

**EXPLORING THE ETHICAL ASPECTS AND COMPLIANCE PRACTICES IN SHOPEE'S RETURN AND REFUND POLICIES FROM THE SHARIAH PERSPECTIVE**

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<b>Abstract</b>	<p><i>A report by the Indonesian Consumer Institute Foundation (YLKI) indicates that 32% of e-commerce issues are related to refunds. Shopee also faces this challenge, with numerous complaints regarding discrepancies between refund policies and their practical implementation. This qualitative study seeks to assess the extent to which Shopee's policies and return procedures adhere to Muamalah principles, as well as the application of Islamic ethics within these policies. Data from Shopee's official return and refund policies were collected and analyzed using qualitative and thematic methods to assess the company's adherence to fundamental Islamic economic principles. The assessment of the implementation of Islamic Business Ethics in Shopee's return policy is carried out using Nvivo 12. The study's findings show that Shopee's return and refund policies adhere to muamalah principles, including khiyar concepts such as khiyar aib, khiyar syart, khiyar rukyah, khiyar majlis, and khiyar tadless. The adherence to Islamic ethics is notably strong, with justice principles accounting for 54%, Amanah and Ihsan for 16%, free will for 11%, and responsibility for 12%. While there were 7% of minor cases of noncompliance due to coercion or injustice, no evidence of fraud, exploitation, or usury was found. To address such instances of noncompliance, it is recommended that a dispute resolution team comprised of individuals knowledgeable about Muamalah principles and justice be formed. Furthermore, economic practitioners and corporate policymakers must better understand Muamalah principles to ensure long-term business continuity.</i></p> <p><b>Keywords:</b> <i>Khiyar Rights, Business Ethics, Customer Protection, E-commerce.</i></p>
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**INTRODUCTION**

E-commerce has grown significantly in recent years, and provides modern alternatives to traditional shopping. With global reach, online transactions now offer consumers quick and easy purchasing options (Deng, 2022). Online transactions establish a direct link between sellers and potential buyers by removing physical and temporal barriers. This broadens the scope and attracts buyers from various global locations, saving time and money by eliminating the need for physical visits (Syahputra Pane & Sadar, 2015)

According to Anugrah et al. (2023), Indonesia's e-commerce sector has grown significantly in recent years, owing to advancements in digital technology and a growing

population. E-commerce is regarded as a significant contributor to the country's economy, acting as its foundation. However, rapid growth has led to an increase in online fraud cases in Indonesia (Ningsih et al., 2023). From August 2018 to February 16, 2023, the Ministry of Communication and Information Technology (Kominfo) reported 1,730 cases of fraudulent online content (Septiani, 2023). From 2017 to 2021, Indonesia has experienced Rp18.7 trillion in financial losses as a result of online fraud. Meanwhile, between 2017 and February 2023, the National Consumer Protection Agency (BPKN) received 1,136 e-commerce complaints from individuals (Bestari, 2023). Furthermore, Indonesia ranks fifth in terms of cybercrime rate, with a high number of data breaches. Previously, it was ranked twenty-third globally (Fachrizal, 2023).

In terms of e-commerce, Shopee is the largest digital commerce platform in Southeast Asia and its presence has significantly expanded in the highly competitive e-commerce industry (Mui et al., 2023). Shopee has emerged as Indonesia's leading e-commerce platform with the most daily active users (Afnan et al., 2023). The popularity of shopees among consumers stems from their ability to provide a simple, convenient, secure, and enjoyable online shopping experience. Shopee also offers a refund feature, allowing customers to return goods or request a refund if the item is damaged or does not match the description provided. However, not every refund request has been approved (Siregar and Sahliah, 2023).

Shopee introduced Shopee Guarantee as a safety commitment for transactions and purchasing methods. This guarantee allows customers to cancel orders and request refunds for purchased items, aligning with the concept of *Khiyar* in Islam (Yunita & Wijaya, 2022). However, according to Badruddin (2022a), refunds remain a challenge faced by marketplaces, such as Shopee. Based on the YLKI (Indonesian Consumer Institute Foundation) E-commerce report in 2022, four main issues are identified. These include non-conforming items, accounting for 20% of the total, refund problems for 32%, unilateral cancellations for 8%, and non-arrival of items for 7% (Bestari, 2023). The report highlights the significant challenges within the refund and return system.

Furthermore, there are complaints about Shopee's policies, which are deemed harmful to sellers and customers, as noted by Denik (2023). Shopees have been reported to reject customers' refund claims even though they are supported by extensive evidence. This goes against Shopee Mall's return policy, which should be automatically accepted. A similar situation occurs when sellers request refunds for lost items during the shipping process. According to the guidelines, a refund should be 10 times the postage cost or equal to the product's value if the nominal amount is less than 10 times the shipping fee. However, Shopee offers only half of the expected refund amount (ecommerceshitposting, 2023).

Several studies related to this topic have been conducted. Hanafi (2020) explored the application of *khiyar* and legal protection for consumers in online transactions. He mentioned that the concept of *khiyar* shares similar principles with the refund and return policies observed in e-commerce. This aligns with the findings of Sri Rejeki (2022), who highlighted that refund and return policies are governed by the concept of *khiyar al-aib* in Islamic law and by consumer protection laws and dispute resolution mechanisms in conventional law. Both Islamic and conventional perspectives emphasize the importance of safeguarding consumer rights and establishing mechanisms to resolve disputes related to defective products.

In a study focusing on consumer protection measures at Shopee from an Islamic perspective, Fadlurrahman and Fikrianihayah (2022) emphasized that the return and refund policy is integral to Shopee's protection initiatives. This approach aligns with the concept of *khiyar* in Islam, offering choices when goods are unsuitable or damaged. However, since e-commerce transactions are conducted without the buyer physically inspecting the goods, the application of *khiyar ru'yah* is more specifically applicable.

Meanwhile, Novita et al. (2022), comparing jurisprudence, harmony, policies, and *khiyar* in the marketplace, discovered that *khiyar* in e-commerce can be exercised by adhering to the terms and conditions established by the e-commerce platform, which are

based on the condition of the goods and the return timeframe. By contrast, Badarudin et al. (2022b) discovered that Shopee's refund policy adheres to Shariah principles under Islamic Economic Law. It adheres to the principle of *al-Kharraj Bidhaman*, emphasizing buyers' use of goods and replacement responsibilities in the event of damage or loss during the *khiyar*, in accordance with Shopee's procedures.

Furthermore, Siregar and Sahliah (2023) noted that the process of returning goods and funds to Shopee did not comply with the platform's regulations because of a lack of understanding of the refund process and technical issues encountered in Shopee, resulting in refund and return failures. They recommended establishing clear accountability and penalties for businesses that failed to meet their obligations.

On the other hand, Azma (2023) highlighted the significance of *khiyars* in buying and selling transactions to prevent losses resulting from sellers' dishonest behavior or a lack of knowledge about the goods being sold. Jamiu Ayinla-Edun(2023) noted that challenges in e-commerce can be addressed with a consumer-friendly return policy. While still conventional, this policy does not contradict Islamic law. For instance, policies in the European Union may be conventional but akin to the *Khiyar* terms in Islam. Implementing a return policy in e-commerce offers the advantages of reducing production costs and enhancing competitiveness.

Based on the aforementioned circumstances regarding recurring issues with refunds and returns and the limited research focusing on assessing a company's adherence to Islamic Business Principles in its return and refund policies and mechanisms, this article delves into how Shopee's Return and Refund Policies and Mechanisms align with Islamic Principles and Ethics. It aims to explore the alignment of policies with Islamic values and principles practiced by Shopee as a platform operating in predominantly Muslim countries such as Indonesia. This study offers insights into whether Shopee's refund and return policies embody the fairness, trust, benevolence, free will, and social responsibility advocated by Islamic teachings. Therefore, this study provides a deeper understanding of the implications of these policies within an Islamic-oriented economy.

## **METHODOLOGY**

This study employs a qualitative research method that meticulously analyses and interprets Shopee's return and refund policies. It takes a comparative approach to analyze Shopee's policies in light of Islamic transaction principles. This study's data are based on primary sources such as Shopee's official return and refund policies and guidelines as well as books, journals, and other relevant sources. The data analysis method used in this study is a qualitative comparative analysis, which helps identify the root causes of findings from all sources (Onwuegbuzie et al., 2012), as well as a thematic analysis of Shopee's policies based on Islamic Business Ethics. Thematic analysis allows researchers to accurately identify relationships between concepts and compare them with data (Alhojailan & Ibarahim, 2012). This process entails identifying areas of compliance and non-compliance with Islamic Muamalah principles and Islamic Ethical Business. NVivo 12 software will be used to analyze the data and determine whether Shopee's return and refund policies are consistent with Islamic economic principles. NVivo is a Computer-Assisted Qualitative Data Analysis Software (CAQDAS) designed by QSR International to help researchers organize their data. This software advances qualitative research by extending beyond data coding, classification, and retrieval. It is intended to combine coding, qualitative linkage, design, and modeling (Wong, 2008)

## **RESULTS**

### **Overview of Shopee's Refund and Return**

E-commerce transactions are similar to traditional buying and selling processes, but involve the integration of technology (Muttaqin, 2011). Typically, the process encompasses several stages: (1) product selection, (2) order placement, (3) payment, (4) shipping of goods, and

(5) order completion (Adminfe, 2017). During the order-completion phase, the buyer may express transaction dissatisfaction. As a service provider, Shopee ensures customer satisfaction through a Shopee Guarantee, which involves withholding payments to the seller for a specified warranty period, typically 12 days from the shipping date (Shopee, 2020). Shopee retains the payment until the buyer confirms receipt and clicks on the order received button (Shopee, 2023).

Buyers have the right to return and/or request a refund for dissatisfactory products following Shopee's terms and conditions. This is applicable to the Shopee guarantee period. Disputes can be resolved through private communication or local authorities even after the warranty period. Returns and refunds are accepted for damaged items, deviations from specifications, discrepancies from the vendor's description, and non-receipt. However, returns from a change in mind may be rejected (Shopee, 2020).

For purchases from Shopee Mall, reasons for return can include all the scenarios mentioned above, as well as cases where the product malfunctions or is discovered to be counterfeit (Shopee, 2023a). Furthermore, if an ordered item is lost or stolen during the shipping process, the shop automatically cancels the order and begins the refund process (Shopee, 2020).

### **1. Application for Return/Refund at Shopee Marketplace**

Refunds and returns should be initiated through the Shopee app or website. Options vary based on the reason: for defects, the consumer can return a refund or exchange. If an item is not received, a full or partial refund will be eligible without returning the product (Shopee, 2020). Customers must provide supporting evidence, such as images or videos when requesting returns due to product issues. This is essential for a smooth processing procedure (Shopee, 2020).

It should be noted that buyers are limited to five refund or return requests per order number; exceeding this limit may block the report button. Shopee Mall purchases come with a 7-day return policy before order completion. The 7-day period starts upon receiving the goods, with the shipping receipt entered within five days of return application acceptance. Shopee Mall's return process requires prompt shipping by the buyer. Non-Shopee Mall sellers have three days to respond to return requests; if rejected, Shopee intervenes to resolve the issue (Shopee, 2020).

### **2. Refund and Return Handling Process at Shopee**

Shopee Mall product returns are reviewed by the Shopee team, whereas non-Shopee Mall purchases are assessed by the vendor within three days. Sellers must respond within this timeframe; otherwise, Shopee approves the request based on the customer's last submission. Responsibilities for both Shopee Mall and non-Shopee Mall sellers include providing the evidence requested by Shopee, approving returns during the evaluation period, and offering partial refunds for accepted returns.

Sellers, whether from the Shopee Mall or non-Shopee Mall, can choose to provide a partial refund with the return of the product or a full refund without requiring a return. During negotiations, customers can accept or adjust the proposed refund, or opt for a full refund. If the customer chooses to propose a new refund amount, Shopee Mall sellers must respond within two days and non-Shopee Mall sellers within one day to avoid halting the negotiation process. If there's no response by the deadline, customers are instructed to return products for a full refund (Shopee, 2020).

At this stage, Sellers from both Shopee Mall and non-Shopee Mall stores can propose a new price, offer a full refund without requiring a return, or wait for the negotiation period to end. If the buyer initiates the return shipping process, the goods must reach their destination within five days; failure may lead to transaction cancellation, with funds returned to the seller. For Shopee Mall returns, items are sent to the Shopee warehouse for inspection and the seller is informed of the assessment results. For non-Shopee Mall transactions, returned items are sent to the seller's address. Shopee Mall sellers have a 2-

day verification period; if items are in good condition, they may contest with additional evidence (Shopee, 2023; 2023b).

If a returned item is damaged or not received, sellers have 7 days from delivery or 2 days from receipt to appeal. Shopee reviewed the evidence for non-arrival or discrepancies. Approved appeals require sellers to return goods to customers without incurring extra charges. Particularly, For non-Shopee Mall sellers, Shopee may refund the buyer without the item being returned in certain cases. Sellers can contest decisions with valid evidence; if accepted, Shopee transfers funds to the seller (Shopee, 2023; 2023b).

### **3. Conflict Resolution that Occurs in the Application Process**

Shopee individually assess each buyer's application and determine its success at their discretion. In cases in which dispute resolution involves seller participation, Shopee assesses each seller's response independently. At its discretion, Shopee decides whether the buyer's request, which may conflict with the seller's explanation, is valid.

If the customer opts for legal action against the seller, they can inform Shopee through the appropriate channels, allowing Shopee to withhold payment for the purchase until a resolution is reached. Following a strict policy, Shopee will determine whether to continue withholding payments for the purchase (Shopee, 2020). As a mediator between sellers and customers, Shopee meticulously reviewed cases and evidence to make fair judgments. They request supporting documents, thoroughly investigate all evidence, and encourage both parties to actively engage in discussion

### **4. Shipping Cost Responsibility for Return of Goods**

The shipping charges will be assessed depending on the party at fault, either the buyer or seller. Before October 15, 2023, Shopee was responsible for these fees, but this policy was no longer effective. Sellers bear the costs associated with returns, covering both outbound and return shipping fees, which Shopee deducts from the seller's sales balance.

The return of items using shopee-supported shipping services does not incur postage charges. However, if the return is made using a shipping service not supported by Shopee, the delivery cost will be the buyer's responsibility (Shopee, 2023)

### **5. Refunds to buyers**

The buyer's refund will be issued once Shopee confirms the receipt of the returned item from the seller. If Shopee does not receive a response from the seller within the specified timeframe, Shopee reserves the right to refund the appropriate amount to the buyer without further notification to the seller. Additionally, the buyer must ensure that all products, including free items or add-ons, are returned to the seller in their original condition (Shopee, 2020).

## **The Islamic Perspective On Shopee's Refund And Return Policies**

### **1. Islamic Economic Concept in Transactions (*Mua'malah*)**

Islamic economics is a discipline and application area that focuses on Islamic-based financial and business practices. These principles are consistent with the Qur'anic teachings of Prophet Muhammad's Sunnah and Hadith. The primary goal of Islamic economics is to improve humanity's welfare and prosperity while maintaining an economic balance based on Islamic values (Wahyuni, 2019). The concepts of tawhid, the principle of justice, and moral values reflecting prophethood are at the heart of Islamic economics in various financial activities. These principles distinguish Islamic economics from other systems (Widyan, 2021).

Islamic monotheism recognizes that Allah owns all material possessions, and the goal of all endeavors, including commerce, is to seek Allah's pleasure (Rusby, 2017). Islamic ideologies seek to reconcile financial principles with ethical and moral values. Essentially, human economic pursuits are founded on a fusion of material and spiritual values. This

economic engagement is not solely focused on acquiring material gains but is infused with a spiritual essence that elevates it to a form of worship. Moreover, the fundamental principles of Islamic economic activities (*mu'amalah*) align with humanistic ideals (Siregar & Khoeruddin, 2019).

Islamic transactional concepts emphasize the importance of mutual consent and safeguard the rights of all parties engaged in a transaction (Eva Andriani et al., 2023). Islamic economics also addresses a wide range of welfare issues, including justice, compassion, well-being, wisdom, and the promotion of brotherhood and equality (Abbasi et al., 2007).

Islamic business ethics advocate that commerce should benefit humanity and be considered an act of worship (Sa'idu et al, 2022). These principles include seeking mutual benefit, exercising freedom in managing resources, maintaining honesty, and upholding trustworthiness in business transactions (Habibullah, 2018). Islamic ethics encompass avoiding prohibited practices, upholding principles of justice, and refraining from acts of oppression. The prohibition of usury and promotion of tolerance without coercion are fundamental tenets of Islamic economics (Syaikhu et al., 2020).

## **2. Return And Refund In Islamic Perspective**

Islamic finance incorporates various principles to ensure consumer protection during transactions. These principles include the prohibition of transactions involving *Gharar* (uncertainty), *Maysir* (gambling or speculative gains), and *Riba* (interest). These principles aim to achieve financial equilibrium and protect consumers (Lukonga, 2015).

An illustration of applying Islamic principles in a transaction is the acknowledgment of the possibility of canceling a transaction if the purchased product does not meet the buyer's expectations (Maksum & Hasan Ali, 2019). This practice aligns with the teachings of the Prophet Muhammad (peace be upon him), as stated in his hadith: "*Whoever accepts the return of others, Allah will forgive his mistakes*" (Hadith. Dawud. 3456). In Islamic jurisprudence, this cancellation right is known as the *khiyar's* right. *Khiyar* rights in Islam entail the choice to uphold or annul a sales contract. This concept serves as a safeguard for consumers in Islam, aiming to ensure fairness in transactions between merchants and customers (Nurjannah et al, 2023).

This analysis examines Shopee's return and refund policy in light of its alignment with the concepts and mechanisms of *Khiyar* in Islam. The assessment involves a comparison of the causes and categories of product returns and refunds outlined in Shopee's policies along with transaction cancellations.

### **a) *Khiyar al-Shart***

As an online platform, Shopee offers return and refund services to safeguard customers. Through the Shopee guarantee, Shopee limits the guarantee period to 12 days from the shipment date. The time limit set by Shopee for customers to request returns for specific reasons mirrors the principle inherent in *Khiyar* conditions. Research conducted by Teti and Syatir Sofian (2021) indicates that the application of *Khiyar al-Shart* at Shopee involves defining the timeframe for returning goods by both Shopee and the seller to the buyer.

The implementation of *Khiyar al-Shart* involves the requirement for *Khiyar* from both parties or one of the parties involved in the transaction on a specific date, and the rule is applicable regardless of duration. The period commences at the initiation of the contract and ends at the specified deadline. If the option period expires without the option provider canceling the sale request, the transaction is deemed to be fully executed. Conversely, if the option is exercised within this timeframe, it becomes null and void as the right remains with both parties (Alwi As-Segaff, 2012).

The concept of *the khiyar*, or the right to revoke a sale, is defined by stipulating its timeframe (Ibn Qasim, 1985) Shopee implemented specific guidelines for product returns, allowing a maximum of five return requests per order. For Shopee Mall purchases, buyers have a 7-day period to invoke their *khiyar* rights, while for non-Shopee Mall transactions,

the *khiyar* period extends throughout the Shopee guarantee duration. From an Islamic legal perspective, this policy aligns with *Khiyar al-Shart's* principle, albeit in a conventional manner.

In comparison with the application of *khiyar* conditions in Teti and Syathir Sofyan's study (2021), which primarily depends on the timeframe set by individual sellers, such as a three-day or 2×24-hour return period, this article delves into how *khiyar* conditions are enforced in alignment with Shopee's regulations. Shopees' policies clearly define specific timeframes for return. Consequently, there appears to be a disparity in the *khiyar* period between Shopee's guidelines and the practices of individual sellers, potentially resulting in disagreements between sellers and buyers owing to varying return periods. According to Badarudin's findings (2022), Shopee's return procedures in the region have not been fully optimized due to buyers' lack of comprehension and non-adherence to regulations.

Moreover, Shopee enforces a policy that automatically stops the product from returning by canceling the transaction and issuing a refund to the buyer if there is no response from either the seller or the buyer within the specified timeframe established by Shopee during the return process. This approach is in line with the perspective of Zuhayli (1985), who suggested that the right to withdraw from a contract may expire if the withdrawal period elapses without any confirmation to proceed with or cancel the contract. Sayyid Sabiq (1977) also indicates that *Khiyar Syart* may expire through either verbal or practical actions.

#### **b) *Khiyar al-'Aib***

Shopee offers the option to return or get a refund for items that are defective, damaged, or not received. This policy is in accordance with Islamic fiqh and is called *Khiyar al-'Aib*. *Khiyar al-'Aib* grants the right to cancel a purchase and return goods if there are defects in an item that were unknown at the time of purchase or discovered after the transaction but before receiving the products (Amiruddin, 2016). If a defect can reduce the purchase value, the buyer can choose to return the item for a full refund or keep it at a discount for the existing defect (al-Tuwaijiri, 2010).

Shopee's return process requires customers to provide evidence, such as photos or videos to back up the reason for the return and to prove the defects were not caused by the buyer, aligning with the Islamic concept of *Khiyar al-'Aib*. This concept involves specific criteria, including the presence of defects before delivery, buyer unawareness during the transaction, and difficulties fixing defects (al-Tuwaijiri, 2009). Scholars differ in when a transaction should be voided after defect discovery, with Hanafi and Hanbali schools advocating against rushing returns to prevent harm. Shafi'i and Maliki schools favor immediate cancellation to avoid losses (Zuhayli, 1985).

Based on the explanation provided, Shopee's policy is in line with the views of Hanafi and Hanbali schools regarding returns and refunds for defective or damaged products. ShopeeMall purchases offer a 7-day return period, whereas non-ShopeeMall items require buyers to wait for the seller's response for three days. It is worth noting that according to Islamic principles, *Khiyar Al-Ayb* becomes effective immediately upon the buyer discovering the defect (Zuhayli, 1985). However, in non-ShopeeMall's return policy, returns are mainly at the discretion of the seller, which may not fully align with the provisions of *Khiyar al-'Aib*. Nevertheless, customers are permitted to appeal to Shopee if the seller rejects a return. It is crucial to assess this policy in terms of adherence to Islamic business ethics in order to gauge fairness.

#### **c) *Khiyar al-Ru'yah***

*Khiyar al-Ru'yah* is the buyer's right to accept or cancel a contract if the goods are not seen at the time of signing or before, provided that it's within a reasonable period that doesn't change the goods significantly. This right arises because of uncertainty about the nature of the goods at the time of the transaction. If the buyer views the goods during the transaction, *Khiyar al-Ru'yah* does not apply (Zuhayli, 1985). In the realm of online commerce,

consumers face a unique challenge as they are unable to physically inspect products before purchasing, relying solely on product descriptions. The principle of *Khiyar al-Ru'yah* gains significance in this context. This principle applies when a buyer, upon receiving a product, finds it deficient or does not meet expectations. In such cases, the buyer has the right to return the item. The application of *Khiyar al-Ru'yah* concludes once the buyer's concerns are addressed, leading to an agreement between both parties and affirming the validity of the sales transaction (Lorien et al., 2022).

Shopee's return and refund policy enables customers to request returns or refunds for discrepancies in received goods, aligning with the concept of *Khiyar al-Ru'yah*, as noted by Jamiu Ayinla-Edun (2023). In today's e-commerce landscape, transactions often occur exclusively online, relying on product descriptions. To safeguard buyers from mismatched products, online marketplaces, including Shopee, allow returns for items not meeting their described specifications. This practice reflects the principles of *Khiyar al-Ru'yah*, providing similar rights to buyers.

Inspection serves to assess a product's condition, allowing buyers to gather information through observation and their senses such as smell, touch, or feel (al-Dubyan, 1999). There is a divergence of opinion among scholars regarding the time limit of *Khiyar al-Ru'yah*. However, according to al-Halbusi (2021), the viewpoints of Hanafiyyah and a few Shafi'iyah scholars are more accurate. According to this perspective, if a customer opts not to cancel a transaction after inspecting the products, *Khiyar al-Ru'yah* becomes invalid, aligning with the Shariah principles and mutual agreement between parties.

The buyer's decision not to cancel the transaction serves as evidence of its completion, despite having the option to do so. Shopee's policies state that if a return request is approved, but the buyer fails to ship the goods within five days, the right to return may be void, indicating the expiration of *Khiyar*'s rights. In such cases, Shopee deems the transaction successful and transfers the money to the seller. This aligns with the perspective of Hanafiyyah and certain Shafiyyah scholars regarding the practice of *ru'yah*.

#### **d) *Khiyar al-Majlis***

In Islam, the nature of sale and purchase transactions can be perceived as either customary or binding akin to a lease. *Lazim* implies that agreements cannot be reversed without mutual consents. This principle, deemed fundamental, is based on the Quranic directive to fulfill promises. However, scholars differ when this binding nature is applied. Hanafi and Maliki scholars believe it takes effect after a contractual agreement, while Shafi'i and Hanbali scholars argue it happens after physical separation, as per the Prophet's hadith. This emphasizes rights (*khiyar*) in trade and purchase until complete separation (Zuhayli, 1985)

The term *Khiyar al-Majlis* refers to the right of either party in a contract to proceed with or terminate the agreement from its execution until they part way. It starts with mutual acceptance and continues until separation (al-Dubyan, 1999). Shopee's policy disallows product returns due to the customer's change of mind, aligning with the Hanafiyyah and Malikiyyah perspectives, where a transaction is valid upon payment approval, binding the buyer. Hence, *Khiyar al-Majlis* does not apply, as goods are sent as agreed upon, binding the buyer. In online transactions, *Khiyar al-Majlis* is rare, consistent with Novita's (2022) view on online transaction '*khiyar*' being limited to '*Khiyar al-'Aib*' and '*Khiyar Terms*.'

However, since January 29, Shopee implemented a new return-and-refund policy, particularly for fashion products. This policy allows customers to return items and receive refunds for reasons such as changing their minds, with the aim of enhancing flexibility and the overall shopping experience. Sellers in this program are not charged for returned goods, and there may be a guarantee against loss or damage to goods.

Through this policy, Shopee aligns with the concepts of *Khiyar al-Majlis*, in accordance with the perspectives of Syafi'i and Hanbali. It grants consumers the option to proceed with or cancel a transaction while it is in progress, incorporating the Shopee assurance as an applicable '*majlis*' (period). As long as the Shopee guarantee is valid, the connection

between seller and consumer remains active. When the guarantee expires, the relationship is terminated along with order (Yunita & Wijaya, 2022). This new Shopee policy highlights 'khiyar' rights for both parties. Upon enrollment, sellers accept the terms, while buyers can decide to proceed with the purchase or cancel it. The rights of *Khiyar al-Majlis* are preserved for both parties involved in the transaction (Al-Sulami, 2016).

Additionally, Shopee practiced *Khiyar al-Majlis* through its instant cancellation policy. Instant cancellation allows clients to cancel before the seller arranges delivery without waiting for the seller's response. This can be done within an hour as long as shipping has not been arranged. The policy reflects *the Khiyar al-Majlis* principles, mirroring telephone transactions in which both parties are absent. Shariah ensures that transactions are not rushed, providing an opportunity to cancel, especially, telephone transactions. However, this differs from transactions conducted in person, which are associated with the location of the transaction (al-Dubyan, 1999). However, it must be emphasized in this policy that the seller does not have the right to *khiyar* because the cancellation is processed immediately without requiring a response from the seller. This contradicts *the Khiyar al-Majlis* principles, as both parties should hold the right of *khiyar* in the transaction (al-Sulami, 2016).

*Khiyar al-Majlis* on Shopee is also evident in the non-instant cancellation policy. This allows customers to cancel orders after waiting for a seller response, applicable when a return is requested after one hour or after delivery arrangements, as long as the package has not been handed over to the delivery service (Shopee, 2023). This practice aligns with the core of *Khiyar al-Majlis*, extending the right of cancellation to both buyers and sellers within the period before good delivery. The duration of *Khiyar al-Majlis* is not fixed but depends on the agreement between the parties. It can be extended for longer transactions or shortened for quicker transactions, addressing the timing of the parties' separation and granting cancellation rights to both parties (Wizarah al-Awqaf, 2006).

#### **e) *Khiyar al-Tadlis***

Shopee has a special policy for returning items at the Shopee Mall or gadgets with a 100% originality guarantee. If items are found to be non-original or counterfeit, customers can request a refund or return it. This policy aligns with *Khiyar al-Tadlis*, as articulated by Sabiq (1977), in which fraudulent practices or misappropriating goods are impermissible. Customers have the right to return such items within three days, which extends to seven days for Shopee Mall purchases. Shopee Mall assures authenticity, allowing returns with evidence of inauthenticity.

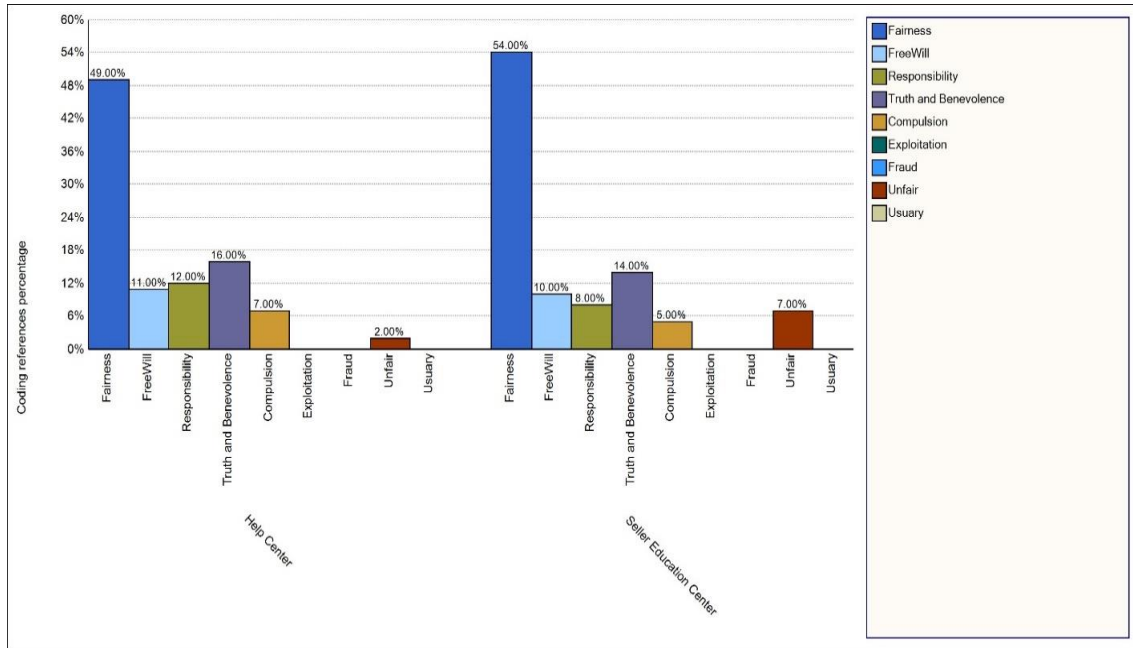
Fraud involves manipulating products to mislead consumers, making them believe in false qualities, features, or specifications, to inflate prices (Irfanudin, 2023). Distributing counterfeit goods with a false guarantee of authenticity is considered fraud. Aligned with *the Muamalah* principles of consumer rights, individuals have the choice to proceed or cancel transactions in cases of fraud, invoking the concept of *Khiyar* (al-Ba'ali, 1988).

As a result, Shopee's return policy aligns with muamalat regulations, incorporating *khiyar* principles such as *Khiyar al-Majlis*, *Khiyar al-Ru'yah*, *Khiyar al-Shart*, *Khiyar al-'Aib*, and *Khiyar al-Tadlis*. Widjaja (2023) found that Shopee primarily applies *Khiyar al-'Aib*. This finding corresponds with Sri Rejeki's (2022) study, which also affirms that Shopee primarily applies the principle of *khiyar al-aib* in terms of the terms and conditions of returning goods and transaction regulations at Shopee. Moreover, a thorough analysis identified the implementation of five types of *khiyars* in Shopee's return and refund policy. Despite the mechanisms in Shopee's policy aligning with *Khiyar* practices, certain aspects of *the Khiyar al-Majlis* implementation deviate. Shopee should review its policy to better adhere to *the Khiyar al-Majlis* principles and enhance alignment with *Khiyar* concepts.

**DISCUSION**

**Shopee's Return And Return Policy Complies With Islamic Business Ethics**

Islamic business ethics evaluates moral principles and values in commercial activities, considering rights, obligations, morality, and immorality. It aims to guide individuals in trade, aligning with Qur'anic and Hadith teachings (Nuraini & Rahmawati, 2022). Islam encourages followers to engage in commerce and emphasize ethical standards. Involvement in business is seen as devotion, sanctioned in the Qur'an. Muslims are urged to pursue prosperity through virtuous conduct and to avoid prohibited actions (Olaofe, 2023).



Source: Results of media analysis through Nvivo 12 Pro (2024)

The measurement was conducted to assess the level of compliance and noncompliance with Shopee Indonesia's return and fund regulations in alignment with the principles of Islamic business ethics, including justice, free will, responsibility, trust, and ihsan, as well as measuring instances of non-compliance with the policy concerning Islamic business ethics. This entails identifying any instances of injustice, fraud, exploitation, coercion, or elements of the riba prohibited by Islam.

The analysis of these policies was derived from two Shopee information sources: the Help Center and Seller Education Center. The data indicate that Shopee's policy compliance with Islamic principles is higher than its noncompliance percentage. The compliance level with the principle of justice reaches 54% from the policy analysis in the Seller Education Center, while the Help Center shows 49%. This is attributed to Shopee's policy in the process of returning goods and funds, which involves gathering evidence for each claim and enabling conclusions, solutions, and decisions to be rendered equitably to both parties. The presence of unboxed photos or videos serves as robust evidence for buyers, demonstrating the condition of goods upon receipt, which is also one of the requirements of sellers for buyers who submit complaints regarding ordered items. This affirms that any damage to the goods does not originate from the buyer (Harmoko & Ambarwati, 2022).

Shopees' commitment to fairness is evident in their implementation of specific time constraints during negotiation and return processes to prevent any party from experiencing disadvantages. Each individual is granted equal right to appeal when they perceive themselves to have been adversely affected by Shopee's decisions. Furthermore, the financial burden of product returns is allocated to the party responsible for the transaction

errors. The principle of fairness necessitates the assurance of equitable pricing and compensation (Schmidt, 2006). Furthermore, it necessitates the equitable treatment of all parties involved, ensuring that no party is disadvantaged. According to this axiom, parties entering into an agreement are obligated to act with integrity in expressing their desires and circumstances, fulfill the established agreement, and meet all obligations (Sumarni, 2020). Shopees' commitment to fairness is evident in the transparency of their product-return and refund processes. The platform provides all necessary information and communicates updates regarding return requests, which are accessible to both sellers and buyers. This approach is rooted in the principles of fair trade, encompassing transparent management and business relationships that promote equity and mutual respect among trading partners (Uddin & Khan, 2014).

Adherence to Shopee's policies regarding the principle of freedom of transaction (free will), which represents the liberty of each individual in selecting from diverse options (Sumarni, 2020), also demonstrates a balanced value of 10% and 11%. Shopees provide freedom for product returns and refunds while adhering to their regulations. Furthermore, Shopee grants its users freedom of choice by establishing policies through negotiation processes, bargaining, and options to reject, accept, or modify the negotiation outcomes between both parties. This is because appropriate freedom is that which does not interfere with individual interests or collective interests (Rachmayanti & Eprianti, 2022)

According to Truth and Benevolence, Shopee's policy compliance attained 14% and 16%, respectively. The principle of truth in business transactions refers to the veracity of attitudes and behaviors during business operations, while benevolence is interpreted as *ihsan*, which provides ease and benefits to others (Sumarni, 2020). This principle is reflected in Shopee's policy of displaying and itemizing all shipping costs in the product-return process. Shopee also reviews and monitors the majority of product and fund return processes as well as safeguards both seller and buyer funds, only releasing funds upon completion of the process. Furthermore, Shopee implemented a free-return program to provide convenience and flexibility to buyers when returning items. Additionally, Shopee offers customer service and a resolution center to assist users experiencing difficulties in the product and fund return process.

Subsequently, the percentages of Shopee's policy responsibility towards its users were 8% and 12%, respectively. A shop releases funds to sellers after the order is received by the buyer and provides compensation if it determines that its decision regarding product returns and refunds is inappropriate after the seller submits an appeal. Shopee also follows up on cases not processed by sellers and establishes provisions and procedures for product returns to prevent damage during the return process. These factors indicate Shopee's responsibility as a service provider for transactions that occur by implementing appropriate policies to ensure that each individual receives their rights. This aligns with the application of responsibility, which necessitates an individual to be accountable for their actions and to demand accountability for the actions of others, as it is impossible to have free will without responsibility, which would result in the absence of justice (Fauzan, 2012).

However, in its policy, elements of non-compliance with the principle of inequity were identified at 2% and 7%, respectively. This occurred because Shopee, at its own discretion, determined whether a buyer's request was accepted. Shopee also adjudicated any disputes between the two parties, including determining which party would bear the shipping costs. In some instances, Shopee stipulated that it could issue refunds to buyers without the return of goods or while goods were still in the process of being returned. This could result in losses for both sellers and buyers. In *muamalah*, justice is upheld by avoiding elements of oppression, and any form of subjugation of one party is not permissible (Madjid, 2018).

Furthermore, there are elements of coercion amounting to 6% and 7% of its policies, respectively. This is because Shopee has the discretion to refund appropriate amounts without notifying sellers. Shopee's absolute policy of withholding or disbursing funds to sellers without informing buyers, as well as Shopee's policy mandating all ShopeeMall

sellers in the fashion category to participate in the free-return program without seeking seller consent, are examples of such practices. Regarding the free will indicator, there should be freedom of choice, including participation in programs organized by Shopee, allowing sellers to exercise their rights to make decisions. However, because of the mandatory nature of these policies, sellers lack this option, rendering these provisions coercive. The variables of Riba, Exploitation, and Fraud were not identified in Shopee's product return and refund policy. Consequently, Shopee's overall product return and refund policy does not fully adhere to Islamic business ethics principles, although the compliance level also demonstrates a positive percentage.

### **The Significance Of Shariah Compliance And Ethics In Business Transactions**

The global expansion of the halal industry, spanning Muslim and non-Muslim countries, adheres to Islamic principles and legal regulations to meet the demand for Sharia-compliant products and services (Zuraidah & Mu'is, 2022). Shariah compliance plays a crucial role in building consumer trust, addressing complaints, managing prices, and fostering relationships in online transactions, where trust is more critical than in direct transactions because of its unique online buying and selling characteristics (Sriani et al., 2022).

Shariah compliance is a critical concern because every Muslim must ensure that their consumption aligns with Shariah. This creates both obligation and necessity (Sukoso et al., 2020). Consequently, business compliance with Shariah becomes a crucial factor for Muslims when selecting services and products (Sriani et al., 2022).

The significance of ethics in the financial services sector has experienced a notable increase because of the primary goal of creating value for consumers in business activities, particularly in financial services. An ethical environment in the business and economic sectors is crucial for maximizing long-term owner value. A more substantial role of ethics in the financial services sector could potentially prevent the recent global financial crisis (Musa, 2015).

In the context of small and medium-sized firms (SMEs), Islamic business ethics play a significant role in ensuring explicit ethical decision-making that contributes to long-term business value (Muhammad et al., 2020). The concept of business ethics in Islam is also emphasized in the context of entrepreneurship, where it is seen as a means of achieving success in both the worldly and spiritual realms (Zulkifli & Saripuddin, 2015).

### **CONCLUSION**

Shopees, e-commerce giants, are committed to increasing consumer trust by implementing seller adherence policies. Furthermore, Shopee actively strives to improve its service standards, professionalism, honesty, and transparency to attract more buyers to use Shopee for their shopping needs (Ruslang et al., 2020). This study demonstrates how Shopee's product return and fund reimbursement policies adhere to the Islamic Muamalah principle, specifically the *Khiyar* principle. The policy addresses various types of *khiyar*, including *Khiyar al-'Aib*, *Khiyar al-Shart*, *Khiyar al-Majlis*, *Khiyar al-Rukyah*, and *Khiyar al-Tadlis*.

Furthermore, Shopee's return and refund policy shows notably high adherence to Islamic business ethics, with a 54% compliance rate for equity, Amanah, and Ihsan, an 11% adherence rate for responsibility, and a 12% adherence rate for free will. However, there have been instances of noncompliance with the policy, with 7% identifying coercion and injustice. Shopee's strong adherence to Muamalah concepts and Islamic business ethics can be attributed to the company's success as the primary marketplace in Indonesia, despite being a relatively new player in comparison to its competitors.

The identification of non-compliance within Shopee can be a valuable evaluation tool for both companies and financial practitioners when developing policies that prioritize fairness and freedom for its customers. Furthermore, this study can be used as a model for e-commerce platforms and businesses in countries with a large Muslim consumer base, such as Shopee Indonesia, to develop policies that comply with Islamic regulations and meet the Muslim community's demand for halal products and services. Furthermore, the study

suggests strengthening policies regarding product returns and refunds by forming a Dispute Resolution team that is well versed in Shariah law and guided by Islamic principles of justice.

Although the objectives of the study were met, the data resources remain limited, as they are currently restricted to Shopee's written policies. To address this, future studies could broaden data diversity by including interviews with Shopee's management team and practitioners involved in developing e-commerce returns and funding policies. This approach is expected to contribute to a better understanding of the principles and compliance requirements for return and refund policies.

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