

## ANALYSIS OF PAYLATTER TRANSACTIONS ON SHOPEE AND TIKTOK SHOP MASLAHAH PERSPECTIVE

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### Abstract

Digital transformation has a very significant impact on all aspects of life, especially in the economic and business fields. Many economic transactions are starting to shift from manual to completely electronic and digital. Online markets such as Shopee and Tiktok Shop offer various convenience facilities, including payment models, from paying on the spot, transfer, paying through merchants, and the newest payment method is paylater, with a choice of terms ranging from one month to 12 months. In this way, it indirectly provides consumers with the opportunity to carry out credit transactions with easy facilities and without collateral. The principle of muamalah according to Islamic law is to realize benefits and avoid harm. The impact of paylater really makes things easier for consumers, but apart from that, it also makes them addictive, so it can cause misery for those who cannot manage their desires and finances well. This research is qualitative research with descriptive empirical methods. Primary data in this research are paylater users on Shopee and TikTok Shop, while secondary data was obtained from books, scientific works, journals and other sources relevant to this research.

**Keywords:** *Paylater, Maslahah, E-commerce*

### Introduction

With the increasingly rapid development of the digital world, it has an impact on changes in all aspects of human life, especially in the economic and business fields. Initially all economic processes were carried out manually, starting from production, distribution and consumption, now everything has shifted to digital methods. There are many positive things brought by this digital transformation, including taking advantage of digitalization to achieve economic and business goals. The digital economy is characterized by the increasingly widespread development of business or trade transactions that utilize digital media as a means of communication, collaboration and economic activities between companies or between individuals, such as E-Business and E-Commerce.<sup>1</sup>

This digital transformation has given rise to online shops which create a new world known as cyber space, so that transactions arising from online shop transactions

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<sup>1</sup>Dewi Sartika Nasution, Etc., Digital Economy, (2019: Faculty of Islamic Economics and Business Uin Mataram, Mataram) H.1

are called e-commerce transactions, namely transactions carried out through a website or via social networks. Currently, micro, small and medium scale industries in Indonesia are also experiencing rapid growth and development with the existence of a marketplace for trade transactions via electronic systems (e-commerce) which is supported by increasingly wider marketing channels for industry players. So it is not impossible that Indonesia's economic growth in general will occur significantly.<sup>2</sup>

The presence of e-commerce has brought a change in consumer behavior. Previously they only shopped offline by coming directly to shopping centers, markets or the shops themselves, now they can easily do it online at home. According to Kotler and Keller (2012), changes in behavior are largely influenced by customers' perceptions regarding distance, price, promotions, places that have been determined by the company so far. The reason for consumers regarding the change in purchasing model from previous direct purchases to online purchases is because it has proven to be easier to do with all the facilities provided by online stores.<sup>3</sup>

As the online market develops, payment methods using installments and cash due are developing. Shopee collaborates with peer to peer lending service CV to provide the PayLater feature. PayLater or Lentera Dana Nusantara (LDN) is a popular payment tool in the world today. PayLater is a loan service offered online without a credit card that allows users to pay transactions not on the same day. The term "credit limit" is also often used to refer to this loan facility. Besides credit or debit cards and other mobile transfer methods, this new method is starting to emerge as one of the most widely used digital payment options. Paylater's payment and billing system is similar to payment via credit card. After making a transaction using PayLater, the user will be required to pay the bill according to the bill amount and due date according to the chosen time period.<sup>4</sup>

Islamic law regulates all aspects of human life, including muamalah. The concept that is used as the main consideration in resolving various problems in Islamic law is *maslahah*. Husin Hamid Hasan, in his book *Fiqh al-Maslahah wa Ta'biqatuhu al-Mu'asirah*, explains that *maslahah* is interpreted linguistically as benefit, while in terms it is interpreted as something that brings benefits and averts harm. According to him, *maslahah* is classified into two types. Firstly, based on the provisions of *syari'*, it is

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<sup>2</sup>Nandang Ihwanudin Etc., *Digital Economy and Business* (2023: Widina Bhakti Husada, Bandung) H.270

<sup>3</sup>Rahmatica Sari, *The Effect of Using Paylater on the Impulse Buying Behavior of E-Commerce Users in Indonesia*, *Journal of Business and Investment Research* Vol. 7, no. 1, April 2021, H.45

<sup>4</sup>Muh. Mahsun, et al, *Analysis of Islamic Law on Shopee PayLater Transactions of IAIN Ponorogo Students*, *JSHEL (Jurnal of Sharia Economic Law)* Volume 1 Number 2 (2023), December 2023 p.54

divided into three types: *Maşlahah* which is legalized by *syara'*, which is canceled by *syara'* and there is no cancellation or recognition by *syara'*. Second, *maşlahah* which is recognized by the *syara'* in its parts, in its types, which are contrary to the *naş syara'*, and which the *syara'* does not comment on. In his book, he formulated a correlation between *maşlahah* and the current situation.<sup>5</sup>

In the current development of online buying and selling models, with the aim of facilitating the transaction process, the *paylater* payment method has emerged. As previously explained, *paylater* is similar to a credit card, where consumers buy goods at a certain time, and can be paid in installments. That way, consumers can very easily get the goods they want without having to have money first. In buying and selling, the main principle is mutual consent, if the seller or the system used in the buying and selling has mutually agreed terms and conditions, then the buying and selling is safe, because there is no element of coercion. However, in transactions using the *paylater* payment method, there are many things that need to be studied, including in terms of benefit studies. On the one hand, this method makes it easier and easier for consumers to get goods by paying in installments in a very efficient and simple way. Meanwhile, on the other hand, this causes addiction so that many consumers are then trapped in mounting debts, because they are tempted by discount moments, limited editions of a product, or because they really need the item immediately. *Paylater* is the most appropriate solution to fulfill consumer desires. So how can *paylater* be analyzed from a *maslahah* perspective, does it bring goodness or prosperity to those who buy and sell?

### **Research methods**

This research is qualitative research with descriptive empirical methods. The primary data in this research are 5 *paylater* users on Shopee and TikTok Shop. Meanwhile, secondary data was obtained from books, scientific works, journals and other sources relevant to this research.

### **Discussion**

#### **History of Paylater on the Shopee and Tiktok Shop Applications**

*Paylater* comes from the words "pay" which means give payment to, and "later" which means afterward. It can be interpreted that this payment method is a type of

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<sup>5</sup>Safriadi, Maqāshid Al-Syari'ah & Mashlahahk: Study of the Thought of Ibn 'Assyria and Sa'id Ramadhan Al-Buthi, (Lhoksumawe: , 2021) p.14

payment with an installment model with no need to use a credit card. The digital company will pay in advance for purchases of goods made on an e-commerce platform application. Then the consumer pays according to the due date the following month. The payment period is adjusted to the tenor we choose at the beginning of the transaction. There are many reasons consumers choose this payment method. The main reason is because they can get the goods they want in an easy and practical way. Previously, consumers verified themselves first by filling in their biodata and identity, then uploading a selfie directly along with their identity. After that, consumers are directed to fill in the necessary personal data. After being verified by the system, for every purchase transaction, the paylater payment method appears, consumers are free to choose the tenor according to their abilities. In this way, consumers can immediately get the goods they want without going through long and difficult procedures.<sup>6</sup>

Based on survey results from the largest number of visitors to e-commerce platforms according to the Southeast Asian e-commerce market monitoring service, Shopee was ranked highest compared to other e-commerce platforms with a total of 227.6 million monthly (web) visits and 7.7 million application downloads/month.<sup>7</sup> This feature of the payment method using Paylater was rolled out on March 6 2019. Shopee provides this Paylater feature by collaborating with a peer to peer lending company called PT. Lentera Dana Nusantara (LDN).<sup>8</sup>

Furthermore, Tokopedia ranked second in terms of visitors and users with Monthly Visits (Web) were 95.6 million and Monthly Application Downloads (Android) were 2.4 million. Originally founded as a C2C platform in 2009, Tokopedia is a local multi-vendor marketplace, headquartered in Jakarta and currently has more than 8,000 official brand stores. One of its biggest advantages is that its logistics cover 93% of the country, with many regions having same-day express delivery. In December 2023, TikTok acquired 75% of Tokopedia's shares after the government banned e-commerce directly on social media platforms.<sup>9</sup>

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<sup>6</sup>Gramedia Blog, Understanding Paylater: Advantages, Disadvantages, and How to Use It, <https://www.gramedia.com/literasi/pengertian-paylater/>, Accessed May 25, 2024

<sup>7</sup>Tmo Group, (2024) Top 8 Marketplaces in Indonesia for Online Sales Business, <https://www.tmogroup.asia/insights/top-online-marketplaces-indonesia/>, Accessed May 29, 2024

<sup>8</sup>Susi Susanti, Using Shopee Paylater for Online Shopping for District People. Ranomeeto District. South Konawe From a Sharia Economic Perspective, Thesis, Faculty of Islamic Economics and Business, Kendari State Islamic Institute (IAIN) 2023, p.43

<sup>9</sup>Tmo Group, (2024) Top 8 Marketplaces...

Therefore, when the shop menu is opened, the TikTok shop account will be connected to Tokopedia.

Several reasons and obstacles when choosing to use the PayLater payment method were expressed by 5 PayLater users on Shopee and TikTok Shop, as follows:

NO	NAME	PLATFORM USED	LONG TIME USING PAYLATER	REASONS TO USE PAYLATER	PROBLEMS/PROBLEMS AFTER USING PAYLATER
1.	Umi (entrepreneur)	Shopee	3 years	1. Get the items you need easily 2. Credit without collateral and easy to pay	when it is due and there is no money to pay/pay later installments
2	Muhammad (private employee)	Shopee and Tiktok	2 years	1. The right solution when you need something and don't have enough money 2. Can choose the payment installment period according to your abilities	Have ever been fined because the payment exceeded the specified time limit
3	Alfina (student)	Shopee and Tiktok Shop	2 years	Very helpful when the shipment hasn't arrived	So addicted, and sometimes you can't limit your desires
4	Danil (private employee)	Shopee	2 years	Have a debt-style item, without having to be embarrassed by other people	Bills pile up
5	Mila (private employee)	Shopee	2 years	It makes it very easy for me to be able to have things when money is running low, and then pay them when I get paid	Pay installments immediately when get salary

Table 1. Results of interviews with 5 PayLater users

From the 5 paylater users on the Shopee and Tiktok Shop platforms, it can be concluded that paylater users feel helped and greatly facilitated by the paylater payment method to meet their needs, but are also burdened when they have to fulfill their obligations. This is exactly the same as the credit financing model. Even though there are terms and conditions and are agreed to by both parties, for some people not being able to choose and differentiate between needs and desires also has bad consequences.

### **Maslahah according to experts**

*Maṣlaḥah* comes from the words ṣalaha, ṣaluha, ṣalāhan, ṣulūhan and ṣalāhiyyatan which mean good or positive.<sup>10</sup> Etymologically, the word al-maṣlaḥah, the plural masāliḥ means something that is good, useful, and is the opposite of evil and damage. Maṣlaḥah is sometimes referred to by the term meaning seeking the true. The essence of maṣlaḥah is to create goodness and pleasure in human life and avoid things that can damage public life.<sup>11</sup>

Al-Ghazali in the book al-Mustashfa, formulated the definition of maslahah murrasa as follows:

*Anything (maslahah) for which there is no evidence for it from the syara' in the form of certain texts that cancel it and no one pays attention to it.*

From this definition, it can be seen that the substance of *maslahah mursalah* is, the existence of something that is seen as containing maslahah or being useful and bringing goodness to human life according to common sense. With it, human life becomes better and easier and avoids difficulties in living life. Then the maslahah does not conflict with the *nash syara'*, and is even in line with the objectives or maqashid al-Syariah. The third is that this problem is not discussed by the texts of the Shari'a, either from the Koran or hadith regarding its rejection or attention to it.

According to Al-Ghazali, the conditions for maslahah to be used are: first, maslahah is in line with sharia actions. Second, the benefit does not contrast with the Islamic texts, and third, the benefit is included in the dharuri category, whether the benefit is related to personal benefit or for everyone. In this regard, he also stated that maslahah which is hajjiyah when it concerns everyone can be dharuri.<sup>12</sup>

According to Amir Syarifuddin there are 2 forms of maslahah:

1. Creating benefits, goodness and pleasure for humans is called jalb al-manafi' (bringing benefits). There is goodness and pleasure felt directly by the person doing an action that is ordered, but there is also goodness and pleasure felt after the action is done, or felt the next day, or even the next day (afterlife). All the commands of Allah SWT apply to realize such goodness and benefits.

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<sup>10</sup>Ahmad Warson Munawwir, Al-Munawwir Dictionary, (Surabaya: Progressive Library, 1997), p.788

<sup>11</sup>Hasballah Thaib, Tajdid, Reactualization and Elasticity of Islamic Law (Medan: Postgraduate Program, University of North Sumatra, 2003), P. 27

<sup>12</sup>Mukhsin Nyak Umar, Al-Maslahah Al-Murlah: A Study of Its Relevance in the Study of Islamic Law, (Banda Aceh: Turats, 2017) p.41

2. Avoiding humanity from damage and evil is called dar'u al-mafasid (avoiding damage). There are also those who feel damage and ugliness immediately after doing a prohibited act, there are also those who feel something happy when doing a prohibited act, but after that what they feel is damage and ugliness. For example: committing adultery with a prostitute who is sick or drinking sweet drinks for those who have diabetes.<sup>13</sup>

Ash-Syatibi divides maqashid into two important parts, namely the meaning of the shari' (qashdu al-syari) and the meaning of themukallaf (qashdu al-mukallaf). According to Syatibi, Allah SWT revealed the Shari'ah (rule of law) for no other reason than to benefit and avoid evil. In easier language, the legal rules established by Allah SWT are only for the benefit of servants, both in this world and the afterlife, according to Imam ash-Syatibi's words:

*In fact, the Shari'ah aims to realize human benefit in this world and the hereafter."*

From this understanding, it can be explained that the aim of sharia according to Imam ash-Syatibi is the benefit of humanity. In this regard, he stated that none of Allah SWT's laws has no purpose because a law that has no purpose is the same as imposing something that cannot be implemented. Asy-Syatibi in al-Muwafaqat defines maslahah as maslahah found in new cases which are not designated by a particular text but which contain benefits that are in line (al-munasib) with sharia actions.

Ash-Syatibi then divided this maslahah into three parts, namely: maslahat dlaruriyyah, maslahat hajjiyat and maslahat tahsiniyat.

1. *Benefits of dlaruriyyatis* something that must be realized in order to realize the benefit of religion and the world. If this does not exist, it will cause damage and even loss of life and life. There are five things included in it, namely: Guarding religion (حفظ الدين), Guarding the soul (حفظ النفس), Guarding offspring (حفظ النسل), Guarding wealth (حفظ المال), Guarding reason (حفظ العقل).
2. *Benefits of Hajjiyat*, "secondary" level needs for human life are things that are needed for human life, but do not reach the dharuri level. If these needs are not met in human life, it will not negate or destroy life itself. However, its existence

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<sup>13</sup>Amir Syarifuddin, Ushul Fiqh, Volume II, cet. 4th (Jakarta: Kencana Prenada Media Group, 2008), p. 208



is needed to provide convenience and eliminate hardships and difficulties in the life of themukallaf.

3. *Benefits of Tahsiniyat*, "tertiary" level needs are something that should be there to beautify life. Without fulfilling these needs, life will not be damaged and will not cause difficulties. The existence of this level of needs is a complement to the two previous levels of needs, it is complementary to the life of themukallaf, which focuses on ethical and aesthetic issues in life.<sup>14</sup>

The opposite of *maslahah* is *mafsadah*. *Mafsadah* comes from the word *facade-yafsudu-fasadan* which means something that is damaged. *Mafsadah* in language can also be interpreted as harm. If viewed from another angle, *mafsadah* is considered the opposite of *maslahah* or the opposite of goodness. From the definition above, it can be seen that *mafsadah* is a disadvantage that leads to damage. Even though *mafsadah* is the opposite of *maslahah*, its manifestation is very close to *maslahah* so it is difficult to understand by comparing the meaning between the two. However, if the two are combined in the principle of "*Dar'u al-mafāsīd muqaddam 'Ala jalbi al-masālih*" it will produce real *maslahah*.

According to Syafiiyah scholars, there are very few things that happen in this world that contain pure *mafsadah*, as well as very few pure *mafsadah*, what is abundant are things that contain *maslahah* and *mafsadah* at the same time. Such as mixing good values with bad, pleasure with misery, pleasure with hardship and so on.<sup>15</sup> In contrast to Ibn 'Asyur who defined it as if he wanted to separate *maslahah* and *mafsadah*. He defined *mafsadah* as the nature of an action that produces damage or harm that is continuous, habitual, and occurs to the majority of humans or individuals.

Therefore, in the process of determining the law, the *ulama* are required to sort out whether something is *maslahah* or *mafsadah*. Of course, in determining a *maslahah* or *mafsadah*, scholars cannot use their minds alone but must use the help of Islamic texts. Because if *maslahah* and *mafsadah* only go through rational reasoning alone, it is likely that you will fall into judgment based on lust. That is why *Imām al-Gazzālī* when interpreting *maslahah* to achieve benefits and reject harm is

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<sup>14</sup>Ash-Syatibi, *Al-Muwafaqat fi Ushul Asy-Syari'ah*, (Bairut: Dar al-Kutub al-Ilmiyah, 2005) juz 1, p. 3

<sup>15</sup>Muhammad Sa'īd Ramadān al- Buti, *Dawabit al- Maslahah fi al-Syari'ah al- Islamiyyah*, (Beirūt: Mu'assasāt al- Risālah, 2000M ), Cet VI, p.17



not to achieve human desires and goals but to achieve the goals of *syara'*, which include: religion, soul, reason, offspring and wealth.<sup>16</sup>

## Discussion

In every buying and selling transaction, at least four conditions must be met, namely: the seller, the buyer, and the medium of exchange in the form of money or goods being traded. If seen from an Islamic perspective, paylators use Qardh contracts. According to Sayyid Sabiq Al-Qardh is property given by the debtor (*muqrid*) to the debt recipient (*muqtarid*) to then be returned to him (*muqrid*) as he received it, when he is able to pay it." According to the Law of the Republic of Indonesia concerning Sharia Banking Transactions No. 21 of 2008, a Qardh contract is a contract for lending funds to a customer and contains a clause that the customer is obliged to return the funds they receive at a mutually agreed time. The legal basis of the Qardh contract is similar to mutual cooperation between the borrower (*muqtarid*) and the lender (*muqrid*).

Based on the DSN-MUI Fatwa concerning Electronic Sharia Currency Number: 116/DSNMUI/IX/2017, the implementation practice is contrary to Islamic law, moreover the provisions of the Qardh Agreement do not apply to Paylater. The reason is, Paylater uses usury to pay his debts. The first month there is a 0% fee for those who repay the loan (*Muqrid*), after this time limit there will be a fine of 5% of the loan principal and an administration fee of 1%, meaning that the Paylater working mechanism benefits the platform. In this case, Shopee and Tiktok Shop /Tokopedia and users of the Paylater platform services are claimed, regardless of whether the parties have agreed to the contract submitted by the borrower (*muqrid*) to the lender (*muqtarid*) as *riba*.

However, according to Syamsudin, he has a different opinion, that debt and credit model sale and purchase transactions can be considered as *Ijarah* contracts. This is stated in the book *Al-Mughni* by Ibn Qudama as follows:

*"Ijarah is the sale and purchase of benefits; and benefits are in the same position as objects."*

If the use of the Shopee application and Tiktok Shop/Tokopedia Paylater as an intermediary between customers results in additional costs or debt, then these additional costs go to the system/company as *ujroh*.<sup>17</sup>

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<sup>16</sup>Akbar Sarif, The Concept of *Maslahah* and *Mafsadah* as Principles of *Maqāsid Syariah* Thought: One Analysis, *Ijtihad: Journal of Islamic Law and Economics*, Faculty of Sharia, Darissalam Gontor University Vol.10 Number 2 (2016), p.5

Based on this controversial law, if we examine it from the perspective of the problems in using Paylater, the following conclusions can be drawn:

1. The use of Paylater is permitted with several notes, firstly considering the capabilities of each individual, secondly considering the type of needs, priorities for dharuriyat needs, if it falls into hajiyat or tahsiniyat needs then it is recommended not to use the Paylater payment method. This Paylater payment method is included in the *maslahah* because it is in accordance with the objectives of *maqashid sharia*, namely bringing benefits to both parties, both consumers and producers, plus the owner of the onlineshop application platform. Because consumers feel helped, because they get the goods they need in an easy and practical way, while the producer/seller directly gets the sales results from the 3rd party organizing the paylater, then the platform owner gets a blessing from the service.
2. If Paylater transactions do not use logical calculations and the ability to commit to paying, then it will only lead to disaster... as with several people who have been interviewed, there are those whose installments pile up, so that meeting daily primary needs becomes difficult. This is due to a lack of careful consideration and calculation in deciding to buy an item. It is very possible that the goods purchased are not a necessity but are simply attracted by advertising or discount promotions, without considering the ability to pay for them.

## Conclusion

In online buying and selling transactions, the paylater feature is currently used as a payment method of choice which is quite popular with most millennials. Apart from being an easy and practical process, it also has a negative impact on users if they don't use it wisely. If paylater is used wisely, it can bring benefits, because it is easy, practical, and can be used at any time. This is in accordance with the principle of *maslahah*, namely bringing benefits and goodness and avoiding harm and damage.

Moreover, if paylater is not used wisely, it will lead its users to disaster/damage, because it makes users more consumptive, unable to manage their finances well, debts pile up, bills swell, life becomes a mess. In addition, if you don't understand Islamic law

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<sup>17</sup>Sigi Putri Davni and Fernanda Sayyidatina, E-Commerce Transactions: Shopee Paylater Features in an Islamic Economic Perspective, Sharia Economic Forum Gadjah Mada University, August 2022, <https://sef.feb.ugm.ac.id/shariarticle2201/> accessed 8 June 2024

and understand the terms and conditions of using the Paylater payment method properly, then it could be haram to use this Paylater, because there are elements of gharar in it. This keafsadatan is not in accordance with the 5 principles of maqashid sharia, namely: Protecting religion (الدين حفظ), Protecting souls (النفوس حفظ), Protecting descendants (النسل حفظ), Protecting wealth (المال حفظ), Protecting reason (العقل حفظ).

Therefore, it would be good to provide guidance to the millennial community to be more careful in deciding to buy something, make sure it is safe, comfortable and also avoid things that will damage the soul, property, religion, lineage and also the mind. Last, we also ensure that the platform we use is guaranteed by the OJK as the authority that supervises and guarantees the security of all financial transactions.

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