iqtishady: Jurnal Hukum Ekonomi Syariah*, 77-87.

Monica, M. (2019). Analisis hukum Islam terhadap pinjaman uang elektronik Shopee Pay Later pada e-commerce .

Mulyanti, N.R, Widyowati, D.S (2023). Tinjauan Hukum Ekonomi Syariah Terhadap Shopeepay Later. *Jurnal Ilmu Syariah dan Hukum*, 2(2),143.

Octavia, L. (n.d.). Tinjauan hukum Islam terhadap sistem promo pada jual beli online Shopee. *SKRIPSI*.

Rosmita, Aprianti, F., Rahma (2024). Tinjauan Hukum Islam Terhadap Penggunaan Voucher Gratis Ongkir di Shopeepay dalam Aplikasi Marketplace Shopee. *Jurnal Bidang Muamalah dan Ekonomi Islam*, 4(1), 85-88.

Said, R. A. (2020). Konsep Al-Quran tentang Riba. *AL ASAS*, 5(2), 1-15.

Wafa, A. K. (2020). Tinjauan Hukum Ekonomi Syariah terhadap Shopeepay Later. *Jurnal Hukum Ekonomi Syariah*, 4(01), 16-30.

<https://databoks.katadata.co.id/datapublish/2022/07/18/aplikasi-belanja-online-paling-banyak-digunakan-ini-dia-juaranya>

<https://dsnmui.or.id/kategori/fatwa/>

<https://indonesiabaik.id/infografis/beda-psbb-vs-ppkm>

<https://tafsirweb.com/1041-surat-al-baqarah-ayat-175.html>