



Review of DSN-MUI Fatwa No. 177/DSN-MUI/II/2018 against the Practice of Paying Products on Credit Using the Shopee PayLater Payment Feature on the Shopee Application

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Abstract

This study aims to find out to practice credit payments using the SPayLater feature in the Shopee application and the suitability of loan funds through the SPayLater feature is based on the DSN-MUI fatwa No.177/DSN-MUI/II/2018 concerning Information Technology-Based Financing Services Based on Sharia Principles. This research was conducted using a descriptive method, which describes specifically the practice of product payments using the SPayLater feature and conformity analysis based on sharia. The results of this study conclude that the use of SPayLater can be done after activation. As for the practice, select the item you want to buy then, click the payment method and select SPayLater, click long payment then confirm, click make the order and enter the ShopeePIN. Analysis of the suitability of the DSN-MUI fatwa No. 177/DSNMUI/ II/2018 on loan funds in the form of electronic money in the SPayLater feature there are things in practice that are not in accordance with sharia principles, in which there is an additional fee of minimum installments of 2-95% of the total payment and there are late fees of 5 percent of the total invoices that are due.

Keywords:

Shopee; SPayLater; Sharia Principles.

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INTRODUCTION

As a millennial Muslim, sometimes in making a transaction, they do not pay attention to the concept that is shariah by the Islamic religion, be it buying and selling carried out in cash or non-cash so that they are often trapped in a transaction that leads to improper or even wrong transactions in Islamic law such as transactions containing gharar, maisir and usury. Which has been explained in sura Al-Baqarah : 275.

SpayLater is Shopee's PayLater feature with a fast loan facility. However, please note that this SpayLater feature has a system similar to credit cards in general and not all Shopee application users can use the SpayLater feature, only certain application users are selected to use the SpayLater feature with one month facility without interest or with two, three, six- and 12-months installment facilities without requiring a credit card with a certain limit.¹

In general, people get money loans through banks or financial institutions, but with the development of the times, there are now various online loan provider platforms that provide convenience for the public. One of them is the Shopee platform with the SPayLater feature which is an electronic money lender for its users. As for what is meant by credit based on Article 1 number (11) of Law Number 10 of 1998 concerning Amendments to Law Number 7 of 1992 concerning Banking, it is stated that: "Credit is the provision of money or bills of money equated with it, based on an agreement or loan agreement between the bank and another party that requires the borrower to pay off the debt after a certain period of time with the provision of interest"²

One of the *marketplaces* that involve international celebrities such as Blackpink in its campaigns so that it really attracts the attention of millennials today is Shopee Indonesia. Shopee is a Singapore-based marketplace under the auspices of SEA Group since 2015 begun to expand the Southeast Asian market, including Indonesia. Until now Shopee has expanded its reach to Malaysia, Thailand, Taiwan, Indonesia, Vietnam, and the Philippines.³

Shopee adapts to the habits of today's society, especially millennials, so Shopee focuses more on developing mobile applications than on web platforms because it will be easier for people to make various transactions through their mobile phones. Apart from providing convenience in the process of buying and selling transactions that are very contemporary, Shopee also contributes to providing a variety of very interesting features on its mobile application, such as free shipping, COD (Cash on Demand), cashback and vouchers, Shopee coins, Shopee games, flash sales, all 10 thousand, 9.9 sales, ShopeePay, SpayLater, and many other latest features.⁴

Information technology-based money lending services such as SPayLater have been regulated in Article 1 number (3) of the Financial Services Authority (POJK) Regulation Number 77 of 2016 concerning Information Technology-Based Money Lending and Borrowing Services which states that: "Information Technology-Based Money Lending and Borrowing Services is the provision of financial services to bring lenders together with loan recipients in order to enter into

¹ Irene Radius Saretta, "Shopee PayLater, Belanja Sekarang Bayar Bulan Depan," Cermati.com, accessed December 16, 2020, <https://www.cermati.com/artikel/shopee-paylater-belanja-sekarang-bayar-bulan-depan>,

² Law Number 10 of 1998 concerning Amendments to Law Number 7 of 1992 concerning Banking. Article 1 Number (11).

³ Thidi, "Prestasi Shopee Situs Marketplace Yang Mampu Bersaing Dalam Waktu Singkat," thidiweb.com, accessed February 9, 2021, <https://thidiweb.com/sejarah-shopee/>.

⁴ Kledo, "5 Fitur Terbaik Di Shopee, Jualan Mudah Untung Berlimpah," kledo.com, accessed February 10, 2021, <https://kledo.com/blog/fitur-terbaik-shopee/>.

loan agreements in rupiah currency directly through an electronic system using the internet network".⁵

In addition to the Financial Services Authority Regulation Number 77 of 2016, there is also a fatwa regulating information technology-based financing services based on Sharia principles, namely the fatwa of the National Shari'a Council of the Indonesian Ulema Council No: 117/DSN-MUI/II/2018 which regulates the general provisions of sharia principles in financial technology activities and the types of financing products that can be carried out must not conflict with sharia principles, namely products that are avoided from usury, *grarar*, *maysir*, *tadlis*, *zulm*, *dharar* and haram.⁶

Technology and information give birth to various conveniences that have an impact on the latest diverse innovations, one of which is in the field of commerce, namely e-commerce (electronic commerce) which in general can be interpreted as buying and selling transactions electronically through the internet media. In addition, E-commerce can also be interpreted as a business process using electronic technology that connects companies, consumers, and the public in the form of electronic transactions and the exchange or sale of goods, services, and information electronically.⁷

RESEARCH METHODS

In writing this study, the author uses a descriptive research method, which is to describe or describe something such as circumstances, conditions or other things in a certain population in actuality, the results of which are stated in the form of a research report. With this method, the author describes how the practice of paying products on credit by using the SPayLater payment feature in the Shopee application. Primary data obtained from SPaylater users is supported by secondary data derived from books, scientific papers and norms on the Shopee.id web. Data were collected by interview techniques, documentation studies and literature review.⁸

RESULTS AND DISCUSSION

Shopee Application Description and Shopee Paylater Payment Features

In 2015 Shopee which is an online trading platform launched under the auspices of Garena which is now known as SEA group headquartered in Singapore, until now the Shopee platform has a fairly wide reach in Asia including, Malaysia, Taiwan, Vietnam, the Philippines, Thailand and Indonesia. For the first time in 2019 Shopee made Brazil a country outside of Asia and the first country in south America that Shopee has visited.⁹

In December 2015 Shopee Indonesia was inaugurated under the auspices of PT Shopee Internasional Indonesia, from then until October 2017 Shopee developed very fast where its mobile application has been downloaded by more than millions of users. In April 2020, Shopee also introduced its latest feature and began to compete with Gofood and Grabfood by providing a

⁵Financial Services Authority Regulation (POJK) No. 77/POJK.1/2016 concerning Information Technology-Based Money Lending and Borrowing Services, Article 1 point (3).

⁶ Anam, "Ini Fatwa Terbaru DSN-MUI Tentang Uang Elektronik Dan Layanan Pembiayaan Berbasis IT," [mui.or.id](https://mui.or.id/11352/ini-fatwa-terbaru-dsn-mui-tentang-uang-elektronik-dan-layanan-pembiayaan-berbasis-it/), accessed February 8, 2021, <https://mui.or.id/11352/ini-fatwa-terbaru-dsn-mui-tentang-uang-elektronik-dan-layanan-pembiayaan-berbasis-it/>.

⁷ Nimda, "Apa Itu E-Commerce," [unpas.ac.id](http://www.unpas.ac.id/apa-itu-e-commerce/), accessed February 9, 2021, <http://www.unpas.ac.id/apa-itu-e-commerce/>.

⁸ Suharsimi Arikunto, *Prosedur Penelitian Suatu Pendekatan Praktik* (Jakarta: Rineka Cipta, 2010).

⁹ "Shopee," [wikipedia.org](https://id.m.wikipedia.org/wiki/shopee), accessed August 1, 2021, <https://id.m.wikipedia.org/wiki/shopee>.

Shopee Food feature that promotes the sale of ready-to-eat food from various places or restaurants.¹⁰

SPayLater is a payment method with the motto 'buy now pay later' obtained from the collaboration between PT Lentera Dana Nusantara and PT Commerce Finance in the Shopee application which was launched on March 5, 2019. With SPayLater, users can make purchases in advance and make payments later in the next month or in installments for several months.¹¹

To activate the SPayLater feature, users must be Indonesian citizens (WNI), at least 17 years old, and or already have an Identity Card (KTP). The SPayLater payment feature has several conditions that must be known by Shopee users who have activated the SPayLater feature, including the following:¹²

1. Users of the SPayLater feature can checkout as much as possible according to the nominal loan limit they have.
2. Users of the SPayLater feature cannot use SPayLater for the purchase of products with voucher categories.
3. Users of the SPayLater feature can purchase products from the categories of Credit, Data Packages, Roaming, Train Tickets, Bus and Shuttle Tickets, Plane Tickets, Postpaid, PLN Electricity, Telkom, Cable TV and Internet, BPJS, and PDAM.

After the application for activation of the SPayLater feature has been approved by the relevant party, the user can make transactions according to the limit that has been received. The terms and conditions of use of SPayLater are as follows:¹³

1. Users have successfully activated the ShopeePayLater feature.
2. Users can checkout as much as the loan limit received.
3. Users do not have obstacles in the form of late payment of SPayLater or Spinjam bills.
4. Users cannot use SPayLater in product purchase transactions in the form of Vouchers, Gold, Electronic Money, and Zakat.

The stages that must be carried out in a transaction using the SPayLater feature are as follows:¹⁴

1. Select the item you want to buy, then
2. Select ShopeePayLater as the payment method. Then click Confirm.
3. Click Create order, then.
4. Enter your ShopeePIN.
5. The payment will be automatically confirmed and the seller will get a notification to submit the order.
6. Users pay SPayLater bills no later than the 5th or 11th of the following month according to the due date.

After making a payment using the SPayLater method, the user will receive billing details on the 25th of each month and need to make a payment no later than the 5th of the following

¹⁰ "Sejarah Shopee," wikipedia.org, accessed August 1, 2021, <https://id.m.wikipedia.org/wiki/shopee>.

¹¹ "Apa Itu Spaylater," Shopee, accessed August 1, 2021, <https://help.shopee.co.id/article/Apa-itu-ShopeePayLater>.

¹² "Syarat Dan Ketentuan Pembayaran Dengan Spaylater," Shopee, accessed August 9, 2021, <https://help.shopee.co.id/s/article/tentang-spaylater>.

¹³ "Syarat Dan Ketentuan Berbelanja Dengan SpayLater," Shopee, accessed August 9, 2021, <https://help.shopee.co.id/s/apa-syarat-dan-ketentuan-berbelanja-dengan-spaylater>.

¹⁴ "Cara Membayar Dengan SPayLater," Shopee, accessed July 13, 2021, <https://help.shopee.co.id/s/article/Bagaimana-cara-membayar-dengan-SPayLater>.

month, rinda said. According to Aisyah as a user of SPayLater also said that in the details of the bills that need to be paid, there is no number with percent interest, but the nominal price that needs to be paid varies in each installment period, where there is an additional price in each installment and of course it is interest even though it is not listed as a percent number in the bill payment details.¹⁵¹⁶

SPayLater applies a late fee of five percent of the total bill that will be paid by SPayLater users if they make a late payment. The following is an example of calculating the total late payment fee of SPayLater in the form of a fine of five percent:

Total Tagihan	Biaya Keterlambatan	Total Tagihan yang harus Dibayarkan
Rp. 200.000	5% dari Total Tagihan	Rp. 210.000
	5% x Rp. 200.000 = Rp. 10.000	

SPayLater users have a bill of Rp. 200,000 on May 25, 2021 with payment due on June 5, 2021. However, the user forgets to pay at maturity and finally the user makes a payment after June 5, 2021 (e.g. a new user pays on June 10, 2021). Intan explained that it is correct about the article of imposition of additional fees if you are late in making SPayLater bill payments. Because every time it approaches the due date, Shopee will notify it to make payments before the due date to avoid being subject to sanctions in the form of fines. However, what percentage of the fine is not notified at the beginning when the user applies for SpayLater.¹⁷

Analysis of Fund Loan Suitability through the SPayLater feature Based on DSN-MUI Fatwa No. 117/DSN-MUI/II/2018

Indonesia has an institution known as DSN-MUI (National Sharia Council-Indonesian Ulema Council) which is used as a mecca for sharia-based economic and financial law. The development of the Islamic economy and finance has not escaped the perspective of Sharia law as a guide for life. With the existence of DSN-MUI which has a vision of socializing the Islamic economy and promoting the community's economy with the mission of growing the development of the Islamic economy for the welfare of the people and the nation. In realizing the expectations of Muslims related to economic problems in order to encourage the practice of Islamic teachings in the economic and financial fields which are manifested in accordance with the provisions of Shari'a.¹⁸

Sharia-based information technology-based lending and borrowing services, in addition to providing offers and schemes that differ from existing services such as conventional, also provide certain restrictions on the use of funds provided by lenders. As well as the transactions passed by sharia-based fintech cannot be separated from the characteristics of sharia business that relies on the foundation of the Islamic economy, namely divinity (ilahiah), justice (as-adl), prophetic (an-nubuawah), government (al-caliph) and results (al-maad).¹⁹

Now DSN-MUI allows information technology-based loan services on the condition that their

¹⁵ Rinda, Wawancara dengan mahasiswi UNJANI pengguna Spaylater, interview by Neneng Fatimah, July 7, 2021.
¹⁶ Siti Aisyah, Wawancara dengan mahasiswi UIN Bandung pengguna Spaylater, interview by Neneng Fatimah, June 25, 2021.
¹⁷ Intan Selvia, Wawancara dengan mahasiswi UIN Bandung pengguna Spaylater, interview by Neneng Fatimah, June 21, 2021.
¹⁸ Andika, "DSN-MUI, 'Sang Penjaga Dan Pembuat Jalan Ekonomi Syariah,'" KNKS, accessed August 19, 2021, <https://knks.go.id/berita/259/dsn-mui-sang-penjaga-dan-pembuat-jalan-ekonomi-syariah?category=1>.
¹⁹ Achmad Basori Alwi, "Pembiayaan Berbasis Teknologi Informasi (Fintech) Yang Berdasarkan Syariah," *Al-Qanun: Jurnal Pemikiran Dan Pembaharuan Hukum Islam* 21, no. 2 (2018): 248–64.

implementation does not conflict with sharia principles. It is also explained in Al-Baqarah's letter: 282 and An-Nisa's letter: 29 which explains that any transaction made in cash should be recorded and prohibited from taking other people's property by vanity means. The above rule states that any legal transaction of its origin is permissible as long as there is no proposition that prohibits it. However, it seems that a lot of information technology-based loans are not compared to practice. Likewise on loan funds in the SPayLater feature on the Shopee application.

The general guidelines for information technology financing services stipulated by DSN fatwa No.117/DSN-MUI/II/2018 concerning Information Technology-Based Financing Services Based on Sharia Principles have several provisions that must be met by the parties including the following:

1. The implementation of information technology-based financing services must not conflict with sharia principles, namely, usury, gharar, tadlis, maysir, dharar, zhulm, and haram;
2. The Standard Agreement made by the Operator must comply with the principles of balance, justice, and fairness in accordance with sharia and applicable laws and regulations;
3. The contracts used by the parties in the implementation of information technology-based Financing Services can be in the form of contracts that are in line with the characteristics of financing services, including al-bai', ijarah, mudharabah, musyarakah, wakalah bil ujah, and qardh contracts;
4. The use of electronic signatures in electronic certificates carried out by the Operator must be carried out on the condition that their validity and authentication are guaranteed in accordance with applicable laws and regulations;
5. Organizers may charge fees (ujrah / rusum) based on the principle of ijarah for the provision of systems and infrastructure for Information Technology-Based Financing Services; and
6. If the information on financing or services offered through electronic media or disclosed in electronic documents is different from reality, then the aggrieved party has the right not to proceed with the transaction.

In the practice of paying products using the SPayLater feature with loan funds provided by Shopee with the qardh contract scheme, there are several things in its application that are not in accordance with DSN-MUI fatwa No.177 of 2018 concerning Information Technology-Based Financing Services Based on Sharia Principles, where there are additional fees and the imposition of fines if SPayLater users make delays in making bill payments and discrepancies in the amount of interest that has been added up with product payments by Shopee, so that the interest is included in the usury category. Meanwhile, in the fatwa, it is clearly explained that 'the implementation of information technology-based financing services must not conflict with sharia principles, such as the addition of the cost of goods or usury.

CONCLUSION

Credit practices are carried out in the Shopee application, namely using the Shopee PayLater feature as a payment feature provided by Shopee. The steps that must be done are, to select the item you want to buy then click the payment method and select SpayLater then select the payment time then click confirm, click create order, then enter the ShopeePay PIN. The Shopee

PayLater loan can be used for user shopping payments with the option of repayment of one month with the 'buy now pay later' program or with two, three, six, and 12-month installments that are subject to a minimum interest of 2.95 percent per month. Analysis of the suitability of DSN-MUI fatwa No.117/DSN-MUI/II/2018 on loans in the form of electronic money in the SPayLater feature in the Shopee application which shows that there are several things in practice not in accordance with sharia principles, where there is an additional fee from monthly installments of at least 2.95 percent of the total payment amount and late fees in the form of a fine of five percent of the total bills that have matured (including previous bills). So the fatwa does not allow borrowing funds from SPayLater because it contains an addition to the principal debt and the imposition of other additional costs that burden users. A review of the Islamic economy on credit payment practices with the Shopee PayLater feature, there are two opinions of scholars who allow (mubah) and some that prohibit it. Jumhur ulama fiqh allows the practice of buying and selling credit, either at the same price as the cash price or higher on the condition that it is based on consensual, no one feels disadvantaged and clarity on the contract, namely there is understanding between Shopee and Shopee users that payments are made in installments with a period of three, six, 12 months when using the Shopee PayLater feature and shopee also provides information regarding the choice of the length of installments to users. The clerics prohibit credit practices with Shopee PayLater because they consider that additional costs are usury, while usury is prohibited in Islamic business ethics because, at the time of bill payment, there is an additional debt of 2.95 percent.

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