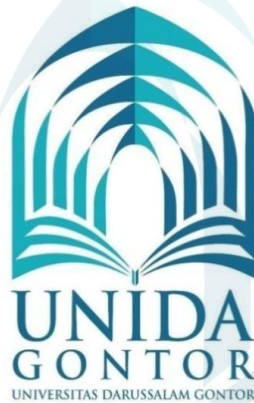


**ANALYSIS OF CONSUMER PROTECTION AND
TERMS & CONDITIONS BASED ON THE *KHIYAR*
CONCEPT: A CASE OF SHOPEE E-COMMERCE**

THESIS

Submitted to the Department of Islamic Economics Law
for the Master Degree



By:

Amin Fonda Astiti Rob Rahayu

Reg. Number: 44.2023.83.70.28

**DEPARTMENT OF ISLAMIC ECONOMICS LAW
POSTGRADUATE PROGRAM
UNIVERSITY OF DARUSSALAM GONTOR
PONOROGO-INDONESIA**

1446 H/2025 M

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THESIS

Presented to the Postgraduate Program of the University of Darussalam
Gontor in partial fulfillment of the requirements for completing a Master
Program in Department of Islamic Economic Law

By:

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Reg. Number: 44.2023.83.70.28

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DEPARTMENT OF ISLAMIC ECONOMICS LAW

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ABSTRAK

Amin Fonda Astiti Rob Rahayu, 2025, *Analisis Perlindungan Konsumen dan Syarat & Ketentuan Berdasarkan Konsep Khiyār : Kasus E-Commerce Shopee*. Pembimbing: Assoc. Prof. Dr. Setiawan bin Lahuri, Lc., M.A

Kata Kunci: Perlindungan konsumen, e-commerce, Shopee, *Khiyār*, *terms and conditions*.

Dampak dari perkembangan digital teknologi adalah hadirnya e-commerce, salah satunya Shopee yang menjadi platform belanja online dengan pengguna terbanyak khususnya Indonesia. Data dari edot.id menunjukkan bahwa pada Mei 2024, Shopee mencatatkan 235,9 juta kunjungan, jauh melampaui Tokopedia dan Lazada. Melalui fitur live video, Shopee menyatakan dirinya telah berhasil membantu UMKM dalam penjualan produk lebih dari 1 miliar dalam setahun terakhir. Meski demikian, tidak semua berjalan mulus. Berdasarkan data Yayasan Lembaga Konsumen Indonesia, Shopee menyumbang 14,7% dari total pengaduan konsumen di sektor e-commerce pada tahun 2023. Keluhan yang paling umum adalah terkait proses refund yang rumit (23,4%), penipuan (14,8%), dan barang yang tidak sampai (5,5%).

Analisis ini bertujuan untuk mengetahui penerapan *terms and conditions* di Shopee dalam memberikan perlindungan kepada konsumen, dan melakukan analisis hak *khiyār* yang dapat memperkuat perlindungan tersebut.

Kualitatif deskriptif adalah metode yang digunakan pada penelitian ini dengan pendekatan studi kasus di Shopee. Data diperoleh melalui wawancara terstruktur dengan konsumen, penjual, kurir serta pihak layanan Shopee. Dimana total informan yang diwawancarai sebanyak 13 orang, didukung oleh analisis dokumen kebijakan platform. Kemudian data dianalisis menggunakan perangkat lunak Atlas.ti 9.0.

Hasil penelitian menunjukkan bahwa Shopee telah menerapkan berbagai bentuk hak *khiyār* yang sejalan dengan konsep perlindungan konsumen dalam Islam. *khiyār al-majlis* diterapkan melalui fitur pembatalan pesanan yang dapat dilakukan sebelum barang diproses oleh penjual. *Khiyār al-syarṭ* diwujudkan dalam kebijakan pengembalian barang dengan batas waktu tertentu. *Khiyār al-ru'yah* memungkinkan konsumen untuk melihat deskripsi dan ulasan produk sebelum melakukan pembelian, meski masih terdapat kendala informasi yang kurang akurat dari penjual. *Khiyār al-'ayb* diterapkan melalui kebijakan return produk yang rusak atau berbeda dari yang dipesan. Dan *khiyār al-ta'yin* memungkinkan pembeli memilih variasi produk yang diinginkan dari berbagai pilihan yang disediakan. Namun, terdapat kendala pada transparansi informasi produk serta proses penyelesaian sengketa yang memerlukan waktu cukup lama. Selain itu, tingkat literasi konsumen terhadap syarat dan ketentuan masih rendah, yang menyebabkan banyak hak mereka tidak tersalurkan dengan baik. Penelitian ini merekomendasikan agar Shopee meningkatkan transparansi informasi produk dan mempercepat proses mediasi sengketa. Penjual diharapkan lebih transparan dan jujur dalam menyampaikan deskripsi produk, sedangkan konsumen perlu berhati-hati sebelum melakukan transaksi secara online, dan berusaha memahami syarat dan ketentuan yang ada.

ABSTRACT

Amin Fonda Astiti Rob Rahayu, 2025, *Analysis of Consumer Protection and Terms & Conditions Based on the Khiyār Concept: A Case of Shopee E-Commerce*. Supervisor: Assoc. Prof. Dr. Setiawan bin Lahuri, Lc., M.A

Keywords: Consumer Protection, e-commerce, Shopee, *Khiyār*, terms and conditions.

The impact of digital technology development has led to the emergence of e-commerce, with Shopee being one of the most widely used online shopping platforms, particularly in Indonesia. Data from edot.id indicates that in May 2024, Shopee recorded 235.9 million visits, far surpassing Tokopedia and Lazada. Through its live video feature, Shopee claims to have successfully assisted SMEs in selling over 1 billion products in the past year. However, not everything runs smoothly. According to data from the Indonesian Consumers Foundation (YLKI), Shopee accounted for 14.7% of all consumer complaints in the e-commerce sector in 2023. The most common complaints were related to complicated refund processes (23.4%), fraud (14.8%), and undelivered goods (5.5%).

This analysis aims to examine the implementation of terms and conditions on Shopee in providing consumer protection and to analyse the application of *khiyār* rights, which could further strengthen such protection.

A qualitative descriptive method was employed in this research, using a case study approach focused on Shopee. Data was collected through structured interviews with consumers, sellers, couriers, and Shopee's customer service representatives. A total of 13 informants were interviewed, supported by an analysis of the platform's policy documents. The data was then analysed using Atlas.ti 9.0 software.

The findings indicate that Shopee has implemented various forms of *khiyār* rights that align with consumer protection principles in Islam. *Khiyār al- majlis* is applied through an order cancellation feature that allows buyers to cancel their purchase before the seller processes it. *Khiyār al- syarʿ* is reflected in the return policy with a specific time limit. *Khiyār al- ru'yah* enables consumers to review product descriptions and customer feedback before making a purchase, although there remain issues with inaccurate seller-provided information. *Khiyār al- 'ayb* is implemented through return policies for defective or incorrect products. Lastly, *Khiyār al- ta'yīn* allows buyers to select product variations from the available options. However, challenges persist regarding product information transparency and the lengthy dispute resolution process. Moreover, consumer literacy regarding terms and conditions remains low, leading to unexercised rights. This study recommends that Shopee enhance product information transparency and expedite the dispute mediation process. Sellers should be more transparent and honest in product descriptions, while consumers must exercise caution before making online transactions and strive to understand the applicable terms and conditions.

مستخلص البحث

أمين فوندا استيتي راب راهايو، ٢٠٢٥، تحليل حماية المستهلك والشروط والأحكام بناءً على مفهوم الخيار: دراسة حالة للتجارة الإلكترونية في شوبي "Shopee"، المشرف: الدكتور سيتياوان بن لاهوري، الماجستير

الكلمات المفتاحية: حماية المستهلك، التجارة الإلكترونية، شوبي "Shopee"، الخيار، الشروط والأحكام

أدى تطور التكنولوجيا الرقمية إلى ظهور التجارة الإلكترونية، وتعد منصة شوبي "Shopee" واحدة من أكثر منصات التسوق عبر الإنترنت استخداماً، لا سيما في إندونيسيا. وتشير بيانات موقع edot.id إلى أنه في مايو ٢٠٢٤، سجلت شوبي ٢٣٥.٩ مليون زيارة، متجاوزة بذلك كلاً من توكوبيديا "Tokopedia" و لازادا "Lazada". ومن خلال ميزة البث المباشر، تدعي شوبي "Shopee" أنها نجحت في مساعدة المشاريع الصغيرة والمتوسطة على بيع أكثر من مليار منتج خلال العام الماضي. ومع ذلك، لم يكن كل شيء يسير بسلاسة. ووفقاً لبيانات مؤسسة حماية المستهلك الإندونيسية، استحوذت شوبي "Shopee" على نسبة ١٤.٨٪، من إجمالي شكاوى المستهلكين في قطاع التجارة الإلكترونية خلال عام ٢٠٢٣، وكانت أبرز الشكاوى تتعلق بتعقيد عمليات استرداد الأموال (٢٣.٤٪)، والاحتيال (١٤.٨٪)، وعدم تسليم المنتجات (٥.٥٪).

يهدف هذا البحث إلى دراسة تنفيذ الشروط والأحكام في منصة "شوبي" فيما يتعلق بحماية المستهلك، بالإضافة إلى تحليل تطبيق حقوق الخيار ومدى مساهمتها في تعزيز هذه الحماية.

استخدمت هذه الدراسة منهجاً وصفيّاً نوعياً بالاعتماد على دراسة الحالة في منصة شوبي. وقد تم جمع البيانات من خلال مقابلات منظمة مع المستهلكين والبائعين وشركات التوصيل ومثلي خدمة العملاء في شوبي. حيث بلغ إجمالي عدد المشاركين في المقابلات ١٣ شخصاً، كما تم دعم البحث بتحليل وثائق السياسات الخاصة بالمنصة. ثم خضعت البيانات للتحليل باستخدام برنامج "Atlas.ti" ٩.٠.

أظهرت نتائج البحث أن شوبي "Shopee" تطبق أشكالاً مختلفة من حقوق الخيار المتوافقة مع مبادئ حماية المستهلك في الإسلام. حيث يمثل خيار المجلس في إمكانية إلغاء الطلب قبل أن يقوم البائع بمعالجته. بينما يتجسد خيار الشرط في سياسة إرجاع المنتجات خلال فترة زمنية محددة. أما خيار الرؤية فيتيح للمستهلكين الاطلاع على أوصاف المنتجات ومراجعات المستخدمين قبل الشراء، رغم استمرار وجود مشاكل تتعلق بدقة المعلومات المقدمة من قبل البائعين. ويُطبق خيار العيب من خلال سياسات إرجاع المنتجات المعيبة أو غير المطابقة لما تم طلبه. وأخيراً، يسمح خيار التعيين للمستهلكين باختيار المواصفات والخيارات المختلفة للمنتجات المتاحة. ومع ذلك، لا تزال هناك تحديات تتعلق بشفافية معلومات المنتجات وطول مدة تسوية النزاعات. بالإضافة إلى ذلك، فإن مستوى الوعي القانوني للمستهلكين حول الشروط والأحكام لا يزال منخفضاً، مما يؤدي إلى ضياع بعض حقوقهم. يوصي هذا البحث بأن تعمل شوبي "Shopee" على تعزيز شفافية المعلومات حول المنتجات وتسريع عملية الوساطة في النزاعات. كما ينبغي على البائعين التحلي بالمزيد من الشفافية والمصادقية في وصف المنتجات، وعلى المستهلكين توخي الحذر عند إجراء المعاملات عبر الإنترنت والسعي لفهم الشروط والأحكام بشكل جيد.

OFFICE NOTE

To Honorable:
Director of Postgraduate Program
University of Darussalam Gontor

Assalamualaikum Warahmatullahi wa barakatuh

It is my honor to present this thesis written by:

Name	: Amin Fonda Astiti Rob Rahayu
Reg. Number	: 44.2023.83.70.28
Department	: Islamic Economics Law
The Title	: Analysis of Consumer Protection and Terms & Conditions Based on the <i>Khiyār</i> Concept: A Case of Shopee E-Commerce

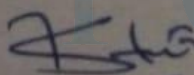
I declare that this thesis has been processed and corrected to fulfil the requirement for completing the Postgraduate Degree in the Department of Islamic Economic Law. Therefore, I request that the thesis could be examined soon.

Wassalamualaikum Warahmatullahi wa barakatuh

Ponorogo, 02nd of February 2025 M

03rd of Sya'ban 1446 H

The Supervisor,



Assoc. Prof. Dr. Setiawan bin Lahuri, I.c., M.A

LETTER OF LEGITIMATION

The Committee of thesis examination impartial fulfillment of the requirement of the degree of Magister in Islamic Economics Law, having held the thesis examination on:

Day and Date : Monday, 10th of February 2025

Venue : Postgraduate 105

State the student below

Name : Amin Fonda Astiti Rob Rahayu

Reg. Number : 412023837028

Program of Study : Magister of Islamic Economics Law

The Title : Analysis of Consumer Protection and Terms & Conditions Based on the *Khiyār* Concept: A Case of Shopee E-Commerce

Has been successfully defended in front of the Board of Examiners and accepted apart of the requirements for a degree of Magister in Islamic Economics Law.

1. Assoc. Prof. Dr. Setiawan bin Lahuri, Lc., M.A (Chairman) (.....)

2. Assoc. Prof. Dr. Mulyono Jamal, B.A., M.A. (Examiner I) (.....)

3. Assoc. Prof. Dr. Syamsuri, S.H.I., M.Sh. (Examiner II) (.....)

4. Dr. Hartomi Maulana, M.Sc (Examiner III) (.....)

CERTIFICATION

*Bismillahirrahmanirrahim,
Assalamu 'alaikum Warahmatullah Wabarakatuh.*

Hereby, the Postgraduate Program of University of Darussalam Gontor Ponorogo has received a thesis,

Entitled	: Analysis of Consumer Protection and Terms & Conditions Based on the <i>Khiyār</i> Concept: A Case of Shopee E-Commerce
Researcher	: Amin Fonda Astiti Rob Rahayu
Reg. Number	: 44.2023.83.70.28
Program of Study	: Islamic Economics Law

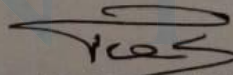
Declaring that he has been accepted as one of the conditions for obtaining a master's degree in Islamic Economics Law

Wassalamu 'alaikum Warahmatullah Wabarakatuh.

Ponorogo, 9th of March 2025 M

9th of Ramadhan 1446 H

Director of Postgraduate Program,



Assoc. Prof. Dr. M. Kholid Muslih, M.A.

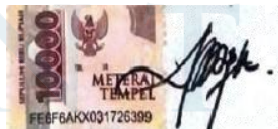
NIDN: 2119067301

DECLARATION

Name : Amin Fonda Astiti Rob Rahayu
Reg. Number : 44.2023.83.70.28
Degree : Postgraduate
Program of Study : Islamic Economics Law

Ponorogo, 02nd of February 2025 M

The Researcher,



NIM. 40.2023.83.70.28

MOTTOES



قال الله تعالى:

وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا ۖ وَيَرْزُقْهُ مِنْ حَيْثُ لَا يَحْتَسِبُ ۚ وَمَنْ يَتَوَكَّلْ عَلَى اللَّهِ فَهُوَ حَسْبُهُ ۗ إِنَّ اللَّهَ بَالِغُ أَمْرِهِ ۖ قَدْ جَعَلَ اللَّهُ لِكُلِّ شَيْءٍ قَدْرًا

﴿سورة الطلاق (٦٥): ٢-٣﴾

"Barang siapa bertakwa kepada Allah maka Dia akan menjadikan jalan keluar baginya, dan memberinya rezeki dari jalan yang tidak ia sangka, dan barang siapa yang bertawakal kepada Allah maka cukuplah Allah baginya, Sesungguhnya Allah melaksanakan kehendak-Nya, Dia telah menjadikan untuk setiap sesuatu kadarnya." (Q.S. Ath-Thalaq ayat 2-3)

وَإِذَا قِيلَ انشُزُوا فَانْشُزُوا يَرَفَعُ اللَّهُ الَّذِينَ آمَنُوا مِنْكُمْ ۖ وَالَّذِينَ أُوتُوا الْعِلْمَ دَرَجَاتٍ ۚ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ ﴿سورة المجادلة (11): 58﴾

"Dan apabila dikatakan, "Berdirilah kamu," maka berdirilah, niscaya Allah akan mengangkat (derajat) orang-orang yang beriman di antaramu dan orang-orang yang diberi ilmu beberapa derajat. Dan Allah Mahateliti atas apa yang kamu kerjakan." (Q.S. Al-Mujadalah ayat 11)

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DEDICATION

Millions and countless thanks to My Lord Almighty,

Allah Subhanahu Wa Ta'ala.

Prayer and greetings for the prophet Muhammad SAW

With the sincerity of my heart, I dedicate this thesis to

My beloved parents,

“Mr. Tego Laksono and Mrs. Somingah”

Who instilled in my conscience a love of effort and gratitude and filled me with a love of knowledge in life. Who taught me life, guided me with patience, loved me infinitely for a long time, cared for me with all affection, gave me the best upbringing, and nourished me with their pure advice. Therefore, I pray that Allah forgives their sins, elevate them to the highest rank, grant them success in their work, and may He bestows His mercy upon them.

And for my beloved brother and sister,

“Atabib, S.E and Yanuar Presti Wahyuningtyas, S.Pd”

Those who encourage me a lot to seek knowledge and accompany me and entertain me always, their presence is a big encouragement in my life to become a better person. May Allah reward and grant them success in their affairs and guide them to goodness in their every step.

For my beloved nephew and niece

Felicia Amira Lashira and Pradipta Ahmad

They always have their own way of cheering me up when I'm having a headache doing this final assignment

Want to express my deepest gratitude to my beloved friends who have given me attention and advice and helped me during the work of this final project.

ACKNOWLEDGMENT

In the name of Allah, the beneficent, the merciful, praise be to Allah the Lord of the world, the Owner of the Day of Judgment. Pray and peace be upon Prophet Muhammad SAW, his families, companions, and his followers.

With the mercy and blessing of Allah SWT, I could complete this thesis of Magister. Therefore, I would like to extend my deep gratitude to those in graduate study at the University of Darussalam Gontor. Besides, I wish to extend my appreciation due to the following:

1. The honor Headmasters of Modern Pesantren Darussalam Gontor, K.H. Hasan Abdullah Sahal, Prof. Dr. K.H Amal Fathullah Zarkasyi, M.A and Drs. K.H. M. Akrim Mariyat, Dipl.A.Ed, who has sincerely given me the most incredible opportunity to dedicate myself to this institution.
2. The Rector of the University of Darussalam Gontor, Prof. Dr. K.H. Hamid Fahmy Zarkasyi, M.A.Ed, M.Phil. and his vices and the whole lecturers of the University of Darussalam Gontor. This simple thesis is an outcome of the long journey process of my study in the hands of the Gifted.
3. The Director Postgraduate Program, Assoc. Prof. Dr. Mohammad Kholid Muslih, M.A
4. The Head of the Magister of Islamic Economics Law Department, Assoc. Prof. Dr. Syamsuri, M.Sh, and all the lecturers of Darussalam Gontor, for the priceless knowledge and education to be the real wise economist.
5. My worthy thesis supervisor Assoc. Prof. Dr. Setiawan bin Lahuri, Lc., M.A., had sincerely taught me not only invaluable new knowledge but also everything, advised and motivated me when I was drowning in the confusion of doing a thesis project until I had done it perfectly.
6. The invisible mentors in this thesis project for all critics, mentoring about writing mechanisms, and other education I did not find in the other place.

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8. So extraordinary is that all postgraduate friends who have struggled together to complete this master's study and always provided a lot of direction and suggestions, best friends during college in joy and sorrow.

I ask Allah to avenge their deeds, forgive their sins, write success for them, reward them with the best reward and happiness, and help them in their work. And may Allah reward them in proportion and bless them for them and bless them, and may this humble thesis be valuable and useful for readers, especially researchers. Finally, the researcher would like to offer her most profound respect and gratitude to all her companions for their support and help in completing this thesis. May Allah give great rewards in this world and hereafter.

Ponorogo, 02 February 2025

The Researcher,



Amin Fonda Astiti Rob Rahayu

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