

CASHBACK SHOPEE IN THE FIQH TABARRU' PERSPECTIVE

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ABSTRACT

Shopee is the e-commerce site with the most visitors in Indonesia; in 2023, it is estimated that Shopee visitors will reach 158 million visitors. A feature that attracts shop visitors is the cashback feature in the form of coins, which can be used as a discount when shopping. This study examines the law of cashback on shops from the *fiqh tabarru* perspective. *Tabarru'* is one of the contracts in *fiqh muamalah*, which does not intend to seek profit. The method used in this study is the descriptive-analytical method, with data collection methods through structured interviews with informants, namely consumers. The results of this study indicate that cashback is categorized as a gift given by the shopee to consumers because they have made a transaction. In the *fiqh tabarru'* perspective, gifts are included in gifts, *ju'alah*, and grants. Grants are gifts with no aim of gaining profit. According to the author's analysis, gifts made by the shopee to consumers are not included in the grant because the shopee does not just provide cashback. However, giving cashback has a purpose: consumers are interested in making transactions on e-commerce shopee, and shopee can benefit from the cashback. In conclusion, from the *fiqh tabarru'* perspective, cashback can be included in the gift and *ju'alah* contracts. Cashback is not included in the grant because the gift given by the shopee contains terms and conditions that apply.

Keywords: *Cashback, Ju'alah, Hibah, Hadiah, Tabarru'*

INTRODUCTION

Currently, the business world is being enlivened by the presence of various marketplaces.¹ *Marketplace* is an electronic product marketing container that brings together many sellers and buyers to transact with each other.² Marketplace companies that provide platforms for sellers and buyers, sellers will market their products, buyers can see what products are being sold, and marketplaces can take profits through commissions from the application.³ Marketplace uses an e-commerce system, which is a system developed for buying and selling transactions using the internet network⁴ E-commerce is also known as buying and selling online.⁵

In Indonesia, many companies provide e-commerce platforms.⁶ However, there is five e-commerce that is in great demand by the Indonesian people in 2023 based on the katadata.com survey, namely Shopee, Tokopedia, Lazada, Blibli, and Bukalapak. Shopee ranks first with the most visitors with 158 million visits per month, followed by Tokopedia with an average of 117 million visits per month, Lazada has an average of 83.2 million visits, Blibli with 25.4 million visits per month, and finally Bukalapak occupies the position fifth with 18.1 million visits per month. Thus, Shopee e-commerce has the most visits compared to other e-commerce.⁷

¹ Rina Irawati dan Irawan Budi Prasetyo, Pemanfaatan Platform E-Commerce Melalui Marketplace sebagai Upaya Peningkatan Penjualan dan Mempertahankan Bisnis di Masa Pandemi (Studi pada UMKM Makanan dan Minuman di Malang), *Jurnal Penelitian Manajemen Terapan Penataran*, Vol. 6, No. 2, 2021

² Nuraida Wahyuni, Ade Irman Saeful mutaqin, dan Akbar Gunawan, Pengenalan dan Pemanfaatan Marketplace E-Commerce untuk Pelaku UKM Wilayah Cilegon, *Jurnal Pengabdian Dinamika*, Vol. 6, No. 1, 2019

³ Suhaili Sahibul Muna, Nurdin, dan Taufiq, Tokopedia dan Shopee Marketplace Performance Analysis Using metrix Google Light-House, *IJESTY: International Journal of Engineering, Science and Information*, Vol. 2, No. 3, 2022

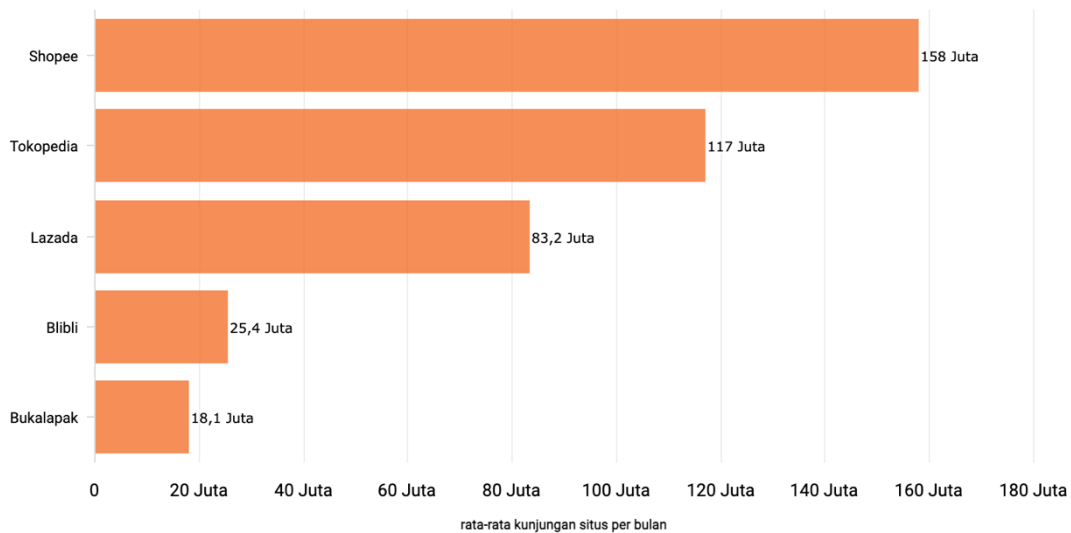
⁴ Siti Anisah dan Sentot Imam Wahjono, *Mengkaji Kelebihan dan Kelemahan E-Commerce Shopee Indonesia*, Surabaya: UMSurabaya, 2023.

⁵ Ika Atikah, Pengaturan Hukum Transaksi Jual Beli Online (E-Commerce) di Era Teknologi, *MUAMALATUNA: Jurnal Hukum Ekonomi Syariah*, Vol. 10, No. 2, 2018

⁶ Ridha Nurakhmawati, Ami Purnamawati, dan Indra Fahmi, Pengaruh Kualitas Pelayanan E-Commerce Shopee terhadap Kepuasan Pelanggan Melalui Keputusan Pembelian, *Coopetition: Jurnal Ilmiah Manajemen*, Vol. 13, No. 2, 2022

⁷ <https://databoks.katadata.co.id/datapublish/2023/05/03/5-e-commerce-dengan-pengunjung-terbanyak-kuartal-i-2023>

Figure 1. E-Commerce with the Most Visitors in Indonesia (Quarter I 2023)



Source: katadata.com

Shopee is an online shopping application that can be downloaded via the Play Store on Android smartphones and via the App Store for IOS. Shopee has made many changes since its appearance as a buying and selling site. These changes attracted consumers to make more transactions on the marketplace. Since its emergence, Shopee has placed more emphasis on the mobile platform, an innovation that makes it easier for consumers to shop and sell.⁸

Shopee provides various kinds of needs for women, men and children. In addition, Shopee also provides various accessories, beauty, computers, home equipment, health, hobbies, collections, photography, sports, school supplies, souvenirs, party equipment, outdoor, automotive, and even food and drinks.⁹ The shopee marketplace helped the

⁸ Adinda Rizki Sabila dan Lia Kusumaningrum, Analisis Kualitas Layanan E-Commerce Shopee dalam Meningkatkan Kepercayaan dan Kepuasan Pelanggan (Studi Kasus: Pelanggan Shopee di Kota Tangerang 2020), Ji-Tech: Jurnal Ilmiah Sekolah Tinggi Informasi NIIT, Vol. 16, No. 2, 2020

⁹ Khafidatul Ilmiah dan Indea Krishernawan, Motivasi Berbelanja di Marketplace Shopee, Mojokerto: Nusa Investama, 2020.

Indonesian people during a pandemic, because despite large-scale social restrictions, people could still fulfill their various needs by shopping through the shopee.¹⁰

E-Commerce Shopee also has several stringent regulations so that shopee parties, partners, and consumers feel safe and comfortable transacting through Shopee. One is by providing a shopee privacy policy that explains the transaction mechanism through the shop clearly and in detail. In addition, the Shopee claims that brands, intellectual property, and logos are copyrights owned by shopee. Therefore, copying or republishing content in the Shopee application is a form of violation.¹¹

Payment methods that Shopee can provide consist of Inter-Bank Transfers, payments via E-Wallet (digital wallet), payments via Minimarkets (Indomaret and Alfamart), COD (Cash on Delivery), ShopeePay and most recently, Paylater.¹² According to Shopee, this payment method is a safe because the funds paid by consumers are stored in advance by Shopee. If the goods ordered by the consumer have been received in good condition, then the consumer must confirm with Shopee, so that the money paid by the consumer can be forwarded to the seller.¹³

ShopeePay is the most iconic payment method in the Shopee application. ShopeePay is a feature offered by Shopee in the form of an electronic money service that consumers can use for payment when shopping on the Shopee application. ShopeePay has many advantages.¹⁴ ShopeePay is used for refunds if the consumer cancels a transaction¹⁵. In addition, ShopeePay is also used by Shopee as a place to store vouchers from games played by consumers. Not only that, the money in ShopeePay can be transferred to the bank account registered by the consumer¹⁶

¹⁰ Shintya Afifah Maharani dan Kemal Ade Sekarwati, Analisis Perbandingan Kinerja Website Shopee dan Tokopedia Menggunakan Metode Pieces, Pengemangan Rekayasa dan Teknologi, Vol. 18, No. 1, 2022

¹¹ 'Kebijakan Shopee' <<http://www.shopee.co.id/>>.

¹² Hisny Fajrussalam, Devi Hartini, Dini Anggraeni, dan Ine Malida, Analisis Pembayaran Paylater dalam Aplikasi Shopee Menurut Perspektif Islam, Attadib: Journal of Elementary Education, Vol. 6, no. 2, 2022.

¹³ 'Kebijakan Shopee' <<http://www.shopee.co.id/>>.

¹⁴ Ardianti Nurinda Aprillia dan Tetty Rimenda, Pengaruh Habit dan Trust dalam Minat Menggunakan ShopeePay pada Pembelanjaan Online (Studi Kasus pada Aplikasi Shopee), Prosiding SNAM PNJ, 2022.

¹⁵ Shopee, 'Pengertian Shopee-Pay' <<https://shopeepay.co.id/>> [accessed 12 May 2022].

¹⁶ Sukma Wati dan Wulan Israyanti, Bentuk Perlindungan Hukum dan Kepuasan Konsumen dalam Transaksi Jual Beli Daring Shopee, Jurnal Tociung-Jurnal Ilmu Hukum, Vol. 3, No. 1, 2023.

Through ShopeePay, the shopee also provides cashback, a cashback voucher. This cashback voucher is obtained through Shopee Coins and can be used by consumers to purchase the next item. An example is when a consumer transacts with a nominal value of IDR 100,000 and then the consumer uses the cashback voucher of 10%. The consumers can use this cashback shopee voucher from the free shipping page.¹⁷

Vouchers are commonplace and have existed before. However, previously vouchers were printed. Now vouchers are in digital form. Both print and digital vouchers have terms and conditions that apply. Shopee cashback vouchers are trending cashback vouchers among consumers. Cashback vouchers are also one of the reasons why Shopee is the most visited e-commerce site because cashback vouchers always attract attention, especially vouchers in the form of free shipping.

Giving in sharia economic law is included in the tabarru contract. A tabarru' contract is an activity of transferring an item from one owner to another voluntarily with the aim of helping each other between parties. The tabarru' contract has several giving contracts whose purpose is goodness. One of them is a grant contract which in the language means *Al-nihlal* which means giving without reward (*al-'athiyah bila 'iwadh*).¹⁸ Therefore, the authors are interested in researching the law of cashback vouchers from the fiqh tabarru' perspective.

RESEARCH METHODS

This study used a qualitative approach with a descriptive-analytical method.¹⁹ Descriptive-analytical is used because this research is conducted by collecting, studying, analyzing, and presenting data related to the law of cashback shopee vouchers in written form.²⁰ In addition, the author uses a descriptive-analytical method because he wants to know the data as a whole and in depth according to the problem being studied. The data collection techniques in this study were carried out through indirect observation on the shopee application, structured interviews with shopee users, documentation studies on the

¹⁷ shopee.id, 'Pengertian Cashback Shopee'. <https://cerdasbelanja.grid.id/>

¹⁸ 'Teori Akad Tabarru' (UIN Banten) <[http://repository.uinbanten.ac.id/4848/4/BAB II.pdf](http://repository.uinbanten.ac.id/4848/4/BAB%20II.pdf)>.

¹⁹ Ismail Nurdin dan Sri Hartati, *Metode Penelitian Sosial*, Surabaya: Penerbit Media Sahabat Cendikia, 2019.

²⁰ Wiwin Yuliani dan Ecep Supriatna, *Metode Penelitian Bagi Pemula*, Bandung: Widina Bhakti Persada Bandung, 2023

shopee application, and literature studies as additional data through literature related to research problems.²¹ The data that has been collected is then analyzed.

DISCUSSION

Using Cashback in Transactions at Shopee E-Commerce

Cashback is very attractive to consumers. By getting cashback, consumers can get coins that can be exchanged for the next transaction.²² Cashback is only given to consumers who transact via ShopeePay payments. The terms and conditions for consumers who wish to get cashback are as follows: a) Consumers must pay for transactions via ShopeePay; b) The cashback obtained can only be used for one transaction per day; c) The use of cashback is only carried out by one device or user; d) cashback will be given automatically to consumers as Shopee Coins after the payment is declared victorious; e) Shopee Coins cannot be cashed into money, but can be used in the Shopee application or at ShopeePay merchants; f) Shopee Coins can be forfeited if consumers do not top up ShopeePay or make transactions through ShopeePay within three months; g) If the consumer makes a refund, the cashback promo cannot be used again at the same merchant and on the same day; h) Shopee has the right to cancel giving cashback if indications of abuse by consumers are found; i) Shopee cashback promos can change at any time according to the terms of the shopee service.

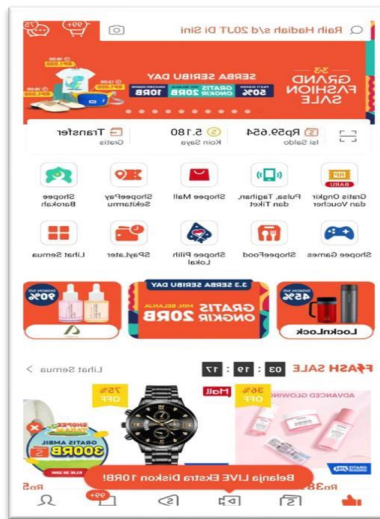
The following are the steps for consumers to get cashback vouchers from Shopee through the use of ShopeePay:

First, consumers must download the shopee application first and then register an account. After that, the main page of the shopee application will appear, as follows:²³

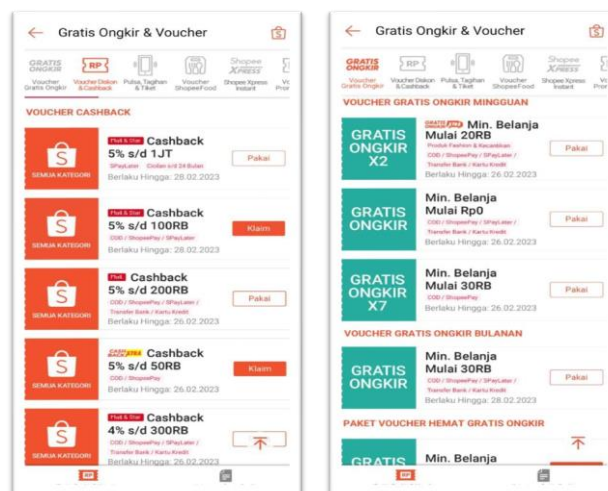
²¹ Wayan Suwendra, Metodologi Penelitian Kualitatif dalam Penelitian Sosial, Pendidikan, Kebudayaan, dan Keagamaan,

²² Koirunnisya Perani Rosyani, Devi Yunita, Intan Kumala Sari, Muhammad Rosdiana, 'Pemanfaatan Aplikasi Cashback Dalam Berbelanja Online', *Jurnal Pengabdian Kepada Masyarakat*, Vol.1.No.1 (2020).

²³ Shopee, 'Web Resmi Shopee' <<https://shopee.co.id/>>.



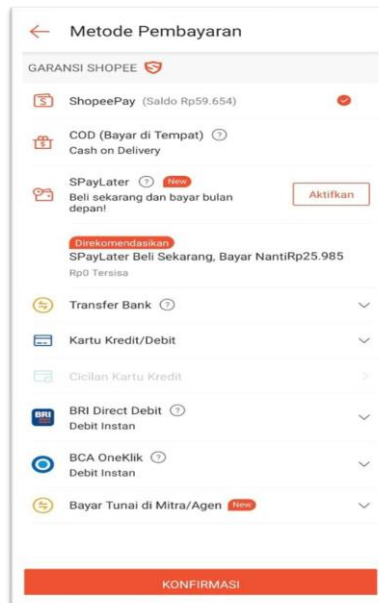
Second, opening the "Free shipping and vouchers" page on the main page of the shopee application, the display that will be seen when you open the "free shipping and vouchers" page is as follows:²⁴



On the cashback shopee page various vouchers will appear, from free shipping vouchers, cashback vouchers, to other vouchers, therefore if you want to use cashback then users need to select the "Cashback Voucher" section on that page and just click use or claim to get cashback the.

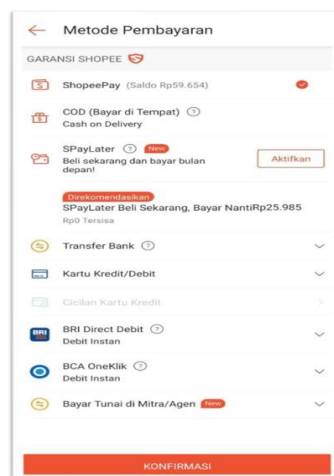
²⁴ 'Platform Shopee' <<https://shopee.co.id/>>.

Third, choose which products consumers will buy. For example, a consumer wants to buy a softlens case using a cashback voucher.²⁵



After choosing which product to buy, the user can immediately click "buy now", after that, the item will automatically enter the order list, and the user will be directed to carry out the next process, namely the process of selecting a payment method.

Fourth, choose a payment method using ShopeePay.



²⁵ 'Halaman Untuk Memilih Barang' <<https://shopee.co.id/>>.

After choosing a payment method using ShopeePay, consumers can immediately click confirmation to approve the payment method. After choosing a payment method, consumers can immediately use it and the cashback voucher can be used, after that the user can immediately check out the item he has selected.²⁶ The use of cashback in the shopee application does not only provide benefits for buyers, but also for sellers. With cashback vouchers, consumers will be more interested in making transactions at Shopee compared to other applications. Thus, the level of sales at shopee will also increase, and it will benefit sellers who work with shopee.²⁷

Cashback has different functions for sellers and buyers. For sellers, cashback is a marketing technique to increase store sales. Meanwhile, for cashback buyers, it is a promo that can be used to reduce purchasing costs.²⁸ The following is a display of cashback from sellers and buyers:

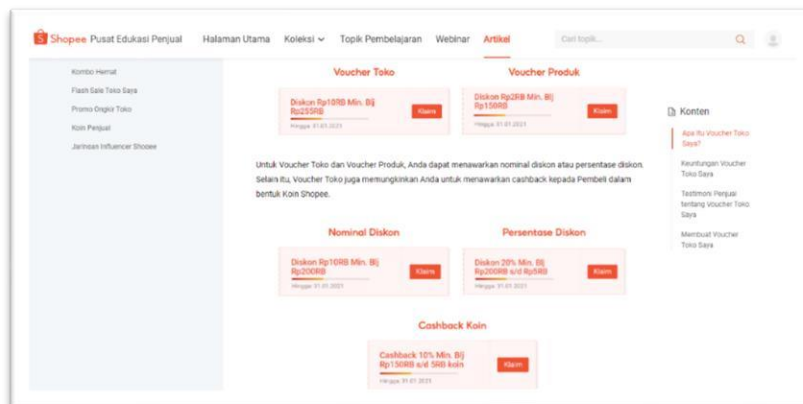
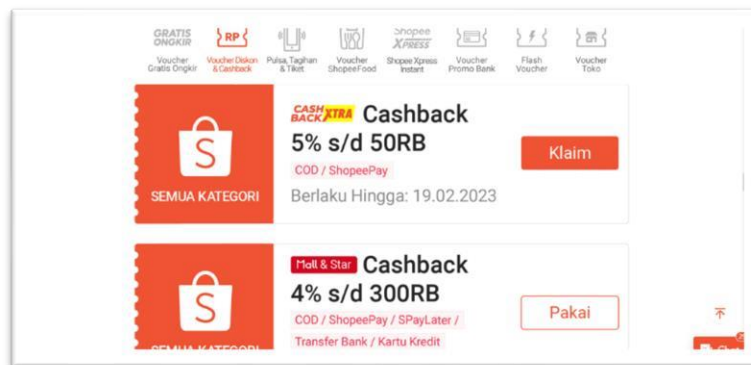


Figure 7. Display of Cashback on Sellers.

²⁶ 'Metode Pembayaran ShopeePay' <<https://help.shopee.co.id/>>.

²⁷ Sonia Aftika, 'Pengaruh Penggunaan Sistem Pembayaran Shopee Paylater "Bayar Nanti" Terhadap Perilaku Konsumtif Mahasiswa UIN Raden Intan Lampung Dalam Perspektif Bisnis Syariah' (Universitas Islam Negeri Raden Intan, Lampung, 2021).

²⁸ Ainun Faizah, 'Pengaruh Kemudahan E-Commerce Shopee Terhadap Perilaku Konsumtif Mahasiswa UIN Sunan Ampel Surabaya' (Universitas Islam Negeri Sunan Ampel, Surabaya, 2020).



Display cashback on the buyer's page

Based on the results of interviews with three sellers, the authors received information that cashback vouchers help sellers market their products. One of the sellers said that the seller applied cashback of two types: personal cashback given by the seller of 60% to 90% and cashback from the shopee of 10%. Meanwhile, the author also conducted interviews with five buyers. According to them, the cashback vouchers in the shopee are a gift for their loyalty as consumers. Apart from that, the cashback voucher is exciting and very helpful because it provides many conveniences and benefits. However, there was one respondent whose answer was very different from the other. The respondent said that the cashback provided by Shopee was not a gift but a refund that belonged to consumers when making transactions through Shopee.

Fiqh Tabarru' Analysis of Shopee Cashback Voucher Law

Based on interviews with both sellers and buyers, they generally say that cashback is a gift from the Shopee for its customers. Apart from consumers who say that cashback is a gift that is obtained by e-commerce shopee consumers when they finish making transactions on the shopee application, some scholars categorize that cashback as a gift according to Islamic law.²⁹ Prizes are included in the tabarru contract. The tabarru contract is a contract that is intended to seek goodness and is carried out sincerely. The

²⁹ Oni Sahroni, *Fikih Muamalah Kontemporer*, Jilid 3 (Jakarta: Jagakarsa, 2020).

tabarru contract is not a contract that prioritizes seeking profits such as profits in terms of doing business, but to get a reward because it is done without compensation.³⁰

The definition of *gift* in the fiqh tabarru' perspective is a gift from one person to another without the aim of gaining profit but is done as a form of respect or love for someone. Giving gifts can bring mutual respect, love and care.³¹ As the hadith of the Prophet Muhammad SAW means giving each other gifts, surely you will love each other.³² Apart from that, there is also a hadith from Abu Hurairah r.a, which means: give a gift. The gift removes terrible feelings in the heart.³³

According to fiqh tabarru', a gift contract other than a gift is a gift contract.³⁴ Meanwhile, a grant contract is any form of giving something to another person still alive with a sense of sincerity and without any strings attached, done directly or in writing.³⁵ According to Article 1666 of the Civil Code, a grant is a gift made by the giver when he is still alive to the recipient for free. By definition, gifts and grants have similarities as well as differences. The equation is that both are gift contracts that make the item change ownership. The difference is seen from the purpose of giving.

According to the author's analysis, cashback is more appropriately categorized as a gift than as a grant. *Cashback* is a gift given by the shopee or seller to consumers by applying the terms and conditions that apply. Shopee parties provide cashback vouchers to consumers as a sign of respect or affection from Shopee for the loyalty of consumers who transact at Shopee.

Another exciting thing is that Shopee vouchers are only given to consumers who use ShopeePay or Spaylater. There are actions taken by consumers which are then appreciated by the Shopee by giving cashback vouchers. Thus, consumers who do not take these actions are not entitled to get cashback vouchers. With these terms and conditions, a *ju'alah* contract appears, also included in the *tabarru'* contract. A *ju'alah*

³⁰ Ahmad Ifham Sholihin, *Buku Pintar Ekonomi Syariah* (Indonesia: Gramedia Pustaka Utama, 2013).

³¹ Halimah Tusadiah, Pemberian Hadiah Voucher pada Program Tabungan Mudharabah di Bank OCBC NISP Syariah Cibeunying, 'Adliya Vol. 11, No. 2, 2017

³² Hendi Suhendi, *Fiqh Muamalah*, (Jakarta: Rajawali Press, 2013), 211

³³ Fatwa DSN-MUI Nomor 86/DSN-MUI/XII/2012 tentang hadiah dalam penghimpunan dana LKS

³⁴ Mardani, *Fiqh Ekonomi Syariah, Fiqh Muamalah* (Jakarta: Kencana, 2019).

³⁵ Muhammad Ajib., *Fiqh Hibah & Waris* (Jakarta Selatan: Lentera Islam, 2019).

contract is a gift contract given by someone to another person who has done a specific job.

Thus, according to the fiqh tabarru' analysis, cashback vouchers in shopee can be categorized as gifts and *ju'alah*, depending on the terms and conditions set by the e-commerce shopee. Shopee cashback vouchers cannot be categorized as a grant contract, because cashback vouchers are not given for free. The law of the contract of gifts and *ju'alah* is permissible, if the gift is included in halal goods and the work done is not work that is contrary to Islamic law. The work referred to in the shopee application is a buying and selling transaction. If the buying and selling transactions carried out on the shopee application are buying and selling on halal goods, then the cashback vouchers obtained are also included in the halal category and are permissible.

CONCLUSION

Cashback vouchers are gifts from the shopee to consumers in the form of shopee coins which can be used as a discount on the next shopee transaction. To get the shopee voucher, you can transact via ShopeePay or SpayLater payments. Giving cashback vouchers has terms and conditions that apply. From the perspective of fiqh tabarru', gifts with certain motives are categorized as gifts and *ju'alah*. The motive for the gift is respect and affection, while the motive for the *ju'alah* contract is the success of a person's work. In addition, there is also a gift contract that is not based on any motive, namely a grant contract. Thus, a shopee voucher can be categorized as a gift or *ju'alah* contract because it has terms and conditions that apply. The law of gifts and *ju'alah* is permissible as long as work and rewards do not conflict with Islamic law.

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