

REVIEW OF THE CONCEPT OF *JU'ALAH* ON INCOME EARNED FROM *LIVE STREAMING* ON SOCIAL MEDIA: A CASE STUDY ON TIKTOK APPLICATION

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Abstract

This research examines the concept of *ju'alah* in Islam and its application to income earned from live streaming activities on social media, focusing on the Tiktok application. *Ju'alah* is one of the contracts in fiqh muamalah, which is an agreement that promises certain rewards for parties who perform certain tasks. In the context of live streaming, the income received by streamers generally comes from audience gifts in the form of stickers which are then converted into money. The research method used in this study is a mixed methods research method that combines normative and empirical methods included in qualitative research. This research is descriptive in nature where most of the data used comes from interviews, observations in the form of sentences or narratives. The results of this study indicate that gifting is in accordance with the *ju'alah* contract if it is given after the implementation of the audience request. If there is fraud such as a gift has been given but the request has not been carried out in this case there is no positive legal action because there is no written agreement, while in Islam this is considered fraud so that the money earned by the creator is considered not halal.

Keywords: *Ju'alah*, Live streaming, Income, social media, and *Fiqh Muamalah*



Abstrak

Penelitian ini mengkaji konsep *ju'alah* dalam Islam dan penerapannya pada pendapatan yang diperoleh dari aktivitas live streaming di media sosial, dengan fokus pada aplikasi Tiktok. *Ju'alah* merupakan salah satu akad dalam fiqh muamalah, yaitu akad yang menjanjikan imbalan tertentu bagi pihak yang melakukan pekerjaan tertentu. Dalam konteks live streaming, pendapatan yang diterima oleh streamer umumnya berasal dari hadiah penonton berupa stiker yang kemudian dikonversikan ke dalam bentuk uang. Metode penelitian yang digunakan dalam penelitian ini adalah metode penelitian mixed methods yang menggabungkan metode normatif dan empiris yang termasuk dalam penelitian kualitatif. Penelitian ini bersifat deskriptif dimana sebagian besar data yang digunakan berasal dari hasil wawancara, observasi dalam bentuk kalimat atau narasi. Hasil penelitian ini menunjukkan bahwa pemberian hadiah sesuai dengan akad *ju'alah* apabila diberikan setelah pelaksanaan permintaan audiens. Jika terjadi kecurangan seperti hadiah sudah diberikan namun permintaan belum terlaksana dalam hal ini tidak ada tindakan hukum positif karena tidak ada perjanjian tertulis, sedangkan dalam Islam hal ini dianggap penipuan sehingga uang yang didapatkan oleh kreator dianggap tidak halal.

Kata kunci: *Ju'alah*, Live streaming, Pendapatan, media sosial, dan *Fiqh Muamalah*

INTRODUCTION

As time goes by, it is inevitable that technology undergoes a revolution. It changes people's way of life to become more sophisticated. Technological advancements also provide greater opportunities for people to interact. Through telecommunications, people can easily connect with each other, and some even use it as a means to earn income through social media. One of the telecommunication technologies that is growing rapidly today is social media. Social media is a platform where

users can share, participate, and express creativity through social networks, blogs, wikis, and forums. Some examples of social media technologies that are popular today include Facebook, Instagram, YouTube, TikTok and others.¹

One of the applications that many people use to earn income is Tiktok. Tiktok is a social media app that allows users to create, share and watch short videos ranging in duration from a few seconds to a few minutes. The app offers a variety of creative features, such as filters, visual effects, and background music, which make it easy for users to produce interesting and unique content. Tiktok is very popular among various age groups, especially the younger generation, due to its diverse content, ranging from dance, comedy, challenges, to education.² Tiktok allows users to create and share videos with a duration of 2 to 60 seconds, including additional music or voice recordings. After the latest update, verified users can now create videos up to 3 minutes long. Tiktok's popularity is rapidly increasing, as evidenced by the fact that in February 2021 the platform had been downloaded more than 1.04 billion times worldwide, with 196 million downloads in the third quarter of that year alone. In China, Tiktok is known as "Douyin" and became a global platform after merging with other Chinese social media services in 2018.³

For those who are active on Tiktok, becoming a famous star on this platform is considered an attractive dream. This is due to the high income that can be achieved when someone manages to gain popularity on Tiktok. Content creators on Tiktok usually get income from two main sources. First, through Product *Endorsements* or *Affiliates*, which is income earned by the way creators work with brands to promote products or services in their videos. Creators are usually paid based on the number of followers, level of interaction, and creativity of their content. In addition, affiliate programmes allow creators to earn commissions by

¹ Bagus Prianbodo, "*The Effect of TikTok on the Creativity of Surabaya Teenagers*" (Thesis, Surabaya, STIK Almamater Wartawan Surabaya, 2018).

² Ambar Kuswati, "*The Effect of TikTok Social Media on Adolescent Morals in Bunton Village, Adipala District, Cilacap Regency in 2021*" (Thesis, Central Java, Imam Ghazali Cilacap Institute of Islamic Religion, 2021).

³ Aparajita Bhandari and Sara Bimo, "Why's Everyone on TikTok Now the Algorithmised Self and the Future of Self-Making on Social Media Journals", *Journal of Social Media Society*, 1-11 (January 2022).

marketing certain products using affiliate links. When followers purchase products through those links, the creator receives a percentage of the sale. This income potential is greatly influenced by the creator's ability to reach a wide audience and build strong relationships with their followers. The second is from live broadcasts, which are supported by donations from the audience. This support can be in the form of regular gifts or through the *gift coin* or *gift emoji* feature, Tiktok users can buy coins in the app, which are then used to give virtual gifts such as stickers or emojis to their favourite creators. These gifts can be converted into cash by the creator through the Tiktok system after reaching a certain threshold. The revenue from these rewards depends on the creator's popularity, interactions during the live broadcast, and the level of follower support. This feature is one way for creators to get direct appreciation from their audience while increasing their income.

Of the two features to earn income, people more often use the *live streaming* method to earn income. *Live streaming* is more popular than product *endorsements* or *affiliates* because the process is simpler and more interactive. Through *live streaming*, creators can directly communicate with their audience, answer questions, or conduct promotions in real-time without having to go through the lengthy process of formal agreements, scripting, or video editing that is usually required in *endorsements*. In addition, the *live streaming* format allows viewers to provide instant responses, such as comments, *likes*, or *gifts*, which can be a form of immediate appreciation. This flexibility makes *live streaming* more attractive, especially for creators who want to generate additional revenue without having to deal with complex terms from brands or companies. The more spontaneous and personalised interactions also create a stronger connection between creators and audiences, making *live streaming* an effective and easy-to-implement alternative.

To get a *gift emoji* or *gift coin* on Tiktok, a content creator must *live stream*. Creators need to have an account that meets the requirements, such as a minimum number of followers and a minimum age of 18. During the live stream, viewers can give virtual gifts in the form of emojis or stickers using coins purchased on the Tiktok app. These gifts are sent in real-time as a form of support from the audience to the creator.

Generally, content creators get these *gifts* by doing an action or reaction in the form of a challenge or command from the audience, in return for the request that the audience asks for, the audience gives a *gift* to the content creator which then the *gift* can be converted into money by the content creator.

In the phenomenon that occurs, there are two methods that often occur, where content creators ask for *gifts* first and then make audience requests, or content creators make audience requests first and then the audience gives *gifts*, from this then a problem arises where there are events where sometimes after the gift is given, the creator does not keep their promise, causing disappointment among the audience. This phenomenon triggers criticism because it is considered to damage the trust between creators and their followers. There is also the opposite phenomenon, where content creators fulfil viewers' requests during *live streaming*, but viewers do not *give gifts* as promised. This situation often disappoints creators, especially those who rely on *gifts* as one of their main sources of income.

The rapid growth of live streaming platforms such as TikTok has led to the practice of virtual gifting, which is interesting to study from the perspective of Islamic law. This research aims to fill the gap of knowledge regarding the application of *ju'alah* contracts in this context. By deeply analysing the practice of virtual gifting on TikTok, this research is expected to contribute to a more comprehensive understanding of the *ju'alah* contract in the digital era, as well as provide recommendations for the development of better regulations in protecting the rights of live streaming actors.

This problem is interesting to study in the perspective of *ju'alah* law, especially in the context of terms and agreements between the party giving the gift (audience) and the party receiving (content creator). In *ju'alah* law, a reward is given for an act or service that has been agreed upon beforehand. If applied to this case, the creator's request for a *gift* can be considered as an offer of compensation for certain actions to be performed, while the audience's *gift-giving* is considered a form of acceptance of the offer.

Based on the problems that occur, the authors are related to further examining the review of the concept of *ju'alah* contained in the problematic *gift* system on social media *live streaming* in this case on Tiktok, then the authors want to examine how the process of content creators in getting income through *live streaming* and the authors want to know how to follow up on the *gift* if after the *gift* is given the creator content does not carry out the audience's request or vice versa.

RESEARCH METHODS

This research adopts a mixed methods approach that combines normative and empirical methods. The normative research method is carried out by analysing the concept of *ju'alah* in Islamic law in depth, including a study of the Qur'an, Hadith, related regulations and scholarly opinions. This normative analysis aims to obtain a comprehensive understanding of the legal requirements of the *ju'alah* contract and its implications in the current context. Meanwhile, the empirical approach is carried out through a case study on the TikTok application. Empirical data is collected through participatory observation of live streaming activities, in-depth interviews with TikTok users who are actively live streaming and giving virtual gifts, and analysis of relevant live streaming content.

The approach used in this research is a case study which is part of qualitative research with a descriptive nature. Most of the data obtained comes from interviews and observations of research subjects, which are presented in the form of sentences or narratives, without using number-based analysis.⁴ The descriptive research approach is a method used to examine the state of human groups, objects, conditions, thoughts, or categories of events in the present. The purpose of descriptive qualitative research is to present a systematic, factual, and accurate description or explanation of the facts, characteristics, and relationships between the phenomena studied.⁵

⁴ J. R. Raco, *Qualitative Research Methods* (Jakarta: Gramedia Widiasarana Indonesia, 2010).

⁵ Moh. Nazir, *Research Methods* (Bogor: Ghalia Indonesia Publisher, 2013).



There are two data sources in this study, namely primary data sources in this study, namely data taken from sources in the form of interviews with Tiktok users who are *live streaming*. and secondary data, namely in the form of laws and regulations and sharia economic law relating to the application of the *ju'alah* contract to gifts as wages in *live streaming* digital applications. Such as DSN-MUI Fatwa Number 62 of 2007 concerning *Ju'alah* Agreements.

RESULTS AND DISCUSSION

A. Overview of the Tiktok App

1. TikTok App

TikTok is a social networking application and music video platform from China that has successfully enlivened the digital industry in Indonesia. which users can create, edit and provide unique and interesting effects.⁶ Understanding tik tok is an application that can create short videos along with music with various interesting features. This application is available on the android play store and apple store ios for free.

TikTok is an audio-visual-based social media application that contains entertaining self-made and other people-made videos with interesting features such as the latest music, unique face filters and others.⁷ Tik tok is also one of the applications that can make users addicted, because the videos they make use the current trend music. And it allows users to easily share cool short video clips to friends and the world online so that it can attract the attention of many people when viewing the video. Empowering creative thoughts like this is one form of social media change for the better. thus making this application a form

⁶ Armylia Malimbe, Fonny Waani, and Evie A.A. Suwu, "The Impact of Using Tiktok Online Application on Learning Interest Among Sociology Students of the Faculty of Social and Political Sciences, Sam Ratulangi University Manado," *Journal of Scientific Society* 1, no. 1 (2021).

⁷ Dian Novita Sari Chandra Kusuma, "*The Use of Audio Visual Based Social Media Applications in Forming Self-Concept*" (Thesis, Jakarta, Tarumanagara University), (2020).

of new benchmarks in creativity for content creators around the world, especially in Indonesia.⁸

In the Tiktok application itself there is one feature, namely *Live streaming*, *Live streaming* is a technology in the form of files that can be directly broadcast and viewed by application users without having to wait for it to be downloaded and continue to flow just like that.⁹ *Live streaming* is a live broadcast that is broadcast to many people (*viewers*) at the same time as the original event via communication data media or networks. The *live streaming* feature is very helpful for communication because it allows users to chat, interact with each other and even with the host in real time.¹⁰

Live streaming on Tiktok is commonly referred to as *Tiktok Live*, for the Tiktok live feature itself not all Tiktok users can do it, Tiktok has procedures that must be fulfilled by users who can do Tiktok live, the following procedures are set by Tiktok:

- a. Users must reside in an area where the Tiktok live feature is available, because not all areas can use this feature.
- b. Users must be at least 18 years old and above and special provisions for South Korea with a minimum age of 19 years old.
- c. The account used must have at least 1000 followers.
- d. The account used must be at least 30 days old.
- e. Accounts used must have good prestige and must comply with the Community Guidelines and Terms of Service set by Tiktok.¹¹

The way to give *gifts* to content creators during *live streaming* in the Tiktok application is quite simple and can be done through the following steps:

⁸ Ida Bagus and Reza Adi Dharma, "A Criminal Law Perspective on Users of the Tik Tok Application with Pornographic Content" (Thesis, South Sumatra, Sriwijaya University, 2019).

⁹ Anisa Sri Febriani, "The Phenomenon of Using Bigo Live Social Media Applications (Live streaming) Among Fisip Unpas Students" (Thesis, West Java, Pasundan University, 2017).

¹⁰ Ryan Ari Setiawan and Yumarlin Marzuki, "Survey of Video *Live streaming* and Chat Applications Among Students," *Proceedings of National and International Seminar 1* 1, no. 1 (2018).

¹¹ <https://support.tiktok.com/id/live-gifts-wallet/tiktok-live/live-gifts-on-tiktok> (cited on 22 December 2024 at 19.29 WIB)

- 1) Purchase TikTok Coins: Before gifting content creators, viewers must first own TikTok coins. These coins can be purchased using real money through payment methods available in the app. Viewers can purchase TikTok coins through their device's app store (Google Play Store or Apple App Store).
- 2) Enter the *Live stream*: Once they have coins, viewers can log in to the *live streaming* session of the content creator they wish to support. Usually, viewers can find the *live streaming* session on the home page or on the creator's profile.
- 3) Select the Gift You Want to Give: While in a *live streaming* session, viewers will see a gift icon located at the bottom of the screen. Upon pressing the icon, various gift options with different coin values will appear. These gifts are animated and can be virtual gifts such as flowers, hearts, stars, or other objects that have a specific coin value.
- 4) Send Gift: After selecting the gift you want to give, viewers can simply click on the gift, select the amount they want to give, and confirm the delivery. The gift will immediately appear on the content creator's screen as a token of appreciation from the audience.

Gifts received by content creators on TikTok, after being given by viewers during a *live streaming* session, can be cashed out into cash. The cashing out process starts after the content creators have accumulated enough coins received from the gifts. TikTok provides a system that allows creators to exchange the virtual coins they receive for real money. Creators can access this feature through their account settings, where they will see the number of coins they have collected. After that, creators can choose to withdraw the coin balance to a connected payment account, such as a bank account or other digital payment system that supports such transactions. Thus, the gift, which was originally a virtual coin, becomes a tangible source of income for content creators, allowing them to monetise the interaction with the audience during *live streaming*.

B. Systematisation of how to get *Gifts* on the App



1. Gift Mechanism from Tiktok

Gift is a gift feature that can be given to content creators on Tiktok during *Live streaming* sessions. This feature functions as a form of credit or source of income for content creators who *live stream*. Each *gift* on Tiktok has a varying price value. This feature is also a way for viewers to show their appreciation for the host talent. *Gifts* themselves have various types and with different coin values, for the value of 1 Tiktok coin is equivalent to IDR 231. While *gifts* can be given with the mechanism of buying stickers for 1 coin to 44,999 coins, which are then sent to the content creator who is *live streaming*.

In Tiktok *live streaming*, *gifting* by viewers to content creators is often a form of appreciation as well as an incentive to encourage creators to perform certain activities. Generally, *gifts* are given before content creators perform activities requested by viewers, such as completing challenges, performing unique stunts, or simply answering special questions. *Gifting* before the activity is performed is often seen as a way for viewers to "pre-pay" to ensure the creator fulfils their request. In this situation, there is a kind of unwritten understanding that the *gift* is a form of compensation for the entertainment or effort that the creator will put in.

However, it is not uncommon for *gifts* to be given after the viewer's request has been fulfilled by the content creator. In this scenario, the *gift* functions more as a spontaneous form of appreciation from viewers who feel satisfied or entertained by the creator's action. *Gifting* after the action has been performed usually happens to viewers who want to express their gratitude or support to the creator directly without any prior pressure or demands. So that the time of giving this *gift* is uncertain, depending on how the policy or agreement between the content creator and the audience

A common phenomenon in many *live streams* is that when a *gift* has been given, creators tend to immediately implement the request as a form of responsibility and an effort to maintain audience trust. This is important because trust is a key asset in building strong relationships between creators and audiences. Creators who consistently fulfil

requests after receiving a *gift* are often respected and gain greater support, both morally and materially.

However, not all interactions are ideal. In some cases, creators cheat by not fulfilling viewers' requests after receiving *gifts*. This attitude, whether intentional or not, causes deep disappointment for viewers, especially those who have sacrificed time and money to give *gifts*. This kind of dishonesty not only damages the creator's reputation, but can also have the long-term effect of losing the support of the audience.

There are even cases where viewers often ask content creators to do something first before giving a *gift*. In situations like this, many creators still fulfil the request with high hopes that the audience will *give a gift* as a form of appreciation after the action is performed. Creators are willing to do certain challenges, actions, or activities to maintain good interactions and build positive relationships with their audience.

Generally, viewers will keep their word by *gifting* after their requests have been fulfilled. However, it is not uncommon for situations to occur where viewers fail to *gift*, either due to technical reasons, negligence, or even intentionally. When this happens, creators can feel disappointed that their efforts are not being rewarded as expected. In some cases, such disappointment can affect the creator's relationship with the viewer, prompting the creator to take decisive action, such as blocking viewers who are deemed irresponsible.

In response, Tiktok itself has policies governing the use of the platform, including the provision of *gifts*, but these policies are generally more general in nature and do not specifically regulate the obligation of content creators to carry out audience requests after receiving *gifts*. Broadly speaking, *gifts* given to creators are considered a form of voluntary appreciation from the audience, not as a legally binding reward.

From Tiktok's side, the platform usually does not directly mediate conflicts between creators and viewers regarding *gifts*, unless there are violations of community guidelines, such as fraud, exploitation, or other violations. Tiktok may take actions such as giving warnings, limiting creator account features, or even suspending accounts if there is proven abuse or violation of platform policies. Therefore, it is important for

creators and viewers to understand that *gifts* are given in good faith and not as a formally binding legal obligation.

Likewise, if the opposite problem occurs, if the content creator feels aggrieved by the audience, Tiktok considers the relationship between the creator and the audience to be based on social interaction rather than a contractually regulated transaction. Therefore, Tiktok is not responsible for mediating or enforcing promises made by viewers to creators. If creators feel aggrieved, the actions they can take are usually limited to personal measures, such as blocking viewers who are perceived as disrespecting them or avoiding further interaction with those viewers.

In this case also, the *gift* that has been given is non-refundable. Tiktok specifies that all coin purchases and *gift* deliveries are final, and there is no *refund* option, except under certain conditions that qualify under local law or Tiktok policy. For example, if a technical error occurs that causes a *gift* to be sent by mistake, users can submit a refund request through Tiktok's support service. In addition, if the creator's content is found to violate Tiktok's community guidelines, such as committing fraud or exploitation, the user who gave the *gift* may report the creator, and Tiktok may consider a refund. However, this refund is entirely subject to Tiktok's decision.

2. How content creators earn *gifts*

In this study, the authors collected information through an interview process with several content creators who often do *Tiktok live* on the Tiktok application. So that the author can get concrete data from the results of interviews conducted by content creators. During the interview process the author asked several questions related to research-related material such as the Tiktok live process, the content presented and also the process of obtaining live gifts during Tiktok live conducted by content creators. The content creators interviewed by the author consisted of 4 people, namely:

- 1) Nabila Merriza, a 22-year-old student, owner of the Tiktok account @biyaaa, who has been doing *live streaming* activities for more than 1 year. Based on interviews the author conducted with Nabila, so far Nabila often presents content about entertainment

or interaction with her followers, usually Nabila *live streams* 4 or 5 times a week during her free time outside of her activities as a student, usually Nabila gets *gifts* by fulfilling her audience's requests, namely to sing songs, the audience usually asks Nabila to sing one song title, Nabila usually sings after the *gift* is given by the audience, every time a *gift* is given, Nabilla also always sings, never cheats by ignoring the audience's requests, usually the *gift* given depends on the difficulty of the song requested by the audience.¹²

- 2) Cut Rosita, a 22-year-old content creator, owner of the Tiktok account @cutrosita_ who has been *live streaming* for 6 months. Based on interviews the author conducted with cut rosita, cut rosita usually lives almost every day of the week, usually she *lives streaming* to have a dialogue or question and answer with her followers regarding questions about religion and education, cut is often given *gifts* in return for answering questions from the audience, in this case cut does not peg *gifts* from the audience, but the audience itself voluntarily gives *gifts* to cut on the basis of appreciation and gratitude. Cut rosita herself has never pegged or asked for a *gift* to answer a question so that there has never been a loss from either the cut or the audience.¹³
- 3) Naufal Ramadhana, a 22-year-old content creator, owner of the Tiktok account @ujung.pulau who has been *live streaming* for 1 year. Based on interviews the author conducted, usually Naufal Ramadhana gets *gifts* from his audience by giving tips related to photography tricks and tips, because Naufal Ramadhana is a *traveler* who is an expert in photography, Naufal Ramadhana himself has never set a rate for each tip he shares, but he only asks for a *gift* to every viewer who asks him, he also never cheats by ignoring his audience's questions when he has been given a *gift*.¹⁴
- 4) Muhammad Naufal, a 22-year-old student, owner of the @sudahbaltiga account who has been *live streaming* for 1 year.

¹² Interview with Nabila Merriza, tiktok *live streaming* procession, 20 December 2024.

¹³ Interview with Cut Rosita, Tiktok *live streaming* procession, 19 December 2024.

¹⁴ Interview with Naufal Ramadhana, tiktok *live streaming* procession, 20 December 2024.

Based on interviews the author conducted with Muhammad Naufal, he usually *live streams* by playing games to entertain his audience, he gets *gifts* by fulfilling his audience's requests to play a game, he usually gets gifts before he plays the game, in this case he admits that he has been lied to by his audience regarding the lure of *gifts*, but he does not overreact because other viewers actually enjoy the game being played, so he does not feel disadvantaged by the lure of the *gift*.¹⁵

From this observation, it can be concluded that the *gift* collection mechanism on Tiktok is not only a source of income for creators, but also creates an interactive entertainment space that involves the active role of the audience. However, it is important for creators to maintain boundaries and ensure that the content they present remains in accordance with social and ethical norms, so that the *live streaming* experience remains enjoyable and meaningful for all parties.

C. Review of the *Ju'alah* Concept on the results of *Live streaming* on Tiktok

1. Definition of *Ju'alah*

The meaning of the word *ju'alah* (جَعَالَة) in language is 'hiring'. *Ju'alah* is a commitment or *promise/iltizam* (التزامًا) in giving a certain reward/*'iwadh* (عوض) to achieve certain *results/natijah* (نتجه) based on work.¹⁶ While the meaning in terminology is a gift or wage given to individuals for a job that has been done. The meaning of *ju'alah* in terminology is that it means *iltizam* (responsibility) as a promise to voluntarily pay a certain amount of salary to someone who has provided a service that is not certain to be carried out as expected or given.¹⁷

The fuqaha argue that *ju'alah* in everyday life is giving wages to others who can win in a competition, treat sick people, or find lost items.

¹⁵ Interview with Muhammad Naufal, tiktok *live streaming* procession, 20 December 2024.

¹⁶ Abdul Rahman Ghazaly, *Fiqh Muamalah* (Jakarta: Kencana Prenada Media Group, 2012).

¹⁷ Abu Bakr Jabir Al-Jazar, *Muslim Encyclopedia Minhajul Muslim*, trans. by Fadhli Bahr (Jakarta: Darul Falah, 2000).

So, *ju'alah* is not only limited to lost items but also applies to any work that can benefit someone.

According to the Compilation of Sharia Economic Law, the meaning of *ju'alah* is a reward agreement from the first party to the second party related to the tasks carried out by the second party for the benefit of the first party.¹⁸ According to some of the above meanings, it can be concluded that *ju'alah* is an agreement to pay or reward someone for work that has been done as a wage or reward.

2. Legal Basis and Conditions of *Ju'alah*

The ruling on the permissibility of *ju'alah* contracts has many differences of opinion among scholars with their respective reasons and considerations. As for the permissibility of *ju'alah* contracts, it is contained in the Qur'an and the traditions of the Prophet Muhammad, as follows:

a. Qur'an

قَالُوا نَفَقْدُ صُوعَ الْمَلِكِ وَلِمَنْ جَاءَ بِهِ حِمْلُ بَعِيرٍ وَأَنَا بِهِ زَعِيمٌ

"The callers said, 'We have lost the king's shuwa' (measuring device or drinking vessel (cup)), and whoever can return it will get food (as heavy as) the burden of a camel, and I guarantee it'". (Q.S 12 [Yusuf: 72]).

In the verse above, it is told that the Prophet Yusuf a.s has made foodstuffs worth the weight of a camel to be used as a reward for who can find the king's lost drinking container.

b. Hadith

Hadith narrated by Imam al-Bukhari from Abu Sa'id al-Khudri:

حَدَّثَنِي مُحَمَّدُ بْنُ الْمُثَنَّى حَدَّثَنَا وَهْبٌ حَدَّثَنَا هِشَامٌ عَنْ مُحَمَّدٍ عَنْ مَعْبُدٍ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ كُنَّا فِي مَسِيرٍ لَنَا فَنَزَلْنَا فَجَاءَتْ جَارِيَةٌ فَقَالَتْ إِنَّ سَيِّدَ الْحَيِّ سَلِيمٍ وَإِنَّ نَفَرَنَا غِيبٌ فَهَلْ مِنْكُمْ رَاقٍ فَقَامَ مَعَهَا رَجُلٌ مَا كُنَّا نَأْبَهُ بِرُفْيَةٍ فَرَقَاهُ فَرَأَى فَأَمَرَ لَهُ بِثَلَاثِينَ شَاةً وَسَقَانَا لَبَنًا فَلَمَّا رَجَعَ قُلْنَا لَهُ أَكُنْتَ نَحْسِنُ رُفْيَةً أَوْ كُنْتَ تَرْقِي قَالَ لَا. مَا رَقَيْتُ إِلَّا بِأَمْرِ الْكِتَابِ قُلْنَا لَا تُحَدِّثُوا شَيْئًا حَتَّى نَأْتِيَ أَوْ نَسْأَلَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَلَمَّا قَدِمْنَا الْمَدِينَةَ ذَكَرْنَاهُ لِلنَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ وَمَا

¹⁸ Mardani, *Fiqh Ekonomi Syariah, Fiqh Muamalah* (Jakarta: Kencana Prenada Media Group, 2012).

كَانَ يُدْرِيهِ أَنَّهَا رُقْيَةٌ أَقْسَمُوا وَاضْرِبُوا لِي بِسَهْمٍ وَقَالَ أَبُو مَعْمَرٍ حَدَّثَنَا عَبْدُ الْوَارِثِ حَدَّثَنَا هِشَامٌ
حَدَّثَنَا مُحَمَّدُ بْنُ سِيرِينَ حَدَّثَنَا مَعْبُدُ بْنُ سِيرِينَ أَبِي سَعِيدٍ الْخُدْرِيُّ بِهِذَا

"Narrated to me [Muhammad ibn Al Mthanna] Narrated to us [Wahb] Narrated to us [Hisham] from [Muhammad] from [Ma'bad] from [Abu Sa'id Al Khudri] who said; On our journey we stopped at a place, then a woman came and said, "Verily a chief of the village is sick, and our men are absent. Is there anyone among you who can make quqyah?" So a man stood up who we did not know could make quqyah. He went with the woman and made quqyah, and she recovered. Then the village chief ordered that the man be given thirty goats, and we gave him milk to drink. When he returned, we asked him, "Are you a good quack?" He said, "No, and I did not quack her except with the Ummul Kitab." We said, "Do not do anything until we reach the Prophet (peace and blessings of Allaah be upon him) and ask him." When we reached Madinah, we mentioned this to the Prophet (peace and blessings of Allaah be upon him), and he said: "Then who told you that it is ruqyah? Share the goat, and I will also be given a share." [Abu Ma'mar] said: [Abdul Warith] told us [Hisham] told us [Muhammad ibn Sirin] told me [Ma'bad ibn Sirin] from [Sa'id Al Khudri] with this hadith. (HR. Bukhari).¹⁹

c. Opinion of the Ulama

This is the view of Ibn Qudamah, one of the imams of the hambali school, in al-Mughni, VII/232:

"The needs of society necessitate *ju'alah*, because the nature and duration of the work may not be clear, such as returning lost slaves, lost animals and so on. It is not permissible to do *ijarah* for this kind of work, even though the owner needs the lost items back, and he cannot find anyone who is willing to help him return them voluntarily (without payment). Therefore, the needs of the community dictate that a *ju'alah* contract for such a purpose is

¹⁹ Muhammad bin Isma'il Abu 'Abdullah al-Bukari al-Ju'fi, *Saheeh al-Bukhari*, 1st ed. (Beirut: Dar Tuq an-Najah, 2000).

permissible even if the nature and duration of the work is not clear."²⁰

The opinion of Imam al-Nawawi, one of the imams of the Shafi'i school of thought, in al-Majmu' Syarh al-Muhadzdzab, XV/449: It is permissible to do a *Ju'alah* contract, which is a commitment (by a person) to give a certain reward for certain or unspecified work that is difficult to know.

The opinion of the scholars in Hasyiyah al-Bajuri II/24: *Ju'alah* may be performed by two parties, the *ja'il* party (the first party who expresses willingness to provide compensation for a job) and the *maj'ul lah* party (the second party who is willing to do the work required by the first party), (*Ju'alah*) is the commitment of a legally capable person to provide certain rewards for certain or unspecified work to certain or unspecified people.

Based on the words of Allah SWT, hadiths and also the opinions of scholars that have been conveyed above, although there are differences of opinion between scholars, it can be concluded that *ju'alah* contracts can be done. This is also considering that there is a clear Qur'anic argument that allows *ju'alah* contracts.

Ju'alah itself has several provisions, pillars and conditions in its application including

a. General Provisions

- 1) The party who makes a promise to reward work that has achieved results is called *ja'il*.
- 2) The party who carries out the work and will receive compensation or the party who carries out *ju'alah* is called *maj'ul lah*.
- 3) The reward in a *ju'alah* contract is called reward/*iwadh'*/*ju'l*.

²⁰ Fatwa DSN-MUI Number 62 Year 2007 on *Ju'alah Akad*

b. Terms and Conditions of *Ju'alah*

- 1) The Ja'il (the person promising the reward or wage) must fulfil the following criteria, viz: capable (rashid), sound in mind ('aqil), and mature (baligh). Thus legally immature people, insane people, and people under legal guardianship cannot perform *ju'alah* contracts.²¹
- 2) The Maj'ul lah must be someone who is capable of doing the work being contracted. A *ju'alah* contract is not valid if the person who is contracted to do the work is not capable of doing the work requested.
- 3) Wages or rewards (reward/iwadh'/ju'l) must be known from something of value or quantity value, if the reward is not clear in quantity or value then *ju'alah* will be considered void. The reward must be a halal asset because the asset will be used as a reward for a job that has been done.
- 4) Al-'amal (work). The work done in a *ju'alah* contract must be work that can be measured for its achievement and results. Of course, the work must be work that has a positive impact and does not violate Islamic Law.

Based on DSN MUI Fatwa No. 62 of 2007, *Ju'alah* rewards are only entitled to be received by the *maj'ul lahu* party if the results of the work are fulfilled, the Ja'il Party must fulfil the promised reward if the maj'ullah party completes (fulfils) the achievement (work / natijah) offered. So that the content creator must fulfil the audience's request first before being entitled to a *gift*.

3. Analysis of the application of *Ju'alah* on the income earned from Live streaming on

The application of the *ju'alah* concept to the income earned by creators from *live streaming* on Tiktok can be considered in accordance with Islamic law as long as it fulfils the terms and conditions of *ju'alah*. In a *ju'alah* contract, there are three main elements: the promise giver (ja'il), the executor (ma'jul), and a certain job accompanied by a reward.

²¹ Jaih Mubarak and Hasanudin, *Fikih Muamalah Maliyah Akad Ijarah Dan Ju'alah*.

If analysed, the *gift* collection mechanism in *live streaming* can be categorised as a form of *ju'alah*, because the creator does a certain job based on the audience's request and receives a reward after the task is completed.

Then there are several things that analyse the application of *ju'alah* to *live streaming* on Tiktok, including fulfilling things like:

- a. The parties are fulfilled, in this case the content creator as the party doing the work as *maj'ul lah*, the audience as the party giving wages or rewards is called *ja'il*, and *gifts* as wages or rewards are referred to as (*reward/iwadh/ju'l*).
- b. The contracting party must have *reached* puberty, actually this is also appropriate because Tiktok has also set an age limit for its users, both content creators and viewers, which is at least 18 years old, in this case religiously it is also considered puberty.
- c. Content creators must be able to do the work requested by the audience (*ja'il*). In practice, when the audience asks the content creator to do something, the audience also asks for things that are already an expertise or related to the content presented by the content creator. In this case, based on the interviews the author conducted, each content creator is always able to do what the audience asks for.
- d. Wages or rewards (*reward/iwadh'/ju'l*) must be known from something of value or quantity value. From the interviews the author conducted, each *gift* is always set before something is requested by the audience. With the exception of content creators who did not set the amount of the *gift* from the beginning and only considered what he did was purely his own will, the *gift* that came later was more of a gift from the audience.
- e. The work done by *maj'ul lah* must be work that can be measured for achievement or results. In this case, every thing done by the content creator can be measured, for example when the audience of content creator Nabilla Meriza asks her to sing 3 songs, it is considered a measurable job.

- f. Wages are given when maj'ul lah has finished doing his job. This is in accordance with several sources that the author interviewed because every content creator gets a *gift* after they do something.

It can be concluded that the application of the *ju'alah* contract to live gifts as a reward in Tiktok Live has two conditions, namely a valid and invalid *ju'alah* contract. This is due to variations in the way live gifts are given and received between viewers and creators. The *ju'alah* contract is considered valid if the amount of wages or live gifts given is clearly determined when the audience promises to give it. Conversely, a *ju'alah* contract becomes invalid if the amount of wages or live gifts received is not clear. In addition, the *ju'alah* contract is also invalid if the viewer gives live gifts suddenly without a clear reason, or if there is bargaining regarding the amount of live gifts to be given.

However, in interviews conducted by the author, regarding *gifts* given in Tiktok *live streaming*, they are often not considered as *jualah* contracts, but rather as a form of reward or appreciation to content creators. This is due to the fact that the content creators themselves do not set a certain amount or value for the *gifts* given by the audience. Instead, *gifting* is seen more as a voluntary appreciation from the audience for the entertainment or content presented, without any binding agreement between the content creator and the audience regarding the amount of the *gift* to be given. In this context, *gifting* becomes a flexible form of support, where viewers are free to give according to their wishes and abilities, without any expectations or obligations affecting the relationship between the two.

Then if the audience has given a *gift* to the content creator but the creator does not carry out the request submitted by the audience, this can lead to legal problems related to ethical violations or default, even though there is no official agreement or written contract between the two. Tiktok itself does not regulate in detail about this issue in its platform policies, viewers who feel aggrieved can report creators to Tiktok or related platforms. In some cases, if the creator's actions are considered fraud or other violations, the platform may take action in the form of warnings or restrictions on the creator's account.

From the perspective of Islamic law, if the creator does not fulfil the audience's request after receiving the *gift*, this can be categorised as *gharar* (uncertainty) or *mukhālaḥa* (breach of promise) in the transaction. For example, if a creator promises to perform an action or fulfil a certain request after receiving a *gift*, but then does not do so, this could be considered a breach of the agreement, even if it is not formally written. In this case, the creator's action may cause injustice, which is against the principle of *adl* (justice) in Islam. Thus, the income earned by the creator can be non-halal.

Vice versa, if the viewer has asked the content creator for something and the creator has fulfilled the request, but the viewer does not *give a gift*, legally, there is no obligation to force the viewer to give the gift. *Gifting* is more of a social transaction and not a legal obligation. In Islamic law, the act of a viewer not fulfilling a promise to *give a gift* after the content creator has fulfilled their request can be considered a form of injustice and a violation of the principles of honesty and fulfilling obligations.

CONCLUSIONS

The conclusion from the review of the concept of *ju'alah* on the *gift* system in Tiktok shows that giving *gifts* in *live streaming* can be analysed through the principle of *ju'alah* contract, namely giving rewards or wages for work done. In the context of Tiktok, *gifts* given by viewers to content creators are often considered a form of appreciation or reward for activities or requests carried out by creators. However, there are two conditions to consider: first, when the *gift* is given before the work is carried out as a form of motivation or initial reward, and second, when the *gift* is given after the work is carried out as a reward in accordance with the results achieved then it is in accordance with the *ju'alah* principle.

The process of content creators earning income through *live streaming* on Tiktok can occur through giving *gifts* from viewers who appreciate the content presented or requests fulfilled. This *gifting* usually occurs in the form of virtual coins which can then be exchanged for money. However, this system is not always clear in determining the

obligations or rights between viewers and creators, given that there is no formal agreement or binding contract between the two.

Follow-up to the *gift* if the creator does not fulfil the viewer's request after the *gift* is received may lead to disappointment from the viewer, but in positive law, the *gift* is more voluntary and not bound by formal legal rules. From an Islamic legal perspective, the creator's inability to fulfil an agreed promise after a *gift* has been given can be considered a breach of moral obligation, even though there is no binding legal obligation between the two. Conversely, if the audience does not give the *gift* after the creator's request has been fulfilled, this could be considered a form of injustice in the context of Islamic law, which emphasises the importance of keeping promises.

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