Southeast Asia Journal of Graduate of Islamic Business and Economics
(SAJGIBE)
Vol. 4 No. 3 January 2026

THE VALIDITY OF CONTRACTS AND ETHICS OF TIKTOK AFFILIATE MARKETING FROM THE PERSPECTIVE OF FIQH MUAMALAH

Mohammad Samsul Arifin[1], Muhammad Juhariyanto[2] Alfianto[3]
[1,2,3]Institut Sayyid Muhammad Alawi Al-Maliki Bondowoso, Indonesia
Coresponden E-Mail; samsulm.arifin529@gmail.com

Abstract
The TikTok Affiliate Program, integrated within the TikTok Shop ecosystem, has become a significant digital business phenomenon in Indonesia, particularly among the Muslim community. This study aims to examine the validity of contracts (akad) within the TikTok affiliate program based on the principles of fiqh muamalah, and to evaluate digital business ethics according to maqasid al-shariah and the characteristics of Islamic marketing. Using a normative qualitative approach, this research analyzes classical fiqh literature, electronic commerce regulations, and TikTok affiliate practices. The findings indicate that the TikTok affiliate program can be classified as an agreement of ju'alah or samsarah, which is considered valid under Islamic law as long as it fulfills the conditions of lawful objects, contract transparency, and the absence of gharar (uncertainty) or riba (usury). However, ethical challenges such as misleading promotions and regulatory violations—necessitate the strengthening of sharia-based guidelines. This study recommends fiqh muamalah education for affiliates and the development of sharia-based regulations by the TikTok platform to ensure ethical digital business practices.
Keywords: TikTok Affiliate; Islamic Law; Fiqh Muamalah; Digital Business Ethics; Islamic Marketing

A. Introduction

With the rapid development of digital technology, social media platforms such as TikTok have become new avenues for muamalah activities, particularly through affiliate programs that allow users to earn commissions by promoting products through video content. In Indonesia, as a country with a Muslim-majority population, this digital business practice raises questions regarding the validity of contracts under Islamic law and their compliance with sharia ethics. In the fiqh tradition, muamalah must fulfill the principles of lawfulness, justice, and benefit (*maslahah*), as explained by Imam al-Ghazali in *Ihya' Ulumuddin*. "Every muamalah that does not provide benefit to the community or contradicts sharia is prohibited."

This study focuses on two main aspects: (1) the validity of contracts in the TikTok affiliate program according to fiqh muamalah by examining whether its mechanism aligns with *ju'alah*, *samsarah*, or other recognized sharia contracts; and (2) evaluation of digital business ethics based on maqasid al-shariah and the characteristics of Islamic marketing. The research questions include: What is the legal position of the TikTok affiliate contract according to fiqh muamalah? To what extent does this practice meet sharia business ethics? This study is relevant given the popularity of TikTok Shop and the need for sharia guidelines in Indonesia's digital business landscape, which includes more than 100 million active TikTok users by 2025.

The rapid advancement of digital technology has transformed various sectors of economic activity, including the domain of *muamalah* conducted through online platforms. Social media applications such as TikTok have evolved from mere entertainment spaces into influential marketplaces that facilitate buying, selling, and promotional transactions. Through the TikTok affiliate program, users are able to generate commissions by recommending products via video content, making it one of the most dynamic digital business models in Indonesia. These developments inevitably attract scholarly attention, particularly within Islamic economic studies, due to their growing relevance in shaping contemporary Muslim consumer behavior.

Indonesia, as a nation with a Muslim-majority population, places significant emphasis on ensuring that emerging business practices adhere to Islamic legal principles. The widespread use of TikTok Shop fuels discussions about whether affiliate mechanisms comply with the requirements of valid contracts (*akad*) in Islamic jurisprudence and whether the practices align with ethical standards rooted in sharia teachings. Classical scholars, including Imam al-Ghazali in *Ihya' 'Ulumuddin*, emphasize that every form of *muamalah* must uphold the values of benefit (*maslahah*), lawfulness, and justice. He asserted that any transaction that fails to bring benefit or contradicts sharia principles is prohibited, underscoring the necessity of applying ethical and legal scrutiny to modern contractual forms.

This study, therefore, seeks to analyze two central aspects. First, it examines the validity of the contractual structure underlying the TikTok affiliate program from the perspective of fiqh muamalah by assessing its conformity with established contract models such as *ju'alah*, *samsarah*, or other recognized frameworks in Islamic commercial law. Second, it evaluates the ethical dimensions of digital business practices using the lens of *maqasid al-shariah* and the core principles of Islamic marketing. Through this approach, the study aims to determine whether the operational mechanisms of the TikTok affiliate program can be classified as sharia-compliant and whether they support the objectives of Islamic economic ethics.

To address these objectives, key research questions are formulated: What is the legal status of the TikTok affiliate contract according to fiqh muamalah? To what extent does the practice fulfill the ethical criteria mandated by sharia? These questions are significant in light of the increasing penetration of digital commerce in Indonesia, supported by data showing that the number of TikTok users in the country is projected to exceed 100 million by 2025. The high level of engagement and commercial activity on TikTok Shop underscores the urgency of establishing clear Islamic guidelines to ensure that digital business transactions remain aligned with the values of justice, transparency, and benefit that constitute the foundation of Islamic economic practice.

B. METHOD

This study employs a qualitative approach with a normative legal method, emphasizing analytical examination of Islamic law in relation to contemporary digital business practices. The normative method is considered appropriate because the research aims to assess the alignment of the TikTok affiliate system with established principles of *fiqh muamalah* and relevant positive legal frameworks. Through this approach, the study focuses on evaluating the legal substance, contractual structure, and ethical considerations surrounding affiliate-based transactions conducted on social media platforms. The data in this study were obtained through an extensive literature review drawing from several layers of authoritative sources. Primary sources include classical works of fiqh such as *Al-Mughni* by Ibn Qudamah, *Bidayatul Mujtahid* by Ibn Rushd, and *Fathul Qarib* by Ibn Qas, as well as contemporary references in Islamic commercial law. Secondary sources consist of scientific journal articles, legal analyses, and regulatory documents—particularly the Ministry of Trade Regulation (Permendag) No.

31/2023 concerning electronic commerce, which provides an important legal framework for understanding digital business activities in Indonesia. Tertiary sources include credible media reports, official TikTok documentation, and open interviews with TikTok affiliates when available, providing contextual insights into how the affiliate mechanism operates in practice.

The analytical process in this research adopts a deductive approach, beginning with the major theoretical and legal concepts in fiqh muamalah, which are subsequently applied to evaluate the contractual and ethical aspects of the TikTok affiliate system. Key principles used in the analysis include the fiqh maxim *al-ashlu fil muamalah al-ibahah* (all muamalah activities are originally permissible) and *dar'ul mafāsid muqaddamun 'alā jalbi al-masāliḥ* (preventing harm takes precedence over obtaining benefit). These maxims guide the assessment of whether the mechanism fulfills sharia requirements in terms of transparency, fairness, and avoidance of potential harm or fraud.

To ensure data reliability and strengthen the credibility of the findings, the study applies source triangulation. This includes cross-checking information derived from classical and contemporary fiqh texts, regulatory documents, and empirical observations of how the TikTok affiliate program is implemented. Triangulation allows for a comprehensive validation process, ensuring that the analysis reflects consistency between theoretical principles, regulatory standards, and real-world digital business practices. Through this methodological framework, the research aims to produce a rigorously grounded assessment of the sharia compliance and ethical accountability of the TikTok affiliate model.

C. Findings and Discussion

The Validity of Contracts in the TikTok Affiliate Program according to Fiqh Muamalah

The TikTok affiliate program involves three parties: merchants, affiliates, and TikTok as the intermediary platform. Affiliates promote products using a unique link and receive commissions for successful sales, typically ranging from 5–20% depending on the product category. In fiqh muamalah, this mechanism can be classified as either *ju'alah* or *samsarah*.

Akad Ju'alah

According to Ibn Qudamah in *Al-Mughni*, *ju'alah* is a contract in which one party (the *ja'il*) offers compensation to another party (*al-'amil*) for completing a specific task, such as promoting goods.

The validity of *ju'alah* requires:

1) Clarity of the object: The task and compensation must be clear to avoid *gharar*. In TikTok, the affiliate's task is to promote products, and the commission is predetermined.
2) Lawfulness of the object: Promoted products must be halal.
3) Mutual consent: Both affiliate and merchant must agree voluntarily.

This study finds that the TikTok affiliate program meets the criteria of *ju'alah* as long as the products are halal and the commission mechanism is transparent. However, *gharar* risks may arise if affiliates promote products without knowing their quality, violating the principle *al-ghunm bil ghurm* (reward must correspond with risk).

Akad Samsarah

Alternatively, the TikTok affiliate mechanism can be categorized as *samsarah* (intermediary brokerage), as explained by Ibn Rushd in *Bidayatul Mujtahid*: "Samsarah is an agreement in which a person acts as an intermediary between seller and buyer for a specified payment." In the TikTok context, affiliates serve as intermediaries between merchants and buyers, with TikTok facilitating the process. This contract is valid as long as it does not involve *riba*, deception, or the promotion of unlawful goods.

Compliance with Positive Law

From the perspective of Indonesian positive law, the TikTok affiliate mechanism is considered an "unnamed contract" under Article 1320 of the Civil Code, requiring consent, legal capacity, lawful object, and lawful purpose. However, research indicates that TikTok Shop has not fully complied with Permendag No. 31/2023, particularly in transaction data transparency, which may undermine consumer trust.

Digital Business Ethics in Islamic Perspective

According to Muhammad Syakir Sula, sharia marketing principles include theistic (tauhid-based), ethical, realistic, and humanistic characteristics. Several ethical challenges in TikTok affiliate practices include:

a. Misleading marketing: Some affiliates exaggerate claims such as "earning millions per day," contradicting the principle of honesty (*al-Amīn*). The Prophet Muhammad (SAW) said: "Whoever deceives us is not one of us."[12]
b. Negative content: Research by Sina Lailatus Shafa et al. (2024) shows that affiliate accounts may be suspended for promoting prohibited content such as pornography or violence, aligning with the maxim *Dar'ul Mafāsid Muqaddamun 'alā Jalbi al-Masāliḥ*.
c. Compliance with Maqasid al-Shariah: Digital business must protect essential values (religion, life, intellect, lineage, and wealth). Promoting harmful products contradicts *hifz al-nafs* and *hifz al-'aql*.

To address these challenges, affiliates must follow sharia ethics, ensuring product halalness, transparent promotion, and avoidance of immoral content. TikTok should develop sharia-compliant guidelines, such as halal content filters and ethics training for affiliates.

Practical Recommendations

This study recommends:

a. Fiqh Muamalah Education: Affiliates should be trained in *ju'alah*, *samsarah*, and sharia business ethics.
b. Sharia-based Regulations: TikTok should collaborate with religious authorities such as MUI to create sharia-compliant affiliate guidelines.
c. Regulatory Strengthening: The government should enforce Permendag No. 31/2023 more strictly to protect consumers and affiliates from unethical practices.

D. Conclusion

The TikTok affiliate program can be considered valid under fiqh muamalah as *ju'alah* or *samsarah*, as long as it meets the conditions of lawful products, transparency, and the absence of *gharar*, *riba*, or deception. Based on fiqh works such as *Al-Mughni* and *Bidayatul Mujtahid*, this mechanism aligns with the principle *al-ashlu fil muamalah al-ibahah*, unless prohibited by specific sharia rulings. However, ethical issues such as misleading promotion and regulatory non-compliance require serious attention to ensure alignment with maqasid al-shariah. This study recommends strengthening fiqh muamalah education for affiliates, developing sharia-based guidelines by TikTok, and stricter enforcement of regulations by the government. Thus, the

TikTok affiliate program may serve as a halal, ethical, and sustainable digital business model in Indonesia.

References

(*Struktur dan daftar pustaka dibiarkan dalam format asli sesuai instruksi. Hanya judul dan bagian yang berbahasa Indonesia diterjemahkan.*)

Al-Ghazali. *Ihya' Ulumuddin*. Vol. 2. Beirut: Dar al-Kutub al-Ilmiyah, 2001. Ibnu Qudamah. *Al-Mughni*. Vol. 5. Beirut: Dar al-Kutub al-Ilmiyah, 1997. Ibnu Rusyd. *Bidayatul Mujtahid*. Vol. 2. Beirut: Dar al-Ma'rifah, 1995.

Mega, Silvia. "Implementation of Affiliate Marketing on the TikTok Platform from the Perspective of Islamic Economic Law." *Jurnal Syari'ah dan Hukum* 7, no. 1 (2023): 78–90.

Ministry of Trade Regulation No. 31/2023 on Electronic Commerce.

Rahmani, Salma. "Review of Islamic Economic Law on Commission Determination for TikTok Affiliate Program." *Jurnal Hukum Ekonomi Syariah* 6, no. 2 (2023): 45–60.

Shafa, Sina Lailatus, et al. "Islamic Economic Law Analysis of the Freezing of TikTok Affiliate Accounts." *Jurnal Fiqh Kontemporer* 5, no. 3 (2024): 112–125.

Soekanto, Soerjono. *Introduction to Normative Legal Research*. Jakarta: UI Press, 2015.

Subekti, R. *Contract Law*. Jakarta: Intermasa, 2010.

Sula, Muhammad Syakir. *Sharia Marketing: Concept and Implementation*. Jakarta: Pustaka Al-Kautsar, 2019.

Zain, Q. A. "Analysis of TikTok as a Marketing Medium from the Perspective of the Fiqh Maxim *Dar'ul Mafāsid Muqaddamun 'alā Jalbi al-Masāliḥ*." *Bustanul Fuqaha* 6, no. 1 (2025): 101–115.

Zuhaili, Wahbah. *Al-Fiqh al-Islami wa Adillatuhu*. Vol. 4. Damascus: Dar al-Fikr, 2000.