

Analysis of Fraud in Transactions on Shopee: A Fiqh Muamalah Perspective Using the Fraud Triangle Theory

Syamsuri¹, Asti Lutfiah²

Universitas Darussalam Gontor, Indonesia

Email: ¹syamsuri@unida.gontor.ac.id, ²astilutfiah@unida.gontor.ac.id

Abstract

This study analyzes fraud in Shopee transactions using the fraud triangle theory and the perspective of fiqh muamalah. Fraudulent activities in the Shopee marketplace, such as scams and deceitful seller practices, contradict Islamic principles, resulting in material and non-material losses. Fiqh muamalah, as a foundational framework for Islamic trade, strictly prohibits fraudulent practices that cause harm or injustice. The study employs a qualitative approach, utilizing content analysis of case studies on Shopee fraud. The findings reveal that fraud on Shopee arises due to economic pressure as a trigger for fraudulent behavior, opportunities created by weak regulatory frameworks, and the rationalization of fraud stemming from a lack of public awareness about online transaction rules. From the perspective of fiqh muamalah, these factors result in injustice and violate fundamental principles such as honesty (*sidq*), trustworthiness (*amanah*), and the prevention of harm (*la darara wa la dirar*). The study highlights the need to address these issues to align online transactions with Islamic ethical standards.

Keywords: Fraud Triangle; Transactions, Shopee; Fiqh Muamalah

Abstrak

*Penelitian ini menganalisis penipuan dalam transaksi di Shopee dengan menggunakan teori fraud triangle dan perspektif fiqh muamalah. Aktivitas penipuan di pasar Shopee, seperti penipuan dan praktik penjual yang tidak jujur, bertentangan dengan prinsip-prinsip Islam, yang mengakibatkan kerugian materiil dan non-materiil. Fiqh muamalah, sebagai kerangka dasar dalam perdagangan Islam, dengan tegas melarang praktik penipuan yang menyebabkan kerugian atau ketidakadilan. Penelitian ini menggunakan pendekatan kualitatif dengan analisis konten dari studi kasus penipuan di Shopee. Temuan penelitian menunjukkan bahwa penipuan di Shopee disebabkan oleh tiga faktor: tekanan ekonomi sebagai pemicu perilaku penipuan, peluang yang muncul akibat lemahnya kerangka regulasi, dan rasionalisasi penipuan yang muncul akibat kurangnya kesadaran publik mengenai aturan transaksi online. Dari perspektif fikih muamalah, ketiga faktor ini menghasilkan ketidakadilan dan melanggar prinsip-prinsip dasar seperti kejujuran (*sidik*), amanah, dan pencegahan kerugian (*la darara wa la dirar*). Penelitian ini menyoroti perlunya penanganan isu-isu ini untuk menyelaraskan transaksi online dengan standar etika Islam.*

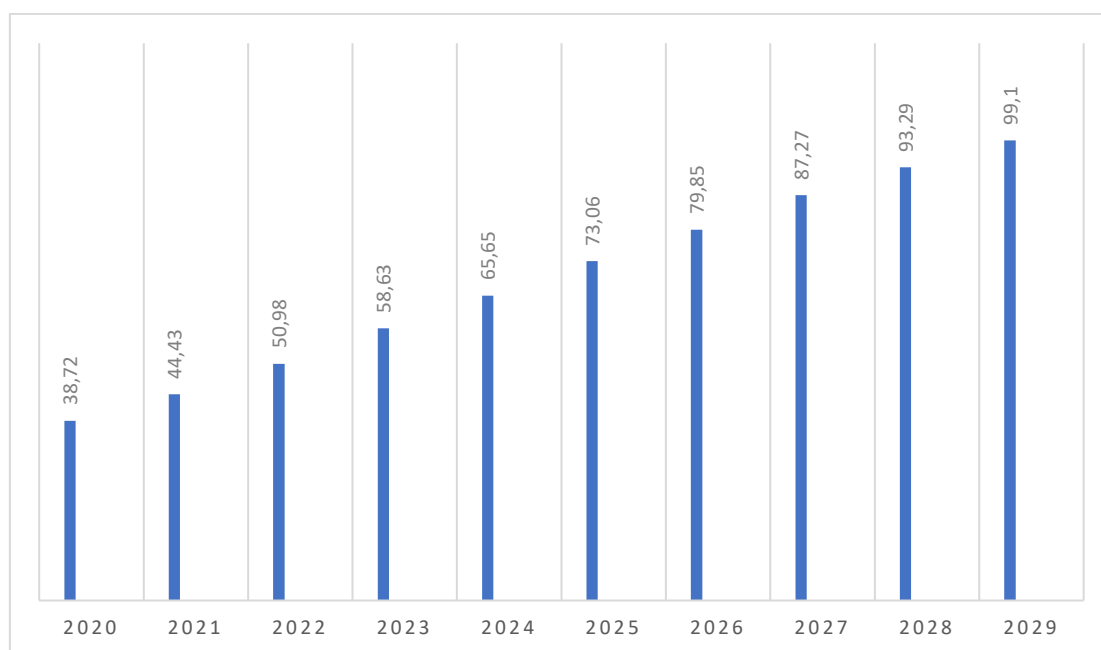
Kata Kunci: Fraud Triangle; Transaksi; Shopee; Fiqh Muamalah.

Introduction

The rapid growth of digital trade in Indonesia, particularly fueled by live shopping in 2024, has significantly increased online transaction volumes (Riyanto & Pertiwi, 2024). The

Ministry of Trade projects that e-commerce transactions will reach IDR 533 trillion by 2023 (Kemendag, 2024). This paper explores the nature of fraud in online transactions, its implications for consumers, and the relevance of Islamic legal principles in addressing these challenges. The annual growth in e-commerce users further supports this data. In Indonesia, the number of e-commerce users reached 65.65 million in 2024 and is expected to grow yearly. As illustrated by data from Statista, the number of e-commerce users in Indonesia from 2020 to 2029 is shown in the following table:

Diagram 1. Number of E-commerce Users in Indonesia from 2020 to 2029



Source: Statista (processed by PDSI, Ministry of Trade) 2024

Shopee, as one of the largest marketplaces used in Indonesia with a 52.80% market share (Nababan & Saputra, 2023) and the largest in Southeast Asia (Devi, 2023), is very profitable and makes it easier for people to purchase everyday necessities. The ease of transactions, several price promotions, and other conveniences make shopping more attractive for people to use this app (Kece, 2023). However, behind the ease of transactions and the variety of promotions, some consumers suffer losses and experience fraud after making transactions on this marketplace (Sofiana, 2023). The forms of fraud are varied, especially during transactions between buyers and sellers. Before a transaction occurs, buyers can select items to purchase based on images and descriptions offered through the seller's Shopee account. This is when scams often happen, such as providing genuine products that turn out to be counterfeit or fake, or sellers engaging in fraud by sending damaged goods (Moneyduck, 2022). Fraud also often occurs on ShopeePay due to insufficient personal validation, allowing scammers to easily steal

personal data, leading to phishing attempts or efforts to steal important information (Moneyduck, 2022; Sofiana, 2023).

The high volume of money involved in e-commerce transactions draws the attention of fraudsters, making fraud prevention and detection techniques critically important. A recent systematic literature review on fraud detection and prevention in e-commerce systems highlights that current surveys and reviews focus on financial-specific domains or general areas, leaving e-commerce largely unaddressed (Rodrigues et al., 2022). This underscores the need for platforms like Shopee to implement advanced fraud detection and prevention systems to handle real-time fraudulent activities and ensure secure and trustworthy user transactions.

Fraud has caused anxiety among the public when making transactions and has reduced trust in Shopee. This is evidenced by the numerous complaints in the Play Store reviews, with 32 complaints regarding trust issues in 2022 (Devi, 2023; Fariska & Tartiani, 2023). Among the types of fraud that frequently occur in Shopee's activities, which can harm both users and Shopee itself, are identified by characteristics such as falsification of sales information; misuse of vouchers, free shipping, and Shopee accounts; uploading of duplicate products; writing information to conduct transactions outside Shopee; unfulfilled Spaylater payments; users receiving account restriction notifications and account recovery confirmations (Shopee, 2024).

Although Shopee is a marketplace in the form of e-commerce, the principles and requirements of buying and selling in Islamic commercial law (*fiqh muamalah*) must still be upheld during transactions, and any harm must be avoided. In Islamic law, the requirements for buying and selling must be met, and it prohibits *jahalah* (ignorance), *'ikrah* (coercion), *tawqit* (time limitation), *gharar* (uncertainty), *dharar* (harm), and conditions that invalidate the transaction (Hidayat, 2020). Therefore, fraud represents a deceit that can harm and endanger sellers and buyers (P Bayu Aji et al., 2023).

In order to provide the best service for its customers, Shopee has established a complaint service for fraud incidents in the app so that consumers can directly communicate fraud experiences to Shopee. However, Shopee does not provide solutions or follow-up actions for the cases faced by its consumers (M. A. Rohman, 2021; Shopee, 2023). Legal protection for consumers when transacting must be a priority for Shopee to ensure that elements of *gharar*, *maisir*, and *riba* do not occur (Rozi, 2022).

Based on the Fatwa DSN MUI No. 146 regarding Online Shops, it is stated that merchants offering goods to customers are prohibited from engaging in activities that violate Sharia law (Majelis Ulama Indonesia, 2021b). Additionally, another relevant fatwa is the Fatwa DSN MUI No. 144 regarding Marketplaces, which states that as one of the largest marketplaces in

Indonesia, Shopee should avoid frauds as outlined in this fatwa, such as hiding defects, selling goods at inflated prices, and deceiving buyers by only highlighting the advantages of products (Majelis Ulama Indonesia 2021). When viewed from these two fatwas, it is clear that buying and selling practices on Shopee are allowed as long as they meet the applicable requirements. However, in reality, it seems that these fatwas are not a guiding principle for Shopee when considering the interests of users and sellers on the platform.

Moreover, the supervision conducted by the government through the Ministry of Trade, based on Ministerial Regulation No. 31 of 2023 regarding business licensing, advertising, and the guidance and supervision of business actors in electronic commerce, seems to have not provided sufficient contribution to solving the fraud issues occurring on the Shopee app (Astari et al., 2020). The Financial Services Authority (OJK) also plays a vital role in overseeing the Shopee app. Still, the supervision conducted by OJK is limited to the PayLater program, leaving other programs unmonitored by OJK (Lantini et al., 2023).

To prevent further and escalating fraud, it is necessary to have a strategy to identify the factors contributing to fraud. According to the fraud triangle theory developed by Cressey (1953), three factors can trigger fraud: pressure, opportunity, and rationalization (Agustin, 2020; Sari, 2013b; Sumbari et al., 2023). Due to the increasing instances of fraud, it is essential to take follow-up actions to eliminate all forms of deception. Therefore, this study aims to analyze the factors that cause fraud in Shopee transactions and provide recommendations to prevent such practices.

This section reviews existing literature on e-commerce fraud, the fraud triangle theory, and the principles of fiqh muamalah. In a previous study, the method for detecting fraud using the fraud triangle theory became a solution to identify issues, such as the forms and risks of fraud commonly occurring in startup companies, which entrepreneurs should be aware of in order to use those threats as evaluations when building a company (Gleason et al., 2022). Fraud detection using the fraud triangle theory is also often used in the financial cycle of a company (Sari, 2023). Companies aware of fraud occurring in their business will take precautions to ensure security and prevent fraud that could lead to losses, both for the company and consumers. Therefore, this study aims to uncover the root causes of fraud commonly occurring in e-commerce (Sukardi et al., 2023). Fraud occurring on the Shopee e-commerce platform is particularly harmful to consumers, as it causes material and non-material losses, such as identity theft. This highlights the need to review legal protection for consumers. From an Islamic law perspective, the buying and selling process on Shopee is valid and permissible; however, discussions often arise when transactions involve elements of maysir (gambling), gharar

(uncertainty), or *riba* (usury), in which case transactions on Shopee would be considered haram (forbidden) (Nurhayati & Mulyani, 2021).

This study introduces a novelty approach compared to previous research, as it aims to identify the factors that lead to fraud in Shopee transactions using the fraud triangle theory and principles of *fiqh muamalah*. This will provide relevance to Shopee, the government, sellers, and consumers to be more cautious and pay attention to the regulations that have been established. Based on the background above, the researcher is interested in discussing the factors that cause fraud on the Shopee marketplace using the fraud triangle theory analysis to prevent any actions that violate Sharia law based on the principles of buying and selling in *fiqh muamalah*.

Methods

This study employs a qualitative research design aimed at gaining a comprehensive understanding of the fraud phenomenon occurring on the Shopee platform. The research utilizes a case study approach, with cases selected based on specific criteria: transactions involving fraud, cases where financial losses have an economic impact, and instances reflecting systematic fraudulent activities. The primary data sources for this research include consumer reports and documented fraud cases. The data analysis is conducted using content analysis and theory-based analysis. The two theoretical frameworks guiding the analysis are the Fraud Triangle theory and *fiqh muamalah*. The content analysis process involves several stages, including data collection, categorization, and grouping of findings. This methodological approach was chosen to explore the underlying causes of fraud in the context of Shopee transactions while examining the phenomenon from the perspective of *fiqh muamalah*. The combination of these two theories provides a comprehensive lens for understanding how fraud occurs at Shopee and how it contradicts the principles of Sharia.

Fraud in transactions on Shopee

Fraud is an act that violates or goes against the law within an organization and can be carried out by either internal or external parties (Gischa, 2022). Fraud is also categorized as deception that causes harm to others. When viewed through the lens of the fraud triangle concept, fraud within an organization or company can be identified through three elements: first, pressure (motivation/pressure), which refers to the intention and urge of the perpetrator to commit the fraudulent act; second, opportunity, which refers to the freedom or opportunity the perpetrator has to carry out the fraud, often caused by the company's negligence or lack of

supervision; and third, rationalization, where the fraudulent actions that harm others are considered acceptable and not viewed as wrong by the responsible parties, leading to unresolved fraud.

D. Cressey (1953) first introduced this theory in his book *Other People's Money: A Study in the Social Psychology of Embezzlement*, which explores the causes of fraud (Gischa, 2022). The theory has since evolved and has been a foundation for many scholars studying fraud in organizations or individual behaviors. Studies using this theory have found that pressure and opportunity are strong fraud indicators, while rationalization is less frequently proven (Ayu Suryandari et al., 2023).

Fraud in online shopping transactions on Shopee often occurs during the online transaction process. Among the potential frauds that may happen are in the payment system, ordering process, and delivery of goods, where the transaction process occurs and goods are transferred from the seller to the buyer. Ordering online without face-to-face interaction between the seller and buyer is risky. If something unexpected happens, resolving the issue with Shopee may require several steps (Munif, 2023).

Fraudulent transactions in the form of fictitious sales occur when products are offered through online stores with product images and descriptions, making it easy for consumers to be attracted to and understand what they are purchasing. However, the items delivered to the buyer do not match the original product, leading to fraudulent behavior (Chusnul Faridah, 2022) (Devi, 2023). It's not just one or two complaints but many reports of fraud involving counterfeit goods, with some sellers inflating the price of an item but sending a product that does not meet the description or specifications. In some cases, the goods sent are not original or of the promised quality (Rohman, 2021).

One form of fraud involves sellers falsifying orders to boost product sales (Shopee, 2023), which inflates the number of products sold. Additionally, some sellers on the Shopee marketplace have been found to commit fraud by selling goods that do not match the specifications, such as counterfeit mobile phones at prices much lower than their true value (Wiratama, 2022). Fraudsters often use these types of misleading orders to carry out their schemes, easily taking advantage of the situation to profit from fake sales.

Furthermore, fraud often occurs through store order cancellations. When an order is canceled, the money paid by the buyer should be refunded through ShopeePay. However, in some cases, the store that canceled the order unilaterally complicates the refund process or fails to return the money through ShopeePay, resulting in the buyer not getting their money back. This leads to financial loss for the consumer and a decline in trust towards Shopee caused by

dishonest sellers. In such cases, Shopee can carefully vet and select the sellers or stores registering their products on the platform, ensuring no negligence or losses occur (Munif, 2023).

Based on data recorded by the Indonesian Consumers Foundation (YLKI), Shopee ranks fourth among e-commerce companies, with 9% of complaints related to fraud out of a total of eight e-commerce companies (Pahlevi, 2022). There have been numerous complaints from Shopee consumers regarding fraud on this platform. However, few consumers are satisfied with the fraud complaint service due to the lack of response and slow resolution (Saputri, 2023). The failure of Shopee to resolve issues and take clear responsibility for consumer complaints negatively impacts user trust. If Shopee continues to allow fraud to occur, it will create opportunities for unauthorized parties to exploit the situation and lead to dissatisfaction among users with the Shopee app (Munif, 2023; M. A. Rohman, 2021). Honesty and security on Shopee are crucial to maintaining the platform's reputation and consumer trust in making purchasing decisions and achieving customer satisfaction (Nababan & Saputra, 2023).

Analysis of the Fraud Triangle in Shopee Transactions

The Fraud Triangle, as introduced by Cressey in 1971, provides several methods for detecting fraud (Gleason et al., 2022) and identifies three key factors that contribute to the occurrence of fraud: pressure to commit fraud (or motivation and intent to commit fraud), opportunity, which refers to the chance to access and facilitate fraudulent actions, and rationalization, or the justification of unethical behavior (Agustin, 2020). The researcher argues that the factors causing fraud can be detected using the three interconnected aspects of the Fraud Triangle.

1. Pressure: Economic Pressure

Fraud within a company can be attributed to the pressure factor or intentions driven by market profitability threats or unstable industry and economic conditions (Sari, 2013). Both financial and non-financial factors contribute to the occurrence of fraud. Financial pressures can be categorized as the need to fulfill daily living expenses and lifestyle demands. In contrast, non-financial factors may include external pressures from others to engage in fraudulent actions (Sari, 2013). In these cases, fraudsters often use methods like price falsification or sending products that do not match the offered descriptions, allowing them to make a higher profit at the expense of deceived customers (Pardede et al., 2023), which state that high unemployment rates and poverty levels contribute to the prevalence of fraud in online business. Other financial pressures, such as the obligation to support one's family or a desire to achieve financial independence and social equality, can also drive

individuals to commit fraud (Pardede et al., 2023). Additionally, (Munik et al., 2023) suggest that economic pressures, particularly the desire to fulfill consumer needs and maintain a particular lifestyle, can push individuals toward fraudulent actions in online transactions.

According to the latest data from the Central Statistics Agency (BPS), the poverty rate in Indonesia in March 2024 was recorded at 9.03%, a decrease of 0.33% compared to the previous year (Badan Pusat Statistik, 2024). However, the "Crime Statistics 2023" publication from BPS indicates that in 2022, the total number of criminal incidents increased to 311,523 cases, compared to 247,218 cases in 2020 (Badan Pusat Statistik, 2023). This decrease in the poverty rate suggests a positive potential for reducing the overall crime rate. However, the persistently high crime rate indicates that economic factors, including poverty, still influence the crime rate, albeit not directly (Karyoko, 2024). This phenomenon is relevant to the prevalence of fraud cases in e-commerce transactions such as those on Shopee. Economic factors that drive financial pressure, such as poverty, often trigger individuals to engage in fraudulent activities, which is also reflected in the increasing number of fraud cases in online transactions. This situation demonstrates that although a decrease in poverty can reduce the overall crime rate, there are still significant challenges related to fraud and deception, which can harm many parties within the e-commerce ecosystem, such as on Shopee.

Based on the data above, it can be seen that the level of poverty impacts the level of criminality. This is in line with the occurrence of fraud on Shopee, which is driven by the economic pressure faced by society. When analyzing fraud with this modus operandi, the intention is to gain more profit through deception. In this case, the scam becomes a tool for increasing the individual's profit, as competition on Shopee is high. Fraudsters use this method to survive and meet their daily needs to maintain economic stability.

Several cases show that economic pressure factors can lead to fraudulent actions on the Shopee marketplace, such as marketing products that do not match the description, selling goods that are not authentic or are counterfeit, and offering lower prices compared to the original items. For example, one Shopee user, Ayu Dewi, bought a women's dress on Shopee for 150 thousand IDR, while the same item in other markets could cost 250-300 thousand IDR. The low price attracted buyers, but she received a long-sleeved t-shirt instead of the dress she had ordered (Prasetia, 2024). This kind of motive impacts buyers' interest in purchasing much cheaper items while the fraudster profits from selling counterfeit products.

Another fraud case involves a party posing as Shopee, offering a prize of 2.5 million IDR to a woman identified as RA, who received a call and was asked to transfer money via bank account or ShopeePay. Instead of accepting the prize, RA was scammed and received a bill through Shopee PayLater (Isa & Carina, 2022). A similar case was faced by Xaveria, who bought a women's watch at a promotional price from an online store named *wahyu21shop*, making a payment via m-BCA transfer as per the listed price. However, the scammer led the victim into making other transactions, resulting in a total loss of 5,102,701 IDR (Nikkita, 2024).

Many other similar fraudulent cases are still aimed at gaining financial profit through the Shopee platform. Based on the cases above, the primary motive of the perpetrators is financial. Therefore, the researcher concludes that economic factors are the main reason behind the fraud crimes committed through the Shopee marketplace. These fraud cases have implications for the loss of consumer trust in the store, which can lead to a decline in the store's rating (Prasetia, 2024). The impact of fraud on economic factors also affects repeat purchases or transactions with brands or organizations involved in the fraud (Melati & Anggraini, 2024).

2. Opportunity: Wack of Regulation

Indonesia, the largest country with the most Shopee users, has regulations regarding e-commerce and online shopping systems. The Indonesian Ulema Council (MUI), with Fatwa No. 144 concerning marketplaces and Fatwa No. 146 regarding online shopping systems, has issued guidelines for online transactions. These Fatwas permit online buying and selling as long as certain conditions are met, one of which includes prohibiting tables (deception) in the sales process (Majelis Ulama Indonesia, 2021a). Another regulation issued by the Financial Services Authority (OJK) regarding the supervision of Shopee Paylater is seen as insufficient, as the monitoring is only focused on the Paylater program. In contrast, other programs within Shopee are not being supervised (Lantini et al., 2023). Shopee has already implemented services and regulations to protect the privacy of both sellers and buyers through a verification process (Sukmaconvert, 2020).

Opportunity is the second factor that contributes to the occurrence of fraud in companies. Opportunity, or the chance to commit fraud, is often perceived as undetectable by any party (Sari, 2013). A weak security system, inadequate regulations, and poor supervision create opportunities for fraudsters (Sari, 2013). One case where fraud can happen is in the sale of digital goods and services. As noted in the research by (Purborini, 2023), Shopee's digital goods transactions do not incur shipping costs or fees (IDR 0), so

the seller may mark the item as shipped even though there is no actual proof that the item has been sent. This creates an opportunity for fraud because sellers can make significant profits from such transactions.

In this case, the sale of digital goods on Shopee should have legal certainty and product guarantees for consumer protection. However, the legislation regarding digital business transactions seems insufficient (Purborini, 2023). If the public correctly implements and understands the e-commerce regulations, the existing rules in Indonesia could prevent fraud in e-commerce, particularly on platforms like Shopee (M. Rohman, 2023). In line with a previous study, which states that e-commerce regulations on consumer protection still refer to Law No. 8 of 1999 concerning Consumer Protection (Undang-Undang Perlindungan Konsumen, UUPK), Shopee has issued consumer protection rules through policies as a risk mitigation measure. However, these regulations are considered to need strengthening and adapting to e-commerce policies, especially regarding consumer protection in online transactions (Anggriana, 2023; Law, 1999).

In addition to legal protection regulations for consumers who experience fraud, the government must also provide legal protection for business owners (Herman & Oliver, 2023). Fraud can also affect business owners, as seen in the feature “*Shopee COD Cek Dulu*,” where, in reality, there are buyers who act irresponsibly, causing business owners to suffer losses. For example, buyers may refuse to pay for ordered items, citing unreasonable excuses (Fath et al., 2024).

Therefore, opportunities for fraud can be prevented by enforcing comprehensive regulations from several angles, creating a secure online shopping environment. Since the current rules have not been sufficient to address consumer complaints caused by fraud, there is great hope that the government will maximize the existing regulations and introduce new ones to strengthen the growth of e-commerce. The need for robust oversight, security, and regulations throughout the online transaction process is critical, as transactions cannot proceed smoothly without effective regulations (Aprinawati et al., 2023). The weakness of rules regarding security and protection by Shopee or the government can create an opportunity for perpetrators who believe that the risk of being caught and facing criminal charges for online fraud is very low (Puspitasari & Sutabri, 2023).

In line with the statement above, previous research has indicated that reducing fraud risks in e-commerce can be addressed by increasing consumer awareness about legitimate and illegitimate business practices and encouraging honest business owners to comply with regulations to protect their reputations (Sri Lestari Poernomo, 2023).

3. Rationalize: Lack of Legal Awareness

Rationalization is the act of seeking justification or a defense for one's actions. In the context of fraud, the perpetrator seeks to claim fairness and avoid being seen as wrong (Sari, 2013). Fraudsters will convince themselves that their actions are not evil but rather a right they are entitled to (Puspitaningrum et al., 2019). An example of rationalization in fraud is when a fraudster in e-commerce justifies their actions by saying, *"If many people are doing it, then it's not a mistake but just a normal behavior"* (Paperblog, 2020). One reason for rationalizing fraud could be cultural factors, specifically the legal culture in Indonesia, where the lack of legal awareness contributes to a broader acceptance of unethical behavior. As noted in a study by (Munik et al., 2023) cybercrime occurs in part due to the lack of understanding by the public regarding activities in the online space. Based on previous research (Putri et al., 2022), legal awareness among consumers who experience fraud in online transactions often leads them to remain silent and not report the incident to law enforcement. Perpetrators may view their actions as acceptable and safe because the crime is online (Munik et al., 2023). The rationalization of society towards online fraud in e-commerce is formed due to the low understanding of the law and the failure to report the criminal act of fraud through e-commerce. (Agustanti & Setiawan, 2021).

According to data from complaints received by Shopee from 2018 to 2023, there have been 11.357 reports of fraud, with fraud complaints ranking third overall (Aprilyani, 2023). Monica Vionna, the Head of Marketing at Shopee Indonesia, also confirmed this, stating that fraudsters pretending to represent Shopee have caused concern among Indonesian consumers (Aprilyani, 2023). Throughout 2023, the Ministry of Trade (Kemendag) received 7.707 consumer complaints concerning issues such as balance top-ups, Pay later systems, credit cards, refunds, purchases not matching orders, damaged goods, or undelivered products (Fauzan, 2024). There are 575 Supreme Court decision records related to Shopee's activities (Agung, 2024). Based on Shopee's statement, the most common type of fraud cases are related to job offers or prize lottery scams (Aprilyani, 2023). The high number of complaints indicates that there is a recurring pattern of fraud or a lack of legal clarity in addressing fraud cases.

The data provides insight that some members of the public have become aware of fraudulent practices in online transactions and have reported them. However, it also indicates that there is still a low level of awareness and understanding among the public regarding online transaction fraud, especially those involving prize offers made by scammers. As a result, the low public awareness leads to the rationalization of fraud, with

people considering it not a serious issue because they only lose a small amount of money. Furthermore, the public is reluctant to report and incur additional costs to address the matter in court (Rahmanto, 2019).

Fraud in Shopee Transactions and the Principles of Fiqh Muamalah

As technology continues to advance, it has significantly changed how humans live, particularly in buying and selling transactions (Gulfranz et al., 2022; Shankar et al., 2021). Online shopping has grown rapidly in Indonesia through various online shopping platforms known as e-commerce (M. H. Rohman, 2022). In this study, Shopee, one of Indonesia's largest online shopping platforms, has become the most popular online marketplace for transactions. Previously, transactions could only occur when the seller and buyer met face-to-face, but with the advent of current technology, transactions can now easily be carried out without physical interaction. This is what happens in online shopping transactions, where sellers offer their goods through an app that buyers can view only through smartphones or an internet connection.

Based on Fatwa DSN MUI No. 146 of 2021 on Online Shops in accordance with Sharia principles, there are several provisions that must be considered in transactions, as follows: 1) The seller and buyer must enter into a sales contract 2) The goods and/or services must be permissible under Sharia law and applicable regulations; 3) Payment can be made according to mutual agreement using methods in line with Sharia principles and regulations, such as bank transfers, electronic payments, or cash at retail outlets; 4) In the case of physical goods, delivery can be made directly by the seller to the buyer or through a courier service; 5) If using a courier service, an *ijarah* contract is made between the courier service provider and the seller or buyer (as agreed); 6) If the goods received by the buyer do not match the description given during the contract, the buyer has the right to *khiyar* (option to cancel); 7) If the goods are damaged due to the negligence of the courier service during delivery, the courier service provider is responsible for the damage to the goods (Majelis Ulama Indonesia, 2021b).

In this study, *fiqh muamalah* serves as the theoretical foundation in line with Islamic Sharia. *Fiqh muamalah* is a branch of Islamic jurisprudence that deals with human actions in worldly matters, such as buying and selling, loans, trade partnerships, land management, and leasing (Antonio, 2001; Suhendi, 2019). This study discusses *ahkam al-iqtishadiyah wa al-maliyah*, which includes legal aspects, economics, and finance.

In Islamic jurisprudence (*fiqh muamalah*), all forms of contracts and transactions are fundamentally permissible unless there is evidence prohibiting them. This principle is based on the legal maxim: "*Al-ashlu fil mu'amalat al-ibahah illa an yadulla dalilun 'ala tahreemihi*"

("The basic principle in muamalah is permissibility unless there is evidence that prohibits it"). The Qur'an supports this principle, as stated in Surah Al-Baqarah: "Allah has permitted trade and forbidden usury" (Al-Baqarah 2:275). This verse highlights that trade is lawful unless it involves prohibited elements such as *riba* (usury). Another verse emphasizes the importance of mutual consent and prohibits unjust practices: "O you who believe, do not consume one another's wealth unjustly, but only [in lawful] business by mutual consent" (An-Nisa 4:29). Additionally, the Prophet Muhammad (peace be upon him) stated, "*La darara wa la dirar*" ("There should be neither harm nor reciprocating harm"), which serves as a foundation for prohibiting harmful, unjust, or deceptive transactions. These principles collectively ensure that economic activities adhere to ethical and Islamic guidelines.

Transactions on Shopee are considered buying and selling (*ba'i*) contracts, which are bound by an agreement involving two parties (*aqidain*), a subject (*ma'qud alaih*), a form (*shighat*), and an exchange of money, making the contract valid once these conditions are met (Hasan, 2018). Fiqh muamalah aims to create mutual benefit among humans in accordance with Sharia principles by providing alternatives and minimizing harm (Maksum et al., 2019; Suhendi, 2019). Thus, fiqh muamalah is a way to rectify transactions, particularly in buying and selling, to reduce harm and fraud in e-commerce by adhering to its principles. Some of the key tenets of fiqh muamalah include honesty, trustworthiness, avoiding empty promises or oaths, avoiding *gharar* (uncertainty), working hard, fulfilling transactions, ensuring mutual benefit, allowing permissible transactions, prioritizing what is essential, preventing interference from others, avoiding harm, and facilitating transactions (Maksum et al., 2019).

Based on the findings of the research, three factors that can contribute to fraud in online shops are economic pressure, opportunities arising from weak regulations, and rationalization due to the lack of legal understanding among the public. This is in line with previous research that discusses factors contributing to e-commerce fraud, including economic, social, and personal factors (Pardede et al., 2023). Fraud in online transactions can result in canceled transactions, as in Islamic law, a sale is permissible as long as it is free from elements of fraud (Ziaulhaq et al., 2023). If the principles of Islamic muamalat in online transactions on Shopee are not fulfilled, then the transaction contains elements that are detrimental and is considered invalid. Therefore, victims of fraud have the right to report to the authorities to reclaim their rights.

If a transaction involves elements that are prohibited, there will be no benefit in it but only injustice. By comparing the above principles with the situation on Shopee, where many fraud issues persist, it can be concluded that fraud leads to injustice. The efforts that can be

made by Shopee, the government, and the public to reduce the number of fraud cases on Shopee include:

1. Shopee: Provide education and socialization to the public (business actors and consumers) through easy-to-understand regulations.
2. The Government: Strengthen and reinforce the legal framework regarding consumer and seller protection and online marketplace security and impose strict sanctions on fraudsters.
3. The Public: Be more cautious when conducting online transactions and report fraud incidents through Shopee Customer Services or the authorities.

In light of the theoretical framework of fiqh muamalah, the three contributing factors to fraud in online transactions—economic pressure, weak regulations, and a lack of legal awareness—can be analyzed through the lens of Islamic principles that prioritize justice, honesty, and harm prevention. Economic pressure often compels individuals to engage in fraudulent activities to meet financial needs, which contradicts the principle of *la darara wa la dirar* (no harm or reciprocation of harm). The absence of stringent regulations creates an opportunity for unscrupulous actors to exploit vulnerabilities in online marketplaces, violating the principle of trustworthiness (*amanah*) and the prohibition against deceit (*gharar*). Furthermore, the lack of legal awareness among consumers and sellers undermines the fulfillment of *taradhi* (mutual consent) in transactions, a core requirement for a valid contract in Islam. These factors collectively lead to injustices and breaches of Sharia principles in e-commerce.

Fiqh muamalah offers solutions to address these issues by emphasizing education and ethical guidance alongside the establishment of robust legal frameworks. As outlined in Islamic teachings, economic pressure can be mitigated by promoting ethical work practices and encouraging fair trade. Strengthening regulations to address fraud and enhance consumer protection aligns with the Sharia principle of preventing harm and ensuring public welfare (*maslahah*). Finally, raising public awareness of legal and Islamic ethical guidelines for transactions is crucial to fostering a culture of honesty, trust, and mutual benefit in online marketplaces. Through these measures, aligning e-commerce practices with fiqh muamalah principles can create a more just, transparent, and trustworthy digital economy.

Conclusion

This study identified three key factors contributing to fraud in Shopee transactions based on the fraud triangle analysis: 1) *Economic pressure* serves as a significant trigger for fraudulent behavior, driven by financial challenges faced by individuals; 2) *Weak security regulations* and

insufficient protection mechanisms for sellers and consumers provide opportunities for fraudulent activities to thrive; and 3) *Lack of legal awareness* among the public leads to the rationalization of fraud, as many individuals are unaware of the ethical and legal standards governing online transactions. These factors collectively result in injustice, which is fundamentally opposed to the principles of *fiqh muamalah*, emphasizing honesty (*sidq*), trustworthiness (*amanah*), and harm prevention (*la darara wa la dirar*).

Based on these findings, this study recommends the following: 1) Shopee should enhance public education and outreach regarding the rules and regulations of online transactions on its platform, emphasizing the ethical and legal consequences of fraud; 2) The government should establish and enforce more specific and robust regulations to ensure the security and protection of online transactions, with strict sanctions to deter fraud perpetrators.

However, this study has limitations. It primarily focuses on Shopee as a case study, which may limit the generalizability of the findings to other e-commerce platforms. Moreover, it relies on secondary data, which may not fully capture the nuanced perspectives of affected stakeholders, such as consumers, sellers, and policymakers. Future research is recommended to conduct broader studies involving multiple e-commerce platforms and to include primary data collection methods, such as surveys or interviews, to gain deeper insights into the dynamics of fraud and the effectiveness of proposed solutions in online marketplaces.

Bibliography

- Agung, M. (2024). *Direktori Putusan Mahkamah Agung Republik Indonesia*.
- Agustanti, R. D., & Setiawan, A. N. (2021). Tindak pidana penipuan pada transaksi . *Jurnal Ilmiah Ilmu Hukum*, 19(1), 183–202.
- Agustin, R. D. (2020). *Fraud Triangle: Mencari Penyebab Kecurangan dalam Keuangan Bisnis*. Mekari Jurnal.
- Anggriana, A. (2023). Analisis Aturan Kegiatan Perdagangan E-Commerce Dalam Perlindungan Terhadap Konsumen (Studi Pada Aplikasi Shopee Online). *Tanjungpura Law Journal*, 7(2), 168. <https://doi.org/10.26418/tlj.v7i2.62256>
- Antonio, M. S. (2001). *Bank Syariah: Dari Teori ke Praktik*. Gema Insani Press.
- Aprilyani, J. (2023). *Terima Puluhan Ribu Aduan Konsumen atas Dugaan Penipuan, Ini Langkah Mitigasi Shopee*. Kontan.Co.Id.
- Aprinawati, Handayani, R., Nasution, A. N., Anderera, D. A., Zulwaqar, M. D., & Sitanggang, R. Y. (2023). New Mode of Online Shop Fraud at Shopee and Solving Problems through Business Regulations. *Journal of Digital Economics and Business (MINISTAL)*, 2(3), 603–

- Astari, A. A. M. A. R. L., Budiarta, I. N. P., & Ujianti, N. M. P. (2020). Pengawasan Terhadap Transaksi Bisnis E-Commerce Dalam Mewujudkan Perlindungan Konsumen. *Jurnal Konstruksi Hukum*.
- Ayu Suryandari, N. N., Yadnyana, I. K., Ariyanto, D., & Adi Erawati, N. M. (2023). Implementation of Fraud Triangle Theory: a Systematic Literature Review. *Journal of Governance and Regulation*, 12(3), 90–102. <https://doi.org/10.22495/jgrv12i3art10>
- Badan Pusat Statistik. (2023). *Statistik Kriminal 2023*. Badan Pusat Statistik.
- Badan Pusat Statistik. (2024). *Persentase Penduduk Miskin Maret 2024 turun menjadi 9,03 persen*. <https://www.bps.go.id/id/pressrelease/2024/07/01/2370/persentase-penduduk-miskin-maret-2024-turun-menjadi-9-03-persen-.html>
- Chusnul Faridah. (2022). *Analisis Hukum Islam Dan Undang-Undang - Chusnul Faridah*. UIN Sunan Ampel Surabaya.
- Devi. (2023). *Analisis SWOT Shopee: Menggali Kelebihan dan Kekurangan Platform E-commerce Terbesar di Asia Tenggara*. PerpusTeknik.
- Fariscka, D., & Tartiani, Y. A. T. (2023). Pengaruh Kualitas Pelayanan, Kepercayaan dan Kemudahan Terhadap Loyalitas Konsumen Shopee. *Journal of Economics and Business UBS, Vol 12 No*.
- Fath, A., Syaihuputra, B. M. M., & Rosuli, Z. C. (2024). Perlindungan Hukum Bagi Pelaku Usaha Dalam Fitur Cash On Delivery Cek Dulu di Aplikasi Shopee. *Forschungsforum Law Journal*, 1(02), 32–46.
- Fauzan, R. (2024). *Sektor Tokopedia Shopee Cs Paling Banyak diadukan Konsumen Sepanjang 2023*. Bisnis Tekno.
- Gischa, S. (2022). *Teori Fraud Triangle: Pengertian dan Unsurnya*. Kompas.Com.
- Gleason, K., Kannan, Y. H., & Rauch, C. (2022). Fraud in Startups: What stakeholders need to know. *Journal of Financial Crime, Vol.19 N0*.
- Gulfraz, M. B., Sufyan, M., Mustak, M., Salminen, J., & Srivastava, D. K. (2022). Understanding the impact of online customers' shopping experience on online impulsive buying: A study on two leading E-commerce platforms. *Journal of Retailing and Consumer Services*, 68, 103000.
- Hasan, A. F. (2018). *Fiqh Muamalah dari Klasik hingga Kontemporer*.
- Herman, P. R., & Oliver, S. (2023). Trade, policy, and economic development in the digital economy. *Journal of Development Economics*, 164, 103135.
- Hidayat, R. (2020). *Buku Ajar Pengantar Fikih Muamalah*. Fakultas Syariah dan Hukum.

- Isa, B. M., & Carina, J. (2022). *Seorang Perempuan Ditipu Orang yang Mengaku Karyawan Shopee, Diimingi Rp 2,5 Juta, Akun Berujung Dibobol*. Kompas.Com.
- Karyoko, D. (2024). *Apa Benar Ada Hubungan Antara Angka Kriminalitas dengan Kemiskinan di Indonesia?* Goodstats.Id. <https://goodstats.id/article/kaitan-penurunan-angka-kriminalitas-dengan-kemiskinan-di-indonesia-xARXr>
- Kece, A. (2023). *Kelebihan dan Kekurangan Aplikasi ShopeePay*. Makeduit.
- Kemendag. (2024). *Kemendag Ramal Transaksi E-Commerce di RI Tembus Rp533 Triliun*. Kementerian Perdagangan RI.
- Lantini, S. B. S., Maulana, R. A., Bunganingtyas, A., Putri, M. A., & Kartini, E. (2023). Peran Otoritas Jasa Keuangan Dalam Pengawasan Paylater Pada Aplikasi Shopee. *Jurnal Ilmu Sosial, Manajemen, Dan Akuntansi (JISMA)*, vol no.2.
- Law. (1999). *Undang-undang (UU) Nomor 8 Tahun 1999 tentang Perlindungan Konsumen*.
- Majelis Ulama Indonesia. (2021a). *Fatwa DSN MUI No 144 tahun 2021 Tentang Marketplace berdasarkan Prinsip Syariah*.
- Majelis Ulama Indonesia. (2021b). *Fatwa DSN MUI No 146 Tahun 2021 tentang Online Shop Berdasarkan Prinsip Syariah*.
- Maksum, M., Ali, H., Zuhdi, M. H., & Mujiburrahman, M. (2019). *Fikih Muamalah*. Universitas Terbuka.
- Melati, R., & Anggraini, L. D. (2024). Pengaruh Fraud dan Brand Awareness Terhadap Repurchase Intention di E-Commerce Shopee (Survei Pada Mahasiswa UIGM). *EKOMA : Jurnal Ekonomi, Manajemen, Akuntansi*, 4(1), 2757–2767.
- Moneyduck. (2022). *Penipuan Shopee, Kenali Ciri-Ciri dan Hindari Bahayanya*. Moneyduck.
- Munif, C. (2023). *Waspada Smishing, Modus Penipuan dalam Balutan Pesan yang Menggiurkan*. Kompasiana.
- Munik, A., Syabana, F. A., Wijayanto, E. E., & Rasya, A. (2023). Law Enforcement And Factors Background To The Crime Of Fraud In Online Selling Transactions In Indonesia. *International Journal of Social, Policy and Law (Ijospl)*, 4(2), 47–55.
- Nababan, A., & Saputra, A. (2023). Pengaruh Citra Merek , Kualitas Produk Dan Kepercayaan Terhadap Keputusan Pembelian Pada E-Commerce Shopee. *Ekonomi, Keuangan, Investasi Dan Syariah (EKUITAS)*, 5(1), 195–204. <https://doi.org/10.47065/ekuitas.v5i1.3770>
- Nikkita, X. (2024). *Adakah kasus penipuan di Shopee? Bagaimana ceritanya?* Quora.
- Nurhayati, E. C., & Mulyani, P. S. (2021). Kegiatan Jual Beli Online Menurut Pandangan Islam Pada Aplikasi Shopee. *Jurnal Pendidikan Ekonomi, Kwirausahaan, Bsinis Dan*

- P Bayu Aji, M. G., Al Mustofa, M. H., Saputra, R., & Wardani, S. N. (2023). *Analisis Resiko Keamanan Pada E-Commerce Shopee Terhadap Kenyamanan Konsumen Menggunakan Metode Kualitatif*. 79–83.
- Pahlevi, R. (2022). *GrabToko, Perusahaan E-commerce dengan Pengaduan Konsumen Terbanyak*. Databoks.
- Paperblog. (2020). *Cara Identifikasi Fraud Triangle untuk Mencegah Penipuan*. Paper.
- Pardede, R., Budi, P., & Febrianto, S. (2023). Fraud Through Online Store. *Law and Humanities Quarterly Reviews*, 2(2), 1–4. <https://doi.org/10.31014/aior.1996.02.02.53>
- Prasetia, Y. (2024). *Ragam Kecurangan Pasar Pada Marketplace “Shopee.”* Universitas Islam Negeri Kyai Haji Achmad Siddiq Jember.
- Purborini, V. S. (2023). Perlindungan Hukum Konsumen pada Transaksi Jual Beli Jasa Desain Melalui Shopee. *Jurnal Pendidikan Tambusai*, 7(1), 3619–3623.
- Puspitaningrum, M. T., Taufiq, E., & Wijaya, S. Y. (2019). Pengaruh Fraud Triangle Sebagai Prediktor Kecurangan Pelaporan Keuangan. *Jurnal Bisnis Dan Akuntansi*.
- Puspitasari, D., & Sutabri, T. (2023). Analisis kejahatan phishing pada sektor e-commerce di marketplace shopee. *Jurnal Digital Teknologi Informasi*, 6(2), 76–81. <https://doi.org/10.32502/digital.v6i2.5653>
- Putri, S. N., Nabila, C. F., & Anggraeni, D. (2022). Problematika Budaya Hukum Konsumen Dalam Transaksi Online. *Mu’amalah : Jurnal Hukum Ekonomi Syariah*, 1(2), 109. <https://doi.org/10.32332/muamalah.v1i2.5111>
- Rahmanto, T. Y. (2019). Penegakan Hukum Terhadap Tindak Pidana Penipuan Berbasis Transaksi Elektronik. *Jurnal Penelitian Hukum De Jure*, 19(1), 31–52.
- Riyanto, G. P., & Pertiwi, W. K. (2024). *Bisnis E-commerce Indonesia 2024 Tembus Rp 1.026 Triliun, Didorong Tren Live Shopping*. Kompas.Com.
- Rodrigues, V. F., Policarpo, L. M., da Silveira, D. E., da Rosa Righi, R., da Costa, C. A., Barbosa, J. L. V., Antunes, R. S., Scorsatto, R., & Arcot, T. (2022). Fraud detection and prevention in e-commerce: A systematic literature review. *Electronic Commerce Research and Applications*, 56, 101207.
- Rohman, M. (2023). *Prevention Of E-Commerce Fraud In Bangladesh: A Critical Study On Legal And Institutional Framework*.
- Rohman, M. A. (2021). *Melaporkan Kecurangan Penjual ke Shopee Tidak Membuahkan Hasil. Media Konsumen*.
- Rohman, M. H. (2022). *Slash-It Lazada: Analisis Pemikiran Ibn Taimiyah Dalam Konsep*

- Harga, Hak Milik Dan Pasar. *Al-Mustashfa: Jurnal Penelitian Hukum Ekonomi Syariah*, 7(2), 219. <https://doi.org/10.24235/jm.v7i2.10628>
- Rozi, Y. F. (2022). *Perlindungan Hukum Bagi Konsumen Ketika Bertransaksi Di Aplikasi Shopee Perspektif Hukum Positif dan Hukum Islam*. UIN KIAI Haji Achmad Shiddiq Jember.
- Saputri, R. S. (2023). *Belum Ada Jawaban Jelas Atas Pengaduan Akun yang Diretas dan Penipuan Mengatasnamakan Shopee*. Mediakonsumen.
- Sari, M. P. (2013a). Model Deteksi Kecurangan Berbasis Fraud Triangle (Studi Kasus Pada Perusahaan Publik di Indonesia). *Jurnal Akutansi Dan Auditing*, hal 207.
- Sari, M. P. (2013b). Model Deteksi Kecurangan Berbasis Fraud Triangle (Studi Kasus Pada Perusahaan Publik Di Indonesia). *Jurnal Akutansi Dan Auditing*.
- Shankar, V., Kalyanam, K., Setia, P., Golmohammadi, A., Tirunillai, S., Douglass, T., Hennessey, J., Bull, J. S., & Waddoups, R. (2021). How technology is changing retail. *Journal of Retailing*, 97(1), 13–27.
- Shopee. (2023). *Bagaimana Cara Melaporkan Aktivitas Kecurangan di Shopee*. Shopee.
- Shopee. (2024). *Cegah Penipuan Bersama Shopee*. Shopee.
- Sofiana. (2023). Manfaat dan Bahaya Penggunaan Shopeepay dalam Masyarakat. *Universitas Muhammadiyah Surabaya*.
- Sri Lestari Poernomo. (2023). Analisis Kepatuhan Regulasi Perlindungan Konsumen dalam E-Commerce di Indonesia. *UNES LAW REVIEW*, 6(1), 1772–1782.
- Suhendi, H. (2019). *Fiqh Muamalah* (12th ed.). Raja Grafindo Persada.
- Sukardi, D., Nugraha, F. B., Ubaidillah, U., Fatakh, A., Leliya, L., & Arrizky, M. F. (2023). Solving Cyber Crime in Online Buying and Selling in Cirebon City in Review of ITE Law and Islamic Law. *Al-Mustashfa: Jurnal Penelitian Hukum Ekonomi Syariah*, 8(2), 237–250.
- Sukmaconvert. (2020). *Bagaimana Sejarah dan Layanan Shopeepay Serta Apa Saja Kelebihan dan Kekurangannya*. Thidiweb.
- Sumbari, S., Kamilah, K., & Fitrioso, R. (2023). Analisis Model Fraud Hexagon Dalam Mendeteksi Potensi Kecurangan Pada Laporan Keuangan. *Jurnal Kajian Akuntansi Dan Bisnis Terkini*, vol 4 No 1.
- Ziaulhaq, W., Pembinaan, U., Indonesia, M., Tinggi, S., Islam, A., & Tamiang, A. (2023). Kuhperdata Dan Hukum Fiqh Terhadap Trend. *QANUN: Journal Of Islamic Laws and Studies*, 1(2), 77–84.