



THE JU'ALAH CONTRACT IN THE DIGITAL AGE: A SHARIA LAW ANALYSIS OF COMMISSION IN SHOPEE'S AFFILIATE PROGRAM

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Abstract

The purpose of this study is to understand commission setting in business practices through Shopee Affiliate, analyze the legal relationship (rights and obligations) between affiliates and Shopee from the perspective of Sharia Economic Law, and to see the legal implications of determining commissions for parties in the Shopee affiliate program based on the muamalah agreement. With a qualitative approach, the primary data for this research was obtained by interviewing 6 (six) informants. Then analyzed using secondary data in the form of primary legal material from the Electronic Information and Transaction Law (UU ITE) as well as Minister of Trade Regulations and secondary legal material from Ulama fatwas. The results of this research reveal that the mechanism for implementing the Shopee Affiliate program is quite easy via smartphone. The legal relationship that occurs between Shopee and affiliates seen in the ITE Law is called a partnership relationship. Meanwhile, seen from the perspective of Sharia Economic Law, it shows that the legal relationship is in the ju'alah contract where Shopee as the company gives rewards to affiliates after successfully carrying out their work. The implication of the legal provisions for shopee affiliate business activities is that it is permissible or permitted to be done because it brings benefit to society and even becomes an opportunity to create added economic value from smartphone devices.

Keywords: Ju'alah Contract, *Shopee Affiliate Program*, *Commision Agreement*, *Sharia Economic Law*

Abstrak

Penelitian ini bertujuan untuk memahami penetapan komisi, menganalisis hubungan hukum antara afiliasi dengan pihak Shopee ditinjau dari perspektif Hukum Ekonomi Syariah, serta untuk melihat implikasi hukum penetapan komisi pada program Shopee affiliate. Dengan pendekatan kualitatif data primer penelitian ini diperoleh dengan cara wawancara terhadap 6 (enam) orang informan dan data sekunder berupa bahan hukum dari Undang-undang Informasi dan Transaksi Elektronik (UU ITE) juga Peraturan Menteri Perdagangan, fatwa-fatwa Ulama. Hasil penelitian ini menunjukkan bahwa mekanisme pelaksanaan program Shopee Affiliate cukup mudah melalui smartphone. Hubungan hukum antara pihak Shopee dengan affiliator berbentuk kemitraan jika dilihat dalam UU ITE. Sementara dilihat dari perspektif Hukum Ekonomi Syariah menunjukkan hubungan hukum secara ju'alah dimana pihak shopee selaku perusahaan memberikan reward kepada affiliator setelah berhasil melakukan pekerjaannya. Implikasi dari ketentuan hukum dari aktivitas bisnis shopee affiliate yaitu mubah atau boleh dilakukan karena mendatangkan

kemashlahatan bagi masyarakat bahkan menjadi peluang menciptakan nilai tambah ekonomi dari perangkat smartphone.

Kata Kunci: Akad Ju'alah, Shopee Affiliate, Penetapan Komisi, Hukum Ekonomi Syariah

A. INTRODUCTION

The advancement of businesses that use digital technology tools is increasingly showing a very important role in the Indonesian and global economy. One of them can be seen from the large number of start-ups. Based on world start-up ranking data, Indonesia is ranked fifth Canada and Germany with 2,341 thousand start-ups (Fitriyadi, 2019). This indicates that businesses in Indonesia are adapting to technology quickly. Along with the rapid development of digital technology with adequate internet support has been followed by changes in the lifestyle of some people in fulfilling their needs such as shopping for food, clothing and other needs online. (Mustajibah & Trilaksana, 2021). Trade transactions of goods and services have shifted from traditional ways to modern ways conducted through online platforms known as e-commerce (Wirapraja & Aribowo, 2018). One form of business that uses an information technology platform is marketing cooperation called affiliation. It is a form of business cooperation with the Business to Business (B2B) model where companies sell products through agents who act as intermediaries in informing the types of products to be sold (Riswanto et al., 2023). One of them is the Shopee affiliate platform, a feature where sellers can work with Shopee creators to promote products with a commission scheme from every sale that occurs.

The Shopee affiliate cooperation agreement is carried out electronically by containing all information on the affiliate party and the terms and conditions of the affiliate programme, affiliate media and commissions in the affiliate programme. Studies related to marketing with the Affiliate system have been carried out, Fauza Husna (2023) in his study revealed that one of the strategies that can be done by sellers is to market the products sold by utilising the services of affiliates or affiliate marketing. The involvement of affiliates in the buying and selling process turns out to have a fairly large influence on the progress of the online-based buying and selling process. This is reinforced by Ramadhayanti (2021) that marketing communication and affiliates greatly affect the increase in sales volume. Shopping online using the shopee marketplace is influenced by consumer confidence and guaranteed product quality (Aini & Adinugraha, 2024).

The study from the perspective of Islamic law, the practice of Shopee affiliate marketing cooperation with affiliate participants is identical to the *samsarah* contract (agency) and *wakalah bil ujrah* (fee for services acting on behalf of others) (Rahman, 2022). Another study analyses the law of buying and selling through the shopee platform with the use of SPayLater, which is permissible under Islamic law, but becomes haram if there is an element of interest that must be paid by the buyer when not paying off within the specified time period (Ahmadi et al., 2024). Balqis & Mustofa (2023) studied affiliate marketing on TikTok's social media platform, namely tiktok affiliate, concluding from the point of view of Islamic law that it is categorised as a *masalah dlaruriyah* action which is a type of benefit related to basic human interests, that the existence of an affiliate program

includes a *mursalah* problem, namely activities that bring goodness or pleasure and keep away things that are *mudharat* such as poverty.

Based on previous studies on the affiliate business more on the aspect of effectiveness and its effect on increasing sales volume, while from the aspect of Islamic law has been studied from the aspect of the law of origin and the category of *masalah* while the study in terms of determining commissions to affiliates from the perspective of Sharia economic law has not been thoroughly discussed. So this research enriches the previous study by examining how the process of becoming a shopee affiliate member and how the commission is determined for shopee affiliates in the perspective of Sharia economic law, and how it impacts the welfare of affiliates.

This study is important for three reasons, namely: First, affiliate practices at Shopee as a form and model of *muamalah* in the digital economy, need to be studied in terms of Sharia economic law so that the human rights and halal income earned by affiliates are in line with Sharia economics. Second, this study is important to add to the legal analysis of the implementation of the commission determination in the affiliation of the Shopee affiliate programme; Third, this research is important to make a scientific contribution in the field of Sharia Economic Law in responding to the development of *muamalah* in the digital era so that people can run businesses based on Sharia principles.

B. DATA AND METHODS

This research is a descriptive qualitative research that interprets data from written statements and symbols, and the behaviour of the affiliate actors observed. To obtain this data, interviews were conducted with six shopee affiliates as informants who were selected based on the quadrant helix (Kunwar & Ulak, 2024) informants were selected with four criteria. First, business people or sellers who use Shoopee affiliates. Second, Shopee content creators who create and market products from shoopee. Third, consumers who buy goods, in this case housewives who often shop online at Shoopee. And fourth, students who use shoopee affiliates as a source of income.

The interview method is carried out by asking questions related to the discussion that has been prepared before going to the field. In conducting interviews, the researcher makes an appointment in advance with the informant, for the time the interview lasts an average duration of 20-25 minutes per respondent in a structured manner, namely preparing written questions as guidelines in digging up the necessary information so that they know the mechanism for giving commissions to Shopee affiliates.

Furthermore, data from documents in the form of screenshots of shopee affiliate content, posts that show Affiliate business events. Data is also obtained by direct observation in the field in the Langsa City area. Observation carried out by participating directly as a agent (Creswell, 2014) that is, the researcher joins as an affiliator. Langsa City as a place of observation, because there are many content creator actors in the Shopee Affiliate application.

Moreover, data from interviews and observations were analysed comparatively. (Muhadjir, 1996) namely comparing field data with secondary data in the form of three legal materials. First, primary materials consist of laws and regulations, official records, or

minutes in making laws and regulations, namely: Law No. 11 of 2008 concerning Electronic Information and Transactions (ITE Law), Consumer Protection Law (UUPK) No. 8 of 1999, Regulation of the Minister of Trade of the Republic of Indonesia No. 70 of 2019 Chapter 1 Article 1 concerning direct distribution of goods, Law No. 20 of 2008 concerning Micro, Small and Medium Enterprises, Regulation of the Minister of Trade No. 31 of 2023 concerning Business Licensing, Advertising, Guidance, and Supervision of Business Actors in Trade through Electronic Systems. Second, secondary legal materials, namely DSN Fatwa No.62/DSN- MUI/XII/2007 concerning Ju'alah Akad, National Sharia Council Fatwa No.75/DSN-MUI/VII/2009 concerning Guidelines for Sharia Leveled Direct Selling (PLBS). Third, tertiary legal materials which are complementary in nature that provide additional guidance or explanation of primary and secondary legal materials. Tertiary legal materials contained in the research such as legal dictionaries, large Indonesian dictionaries.

This juridical comparative analysis approach is part of legal research that uses these legal materials to be able to draw a legal conclusion from the events studied (Marzuki, 2008) namely the determination of commissions in shopee affiliate.

C. RESULTS AND DISCUSSION

Analysis of Sharia Economic Law on Commission Determination in the Shopee Affiliate Program

Shopee Affiliate is one of the business professions in the digital era that offers income for content creators by promoting Shopee products on social media (In et al., 2023). Shopee affiliate users are given the freedom to be creative in content creation as long as the products chosen fulfil shopee's terms and conditions. In this business, affiliates only need the ability to create content from home and distribute it through product website links and will get a commission from each product sold (Nadhiroh et al., 2024). The more products purchased from the promotion, the greater the commission received by the affiliate. As the results of the interview with Azzahra that the affiliate he promoted clothes from shop A with a commission of 2% with a maximum commission that has been determined is Rp. 10,000, suppose the price of clothes sold is Rp. 600,000. for the calculation method: $2\% \times 600.000 = 12.000$. However, the commission given to the affiliate is still a maximum of Rp. 10,000.

Based on this information, it shows that Shopee Affiliate activities through the shopee application have an element of *ju'alah*, namely that shopee promises rewards in the form of commissions for every achievement in selling goods promoted through their respective social platforms. In the *Ju'alah* contract, there are two parties to the contract, namely the shopee who offers to join the shopee affiliate and the party who is willing to become an affiliate (Qori, 2024). Reward in the form of commissions given to those who have achieved achievements in sales. The mechanism of getting commissions from sales generated through Shopee's marketing and product promotion efforts, as well as providing transparency and good management regarding the performance of their affiliates. Shopee affiliate commissions will be paid through ShopeePay or bank transfer that has been registered every week on Thursday (*Perhitungan Komisi Shopee Affiliate : Pahami Agar Untung – Trend Marketing Di Era Digital – DigitalMarketing.Id*, 2024).

The Shopee Affiliate programme gives anyone the opportunity to earn income easily and flexibly. Without the need to have their own products, affiliates only need to

choose and promote products that their audience likes and is interested in (*Cerita Affiliate Shopee: Peluang Sukses Mendulang Cuan Dari Platform E-Commerce Terbesar Di Asia Tenggara*, n.d.). The way the shopee affiliate programme works is quite simple. To join as an affiliate, you can download the shopee application and register first via the link <https://affiliate.Shopee.co.id/> or from the shopee application itself, then follow the registration flow. After that, wait a maximum of 3 days until you get a notification and confirmation email that the registered shopee affiliate account has been registered. After getting the notification and confirmation email, shopee affiliate programme users can start promoting shopee products on social media that were registered at the beginning of registration. After shopee users have successfully registered, the shopee affiliate programme platform will appear on the shopee app page "Saya". (*Tentang Program Afiliasi Penjual Shopee*, 2024).

Prospective affiliates can download the shopee app first, then open it on the page "saya" after that scroll down until the option appears "shopee affiliate program"; (2) in the shopee application room too, by searching in the search field "shopee affiliate program"; (3) the last way is through chrome/google and search link <https://affiliate.Shopee.co.id/>. Next, register as an affiliate in the shopee affiliate programme, namely: fill out the registration form starting from entering the shopee account name, mobile phone number, e-mail, entering social media account links, until then get a verification code that has been sent to the e-mail concerned. After that, the first stage of the registration process is complete and waiting for confirmation of registration which will be sent to e-mail.

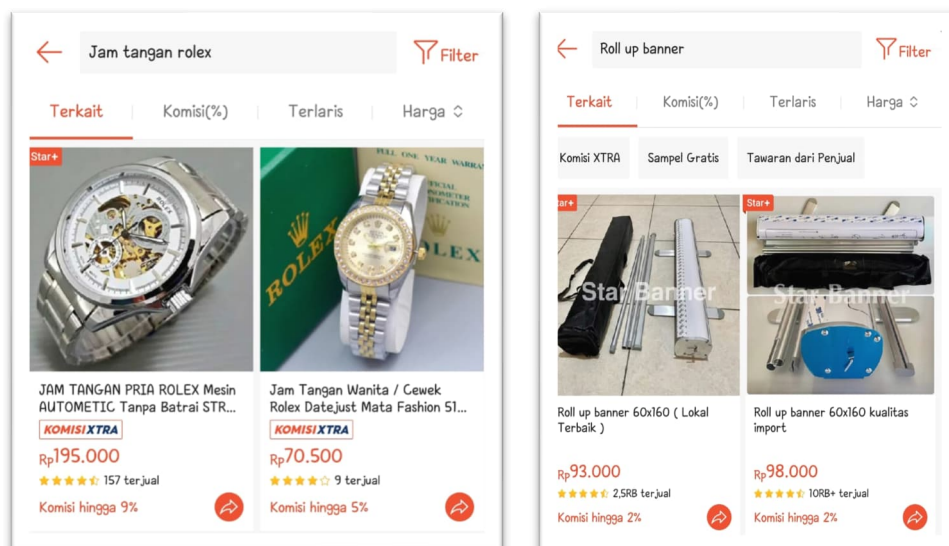
Based on this process, the legal relationship between shopee and affiliates is established through an agreement process that occurs electronically. The registration form and the contents of the agreement are written electronically and constitute the framework between shopee and the affiliate (Hidayat, 2008, p. 83). The legal force of agreements made by the parties, both written and unwritten, is the same in accordance with the provisions of Law Number 19 of 2016 Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions in Article 1 Paragraph 17 which explains that, 'Electronic Contracts are agreements between parties made through Electronic Systems.' This is based on the provisions of the Civil Code in Article 1338 which explains that, 'All agreements made legally shall apply as laws for those who make it' (Sinaga, 2019).

The agreement between Shoppe and affiliates in the placement of advertising materials will be made exclusively through the Shopee platform application procedure, in the context of which affiliates will submit an application to take part in the affiliate programme, and thereby accept the terms and conditions of this agreement. The agreement becomes a document that contains the clauses of the partnership agreement that contains the rights and obligations of the parties. After being confirmed as a shopee affliator, a partnership relationship is formed between the two. Partnership as mentioned in Article 1 Paragraph 13 of Law Number 20 of 2008 concerning Micro, Small and Medium Enterprises that, 'Partnership is cooperation in business linkages, both direct and indirect, on the basis of the principles of mutual need, trust, strengthening, and benefit" (Prasetyo et al., 2024). In accordance with the shopee affiliate programme, where the affliator and the shopee affiliate have a mutually beneficial collaboration, where the shopee affiliate gets promotion for its products and the affliator gets a commission from the promotion

carried out.

The next step is for the affliator to select the products to be promoted. In this second step, affiliators can view and select the products to be promoted as shown in Figure 1 below. These products are products that are sold in Shopee Premium, Shopee Mall, Star, and Shopee Premium Star+.

Figure 1: Product display on the Shopee Affiliate Programme



The third step is for affiliates to share Shopee product links on social media. Affiliates can include product links through stories, bio, or posts on social media. Affiliates must ensure that the social media accounts registered with the Shopee affiliate programme are personal accounts, active accounts, non-private accounts, and have original content.

Affiliates can promote shopee products both through social media platforms and other media. However, it should be noted that there are a number of items that are prohibited from being promoted by Shopee Affiliates, namely: 1) promoting or content related to illegal activities; 2) selected items in the luxury jewellery category; 3) weapons; 4) cigarettes; 5) wildlife; 6) offering material services that cause software/hardware to break; and 7) all types of infant formula. Purchases of such items are NOT eligible for Shopee Affiliate commissions. These items in sharia economic law refers to goods that are forbidden because they are against public order, decency and law, for example, finding casinos or gambling, drugs, and so on are illegal goods (Rahman, 2022). Cigarettes have mudharat (elements of danger) and environmental damage that has been ruled haram by the Indonesian Ulema Council (Firmansyah, 2019). If you have promoted prohibited items, you can immediately delete content posts that promote prohibited items. If there has been an order from a prohibited item, the order does not fulfil the terms and conditions for earning a commission (Erfiana & Purnamasari, 2023).

In the last step, the affliator will earn a commission for every purchase made through the custom link that is shared or promoted. Affiliates get commissions based on performance (achievement in promotion with sales results) in promoting affiliate links. The general provisions of the shopee affiliate programme as mentioned in number 2 that

Shopee will pay commissions or bonuses according to relevance for participants who upload links on their personal media, where the terms and conditions are regulated in the Shopee Affiliate Program Guidelines with no conflict between these things where every click on the attached link will result in a purchase that has been completed and is in line with the applicable provisions and the commission is given a maximum of 7 days after clicking the link (*Tentang Program Afiliasi Penjual Shopee*, 2024). Based on the latest commission scheme (effective as of 18 April 2024), the commission amount depends on the types of shopee affiliate programmes as shown in figure 2 below:

Figure 2. Affiliate commission schemes based on programme types.

PROGRAM	KETENTUAN	SKEMA KOMISI AFFILIATE
SHOPEE PARTNER*	Min. 2.000 Followers/ Subscribers di Youtube, Instagram, Tiktok, Twitter & mencapai 50 order minimal satu kali dalam 3 bulan terakhir	SEMUA PESANAN 4%* *maks. komisi per pesanan Rp50.000
SHOPEE AFFILIATE**	Semua Pengguna	SEMUA PESANAN 2%** **maks. komisi per pesanan Rp10.000

Based on figure 3 above, affiliators will earn a commission every time someone purchases a product through their affiliate link. Affiliates do not need to handle product stock or shipping, as well as flexibility in promoting products. As explained by informant Rahmawati, the affiliate commission payment system in the shopee affiliate program, namely the affiliator will receive affiliate commission payments every week and can see payment details in the Commission Report in the Shopee application. A daily commission report will appear for all completed and validated orders on the previous day. The affiliate commission payment schedule is paid on Wednesday of the following week. Commissions on reports issued on Thursday - Sunday will be paid on Friday of the following week. If there is a public holiday on a business day, the payment will be made on the next business day. Registered sellers can share shop links & product links via social media (Instagram, Facebook, TikTok, etc) other than Shopee to earn commission. The Seller's commission will be calculated from Buyers who click the link and complete the order within 7 days. Sellers will earn commission weekly on completed orders through the shop link or new products (*Tentang Program Afiliasi Penjual Shopee*, 2024).

Based on the study of Qori (2024) that the system of giving commissions to affiliates in the Shopee affiliate programme is in accordance with the *ju'alah* contract in Islamic law. *Ju'alah* is a promise or commitment (*iltizam*) to provide a certain reward (*'iwadh/ju'il*) for the achievement of a specified result (*natijah*) of a job (Fatwa Dewan Syari'ah Nasional No: 62/DSN-MUI/XII/2007 Tentang Akad *Ju'alah*, 2007).

In the shopee affiliate programme there is also such a thing as a shopee affiliate team. Where affiliators invite other people or new members to join the shopee affiliate programme, and later the affiliator who invites will become the team leader, if successful in inviting new members, the affiliator will get a commission bonus (*Apa Itu Program Shopee Affiliate Millionaire Leaders? | Pusat Bantuan Shopee ID*, n.d.) As explained by informant Wilda Hanum that if other people register or join the Shopee affiliate programme by entering the referral code from the leader or affiliator, the registration will

be accepted or approved by Shopee faster than those who register by not entering the referral code. This is because, the leader code is more trusted by Shopee, and the referral code is proof that you get official information.

There are four steps to become a team leader of the shopee affiliate programme: First, share the registration link or unique team code (referral code) with friends who want to be invited to join the Shopee Affiliate programme. Second, when filling out the shopee affiliate programme registration form, the leader must ensure that the member includes the team code that has been given by the leader. Third, the leader will get a 15% commission bonus for the first 3 months the member joins the team. Fourth, the leader forms a special group chat with team members to share affiliate success tips. From the results of interviews with Shopee Affiliate programme users, Rahmawati said that:

“After joining, of course, members still don't really understand how the Shopee Affiliate programme works, and later members will ask the leader who provides the code about how the Shopee Affiliate programme works”.

Based on this information, it shows that there are still users who do not fully understand how the shopee affiliate programme works. Based on the observations of the affiliate marketing mechanism in the shopee affiliate programme, there are two models, namely: First, product affiliate links are links in the form of product website addresses provided by Shopee for affiliate members / affiliate participants who have officially joined. Second, the referral code is in the form of a code or word that is entered by the member on the registration page. Affiliate members can give their referral code to prospective customers or prospective members during registration.

The provision of commissions has special conditions that apply, affiliates will only get commissions if the items sold are sourced from Shopee Premium, Shopee Mall, Star, and Star Seller (B2C: Business To Consumer) stores. Apart from these types of sellers, affiliates are not entitled to a commission even if the promoted items are sold. For example, as shown in the picture, there is a difference between items 1 (one) and 2 (two). The difference lies in the nominal commission given, on item 1 the commission earned is 0 because according to the details that the item is sourced from a store that does not fall into the category of the type of seller who collaborates with shopee affiliates or is referred to as C2C (consumer to consumer).

The Shopee partnership agreement with affiliates (partners) is carried out electronically through the Shopee website. The agreement, which is carried out electronically, contains all information on affiliates (partners) who will become affiliate members and also contains information about the terms and conditions of the affiliate programme, affiliate media such as tiktok, instagram and whatsapp as a platform for promoting goods and will get a commission in each transaction. For all affiliates (partners) who agree to the agreement, they can make an agreement by clicking on the agreement and then affiliates (partners) can carry out their obligations to place advertisements on their affiliate media. As stipulated in Article 2 of the partnership agreement contract creation, which states that.

So that the implementation of the partnership cooperation agreement must pay attention to the validity of the contract as in Article 1320 of the Civil Code (Kirana, 2024), including first, the agreement or agreement of the parties in the form of affiliates (partners) registering affiliate programme members and Shopee approving the registration. Second, the legal capacity of the parties, the affiliate party must have an ID card (has been considered legally capable). Third, there is a certain thing (counter object), in the form of a commission that has been promised at the

beginning of the contract with the condition that it must advertise on the affiliate media owned. Fourth, halal cause (not violating the law, decency and also public order).

The Shopee affiliate programme cooperation agreement has fulfilled the provisions of a lawful cause because both parties feel benefited. In addition to paying attention to the legal requirements of the counter must also pay attention to the principle of balance in the contract, so that in making the partnership contract, the element of fundamental right should also be a reference in it. So, with this element, the legal certainty of the parties is well guaranteed, where in the substance of the contract it is not more burdensome on the interests of one party alone, but must pay attention to the interests of all parties directly or indirectly related to it.

Thus, the partnership cooperation agreement is binding on both parties and gives rise to achievements that must be carried out by both parties (Dayyan et al., 2024). As stipulated in Article 1234 of the Civil Code that 'the obligation is intended to give something, to do something, or not to do something'. In this case, the achievement that must be made by the affiator is to place Shoppe advertisements on affiliate media that have been registered in the shopee affiliate programme which are usually in the form of websites, applications and newsletters. Then the achievement made by Shopee is to provide commissions according to the products that the affiliate has successfully sold.

However, in the implementation of the agreement, there were problems in the provision of commissions, including commissions that were given not in accordance with the amount in the Shopee platform application owned by affiliates and commissions that could not be disbursed even though the amount in the application had met the conditions that could be disbursed. As the following information from the informant says that "Several times the commission was not disbursed for several weeks, even though the commission earned had reached the amount of commission sufficient to be withdrawn".

Based on the statement above, affiliates experienced two problems related to commission payments by Shopee Affiliate, namely: First, delays in commission disbursement from the set schedule. Second, commissions that do not match the amount in the application, and commissions that are not paid. Shopee Affiliate does not carry out its obligations, which can then be said to be a default. Based on the provisions in Article 1238 of the Civil Code which states that, 'The debtor is declared negligent by warrant or by similar deed or based on the strength of the obligation itself, namely if this obligation causes the debtor to be considered negligent with the passage of time that has been determined' (Anonim, 2023). The logical consequence of default is the violation of the agreed terms. Based on the agreement in the shopee affiliate programme Article 10 paragraph (1) of the shopee affiliate Cooperation Agreement explains 'Affiliates can login to the shopee affiliate platform to see their accumulated fees one hour after the conversion is made and the first payment check has been made. If requested by the affiliate and deemed necessary, technical integration may be executed between the shopee affiliate platform and the affiliate system. If there is a data mismatch between the shopee platform and the affiliate, shopee's data will be referred to. However, the data from the affiliate system will not be used to measure the payable amount.

Based on these provisions, affiliates cannot sue for discrepancies in the amount of commissions received with the data on the affiliate platform. This is very contrary to the principle of good faith in contracting as regulated in Article 1338 paragraph (3) of the Civil Code that 'Agreements must be carried out in good faith' (Auli, 2023). With the clause of article 10 paragraph (1) above, it can be detrimental to the Shopee affiliate because the commission received is less than the promised commission, without the provisions of the article. So that Shopee has not carried out the agreed performance. In this case, the party is considered to have committed the default if they do: First, not carrying out what has been agreed to be carried out. Second, doing what was agreed upon but not as it should be in the agreement or there is a

mistake in the performance of the performance. Third, being late in performing the performance agreed upon in the contract. fourth, taking actions that may not be taken in the contract. So that the result of non-fulfilment of an achievement on the basis of the debtor's negligence will lead to sanctions (which must be borne by the debtor) in the form of compensation, cancellation of the contract, transfer of risk or paying costs arising from default disputes. This has been clearly regulated in Article 1236 and Article 1243 of the Civil Code that the debtor is obliged to pay compensation (costs, losses and interest) if he fails to perform his obligations.

However, this cannot be implemented by the affiliate because the clause in the agreement limits the affiliate's right to seek compensation. This can be seen in Article 6 paragraph (1) of the Shopee Affiliate Cooperation Agreement which states that 'In the event of a breach of obligation due to ordinary negligence that is material to the achievement of contractual objectives (material contractual obligation), shopee's financial responsibility shall not exceed the total fees paid or payable to the affiliate under this agreement in the six months immediately preceding the occurrence of the event giving rise to the most recent financial responsibility claim'. The article is not in favour of the affiliate as a partner of Shopee, because in the article Shopee does not provide compensation for material negligence, and with the provisions of the article the affiliate cannot claim this because at the beginning of the agreement the affiliate has agreed to this. Although there is no written agreement on paper, the contract that shows the *jua'alah* (reward) and commission (*ujrah*) mentioned in the clause of the electronic agreement that will be received by the affiliator still has *iltizam* (Ash-Shiddieqy, 1999, p. 137) or responsibility in the form of commissions as promised.

Islam teaches that every muamalah relationship is bound by a contract, including business relationships in the form of affiliates. Islam prioritises honesty, trustworthiness, and fairness in every transaction (Hasnita, 2016). So that the entire marketing process, be it the process of creating, offering, or changing value in Shopee affiliates, must be based on honesty and justice in the frame of devotion, so that it will bring optimal goodness to all parties involved (Innaka et al., 2012). The agreement used in determining the Shopee affiliate programme commission is based on a ju'alah contract, which is a promise to reward the second party for his achievements. Ju'alah contracts are one-sided (*iradah wahidah*) so that the *ja'il* (job giver) must clearly express his wishes in the form of the amount of wages (commission) agreed upon (Dimyauddin, 2015).

The Implications of Shopee Affiliate Business on Community Welfare

The Shopee affiliate programme has become one of the business platforms in the digital era that has three impacts on the welfare of the community. Firstly, it can increase the sales of community products through the shopee platform. Affiliates who are successful in promoting Shopee products can bring traffic to the Shopee website or app, which in turn can result in increased sales. Researchers found that the difference that occurred in the buying interest of customers, especially those in Langsa City, increased more since the promotional system by only sharing a unique link from an item of goods in the shopee affiliate programme. This increase is also greatly influenced by the classification of affiliates who join the affiliate programme in Langsa city such as influencers who have a lot of followers so that many see (click) and are interested in buying products from the promoted store. As Erfiana and Purnamasari (2023) study that with content marketing that is well managed by affiliators and influencers can achieve more sales which are influenced by content marketing. Affiliate marketing programmes can generate consumer interest in buying the products offered (Erna Indasari, 2023).

Shopee's collaborative partnership with Affiliators has succeeded in poisoning customers into making purchases at Shopee without a plan or impulse buying (In et al., 2023).

Secondly, it drives the growth of small and medium businesses. Shopee affiliates are one of the reasons that encourage the growth of both small and medium businesses, because the promotion system carried out by affiliates can reach the general public, through several social media at once such as Instagram, Facebook, WhatsApp, Twitter, and also through the shopee platform (Ramadhayanti, 2021). In Langsa City, the existence of an affiliate platform has helped encourage MSME businesses as explained by Fatimah Azzahra as an MSME actor, that she has many followers on various social media, so that she can reach many people, the goods promoted are also more trusted by the general public because they are reviewed directly even though the goods come from small shops, even those who previously had no interest in buying until many checked out or bought the goods promoted by the informant. For small and medium-sized businesses that use Shopee as a platform to sell their products, the Shopee affiliate system can be an important tool to increase their exposure and sales (Syukri & Sunrawali, 2022). This can help support local economic growth by providing opportunities for small businesses to compete online.

The welfare of the community will increase through the shopee affiliate programme commission earnings. The affiliators, especially those in Langsa City, have the main objective of joining as affiliates in promoting goods on the shopee platform to get the rewards promised at the beginning in the form of commissions as stated on the promoted product in the form of a percentage. This commission payment can be a source of additional income for individuals or businesses participating in the Shopee affiliate programme. With the high volume of sales on the Shopee platform, the earning potential of affiliates also increases (Nadhiroh et al., 2024). For this reason, good Islamic financial literacy is needed for the community so that the assets spent are not redundant or excessive (Dayyan & Mansyur, 2023).

Third, increasing marketing innovation. Through the affiliate system, Shopee encourages innovation in online marketing strategies. Affiliates continue to try new methods to promote Shopee products, which can bring innovation and creativity to the digital marketing industry. One of the innovations made by affiliates in Langsa City is promoting local products, namely shrimp paste and soy sauce. Through a video of the process of making finished food with the main seasoning of terasi originating from Langsa City. The results of this promotion can be reached by people outside Langsa City so that it can advance MSMEs in Langsa City. This is reinforced by the results of Wirapraja's research which confirms that e-commerce technology is a solution in marketing innovation with the aim of capturing greater market potential (Wirapraja & Aribowo, 2018).

Furthermore, through affiliate programmes, shopee can expand the scope of their brand and increase brand awareness among consumers. Successful affiliates can help introduce the shopee brand to a wider audience. Not all consumers are aware of the entire brand without being promoted by affiliates. Like one of the local products (Langsa City), namely shrimp paste which has the brand name Cit Kana Rasa (CKR) Food, has been known at the national level and has become a typical souvenir of Aceh, especially Langsa. This is reinforced by previous studies that the use of digital marketing as marketing

including websites, e-commerce and social media using the slogan 'VS Everybody' is considered successful in building brand awareness (Pramadyanto, 2022).

The shopee affiliate programme has an impact on online sales traffic which is more popular than offline sales because of its small scope. As reported by Liputan6.com the percentage difference is 74.5% of consumers shop online more than offline. The main finding of the report is that the Covid-19 pandemic has accelerated the growth of the e-commerce industry in Indonesia and increased public consumption on digital platforms. This is also reinforced by previous studies which show that affiliate marketing has a significant positive effect on purchase intention (Kholifatul Maulida et al., 2023).

Overall, the Shopee affiliate system can have various positive economic impacts, both for individuals, small and medium businesses, and for the e-commerce ecosystem as a whole. In the perspective of Sharia Economic Law, the shopee affiliate business must also apply the principles of justice (al-'adl), balance (al-mizan), and benefit in order to create harmony and blessings in business (Nurlinda et al., 2024). So it is very important for business people to continue to improve their understanding of digital business so that they avoid various illegal acts and can intelligently participate in the development of a digital economy that is halal, fair and profitable for all levels of society.

D. CONCLUSIONS

In terms of the legal relationship that exists between Shopee and the affiliator, seen in positive law based on the Law on Electronic Information Technology, it is called a partnership relationship, where the legal relationship arises because of the partnership cooperation carried out by the affiliator through electronic media when registering on the Shopee Affiliate Program website. Meanwhile, when viewed according to Sharia Economic Law, the legal relationship between Shopee and Affiliators is a relationship formed from a ju'alah contract, namely Shopee offering rewards for affiliate work achievements agreed upon and written in the Shopee Affiliate terms and conditions, namely promoting or advertising. Then the affiliator is entitled to a commission in accordance with the applicable provisions.

The law of shopee affiliate business activities reviewed according to Sharia Economic Law is permissible based on the terms and conditions in the *Ju'alah* contract. The legal implication is that it is an opportunity for young people to make more use of smartphones through the shopee affiliate program. Through the shopee affiliate programme, people get the opportunity to create added economic value through commissions to promote goods needed by the community. By becoming an affiliator, it can change useless activities on smartphone devices such as games, scrolling through useless content into activities that bring more useful economic added value.

References

- Ahmadi, M. A., Khasanah, U., Faza, P. R., Adelia, T., Satiti, S. W. A., Agustina, A., Pratama, S. Y., & Fanny, D. M. (2024). Muamalah Fiqh Analysis of the Use of Shopee Paylater. *At-Tasyri': Jurnal Ilmiah Prodi Muamalah*, 16(1), 31–40. <https://doi.org/10.47498/tasyri.v16i1.2771>

- Aini, A., & Adinugraha, H. H. (2024). Pengaruh Kepercayaan Konsumen dan Kualitas Produk Terhadap Keputusan Pembelian Produk Melalui Marketplace Shopee Pada Masyarakat Kabupaten Pekalongan. *At-Tasyri': Jurnal Ilmiah Prodi Muamalah*, 16(1), 19–25. <https://doi.org/10.47498/tasyri.v16i1.2425>
- Anonim. (2023). *Bunyi & Penjelasan Pasal 1238 KUH Perdata*. SmartLawyer. <https://smartlawyer.id/pasal-1238-kuh-perdata/>
- Apa itu Program Shopee Affiliate Millionaire Leaders? | Pusat Bantuan Shopee ID. (n.d.). Retrieved October 30, 2024, from [https://help.shopee.co.id/portal/10/article/124403-%5BShopee Affiliate Program%5D](https://help.shopee.co.id/portal/10/article/124403-%5BShopee%20Affiliate%20Program%5D) Apa itu Program Shopee Affiliate Millionaire Leaders
- Ash-Shiddieqy, T. M. H. (1999). *Pengantar Fiqh Muamalah* (F. H. Ash Shiddieqy (Ed.)). Pustaka Rizki Putra.
- Auli, R. C. (2023). *Asas-asas dalam Pasal 1338 KUH Perdata*. Klinik Hukumonline. <https://www.hukumonline.com/klinik/a/asas-asas-dalam-pasal-1338-kuh-perdata-lt6572e2d46785c/>
- Balqis, S. S., & Mustofa, A. A. (2023). Analisis Program Tiktok dan Shopee Affiliate Perspektif Masalah Mursalah. *Jurnal Ilmiah Ekonomi Islam*, 9(3). <https://doi.org/10.29040/jiei.v9i3.10878>
- Cerita Affiliate Shopee: Peluang Sukses Mendulang Cuan dari Platform E-Commerce Terbesar di Asia Tenggara. (n.d.). Retrieved October 30, 2024, from <https://www.mahdinur.com/cerita-affiliate-shopee/>
- Creswell, J. W. (2014). *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (4th ed.). Sage Publication, Inc.
- Dayyan, M., Ari, T., & Muzakkir. (2024). Analysis of The Legal Relationship Between Prospective Umrah Pilgrims and Umrah Travel in Langsa City. *Multazam: Jurnal Manajemen Haji Dan Umrah*, 4(2), 184–199. <https://doi.org/https://doi.org/10.32332/kyc0dw55>
- Dayyan, M., & Mansyur. (2023). Analysis Sharia Financial Literacy of Kualasimpang City Community in The Digital Era. *JESKaPe: Jurnal Ekonomi Syariah, Akuntansi Dan Perbankan*, 7(2), 134–146. <https://doi.org/10.52490/JESKAPE.V7I2.1459>
- Dimyauddin, D. (2015). *Pengantar Fiqh Muamalah*. Pustaka Pelajar.
- Fatwa Dewan Syari'ah Nasional No: 62/DSN-MUI/XII/2007 Tentang Akad Ju'alah, (2007).
- Erfiana, W., & Purnamasari, D. (2023). Strategi Content Marketing Influencer Melalui Shopee Affiliate Program Pada Instagram. *Jurnal Ilmiah Komunikasi Makna*, 11(2), 134. <https://doi.org/10.30659/jikm.v11i2.28261>
- Erna Indasari. (2023). The Role of Affiliates in Consumer Purchase Interest in Online Shops in the Digital Business Era. *Interkoneksi: Journal of Computer Science and Digital Business*, 1(1), 9–18. <https://doi.org/10.61166/interkoneksi.v1i1.2>
- Fauza Husna. (2023). Peran Affiliator dalam Menarik Minat Belanja Konsumen. *Seminar Nasional Pariwisata Dan Kewirausahaan (SNPK)*, 2, 299–306. <https://doi.org/10.36441/snpk.vol2.2023.135>

- Firmansyah, H. (2019). Kajian Metodologis Terhadap Fatwa MUI Tentang Rokok. *Al-Ahkam Jurnal Ilmu Syari'ah Dan Hukum*, 4(1), 79–96. <https://doi.org/10.22515/alakhkam.v4i1.1829>
- Fitriyadi, E. P. (2019). Inovasi E-Commerce dan Startup sebagai tantangan Masyarakat Industri 4.0. *Jurnal ESIT (E-Bisnis, Sistem Informasi, Teknologi Informasi)*, 14(3), 34–39. <https://openjournal.unpam.ac.id/index.php/ESIT/article/view/14826>
- Hasnita, N. (2016). *Konstruksi Multi Akad Dalam Fiqh Muamalah Kontemporer Serta Implementasinya Pada Perbankan Syariah di Banda Aceh*. Desertasi. UIN Ar-Raniry.
- Hidayat, T. (2008). 234 Situs Web Penghasil Dolar. MediaKita.
- In, C., Ainia, R. N., & Prakoso, F. A. (2023). Shopee Collaboration With Affiliates To Create Consumer Impulse Buying. *Jurnal Al-Fatih Global Mulia*, 5(2), 5–16. <https://doi.org/https://doi.org/10.59729/alfatih.v5i2.70>
- Innaka, A., Rusdiana, S., & Sularto. (2012). Penerapan Asas Itikad Baik Tahap Prakontraktual Pada Perjanjian Jual Beli Perumahan. *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada*, 24(3), 504–514. <https://doi.org/10.22146/jmh.16122>
- Kholifatul Maulida, Mochamad Edris, & Joko Utomo. (2023). The Influence of Product Reviews and Content Creators on Purchase Interest through Affiliate Marketing of Shopee E-Commerce users in Kudus Regency. *Journal of Finance and Business Digital*, 2(3), 365–374. <https://doi.org/10.55927/jfbd.v2i3.6016>
- Kirana. (2024). Syarat Sahnya Perjanjian Berdasarkan Pasal 1320 KUH Perdata. KontrakHukum. <https://kontrakhukum.com/article/syarat-sahnya-perjanjian-berdasarkan-pasal-1320-kuh-perdata/>
- Kunwar, R. R., & Ulak, N. (2024). Extension of the Triple Helix to Quadruple to Quintuple Helix Model. *Journal of APF Command and Staff College*, 7(1), 241–280. <https://doi.org/10.3126/japfcsc.v7i1.67006>
- Maulana, M., Ramly, A., Yuhasnibar, Y., & Alidar, E. M. K. (2025). The Supervisory System of Conventional Online Lending in Aceh Following the Enforcement of Qanun Number 11 of 2018: A Study on Criminal Elements in Online Lending Transactions. *Legitimasi: Jurnal Hukum Pidana dan Politik Hukum*, 14(1), 36-58.
- Marzuki, P. M. (2008). *Penelitian Hukum* (Cet. 4). Kencana Prenada Media Group.
- Muhadjir, N. (1996). *Metodologi Penelitian Kualitatif* (Cet. ke-7). Rakesarasin.
- Mustajibah, T., & Trilaksana, A. (2021). Dinamika E-Commerce di Indonesia Tahun 1999-2015. *AVATARA: E-Journal Pendidikan Sejarah*, 10(3). <https://ejournal.unesa.ac.id/index.php/avatara/article/view/40965>
- Mubarrak, H., & Ramly, A. (2025, August). Unlocking the Potential of Enterprise Structured Waqf for Business Based Pesantren in Indonesia. In *Proceeding of International Conference on Islamic Boarding School* (Vol. 2, No. 1).
- Nadhiroh, N., Anggraini Kusumaningtyas, & Choirul Amirudin. (2024). Optimalisasi Pemanfaatan Gadget Pada Remaja Untuk E-Commerce Melalui Shopee Affiliate. *INISIASI*, 13(1), 77–84. <https://doi.org/10.59344/inisiasi.v13i1.236>
- Nurlinda, N., Dayyan, M., & Daud, Z. (2024). Regulation of the Minister of Trade No. 31 of

- 2023 on E-Commerce Business on the Tiktok Platform. *Al-Hiwalah : Journal Syariah Economic Law*, 3(2), 181–200. <https://doi.org/10.47766/al-hiwalah.v3i2.4790>
- Perhitungan Komisi Shopee Affiliate : Pahami Agar Untung – Trend Marketing di Era Digital – *DigitalMarketing.id*. (2024). <https://marketingdigital.id/perhitungan-komisi-shopee-affiliate-pahami-agar-untung/>
- Pramadyanto, M. R. (2022). Pemanfaatan Digital Marketing Dalam Membangun Brand Awareness Brand Fashion Streetwear Urbain Inc. *Komuniti : Jurnal Komunikasi Dan Teknologi Informasi*, 14(1), 69–92. <https://doi.org/10.23917/komuniti.v14i1.16841>
- Prasetyo, H. L., Ahmad, S., & Lutfi, A. (2024). Pengawasan KPPU Pada Pelaku Usaha Mikro, Kecil dan Menengah Dalam Persaingan Usaha Tidak Sehat di Era Digital. *Binamulia Hukum*, 13(1), 225–237. <https://doi.org/10.37893/jbh.v13i1.646>
- Qori, D. El. (2024). Implementasi Akad Ju`Alah Dalam Program Shopee Affiliate. *El-Sahm: Jurnal Hukum Ekonomi Syariah*, 2(01), 69–83. <https://ejournal.unkafa.ac.id/index.php/el-sahm/article/view/1246>
- Rahman, F. (2022). Praktik Affiliate Marketing pada Platform E-commerce dalam Tinjauan Hukum Ekonomi Syariah. *Istidlal: Jurnal Ekonomi Dan Hukum Islam*, 6(1), 24–37. <https://doi.org/10.35316/istidlal.v6i1.407>
- Ramadhayanti, A. (2021). Pengaruh Komunikasi Pemasaran dan Affiliate Marketing terhadap Volume Penjualan. *Al-Kalam Jurnal Komunikasi, Bisnis Dan Manajemen*, 8(1), 94–104. <https://doi.org/10.31602/al-kalam.v8i1.4161>
- Ramly, A. R. (2016). Comparison of Efficiency and Modelling of Islamic Banks and Conventional Banks in Indonesia. *Global Review of Islamic Economics and Business*, 4(2), 102-114.
- Ramly, A. R. (2019). Konsep Gharar dan Maysir dan Aplikasinya pada Lembaga Keuangan Islam. *Islam Universalia: International Journal of Islamic Studies and Social Sciences*, 1(1), 62-82.
- Riswanto, A., Joko, Napisah, S., Boari, Y., Kusumaningrum, D., Nurfaidah, & Judijanto, L. (2023). *Ekonomi Bisnis Digital: Dinamika Ekonomi Bisnis di Era Digital*. Sonpedia Publishing Indonesia.
- Sinaga, N. A. (2019). Implementasi Hak Dan Kewajiban Para Pihak Dalam Hukum Perjanjian. *Jurnal Ilmiah Hukum Dirgantara*, 10(1), 1–20. <https://doi.org/10.35968/JH.V10I1.400>
- Syukri, A. U., & Sunrawali, A. N. (2022). Digital marketing dalam pengembangan usaha mikro, kecil, dan menengah. *Kinerja*, 19(1), 170–182. <https://doi.org/10.30872/jkin.v19i1.10207>
- Tentang Program Afiliasi Penjual Shopee. (2024). <https://seller.shopee.co.id/edu/article/8174/afiliasi-penjual-shopee>
- Wirapraja, A., & Aribowo, H. (2018). Pemanfaatan E-Commerce Sebagai Solusi Inovasi Dalam Menjaga Sustainability Bisnis. *Teknika*, 7(1), 66–72. <https://doi.org/10.34148/teknika.v7i1.86>