

# Beauty Mask Trade at Shopee from the Fiqh Perspective and the Consumer Protection Act

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## Abstract

This study aims to analyze the trading practices of beauty masks in *shopee stores* daily mask 04 Tuban Regency, East Java. Knives of analysis using Islamic Law combined with Law no. 8 of 1999 concerning Consumer Protection. This research is field research with a descriptive-qualitative approach. Data were classified into primary and secondary data through interviews. The results of the study prove that in accordance with the provisions of the contract in Islamic law, the trade meets the requirements. However, from the perspective of Law Number 8 of 1999, this trade does not meet the requirements of the law. In this law, it is explained that a trade or sale must include a label on its product packaging and there is an excessive prohibition on giving *statements* about the products being sold. Meanwhile, the reality on the ground shows that the *shopee shopee* Dailymask 04 does not include labels on the packaging and is excessive in promoting the products it sells. From the conclusion in above, the researcher hopes that the Dailymask04 store will put a label with the contents: composition, method of use, and expiration date . So that consumers can know well the products being sold.

**Keywords:** Buying and selling, Powder masks beauty, Law Islam, Law no. 8 1999

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## INTRODUCTION

In their daily life, humans cannot escape what is called muamalah. With it one can meet the necessities of life, either buying and selling, and being able to interact socially with fellow community members. All of that to achieve prosperity in both this world and the hereafter. Religion provides guidelines in interacting with fellow human beings, such as when conducting transactions and activities other economies in the community. The most dominant muamalah activity in society is buying and selling (HR Daeng Naja, 2011). Through this practice of buying and selling, people can fulfill all their daily needs, both primary needs and secondary needs.

Practice trading or selling Buying is a return for an object of value that must be commensurate with the other, both parties are required to do so *consent qabul* according to determined by fiqh (Taqiyudin Abu. Bakar Muhammad, 1995). The Prophet emphasized that trading is a job that is considered the most noble (Jaih Mubarak, 2017). This cannot be separated from the function of humans who besides being political beings are also social creatures which need each other (Abdul Manan, 2016).

Trading practices are a tangible manifestation of human activities that get legitimacy from sharia. Through buying and selling or human trafficking can help each other fulfill a need. In the Qur'an it is recommended to help each other. This is stated in the Qur'an Surah al-Maidah verse 2.

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تُحِلُّوا شَعِيرَ اللَّهِ وَلَا الشَّهْرَ الْحَرَامَ وَلَا الْهَدْيَ وَلَا الْقَلَئِدَ وَلَا ءَامِينَ الْبَيْتِ الْحَرَامَ يَبْتَغُونَ فَضْلًا مِّن رَّبِّهِمْ وَرِضْوَانًا وَإِذَا حَلَلْتُمْ فَاصْطَادُوا وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ أَن صَدُّوكُمْ عَنِ الْمَسْجِدِ الْحَرَامِ أَن تَعْتَدُوا وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

Meaning: O you who have believed, do not violate the rites of Allah or [the sanctity of] the sacred month or [neglect the marking of] the sacrificial animals and garlanding [them] or [violate the safety of] those coming to the Sacred House seeking bounty from their Lord and [His] approval. But when you come out of ihram, then [you may] hunt. And do not let the hatred of a people for having obstructed you from al-Masjid al-Haram lead you to transgress. And cooperate in truth and piety, but do not cooperate in sin and aggression. And fear Allah; indeed, Allah is severe in penalty.

Islamic law outlines the existence of a contract in carrying out trade. The contract is the first part of a sale and purchase transaction, if the contract takes place honestly it will be able to bring benefits to the people involved (Ika Yusnia Fauzia, 2017). Volunteering is the most basic thing in carrying out business activities. This is confirmed by the Qur'an, Surah An-Nisa' (4) verse 29:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَأْكُلُوا أَمْوَالَكُم بَيْنَكُم بِالْبَاطِلِ إِلَّا أَن تَكُونَ تِجَارَةً عَن تَرَاضٍ مِّنكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

Meaning: O you who believe your neighbor's property by vanity, except by way of commerce which is carried out voluntarily between you. And do not kill yourselves; Verily Allah is Most Merciful to you."

Nowadays, people prefer to buy and sell online or online because it is simpler. The practice of trading online is considered easy because it is carried out without having to have a physical meeting. Of the many online trading applications in Indonesia, the most popular with the public *shopee*. Many needs are offered at, *shopee* including those related to facial treatments in the form of masks for beauty. This mask is an item in the form of a powder, there is also in the form of a liquid which when applied topically can give changes to body parts, such as tighten, clean, and can also give a brightening effect on the skin face.

Currently, the most loved beauty tool is a mask beauty, who loves not only women, but also from among the adam. From all ages, from young to old. They do this to get clean skin and face so that they are more confident in their appearance. However, of course the skin is not the same from one person to another, so before we use it must know the various specifications contained in the mask in order to identify whether the specifications or content that is in accordance with our skin, also to find out whether there are harmful substances. This is because there are beauty masks in which there are harmful ingredients but the person who sells them is told that the product is safe to use.

Not a few people open a business on the *shopee* by selling beauty masks One of them is a shop that calls itself by the name Dailymask04, the shop sells masks Beauty by not using a label or not giving a description At least in the packaging, they cannot understand the

specifications of the contents in it, nor can they know when the effective date is, the rules for using it, and so on. This is because the seller does not include any information on the packaging but only to the extent that the product he sells is safe to use.

In relation to the right of the buyer to an item, it has been regulated by law. The buyer's right to clear information on a product is regulated by Law No. 8 of 1999 concerning Consumer protection in several rights and obligations for business actors are explained in relation to the quality standards of the products traded. To protect consumers, the law requires that every product to be marketed must be labeled. This label contains the name of the item, composition, size, instructions for use, side effects, and expiration date. In addition, it is also mentioned that there will be a ban on excessive advertising.

Departing from the background that has been stated above, the writer tries to formulate two problem formulations; How is the trade in beauty masks taking place at the *shopee* Dailymask04 Regency Tuban, East Java Then how is it viewed from the point of Islamic Law and Law no. 8 of 1999 concerning Consumer Protection.

## RESEARCH METHODS

This type of research is qualitative research with a case study *approach*. Source The data used are primary data sources and secondary data sources. Data which is primary is data generated from the main source in the form of interviews what researchers do (Husen Umar, 2000). The primary data source was obtained by interviewing the beauty mask trade actors in the research location. Secondary data sources are Data which is obtained researchers from outside the research location. This data source is based on various kinds; from searches in libraries, searches for normative rules, and reports on research that has been done (M. Iqbal 2002). This secondary data between. Another consists of: Al-Quran and its translation, Ministry of Religion Religion of the Republic of Indonesia, Law. Number 8 Years 1999 about Protection Consumers, *Jurisprudence Muamalah Maliyah*, *Sale Agreement Buy Fiqh Muamalah*, Jaih Mubarak, *Islamic Fiqh wa Adillatuh*, Wahbah Zuhaili, Ethics Business.

Location the research was carried out in area, East Java. The author is interested in doing in-store research Dailymask04 because the Dailymask shop 04 sell beauty masks which the shop sells and in which there is a problem.

## RESULT AND DISCUSSION

*Shopee* is one of the various applications. which is used for not only place shop, but it also provides facilities to business people. to be able to offer or distribute their wares with way *online*. This way people can find it easy to buy goods they need and at the same time sell merchandise (<https://www.nesabamedia.com/apa-itu-.shopee/amp/>), accessed. on. date. May 29 2021, hour .17.15 WIB). *Shopee* already exists in various countries, including Vietnam, Thailand, Malaysia, Singapore, Philippines, and Indonesia.

In improve its performance in the *online world*, *Shopee* offers a variety of needs. Starting from basic daily needs, various products related to, electronics, fashion, various household needs, books and stationery, medical equipment, beauty masks so on are also marketed. Besides that, *Shopee* also provides services in the form of free shipping. Of the many products marketed, beauty masks are the most in demand, both from men and women. Many people are interested in opening a business on the *shopee*. Among them are students

from one of the private universities in Tuban named Yuniati Puspita. This student opened a business by opening a shop called *daylymask 04*. One of the things sold in this shop is a beauty mask.

The origin of this shop is due to the conversation the shop owner had with his friends on campus. The discussion discussed the issue of beauty masks. It happened in 2020. From that conversation the shop owner was inspired to open a business in the field of beauty masks. What he does is to support his studies and to pass the time.

In starting its business, this store only made sales via *whatsapp* (WA). Therefore, only a few people know, and sales are only limited to the they have. Even though it's only through *whatsapp*, this shop already sells a variety of decorative tools and beauty masks. So, from here more and more become consumers.

Along with the development of this store has experienced significant development. Innovations were also carried out, including making their own beauty masks. The first step that the shop owner did was to conduct a survey in several shops that traded equipment and beauty powder masks. The purpose of this survey is to find out the market price of masks, quality and to know the content of masks from various brands. Besides, it is also to know the purchasing power of the people to beauty masks. From here, masks are formulated, tested first, then marketed.

The next development is that the business is getting smoother because the products sold by this store are in great demand. Buyers are not only limited to friends, acquaintances, and people whose contact numbers are the shop owners. But buyers have expanded from people who hear of the quality of the goods. So that at one time there was a buyer from outside the area who suggested that the shop owner open his business on the *shopee* application. The proposal was accepted, and the shop owner then opened a business at *shopee* by naming his shop with the name *Dailymask 04*. From here, more and more buyers, not only from Tuban, but have expanded to other areas even out of Java.

#### **A. Overview general masks beauty powder at *shopee* daily mask 04 Tuban, East Java**

The final stage in facial treatment usually wears a mask. This is because beauty masks are considered to have better cleaning power (Dewi Ermavianti, 2021). The use of masks to treat the face is not new. This is since previous people have used natural ingredients to make masks in treating their facial skin. With the development of science and technology, today's beauty masks do not only focus on natural masks. However, masks have been transformed into various forms by considering the needs of the skin type. There are various types of masks. There are masks in the form of gels, pastes, powders, and so on (Dewi. Muliyawan, 2013). The types of masks can be grouped according to their form, namely (<https://www.orami.co.id/magazine/amp/tipe-mask-.face/>, accessed. On. May .30, 14.01 WIB). Gel mask, *clay mask*, *cream mask*, *peel-off masks*, *water sleeping masks*, masks organic.

The development of technology currently has an impact on the interest of men and women in taking care of their skin faces is increasing, including their interest in wearing a mask beauty. The fact makes a shop founder inspiration *daily mask 04* in *shopee* to market masks in the form of organic powder no brand name. Mask Beauty marketed on *dailymask 04* has various variants, including *strawberries*, *bengkoang*, *turmeric*, *green tea*,

*chocolate*. Of these various variants, which many buyers choose is the *chocolate*. The various types or variants have an impact not only on differences in aroma and color, but also on the content and the benefits that are in it, but what happens the trader does not know for sure the specifications or content as well the benefits. This is also because the agent did not provide any information about the product.

## **B. Trading mechanism mask beauty *shopee* dailymask 04 District Tuban**

The shop owner's practice of selling masks is by buying from agents. The beauty mask is in the form of a powder in the form of an organic mask that is still in kilograms. The agent did not give the product name or brand of the kilo mask, masks were repackaged by the shop owner for resale. The trick is to weigh it again and divide it into small packages. Each package contains five grams of at a price of two thousand rupiah. In this case, the shop owner also did not provide any brand or description of the powder masks he sold.

Daily mask 04 was initially selling from WA (whatsapp) which then shopping model application *online* of *entered the shopee*. Furthermore, in the *online*, the shop owner markets beauty mask products by posting nine posts or product forms. In the posting of goods for sale, information relating to the product is provided. Through this description or description, owner offers the goods he sells. The information given seemed exaggerated, because it was conveyed that this mask was safe to be used by anyone, including pregnant and lactating women. This is done so that consumers are more interested in they sell.

Next, the shop owner fills in the data to meet the requirements for selling goods at *shopee*, in which there are fields in the form of item labels, prices, variations, number of stocks, shipping costs, and the condition of the goods. Not only that shop can also apply for P facilities of shipping costs or shipping costs provided by the *shopee* the aim of providing relief to buyers. If all the requirements have been met the seller can trade his merchandise at *shopee*.

Buyers, if they want the mask of their choice, must proceed to the *checkout stage*. After *checkout* the buyer is required to proceed to the payment stage. Payments can be made through several models or avenues, for example through alpha midi, indo maret, or through *e-banking*. This payment will be read directly on the application. Then the seller will get a notification of the order and the seller gets the obligation to send the purchased goods.

After buyer makes a payment transaction, then waits four to five days according to the estimated days that have been determined by *shopee*. If within the estimated time the seller has not sent the ordered goods, the transaction can be canceled automatically by the system in the application. From the implementation of this sale and purchase, seller has the responsibility if an error occurs or a customer complains due to the seller's negligence. In a period of approximately one years of opening his business, Dailymask shop 04 has received complaints from some of its customers. Due to the problem of not being on time delivery, there are also buyers who are not suitable with the ingredients contained in the mask which is sold.

Interview from several buyer accounts, there are different opinions, such as there are buyers who feel that the mask products are not suitable for their skin type, there are those who ask about the qualifications of the mask content, and so on.



### C. Analysis law Islam Against the Mask Trade Beauty at Shopee Dailymask 04 District Tuban, East Java

Islam regulates all things, including the trade in beauty masks, there are several conditions and pillars that must be met. From this context, the to analyze the practice of trading masks beauty organic that is in the *shopee* dailymask 04 with the benchmarks in the terms and conditions of sale buy. The terms and pillars of this are (Musthofa Ahmad al-Zarqa, 1999):

#### 1) The parties to the contract ('*aqidain*)

What is meant by '*aqidain* are the parties who carry out trade (*ba'i and musytari*). In trading the terms of '*aqidain* are baligh, which is old enough. Children who are not yet mature are not allowed to hold buying and selling transactions unless they are limited to small ones. Besides baligh, the next condition is reason. This is meant so that the person with the contract can determine which one is good and which one is bad. Besides baligh and sensible, trade must also be carried out on a voluntary basis, the seller is also required to be honest with the goods he sells. Likewise, buyers are also required to be honest. This is intended so that no party is harmed (Djazuli,).

In the context of buying and selling in stores daily mask 04, the shopee requires the seller to be honest with the products he sells by providing information on the product. The owner of the Dailymask04 shop has given information in the column that has been prepared by *shopee*, so that buyers can see it. Thus, the pillars of selling buy related *aqidain* fulfilled.

#### 2) The statement of the will of the parties

*Sighat* is a form of expression of *consent* and *qabul*. Furthermore, scholars explain that *sighat* contract is a speech or action or gesture or other form of expression that can show the satisfaction of the parties to the contract. The positive legal perspective of *sighat* is known as the will of the parties (*al-ta'bir al-iradah*) which is justified by religion. Buying and selling is considered valid if it is carried out with words or actions that show the pleasure of the parties who entered the contract for the exchange of assets that can be understood by the community according to '*urf* or customs (Wahbah al-Zuhaili, 2006).

In the implementation of trading organic beauty masks at *shopee* Dailymask 04, the statement of will of the parties occurs when the store manager has posted photo complete with descriptions related to masks powder traded organics in the application *shopee*. Furthermore, if there are people who have *checked* the goods they have chosen up to the payment stage, both parties parties, namely the seller and the buyer, are deemed to have agreed. So, it is considered to have fulfilled the pillars of buying and selling.

#### 3) Buying and Selling Objects / '*Mabi*'

Sales of masks organic beauty done in the Dailymask shop 04 is the way the shop owner or manager markets the powder mask by writing the description in the available column in the *shopee application*. Here the manager or shop owner explains that the unlabeled organic powder masks that he sells provide many benefits. These benefits are in accordance with the content of the ingredients in it. For example, a type of mask made from temulawak can smooth the skin, can also tighten the skin, and can overcome oily

skin. In addition to these benefits, types, or variants of temu lawak have antioxidants. While the type of mask made from *greentea* has the benefit of being able to help clean facial skin, so that the face looks bright. Another benefit is that it can lighten the eyes panda, prevents the growth of acne, anti-aging, and has the benefit of being able to minimize pores or cells on facial skin.

#### **D. Powder Mask Trading at Dailymask04 Tuban East Java Perspective law No. 8 years 1999**

In Article 1 point (1) in Law No. 8 of 1999 concerning Consumer Protection, it is explained that the notion of consumer protection is that can provide legal certainty in providing legal certainty protection. against consumers (Article Law 8 1999 concerning Protection Consumerof).

Law No. 8 of 1999 article 7 letter (b) provides directives that the person who sells the product is obliged to provide information about the product he sells correctly, clearly, and has an honest attitude towards condition of the goods or services and provides information use of the, service, and maintenance.store in the *shopee* owner or manager of the store did not give any information about the organic powder masks he marketed, besides that the owner or store manager did not give any explanation about the procedures for using and caring for beauty powder masks.

The fact that happened to the sale and purchase of lecantilan masks at Dailymask 04 is a practice that is not in accordance with the law. Where the shop sells several masks, one of which is the sale of powder masks. beauty that doesn't use labels. Impact of the absence of a label on this product is that the buyer cannot understand the specifications for content or what ingredients are in the organic beauty powder mask, cannot know the rules for use, and other information.

In Article 8 paragraph (1) letters (i) and (j) in Law No. 8 of 1999 it is also explained if traders are not allowed to produce or sell goods and / or services that do not put a label or make a description of the goods containing the name item, size, net weight. or net, composition, usage rules, production date, side effects, expiration date, address. perpetrator. business and other information for the use which according to the provisions of the legislation must be included. While the letter (j). does not include information and/or instructions the use of goods in the Indonesian language in accordance with the provisions of the applicable. Powder mask packaging at the Dailymask04 store also did not provide any information about the goods it sells; this store only provides information on the powder masks it sells which have several benefits or benefits according to the type only in the description column in the *shopee*.

Article 17 paragraph (1) letter (a) and (c) of Law No. 8 of 1999 concerning Consumer Protection which reads (a) Deceiving consumers regarding the quality, quantity, materials, uses, and prices of goods and/or service tariffs as well as determination of the time of receipt of goods and/or services (c) Loading information. wrong, wrong, or not regarding goods and/or services.

In the trade going on at the Dailymask shop service provider *on-line*. In this column, the seller states that the mask products he sells are safe to use. It was also explained that the masks are safe to use for all, whether men, women, children or adults. Besides that, the

seller, in this case the owner or manager of the store, also states if the masks he sells are made of selected materials.

But what is conveyed in the column in *Shopee* is not the same as the actual reality. This was revealed when the writer conducted an interview with the shop owner. From the interview that the author conducted, it was found that he was only packing a powder mask that he had bought from an agent. He buys masks from agents by the kilo and then packs them in small packages. Honestly, he also said that he did not understand what the ingredients were in the powder mask packaging.

So, from the explanation of article 17 paragraph (1) letters (a) and (c) and also based on the confession of the shop owner, it can be said that the sale of the beauty mask violates the applicable laws and regulations.

## CONCLUSION

From the discussion above, the conclusions are:

1. There is an implementation of buying and selling at *Shopee* Dailymask 04 which does not comply with the terms and pillars of *tijarah*. Although *Aqidain* and *Sighat* are fulfilled, the products marketed under one of the conditions, namely knowing the contents of the goods, are not fulfilled. This is because the owner or manager of the Dailymask04 store on the *shopee* that sells organic powder masks does not include a label. So, the impact is that consumers do not know several specifications of the products being sold. Besides that, there is information that is not fair or contains *gharar* from the shop owner on the products he sells, even though himself does not know and understand what ingredients are in his product masks.
2. Meanwhile, in the perspective of Law No. 8 of 1999, trading in powder masks at *Shopee* Dailymask04 is a violation. That is breaking Article 7 letter (b), Article 8 paragraph (1) letter (i) and (j), Article 17 paragraph (1) letter (a) and (c). The article explains obligation for producers to include a label that explains the product name, composition, and so on. This is because the powder masks marketed by the Dailymask04 store in their packaging do not include a label. Besides that, other violations are the existence of information that is not in accordance with reality or excessive information. This is evidenced by the statement from the shop owner who stated that his products are made from selected ingredients and are safe for use by anyone.

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