



Research Paper

## A Sharia Economic Review of the *Qardh* Contract in Shopee PayLater Transactions

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### ABSTRACT

The *Qardh* contract law in *muamalat* law does not allow the lender to take profit or interest, and this carries usury which is prohibited by Islamic law. This feature uses loans and instant loans with a certain limit amount that can be used for shopping and paid in the following month according to the due date agreed by active users of the marketplace. This research aims to determine the *Qardh* contract transaction mechanism on Shopee PayLater following Sharia economic law, legal uniformity in prohibiting PayLater, the Shopee Paylater transaction mechanism for online buying and selling using *Qardh* contracts, and the Shopee Paylater payment system in installments without a credit card. In this research, the type and approach used is empirical, which is usually called field research with a qualitative approach method. Meanwhile, the data collection techniques that researchers use are interviews, observations, documentation, and literature review. Then the data analysis used in this research is descriptive qualitative. Based on the results of research and data analysis, it was concluded that the Shopee PayLater transaction mechanism, namely the rules regarding online buying and selling transactions, still refers to the legal terms of the agreement in Article 1320 of the Civil Code. The conditions for a valid agreement in Article 1320 of the Civil Code are as follows there is an agreement between both parties. The ability to act; the existence of the agreed object; there is a lawful cause. If there is a delay in making payment, the buyer will be subject to a fine of 5%. This amount will continue to increase if the buyer does not immediately pay off the installments. Getting a bad view from the Financial Services Authority (OJK) makes it difficult to get financing from banks or others. Sharia Economic Law regarding Shopee PayLater is whether or not the elements of harmony and buying and selling conditions are met. In practice, regarding the existence of harmony and conditions for buying and

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selling using Shopee Pay later, it can be explained as follows seller and buyer or people who have an agreement, consent, and acceptance, goods purchased. So, transactions using Shopee PayLater are considered to contain usury.

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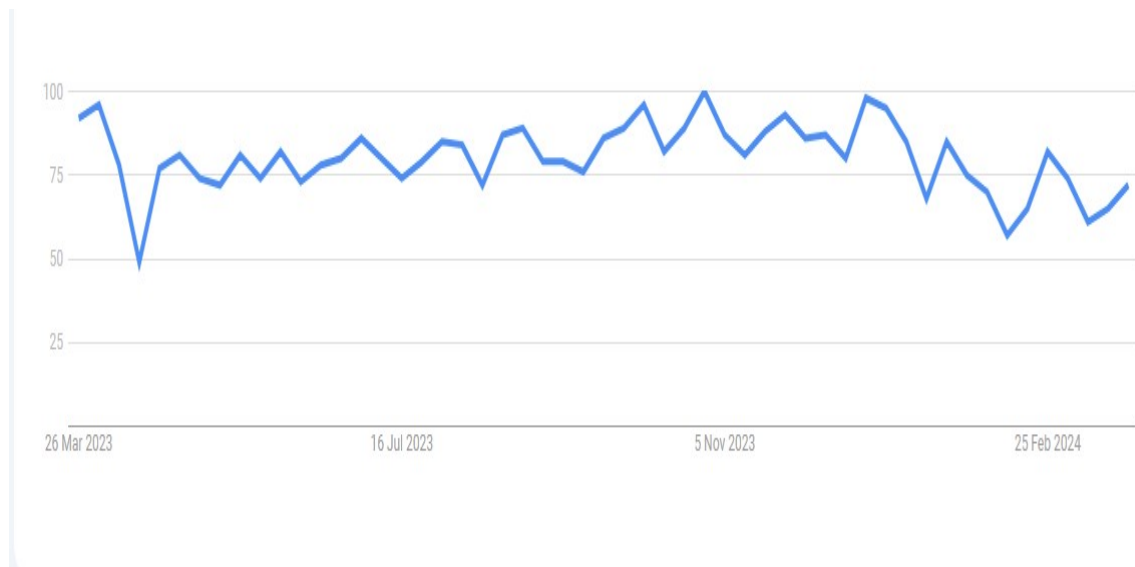


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## Introduction

Rapid advances in information and communication technology have changed the way people move, enabling them to carry out various activities more easily through digital platforms. This can be seen in the ease of communicating via digital messages, making online transactions, and participating in learning via online media. People can carry out these activities without having to meet face to face, creating flexibility and efficiency in the use of time (Rahman, 2017). The important role of online media can be seen in facilitating various activities, such as communicating without being limited by time and place, buying and selling transactions without the need for physical meetings, and accessing information and lessons digitally. This freedom minimizes the need for direct meetings to carry out daily routines. People tend to use e-commerce platforms to meet their needs, enjoy the convenience of shopping from home, and access a variety of products and services quickly and efficiently (Arwanto et al., 2023).

E-commerce is the process of buying and selling online through electronic media. In Indonesia, various E-commerce platforms such as Shopee are online marketplaces that provide a variety of products, ranging from electronic goods, and household appliances, to women's fashion needs. Shopee not only focuses on buying and selling transactions but also provides the Shopee PayLater or "Buy Now Pay Later" option. The Shopee PayLater feature is a form of instant loan with a credit limit of up to IDR 50,000,000. Users who take advantage of it can pay off the bill within 1 month or choose installment options of 3, 6, and 12 months. It is important to note that Shopee PayLater has been registered and supervised by the Financial Services Authority (OJK), ensuring that paylater credit requirements do not harm customers and comply with OJK regulations to support user business security. Therefore, the existence of this PayLater feature on Shopee aims to provide safe trading services for consumers (Heru Kurniawan & Abdul Aziz, 2023).



**Figure 1. Interest in Transactions Using Shopee Pay later**

Source date: Google Trends 2025

The increasing use of this application will certainly increase company income and increase competitiveness in the business sector. This must also be assessed by increasing the number of users, there will be an increase in service and customer expectations for the application (Amalna & Ardyansyah, 2023). Shopee PayLater is one of the many parties taking advantage of this opportunity by enlivening the mobile marketplace segment through their mobile application which can facilitate instant buying and selling transactions and loans. Based on subregions in the Shopee PayLater application released by Google Trends. The Bangka Belitung Islands occupy the first position as a community that uses the Shopee PayLater application a lot, while North Sumatra occupies the twenty-first position in using the Shopee application with 59%. According to Firmansyah, (2018), consumers make purchasing decisions consisting of 4 stages, the first is understanding the existence of a problem, the second is an evaluation of existing alternatives and the most appropriate action is chosen, the third is the purchase is realized in the form of action and the fourth the goods that have been purchased will be used and consumers re-evaluate the decisions they have taken In Islamic economics, there are various kinds of business partnership transactions, both profit-oriented and those that prioritize humanitarian or social aspects, one of which is *al-qardh*. Qardh linguistically means a cut, while in terms it means giving property to another person which can be asked for and returned in the same amount or we can simplify it in the language of lending to another person without expecting anything in return or profit (Ghozali, 2019).

In the practice of Shopee PayLater credit transactions in the Shopee application, two Islamic laws apply, namely permissible and prohibited. It is permissible because the implementation of the contract is carried out clearly and transparently, supported by evidence of the contractual agreement between the seller and the buyer. The consent and *qabul* process is carried out openly, and there

is an additional price which is considered compensation for the postponement of payment. However, it is prohibited because Shopee PayLater credit transaction practices also involve additional prices which can be identified as a form of usury. Riba, which is a practice prohibited in Islam, occurs when there is additional interest or unclear profits in a transaction (Nurhalisa & Nawawi, 2023). With Shopee PayLater, it can encourage students to engage in debt behavior. This is what can create waste among students, because users can easily shop with the Pay Later system thereby, inadvertently encouraging them to fulfill unlimited desires. The financial problem that is often encountered by students is the lack of ability that students have in managing finances, especially in terms of planning financial management carried out by students. This is reinforced by the results of a pre-survey conducted by researchers, it was found that UMSU Sharia Business Management Students Class of 2020 purchased goods that would be paid for via the Shopee PayLater system. The addition to the total loan from the initial transaction indicates that there is a use for one side and a burden on the other side. This is what is prohibited by Islam because it harms one person's party. Therefore, the ulama agrees that if every debt or loan has an additional requirement for repayment, then the principle is prohibited (Budi, 2022).

One of the things that is currently a problem for students is the low level of a person's ability to plan, manage, and control their daily finances, or what is usually called financial literacy. According to Novi, (2017), financial literacy includes the ability to differentiate financial choices, discuss money and financial problems without discomfort, plan for the future, and respond competently to life events that influence daily financial decisions, including events in the economy in general. Mechanisms and guidelines related to online loans through financial technology or fintech applications have been regulated in statutory law, namely Number 11 of 2008 concerning Technology and Information. Apart from that, there are sharia principles based on the same legal umbrella as conventional fintech, namely Financial Services Authority Regulation (POJK) Number 77/POJK.01/2016 concerning Information Technology-Based Money Lending and Borrowing. Not only that, fintech companies that use Sharia principles also refer to the National Sharia Council (DSN) Fatwa Number 117/DSN-MUI/II/2018 concerning information technology based financing services that are based on Sharia principles (Hadrianto, 2022). Online loans refer to providing loans made through the use of technology. In its implementation, online loans must comply with sharia principles, such as avoiding usury, gharar (unclear contract), maysir (speculation), tadlis (not transparent), dharar (danger), zhulm (loss), and haram. These principles are guidelines to ensure that online loan transactions comply with Islamic Sharia values and do not involve elements that conflict with these principles (Chaidir, 2022).

In language, the *Qardh* contract is interpreted as a deduction, while in terms it means giving property to another person that can be asked for and returned in the same amount or we can simplify it in the language of lending to another person

without expecting anything in return or profit (Ghozali, 2019). According to Batubara, (2023), a *qardh* contract is an agreement to borrow and borrow funds, where the borrower is obliged to return the funds according to the amount received and within a certain period. In this case, in the *Qardh* contract, the borrower is only obliged to return the principal amount of the loan. Meanwhile, according to (Anggraini, 2021) in wahbah al-zuhaili in the book *al-mu'amalat al-maliyah al-mu'asirah* explains linguistically *al-qardh* means (*al-qath'i*) because the assets lent are part of the assets belongs to the party giving the loan, while in terms it is interpreted by the ulama including:

1. Hanafiah scholars, as stated in our *al-durr al-mukhtar*, explain what is meant by *al-qardh*. Property given to another party who has an equivalent in the public to pay and return it.
2. Malikiyah scholars, as stated in the *Hasyiyah al-dusuqi* book, explain that what is meant by *al-qardh* in terms of terms is giving up useful assets with the obligation to replace them with equivalent assets which are the responsibility of the borrower to be used solely.
3. Syafi'i scholars, as explained in the book *Mughni al-muhtaj*, explains that what is meant by *al-qardh* in terms of terms is transferring ownership of goods to be returned in exchange which is commensurate.
4. Ulama Hanabilah, as explained in the book *al-raudh al-murba*, explains that what is meant by *al-qardh* in terms of terms is: Giving up assets to help them to be utilized by the recipient and obligatory to be returned in exchange for something commensurate.
5. Wahbah al-zuhaili in the book *al-mu'amalat al-maliyah al-mu'asirah* explains that what is meant by *al-qardh* in terms of: "a contract which results in the transfer of ownership of goods to another party which must be returned by the borrower without additional (Wusqo et al., 2022).

*Qardh* law follows the law of *taklifi*, sometimes it is permissible, sometimes it is makruh, sometimes it is obligatory and sometimes it is haram. All of this follows the way it is practiced because the law of *wasilah* follows the law of purpose (Wafa, 2020). The *qardh* contract law in *muamalat* law does not allow the lender to take profits or interest, and this carries usury which is prohibited by Islamic law. The *al-qardh* contract is based on the Koran and hadith as well as the consensus of the ulama which is detailed as follows (Anggraini, 2021). The conditions for *al-qardh* include (Hasan, 2018). *Aqid* (people who owe and receivable). The *aqid* is the person who carries out the contract, his existence is very important because it cannot be said to be a contract if there is no *aqid*. People who are in debt should be free to choose, meaning they should be free to carry out debt and receivable agreements without any coercion or pressure between the two of them so that the principle of mutual consent can be fulfilled. The object of debt and receivables must meet the following requirements valuable objects, can be owned, can be given to the party in debt, it existed at the time the agreement was made. This is required in writing, to make it

easier to demand that the lucky party pay off the debt when it is due. Apart from being prescribed in writing, witnesses are also required for debts and receivables. Shigat (Consent and *Qabul*). *Ijab* is acknowledgment from the party who gives the debt and *qabul* is acceptance from the party who owes it. Consent must be verbal, as explained above, but can also be done with signs for mute people. These provisions are transaction parties, regarding a particular item, the item that is the object of the contract must be clear from any ambiguity, and regarding an item that is halal, pure from impurity, and not haram to eat.

*PayLater* is a payment method through an e-commerce era platform so that the e-commerce platform can be developed in the world of financial technology business or what is usually called Fintech (Reddyson, 2022). Meanwhile, according to Prastiwi, (2021), Pay Later is a financial facility that allows payment methods in installments without a credit card. Paylater is a payment method feature with a “buy now pay later” payment system which allows its use to make online shopping easier. This feature uses loans and instant loans with a certain limit amount that can be used for shopping and paid in the following month according to the due date agreed by active users of the marketplace (Abrina, 2022). This research is based on the perspective of Islamic law through Fatwa No.19/DSN-MUI/IV/2001 regarding *qardh* provisions, namely that *Al-qardh* customers are obliged to return the capital received within the agreed period. So, the debt and receivable law *qardh* regarding credit is permitted if it meets the agreement regarding the accuracy of shop pay later payments.

According to Wati, (2023), Shopee Pay later shows that this is called a debt and receivable contract or *qardh*. Shopee Pay Later, which from the start stipulated that there would be interest on installments and fines for late payments, indicated that there was usury with the type of usury nasi'ah in its transactions. This indicates that there is multiple usury if the user is not able to pay when due. According to Ubaidillah, (2023), it shows that Islamic law regarding the implementation of buying and selling using Shopee Pay Later does not follow Islamic law even though the fines are the same as delaying payment by the buyer. According to Wafa, (2020), shows that shopeepay later Sharia economic law allows consumers to take advantage of the maturity date in the *qardh* in the form of shoppe pay, while the handling fee of 1% of the amount of each transaction is not by Sharia because it is required at the outset that the fee is linked with the transaction amount, required additions or required benefits are prohibited based on *ijma*. Meanwhile, according to Fauziah, (2022), it shows that buying and selling the shop pay letter system in the Islamic economy itself is haram because it is not in line with the provisions in the Al-Quran and hadith and has been determined by the MUI National Sharia Council because it contains ribawi elements such as interest on loans and late payment fines are quite high which is burdensome for buyers. This is of course contrary to Islamic law and the original law is haram.

## Method

This research uses qualitative research with a descriptive approach. According to Sugiyono, (2019) descriptive approach, namely questions regarding the existence of independent variables, whether only on one variable or more stand-alone variables. So, in this study, the researcher did not make comparisons of this variable with other samples and looked for the relationship between that variable and other variables. Qualitative research methods are naturalistic conditions because the research is carried out in natural conditions and natural settings as a field research method, initially, this method was used more for cultural anthropology, it is called a qualitative method because the data collected and the analysis is more qualitative. Qualitative research methods are naturalistic conditions because the research is carried out in natural conditions and natural settings as a field research method, initially, this method was used more for cultural anthropology, it is called a qualitative method because the data collected and the analysis is more qualitative. Postpositivist philosophy is often also referred to as an interpretive and constructive paradigm, which views social reality as something holistic, complete, complex, dynamic, and full of meaning and the relationship between symptoms is interactive (Abdussamad, 2021).

The sample is part of the number and characteristics of the population. In this study, researchers took a sample of forty (40) UMSU Sharia Business Management Students Class of 2020 who used Shopee PayLater. The sampling technique uses a purposive sampling technique, namely determining objects based on certain characteristics to achieve research objectives, the characteristics are class of 2020 UMSU Sharia Business Management students who use Shopee PayLater. Have been using Shopee Paylater for more than 2 months and have a Shopee Paylater loan limit of above IDR. 100,000. The data analysis technique in this research is qualitative descriptive analysis. In the analysis method, the researcher analyzed descriptively the results of the research conducted, namely describing the analysis of UMSU Sharia Business Management Students Class of 2020 using Shopee PayLater. Activities in the analysis include data reduction, data display, and conclusion drawing verification (Sugiyono, 2019).

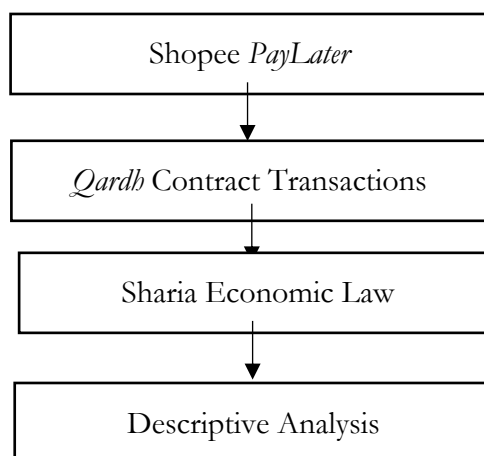
In reducing data, each researcher will be guided by the goals to be achieved. The main aim of qualitative research is findings. Therefore, if researchers, when conducting research, find anything that is considered foreign, unknown, or does not yet have a pattern, that is precisely what the researcher should pay attention to when carrying out data reduction. Data reduction is a sensitive thinking process that requires intelligence and a high level of breadth and depth of insight. For new researchers, when carrying out data reduction, they can discuss it with friends or other people who are considered experts. Through this discussion, the researcher's insight will develop, so that he can reduce data that has significant discovery value and theoretical development. Data reduction in this research is sorting out data obtained from observations, interviews, and documentation related to UMSU Sharia

Business Management Students Class of 2020 who use Shopee PayLater. In this way, the reduced data will provide a clearer picture and make it easier for researchers to collect further data as needed.

Data display, after the data has been reduced, the next step is to display the data. In qualitative research, data presentation can be done in the form of short descriptions, charts, and relationships between categories. The most frequently used way to present data in qualitative research is narrative text. Based on the data collected and after analysis, it can then be categorized that the main causes that influence work objects produced by workers to be damaged or rejected so that they are not accepted, can be grouped into four errors. The first error is a direct error from the worker machine operator, an indirect operator error, an error outside the operator, and an unknown error. As for the data that has been reduced and presented, conclusions will then be drawn, namely testing the research data with student perceptions related to Shopee Pay later credit practices from the Shopee marketplace on consumption. Conclusion drawing. The third step in qualitative data analysis according to Miles and Huberman is concluding and verifying. The initial conclusions put forward are still temporary and will change if strong supporting evidence is not found at the next stage of data collection. However, if the conclusions put forward at the initial stage are supported by valid and consistent evidence when the researcher returns to the field to collect data, then the conclusions put forward are credible.

### Research Model

The research model is an abstraction of the facts being researched. the research model can be described as follows.



**Figure 1. Research Model**

The research model above shows that the flow of this research was carried out on the analysis of Sharia economic law in PayLater qardh contract transactions on the Shopee application using a descriptive approach method.

## **Results and Discussion**

### **Characteristics Of Respondents**

Respondents in the study were dominated by women, 79.2% or 148 people, while the remaining 20.8% were men. Based on the latest education, the majority graduated from high school SMA, MA with a percentage of 67.2% or 129 people. Based on the total age of respondents in productive age, which ranges from 17-45 years. Based on employment status, the majority of respondents are students with a percentage of 59.9% or 110 people, and private employees self-employed with 51 people. Furthermore, the average income of respondents with a percentage of 53.6% or 103 people earned one million rupiahs, and 38.5% or 74 people had an income of one million to three million rupiahs. based on the social media used, the majority of respondents used Instagram with a percentage of 46.4% or 89 people and TikTok with a percentage of 27.6% or 53 people. Based on domicile, people found in Central Java are in the areas of Jepara, Semarang, Pati, Magelang, Solo, Grobogan, Tegal, and Demak.

#### **1. Analysis of UMSU Sharia Business Management Students Class of 2020 Users of Shopee PayLater**

From the results of interviews conducted by researchers regarding the Shopee PayLater Application Analysis on students, it is clear that student behavior which tends to be consumptive then gives rise to various bad financial behaviors. According to OJK, (2016), Indonesian people are increasingly consumptive and are starting to abandon the habit of saving. College students are at a very important time in their lives when they are facing financial independence. The tendency for students who have the Shopee PayLater application to act excessively is usually driven by inner desires without caring about the consequences, one of the factors being following developments in trends. According to Safryani, (2020), financial behavior is a form of combining aspects of financial ability and a person's psychological ability in managing and utilizing their financial resources as a basis for making decisions for daily needs and financial planning in the future (Widayanti, 2015).

The financial problem that is often encountered by students is the lack of ability that students have in managing finances, especially in terms of planning financial management carried out by students. This is reinforced by the results of a pre-survey conducted by researchers it was found that as many as 34 students out of 40 students lacked skills in managing finances and continuing to use the Shopee PayLater application. Where their consumptive behavior in using Shopee PayLater is based on 4 (four) things, namely: (Abrina, 2022)

- a. The convenience of the Shopee PayLater system regarding the terms and conditions for activating the Shopee PayLater service is very easy so that Shopee PayLater becomes the student's choice as an alternative to fulfill consumption desires.

- b. They are interested in the offers provided by the Shopee PayLater system because of marketing promotions on social media and advertising as well as public testimonials regarding the advantages of Shopee PayLater, with the influence of the surrounding environment regarding the many promotions being implemented such as flash sales, free shipping and monthly discounts offered. thus resulting in dependence on shopping
- c. Shopee PayLater provides a large enough loan limit for students so that they are tempted to consume, especially if they often shop at Shopee, it will increase the amount of the Shopee PayLater limit given so that their goal in consuming is to increase their self-confidence in their appearance and lifestyle.
- d. The provisions on Shopee PayLater regarding the loan repayment period make it very easy for students to pay their bills in installments when they are due, with the Shopee PayLater system does not prevent students from buying the things they want even though they have minimal pocket money every month, so students are free. shop for items that can support their appearance without paying attention to their financial condition

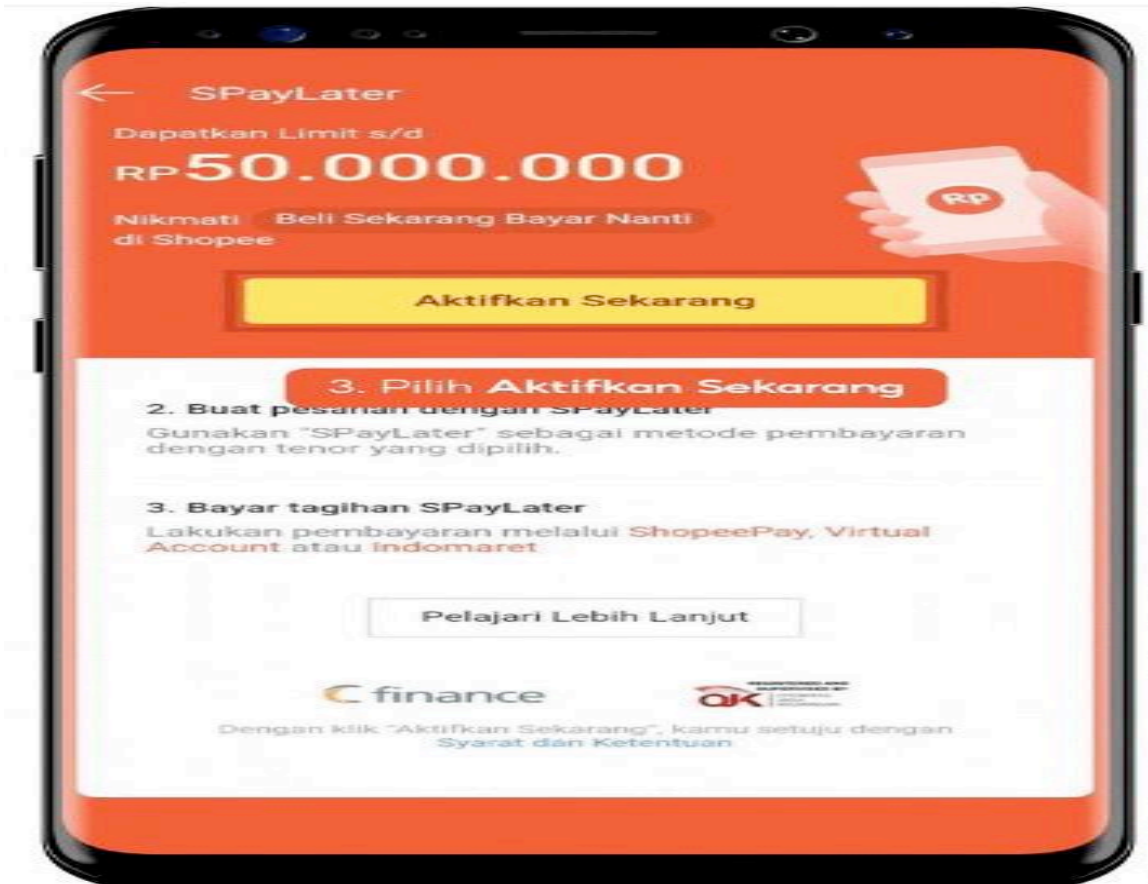
According to Prastiwi, (2021), PayLater is a financial facility that allows payment methods in installments without a credit card. Paylater is a payment method feature with a buy now pay later payment system which allows its use to make online shopping easier. The results of this research are comparable to previous research conducted (Abrina, 2022) and (Ramadani, 2023) which stated that students used Shopee PayLater to buy items they wanted attracted their attention without thinking about the benefits and uses, were tempted by discounts promos, buying goods only for their lifestyle and to increase their self-confidence in their appearance, and because of their minimal income, this encourages them to shop using PayLater continuously.

## **2. *Qardh* Agreement Transaction Mechanism on Shopee PayLater Using the Installment Method**

The transaction mechanism for using Shopee Paylater can be carried out via various platforms with internet-based or online requirements. To carry out marketing of products sold. Buying and selling transactions through marketplaces and e-commerce can be carried out as long as they comply with the following rules. The "buy now pay later" or pay later service on Shopee is known as a service that provides electronic money loans. This service helps consumers by providing installment options without a credit card, which uses a accounts payable or qard system. In this process, Shopee provides a bailout, and users are required to pay their bills at the specified time. In everyday life, conventional business transactions follow a series of stages usually known as business processes. In general, these stages involve: First, in online systems, the first step in the business process is called information sharing. At this stage, the seller's principle is to actively seek and attract as many customers as possible, and then the buyer's principle is to try to find the

desired product or service and look for information regarding other people's assessments of the product or service (Sari et al., 2023).

Second, the process is a way of working with consumers who will make purchases. If the user meets the requirements, the user can use Shopee PayLater to make transactions on the Shopee application.



**Figure 2. Activate Shopee Pay later**

When purchasing goods worth IDR 50,000, the amount deducted from the balance is the Shopee PayLater credit limit. However, the total amount that must be paid reaches IDR 63,417 due to interest costs and other elements. The Shopee PayLater feature is designed to provide benefits to Shopee, which are obtained from loans given to consumers. It can be concluded that Shopee PayLater is a strategy to attract consumer attention. The results of interviews conducted with UMSU Sharia Business Management Students Class of 2020, Shopee Pay Later users namely. The installment payment method makes us interested in using the Shopee PayLater application. However, this limit can continue to increase with the number of transactions carried out but can also decrease if Shopee PayLater is rarely used and bills are paid after the due date. We were helped when it came to loans at Shopee PayLater, which sometimes we hoped to get monthly from parents who didn't have

enough. In Islam, debts and receivables are included in transactions that use a qardh contract which becomes a valid contract if the terms and conditions therein are fulfilled.

According to Batubara, (2023), a qardh contract is an agreement to borrow and borrow funds, where the borrower is obliged to return the funds according to the amount received and within a certain period. In this case, in the Qardh contract, the borrower is only obliged to return the principal amount of the loan. The results of this research are comparable to previous research conducted (Wafa, 2020) and (Isnaeni, 2023) which stated that the Shopee PayLater payment method has 0% interest with no minimum transaction and an administration fee of 1% of the transaction amount. If viewed from Sharia economic law, Shopee PayLater is to provide consumers with the opportunity to take advantage of services and services, it may require a maturity date in qardh in the form of Shopee PayLater but not 1% because it is prohibited based on ijma (Sari et al., 2023).

## **Conclusion**

In the analysis, students use Shopee PayLater to buy items they want/attract their attention without thinking about the benefits and uses. The financial problem that is often encountered by students is the lack of ability that students have in managing finances, especially in terms of planning financial management carried out by students. This is reinforced by the results of a pre-survey conducted by researchers, it was found that as many as 34 students out of 40 students lacked skills in managing finances and continuing to use the Shopee PayLater application. The Shopee Paylater transaction mechanism, namely the rules regarding online buying and selling transactions, still refers to the legal terms of the agreement in Article 1320 of the Civil Code. The conditions for a valid agreement in Article 1320 of the Civil Code are as follows there is an agreement between both parties, the ability to act, and the existence of the agreed object. There is a lawful cause. The payment system used is known as buy now pay later, where the transaction carries an interest of 2.95% and a fine of 5% of the total bill if it is late. Review of Shopee Pay Later Sharia Economic Law, namely whether or not the elements of harmony and buying and selling conditions are met. In practice, regarding the existence of harmony and conditions for buying and selling using Shopee Pay later, it can be explained as follows. Seller and buyer or people who have an agreement (*aqid*). *Sighat* (consent and acceptance). *Ma'qud'alaih* (goods purchased). The practice of buying and selling is permitted because it is by the pillars and legal conditions of buying and selling in Islamic law, but for the Shopee pay later payment method or being indebted to Shopee, this is not permitted or the law is haram because the practice of debt between the buyer and Shopee involves interest or benefits received by the party. Shopee, this is called Riba *Qardh*.

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