

MULTI LEVEL MARKETING IN SHARIA ACCOUNTING PERSPECTIVE

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Abstract

This study aims to determine how the implementation of accounting (transaction) sharia for PayTren products, and how to measure ushul fiqh against PayTren product. The method used in this research is descriptive research using documentation study approach, Data collection techniques used is the results of the research literature, social media, including on the Internet articles and television broadcasts. The implementation of Islamic sharia accounting, paytren has donerecording commissions, cashback, and also the recording of gifts are reasonable, because the recording is done based on the efforts being made. However, if seen based on the science of Usul Fiqh, the paytren in the first transaction contains RIBA fadh'al, Then the second existence of inequity in the partners position, and there are elements of gharar (speculation) in the transaction activity.

Keywords: Accounting sharia, Pay Tren product, Ushul Fiqh

Abstrak

Penelitian ini bertujuan untuk mengetahui bagaimana penerapan akuntansi (transaksi) syariah untuk produk PayTren, dan bagaimana mengukur ushul fiqh terhadap produk PayTren. Metode yang digunakan dalam penelitian ini adalah penelitian deskriptif dengan menggunakan pendekatan studi dokumentasi, Teknik pengumpulan data yang digunakan adalah hasil literatur penelitian, media sosial, termasuk pada artikel internet dan siaran televisi. Implementasi akuntansi syariah Islam, paytren telah melakukan pencatatan komisi, cash back, dan juga pencatatan hadiah yang wajar, karena pencatatan dilakukan berdasarkan upaya yang dilakukan. Namun, jika dilihat berdasarkan ilmu Ushul Fiqh, paytren dalam transaksi pertama mengandung RIBA fadh'al, kemudian yang kedua adanya ketidakadilan di posisi mitra, dan terdapat unsur gharar (spekulasi) dalam aktivitas transaksi.

Kata Kunci: Akuntansi Syariah, Produk Pay Tren, Ushul Fiqh

INTRODUCTION

In this modern era, the convenience of making payment transactions already in the hands of community life that is inseparable from the *Smartphone*. This caused the smartphone has many functions, as well as a communication tool can also be used to conduct business. One of the latest platform-related businesses in the online and offline payment transactions can be covered only with a smartphone by Yusuf Mansur called PayTren, the product of PT Veritra International Sentosa, which is one of the business ideas where people were directed to allocate routine expenditure such as mobile credit, electrical credit, train tickets, plane tickets, TV cable and Game vouchers become an obligatory expenditure that can also benefit.

Chairman of the Indonesian Ulema Council (MUI) KH. Ma'ruf Amin has provide a halal certificate for this platform from a review of Islamic law on a system that is run by a selection process. However, there are doubts that arise from some scholars who argue that PayTren deviating from the provisions provided contains a direct selling system (Multi Level Marketing) in fact this system is far from the conformity of the fatwa of the Sharia National Council earlier, However, it is weakened by the DSN-MUI Fatwa No. 75 of 2009 regarding direct selling/MLM Sharia

which allow the existence of practices of MLM and certainly there are provisions that must be met by the applicant, including: The real object traded transactions of goods or services products. And the goods or services traded products is not something that is forbidden and or used for anything unlawful. Transactions in trade should not contain *gharar* or obscurity, *maysir* or gambling, *riba* (usury), *dzulm*, and immoral. The absence of excessive mark-ups that increase in price / cost excessive, thus, harming the consumer because it is not worth quality/benefits.

According to Ustadz Yusuf Masyur as co-founder of PayTren admitted application sharia payment / Fintech PayTren Shariah is the first in Indonesia or maybe this is the first in the world Form business with the system network marketing by selling "license" Applications / software / technology (Paytren) with 2 working system that is *online* and *offline*. To be work online (Network Marketing) VSI got the web to each websupport where enthusiasts signed up, and with the web enthusiasts can search for member / downline. And to be work offline can be used to open counter for online payment mobile credit, electrical credit, train tickets, plane tickets, TV cable and Game vouchers. The advantage of the offline work will get a cashback of

transactions running users and user will get a cashback ofdownline transactions. In principle, this PayTren agreement that there is only one buyer to sell the temporary license purchase partner, PT. VSI will provide bonuses if the user managed to sell licenses Paytren to the partners, if not successful then the user did not receive the bonus. All depends on the efforts of users in conducting business through PayTren platform.

However, how it was deemed contrary to Islamic law? whether MUI really has selected products from PT. VSI strictly? because many argue that product away from the suitability Fatwa hasdefined DSN-MUI. Does the MUI have its own views on this business? On the halal certificate issued by MUI, mention this product is multifunctional payment / multipurpose payment product. But that is actually happens, sold is none other than applications / software and licenses like which has been described previously. It still causing pros and cons about this PayTren product.

Based on the background described above that the principal problem in this research the pros and cons of the product Paytren by PT.Veritra International Sentosa, which is still considered far from conformity fatwa DSN-MUI No. 75 in 2009 by scholars.

Multi Level Marketing is more known as MLM is "A direct sales system, which is marketed by consumer goods direct from producers. The consumers as well as marketing rewarded with bonus items. The bonus is taken from the profit of each buyer introduced byfirst buyer under the conditions set ". (Dr. Husein Syahrani, inDr. Erwandi Tarmizi).

Regulation of the Trade Minister of the Republic Indonesia, Terms of Direct Sales under the Regulation of the TradeMinister of Republic IndonesiaNo: 32/M-Dag /Per/ 8/2008. According to the regulations DSN-MUI Fatwa Indonesia, Provisions DSN MUI Fatwa No. 75 of 2009 on Direct Sales Tiered Sharia. Indonesian Sharia Financial Accounting Standards (PSAK Syariah) 100 on the basic framework and guidelines for the preparation of sharia financial statementsalso defines the characteristics of Islamic transactions. Implementation of the transaction in accordance with the paradigm and the principles of Islamic transactions must meet the characteristics and requirements as follows the transaction is only based on the principle of mutual understanding and mutual good pleasure(*ridha*); the principle of freedom of trade is recognized throughout the object is lawful and good (*Thayib*);

Money only serves as a medium of exchange and unit of measure of value, not as a commodity; Does not contain elements of usury(*riba*); Does not contain elements of injustice(*zalim*); Does not contain elements *masyir*; Does not contain *gharar*; Does not contain elements of unlawful (*haram*); Does not adhere to the principle of the time value of money because the profits in the business activities associated with the inherent risks of the business activities in accordance with the principle of *al-ghunmu bil ghurmi* (no gain without accompanying risk);

The transaction is based on an agreement that is clear and true as well for the benefit of all parties without harming the other party that is not allowed typically uses a double standard price for a contract and do not use two concurrent transactions related (ta'alluq.) In the contract; No distortion of prices through faked demand (*najasy*), or through faked proposals (*ihthikar*); and Does not contain elements of collusion with bribes (*risywah*).

Sharia transactions can be either commercial or business activities non-commercial social activities. Commercial Islamic transactions carried out such as: investment to get the results; selling goods at a profit; or the provision of services in exchange for compensation. Non-commercial Islamic transactions carried out such as: the provision of a loan or bailout

fund (*qardh*); collection and distribution of social funds such as zakat, donation, charity, endowments and grants.

According to Sayyid Sabiq, the meaning of buying and selling is the exchange of property on the basis of the same willingness, or mutual transfer of property with a justifiable replacement in Islam. If *uqud* exchanges in trade has taken place, with the fulfillment of the terms and rukun, then the consequences will move goods seller to buyer. then the seller's consequences will move the goods to the buyer, according to the price agreed upon by both parties, so that they can take advantage of goods their belongings according governed by Islam.

The legal basis of buying and selling in the Qur'an, among others, the word of Allah SWT in surah Al-Baqarah (2) verse 275: "*Those who consume usury cannot stand (on the Day of Resurrection) except as one stands who is being beaten by Satan into insanity. That is because they say, "Trade is [just] like interest." But Allah has permitted trade and has forbidden interest. So whoever has received an admonition from his Lord and desists may have what is past, and his affair rests with Allah. But whoever returns to (dealing in interest or usury) - those are the companions of the Fire; they will abide eternally therein.* "

RESEARCH METHODOLOGY

The study used in this research is documentation study method. Data was collected through library research, social media, including on the articles and television broadcasts. The data analysis method used is descriptive analysis. Descriptive research is a study that aims to create a picture or description of the facts. And qualitative research is aimed at generating descriptive data in the form of words spoken or from people and observed behavior. In this case the research studied is PayTren viewed from the perspective of sharia which is conveyed by some scholars.

RESULT AND DISCUSSION

The description of business activity can be viewed in the marketing plan designed by PayTren, the explanation is described as follows: Businessman benefits in the form of commission or bonus.

PT VSI as the company will provide direct sales commissions to the businessman who sold the full license in the amount of Rp. 75.000, - consisting of 60% cash 40%

top up the deposit. Direct sales commission of IDR. 75,000 - is given to businesses when selling the license directly, the commission can be obtained up to 10 generations down the left and right side.

From the Figure 1, A selling to B and C, then A is have a right direct sales commission IDR 75,000.- from sale to B and C. (and so on up to 10 generations down). The company will provide leadership commission of IDR 25,000. - *) (consisting of 60% cash and 40% top up the deposit) for each growth of 1 (one) new businesses in each group (maximum of 2 (two) groups). The Commission earned only if business partner had committed liabilities coaching and guidance based on the automatic scoring system at the Company's system.

*) Calculated based on the index to maintain a maximum payout of 40% according the Trade Minister Regulation no. 32 of 2008. Maximum growth calculation for the growheach group are 12 new business partners a day.

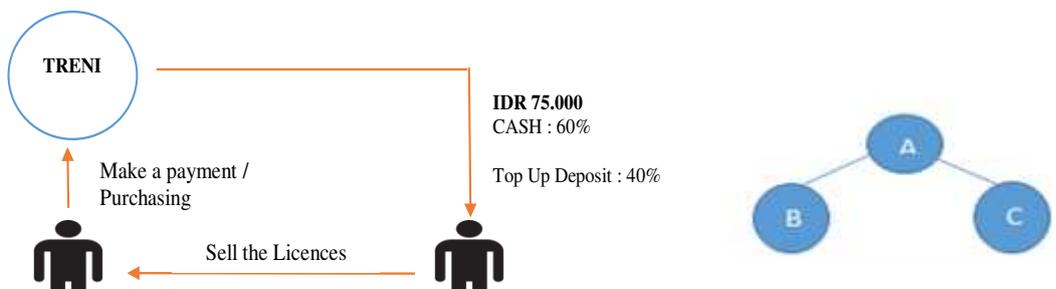


Figure 1. Scheme of Direct Sales Commissions

Source: Marketing Plan/www.treni.co.id

Commission Leadership IDR 25,000.- is given to businesses for every new business partner for increasing 1 (one) new business partner and partner forms of right and left sides.

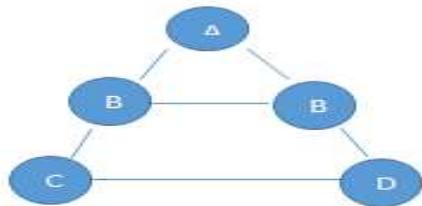


Figure 2. Leadership Commission

From the Figure 2, A successfully set up a pair of B and C and D and E, so A is entitled to get a commission of leadership IDR25,000.- of both pairs.

The company will give the sales development commission in the amount of

IDR 2,000.- a license, if the referenced business partners successfully sells the full license package (maximum 10 generation). The Commission is earned only if Business Partners had committed liabilities coaching and guidance obligations based on the automatic scoring system at the Company's system.

The Company provides community development commission of Rp. 1,000, - if the referenced business partners (up to 10 generation) earned a leadership commission. The Commission obtained only if businesspartners had committed liabilities coaching and guidance based on the automatic scoring system at the Company's system.

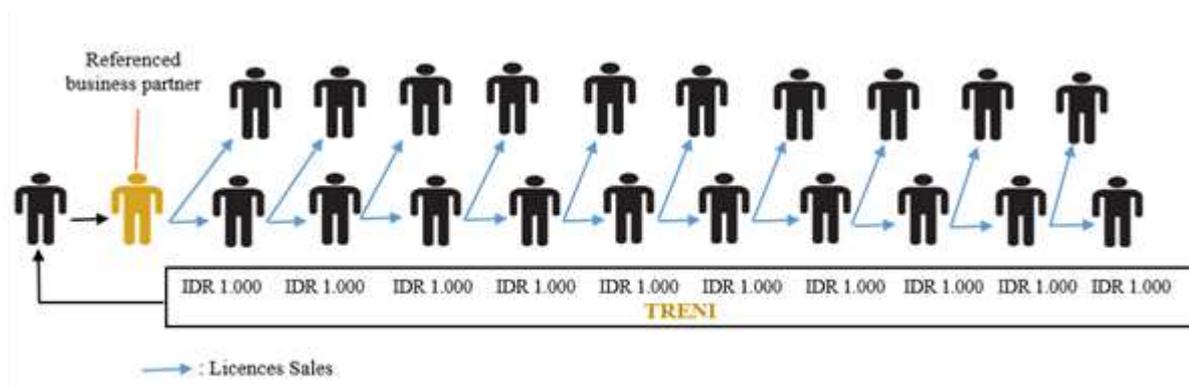


Figure 3. Scheme of Community Development Commission

Source: Marketing Plan / www.treni.co.id

The Company distributed percentage of profits in the form of cashback obtained from each private transaction (performed by

users and business partners) and group transactions.

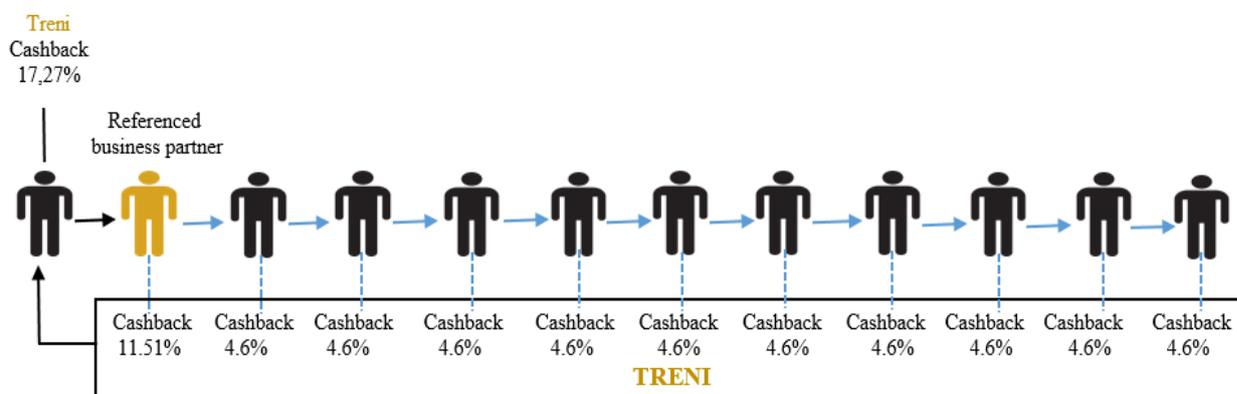


Figure 4. Scheme of Cashback

Source: Marketing Plan/www.treni.co.id

This cashback can be obtained if the user or business partner is doing personal transaction of at least once a month. Cashback is obtained only Business Partner had committed liabilities coaching and guidance based on the automatic scoring system at the Company's system, except for personal cashback. Cashback is calculated a day from the 1st (first) until the end of the month and paid the 15th of the following month. The details of a cashback percentage calculation can be found at www.treni.co.id,

Description: Referred to as a group here is a business partner which is referred to a maximum of 10 generation with pass up/compress systems (for example: if any 3rd generation does not perform the transaction, then the 4th generation will be counted as the 3rd generation, and so on up to a maximum of 10 generation).

This promo is available to business partners in which two (2) business group formed each reach targets specified turnover of the company and reward can be changed at any time with the company policy in appropriate. According to Dr. Erwandi Tarmizi, who poured into his book titled "*Harta Haram Muamalat Kontemporer*", explains the opinion of scholars who have differences of opinion, The first opinion, MLM is *mubah* (allowed) According to fatwa of Egypt's Al-Azhar Institute, found MLM *mubah* (allowed) because it is considered same as *samsarah* (intermediary between sellers and buyers / brokers). The question is whether the bonus rewards is allowed for marketing the goods and training new buyers? After reviewing the questions submitted then the board decides, "The effort is: as an intermediary between producers and

consumers to market goods. This effort included samsarah.

And samsarah as described by jurists: that if there is no fraud, injustice, or explaining the goods are incompatible with essentially at the time of marketing the goods / services then the money from the business as a halal intermediary and there is absolutely no doubt. " This fatwa responded by many Islamic economic researchers.

According to Dr. Husain Syahrani in his dissertation submitted to the Faculty of Sharia, Islamic University of al-Imam Saud, Riyadh, Saudi Arabia titled "*al-Taswiq wa al-tijari Ahkamuhu fi al-Fiqh al-Islami*" Dr. Erwandi Tarmizi, that this fatwa does not mean absolute allow MLM system, due to several things:

The fatwa is based on the description submitted questioner directly without reviewing the system used by the company concerned, as explained in the prologue fatwa. In fact, if the questioner to explain things that can affect the MLM laws the fatality of his fatwa says differently, such that the purchase of products is a requirement to be able to market their products and achieve a bonus, and the main purpose of people buy products to join MLM is earned bonus as promised, comparison bonuses as promised very far to be compared to the price of the product and the effort to market its goods.

This fatwa doesn't allow absolutely but related to there is no fraud, and injustice in marketing the product. This requirement is not fulfilled in MLM practice. Because, in fact, at the time of marketing the product and at the same time recruiting the downline is always filled with cheating, deception, and injustice, where upline promises a huge bonus to prospective buyers, whereas those who get the bonus is only 6% of all members. This is called a high-level speculation (gambling), with the promise that buyers are willing to buy products that cost much more than the actual price. Fatwa considers Fatwa who thinks MLM is the same as samsarah (brokers) is not right, because there is a fundamental difference between MLM and samsarah.

Second opinion, MLM is *haram* (not allowed). This is the opinion of the majority of contemporary scholars, as well as the Council's fatwa The Royal Muslim cleric of Saudi Arabia, the decision of the Islamic Jurisprudence Institute in Sudan, and the fatwa Al-Imam al-Albani Center for Research and Research of Jordan. According to Dr. Sami al-Suwailim (Director of Development of Islamic Finance in the Islamic Development Bank, Jeddah and former member of the Shariah Board of Bank Al-Rajhi, Riyadh) in a study says that MLM is an extension of Pyramid Scheme /

Letter Chain (remittances chain) from America.

When the local authorities banned this practice because it is considered as a fraud then the system is developed to include elements of the goods / products in order to get the legality of the government. Very ironic, if any State which adopts a liberal in his economic-justifies *riba* and gambling have banned this practice, why Islamic scholars still hesitate dropping the practice of law. Pyramid Scheme Law clearly unlawful because it contains elements of *Riba Ba'i*, such as : exchange the same money in a way not cash and not the same nominal, it also contains elements of *gharar*, that is: when someone joins a Pyramid Scheme system he did not know whether the money already being paid will go back certainly with a bonus because he is on the top level, or money and bonuses lost because of his status are at the bottom levels. Someone who wants to join a MLM there are three types.

A purely individual aims to be an intermediary between producers and consumers (agents) with MLM systems. Intermediaries can not sell products as appropriate intermediaries in regular marketing system, that the goods be taken first on faith then he earns a percentage of the proceeds. However, he was required to

first purchase one of these products. This process is clearly forbidden in Islam because there are two *akad* (contract) within a *akad* (contract).

Someone who aims to purchase the product without taking care about the bonuses as MLM company promised, because they already fit with its products. So this consumer has actually been deceived because of the pricesales that have been set by the company more than 60% budgeted for bonuses. It was agreed by all MLM companies. So buyers who only buy the goods they have deceived because they have to pay 60% of the price of goods for the bonus people in the system, even though they bought the product first hand.

Contrastly to the price that reached through regular marketing system though including agency fees and advertising, if it is cutting off an intermediate line then they can get a discount. Percentage over 60 for bonuses and less than 40 for a fee production of goods is clear that the status of goods is just as a cover for legalize the Pyramid Scheme, where the desired is money and not the products.

Someone who joined in MLM with a bonus purpose. Because the promised bonus for the first year is huge and far compared to the price of marketed goods to the two people who as well as its downline. and this

goal is the main purpose of the majority of people who join MLM, the bonuses of tens of millions of rupiah. And they are not ignore the product being sold and bought. In this case it is clear that the goods are as a front to legalize Pyramid Scheme.

From explanation above is very clear that MLM system is no different between the law with the Pyramid Scheme, even if goods / products supplied because of the status of goods is only a cover. According to the Council for Fatwa Kingdom of Saudi Arabia, with the fatwa no. 22 936, date: 14-3-1425 H, based on the explanation of the nature of this marketing system is *haraam* according to the following postulates:

MLM systems contain elements of *riba fadl* and *nasi'ah*. Each member handed over the money in small amounts to get the money in larger amounts. This means money in exchange for money with a nominal unequal and not cash. This is the forbidden *riba* based on the text of the Qur'an and Hadith, and Ijmak. Meanwhile, the status of goods / products sold by the company to the consumer is only a cover, because the goods are not the purpose of the person who participated in the system. Therefore, the existence of goods does not affect the law (*to be halal*).

MLM system containing *gharar* (speculation) that are forbidden sharia. Because, everyone who participated in

this system, he did not know whether it will succeed to recruit members (referrals) in the desired amount or not. Meanwhile, even this network continues operate, at some point it will stop; then in this moment join into the system they don't know, whether they are on level up so that they will be lucky or will they are on level down so they will loss. And in fact, And in fact, mostly members of the system is the essence of the *gharar*. Its existence between profit and loss, with a greater loss ratio. Prophet Muhammad prohibit *gharar*, as narrated by Muslim in his Sahih.

MLM system contains elements of consuming human treasures by the way in bathil (vanity). Because, who would benefit from this system only MLM company and a small number of members in order to trick people to join.

MLM system contains elements of fraud, hide defects and public deception. In terms of the inclusion of goods / products in the system, as if this is the sale of a product, but in fact is happening is not the case. And in terms of promising a huge bonus, but rarely obtained every member. And its deception that is forbidden Shari'a.

CONCLUSIONS

Based on the above description, it can be concluded that is the implementation of Islamic sharia accounting, paytren has done recording commissions, cashback, and also

the recording of gifts are reasonable, because the recording is done based on the efforts being made.

However, judging by the science of *Ushul Fiqh*, the first transaction contained paytren *riba fadh'al*, that the lure of prize cash or other prizes such as cars, luxury homes and others whose value is greater than the money we have deposited, so that the main goal is to get the prize. Then the second is injustice in position, because your downline will not become the highest upline, so that the highest upline will earn commissions or prizes more continuously. And there contains *gharar* (speculation) in the transaction activity.

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