

Vtube Application in the Frame of Islamic Law and Positive Law

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ABSTRACT: This study aims to determine the application of the principles of muamalat in the use of the Vtube application, starting from the benefits to the terms of use of Vtube and to see the view of positive law in the use of Vtube as a business. The method used in this research is field research by applying a formal legal approach as the basis of analysis. Then the research specification is descriptive analytical which focuses on analyzing all data obtained in the field as it is. Vtube should not be used because it is not in accordance with the principles of commerce and is contrary to the positive laws that apply in Indonesia. Vtube is an illegal business application that is prohibited from being used by the community. This research is useful for the wider community, especially users of the Vtube application by looking at the consideration of the principles of muamalat in every muamalat activity.

KEYWORDS: Vtube Usage; Islamic Law;; Positive Law, Ponzi Scheme

INTRODUCTION

The development of information technology in Indonesia today is increasingly rapid. The globalization of technology has provided so many changes in the information order to the economic order. The changes that occur are increasingly felt in terms of business or finance. These changes can be felt from the presence of online applications that can be used as a source of finance. Today's adult society no longer does all forms of business manually but can be utilized with many technological offers. Not only that, many online applications also provide large profit offers, promising a number of bonuses and prizes often occur. Earning money becomes the main goal achieved by every user without considering their abilities. One of the

applications that promises great benefits is the Vtube application.

Vtube is an application launched by PT Future Tech Indonesia in April 2020. This application is engaged in advertising. This Vtube application is not much different from the Youtube application in terms of service. However, in this Vtube application, users will be offered monetary rewards if they succeed in having Vpoints. Users who have 1 Vtube point will be valued at Rp.15,000 (PT Future View Tech, 2020).

In Vtube users are required to watch a minimum of 10 ads every day. How to get profit on Vtube can be done by completing ad targets that must be watched. The target consists of the user's obligation to watch a minimum of 10 ads per day.

These ads have different durations, on average all ads that are displayed have a duration of 10 to 15 seconds in 1 broadcast. If this target is successfully achieved, users will get a reward of 0.3 points a day. When

the user is able to complete the target in a month, the reward received is 10 points.

Users can utilize these points by exchanging them into rupiah. Exchange can be done by selling points to other members (exchange) who are in charge of buying and selling points. If it is calculated that 10 points owned are exchanged into rupiah, the money that will be received is Rp.150,000, - In addition, users can also use points by upgrading the user's Vtube level. So that the higher the level, the greater the point advantage obtained. For example, if a user has 10 points, it can be exchanged for a 1 star level and so on (Adelina Nasution, 2020).

This Vtube user has several levels namely Bronze, Silver, Gold, Platinum and the top level is Diamond which has a standard of 1000,000 points or the equivalent of 150,000,000. This level is determined by the number of points owned and the members under it. That way the more members and points you have, the greater the profit will be. In addition to the levels above, Vtube also has a free mission level. At the free mission level users are only able to collect as many as 10 points a month. Meanwhile, the Diamond level will get 3 points every day if you are able to watch ads according to the target (Ritonga, 2021).

However, in practice, there are irregularities in the use of Vtube, which lies in the origin of the benefits obtained by users. The uncertainty of the benefits obtained is something that needs to be questioned. The reason is that point exchange can only be done with members who want to raise their level.

In addition, other irregularities can be seen from the terms of point redemption. A user who wants to exchange his points into rupiah is required to leave 10 points for each disbursement. The 10 points are held by Vtube which then cannot be transacted. There is even the application of commissions, namely deductions taken and given to the head of each member according to the member's level. So the higher the member level, the greater the commission received. So Vtube users will continue to

look for members in order to get more profit.

Paying attention to the conditions contained in the use of Vtube, it will look like a ponzi scheme that is found in many fraudulent investment applications. The provisions contained in the Vtube application are that when members upgrade their level, there will be conditions that must be met. For example: to go up to the 6-star level, you are required to have 10 thousand Vtube points or around 150 million rupiah. Then at the 6-star level, users will be promised a profit of 3,500 points, equivalent to 52.5 million rupiah. The lure provided by Vtube will certainly encourage users to always upgrade their level if they want to get a bigger profit.

Islam is a perfect religion. All human activities are regulated in Islamic provisions including muamalat activities in economic traffic. The provisions in muamalat are required to be in accordance with the principles of muamalat which are the basis for its implementation. Indonesia is a Muslim country that certainly supports the enforcement of Islamic law, one of which is by making laws or regulations in accordance with the principles of muamalat in the economic sphere. In addition, the government has also established a fatwa institution that has the authority to issue fatwas related to business activities, namely the National Sharia Council-Majelis Ulama Indonesia (MUI).

The Vtube business, which is currently in demand by the public because it can make money just by watching advertisements, needs to be explored further in the provisions of Islamic law. In practice, several irregularities were found both in the terms of use and also in terms of the benefits obtained. So it is necessary to analyze whether the Vtube application is in accordance with the principles of sharia in bermuamalat. Then it will be seen from the point of view of positive law in terms of using Vtube.

METHODS

The type of research in this study uses field research, namely research conducted by

going directly to the field in order to collect data related to research problems. This research is included in economic legal research which is qualitative descriptive. Qualitative descriptive means that this research is not in the form of numbers or statistics but describes all the data collected from the field as it is.

The formal legal approach is an approach that is used in analyzing the object of research and then looking at legal positions related to Islamic law regarding halal, haram, valid, void, permissible and so on. In this study, the focus of the research is to see what the use of Vtube is like along with the benefits received by users to be further analyzed using the theory of muamalat principles and see the view of positive law by making laws or regulations that apply and relate to the object of research.

RESULT

Basic Concepts

Principles of muamalat in Islamic law

In carrying out muamalat activities, Islam regulates everything related to business activities. These rules include the principles of muamalat which are the basic rules that must be applied in every business activity. The word principle is called principle, principal and fundamental. Furthermore, muamalat activities are related to human relationships with each other in the economic field. The word muamalat is defined as the law that regulates human relations with humans (Y Fadhlilah, 2014). Thus, what is meant by the principles of muamalat in this study is a science that studies the main principles related to human relations with humans within the scope of muamalat.

Muamalat jurisprudence clearly explains the principles of muamalat. These principles must be carried out in all human actions in business activities in particular. In

detail, there are two principles that classify the principles of muamalat, namely:

1. General principles

The general principle in bermuamalat is first, tawhid found in the Qur'an Q.S al-Ikhlâs:

قُلْ هُوَ اللَّهُ أَحَدٌ ۝ اللَّهُ الصَّمَدُ ۝ لَمْ يَلِدْ وَلَمْ يُولَدْ ۝
 وَلَمْ يَكُنْ لَهُ كُفُوًا أَحَدٌ ۝

Meaning: Say: "He is Allah, the One. Allah is the Lord on whom all things depend. He has neither begotten nor was begotten, and there is none equal to Him."

The above verse talks about the divine principle that must be implemented in business activities. The point here is that every party in business is encouraged to submit all worldly affairs to Allah SWT. In addition, all activities are carried out solely to get the pleasure of Allah SWT.

Second, the permissibility of carrying out business activities in the form of cooperation, buying and selling, renting and so on (Saleha Madjid, 2018). It should be noted that Islamic law is responsive in answering all social changes that occur in the midst of society. Thus it can be understood that Islamic law in the field of muamalat in particular there are always legal reforms and provisions that are allowed in Islam. This is in accordance with the fiqh rule which reads:

الأَصْلُ فِي الْمَعَامَلَةِ الْإِبَاحَةُ إِلَّا أَنْ يَدُلَّ دَلِيلٌ
 عَلَى تَحْرِيمِهَا

Meaning: "The original law of all forms of muamalat is permissible unless there is evidence that forbids it" (A. Djazuli, 2006).

The purpose of this rule is that in every muamalah activity, including in terms

of business transactions, it can be done as long as there is no argument or nash that forbids it.

Second, the principle of khilafah that every human being is a khilafah or leader who is God's representative on earth. The values of khilafah in business activities will be reflected in the establishment of ukhwah between fellow Muslims. Upholding equality is also a principle that must always be held by the parties. The Islamic system of life provides color in every dimension of human life, including in the world of economics.

The Islamic system basically tries to dialectical economic values with the value of faith or ethics. This means that economic activities carried out by humans are built with a dialectic of materialism and spiritualism. So that the economic activities carried out are not only based on material values, but there is a transcendental backing in it and will be worth worship. In addition, the basic concept of Islam in muamalat (economic) activities is also very concerned about the values of humanism (Muhammad Maksum dan Hasan Ali, 2018).

Third, the principle of justice ('is). The principle of justice referred to in this case is the existence of equality that is implemented in behavior based on the teachings of Islamic law sourced from the Qur'an and hadith. Every muamalat must uphold the values of justice in which each party benefits in accordance with the contribution given. Balance and equality are also inherent in this principle of justice. The parties to muamalat both have rights and obligations in accordance with the mutual agreement. The application of the principle of justice must also reach how the distribution of property is carried out in a balanced manner so that the existence of a property is not only in a handful of people (Munib, 2018).

2. Specific principles

The specific principles in bermuamalat are as follows:

- a. Ihtikar (not hoarding). Ihtikar is derived from Arabic which means hoarding. The act of ikhtikar is defined as the act of purchasing as many goods as possible and then storing them so that there is scarcity and at that time the sale is made with a significant price increase. Hoarding is a behavior that harms others. The act of enriching oneself by not spending one's wealth in the way of Allah is also forbidden (Yusuf Azazy dan Rusmani, 2018).
- b. Not practicing monopoly. Monopoly is the activity of holding the existence of goods not to be marketed so that the price becomes expensive. The practice of monopoly is prohibited in Islam if it is done deliberately so that the price of goods rises.
- c. Avoiding haram business activities. the haram of a business is a prohibition and is expressly stated in the Qur'an. In business activities carried out must be avoided if they contain forbidden both in terms of substance and method of obtaining. Business activities must be in accordance with Islamic principles, namely fair, halal and not harming others (Dewi Maharani, 2020). Business activities can become haram if they contain the following elements, namely:

1) *Maysir*.

According to the language, means easy. *Maysir* has the same meaning as qimar, which literally means gambling (speculation). Meanwhile, according to the term maysir means getting profit without working hard. It has this meaning because in maysir there is uncertainty or has an element of luck. Even in maysir profits can be obtained without any effort as a work ethic to get

a large profit (Dewi Maharani, 2020).

Islam has prohibited a business activity that contains the element of *maysir*. The prohibition can be found in Q.S al-Maidah, verse 90 which reads:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ
وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ
رِجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ
فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ ﴿٩٠﴾

Meaning: O you who believe, Verily (drinking) wine, gambling, (sacrificing to) idols, casting lots with arrows are among the deeds of the devil. So avoid those deeds so that you may have good fortune.

The above verse explains that *maysir/qimar* is prohibited because it contains more *mudharat* than benefits. Islam provides restrictions on doing actions that contain harm to the parties and the wider community. Everything that contains *mashlahat* is ordered by Islamic law and everything that contains *mudharat* is prohibited by law. This is in line with the *fiqh* rules below:

جَلْبُ الْمَصَالِحِ وَدَرْءُ الْمَفَاسِدِ

Meaning: “Achieving the good and rejecting the evil” (A. Djazuli, 2006).

The act of *maysir* in a business is seen from the way to

get what you want very easily without any hard work to get profit. In Islam, *maysir* is referred to as any action that contains elements of gambling, betting or risky games. When the element of *maysir* is present in business activities, it can be emphasized that it is a prohibited business. Being involved a little and being involved a lot is still prohibited in Islam. The element of *maysir* occurs because of the uncertainty in the business activity that is promised (Aisyaturrido, 2014).

2) *Gharar*

In language, *gharar* means danger (*al-mukhatarah*), tends to damage (*al ta'rid li al halak*), deception (*al-khida*), uncertainty (*jahalal*). While according to terminology *gharar* is all business activities that contain uncertainty, speculation or contain bets. *Gharar* in the view of the *fukaha* is a business that is carried out without clarity both in the object of the transaction and the implementation of the business itself (Saleha Madjid, 2018).

The uncertainty contained in a *muamalat* activity has a great potential to bring disputes that are difficult to resolve. Basically, there are four kinds of uncertainty, namely: a) obscurity in the object of *muamalat*, whether in the form of a sale and purchase contract, lease or cooperation. Obscurity of the object can also occur in terms of the parties to the contract, the type and or type of object; b) unclear price and percentage of profit obtained; c) unclear period or time, in this case the time must be very clear because if there is uncertainty in time it will result in the cancellation of the

contract; d) uncertainty in the process of implementing the contract. Business transactions that contain elements of gharar are unlawful or invalid transactions to be carried out because there is fraud that makes it almost the same as gambling. This is in accordance with the hadith "The Prophet forbade buying and selling gravel and buying and selling gharar". Gharar that is carried out can result in the destruction of a contract (Aisyaturrido, 2014).

3) Riba

The word Riba comes from Arabic which means additional (al-ziyadah), grow (al-numuw), enlarge (al-'uluw) and increase (al-irtifa'). According to fiqh terms, Riba is a special addition that is owned by one of the parties to the transaction without a certain reward. Riba is often also translated as additional money on capital obtained in a way that is forbidden by shara' either with a small amount of additional or with a large nominal amount (Muhammad Maksum and Hasan Ali, 2018). The Qur'an explicitly prohibits the practice of usury found in Q.S al-Baqarah, verse 278:

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَذَرُوا
مَا بَقِيَ مِنَ الرِّبَا إِن كُنْتُمْ مُؤْمِنِينَ



Meaning: *“O you who have believed, fear Allah and leave behind the residue of usury if you are believers”*.

This prohibition is because usury can have psychological, social and economic impacts.

From a psychological point of view, someone who practices usury can foster and cultivate negative feelings in a person such as selfishness and apathy towards others. So that good relationships also cannot be established healthy with others. Beneficence only exists in a person who practices usury. Because the selfishness that is owned will make someone not concerned with others. In addition, the practice of usury is also able to eliminate a person's spirit of sacrifice towards others, eliminate the nature of helping and keep away from socialization.

Brotherly relations will become narrowed and unkempt so that many people who practice usury no longer have a sense of empathy for others. Human nature will be eroded along with the savagery of usury lovers. Eating other people's wealth in an unlawful way is no longer cared about because it is only personal gain that is thought of. Even today, when usury is rampant, hostility and quarrels are also rampant because it has eliminated the nature of kinship and destroyed compassion between fellow human beings.

From an economic perspective, economic practices create social inequalities in society. The reason is that the rich will continue to get richer and the poor will remain and get poorer. There is no sense of helping each other. It is very clear that the practice of usury makes a person richer in a way that is not approved by Allah SWT. It can even be known that wealth is only in the circle of a group of people. With social inequality, of course, it will also

increase high crime (Yusuf Azazy dan Rusmani, 2018).

- d. Muamalat must be based on the willingness and consent of the parties. The willingness of the parties in practicing muamalat is something very principal. Because it will affect the validity of a contract. To see the willingness in muamalat can be reflected in the *ijab* and *qabul* made by the parties (Muchlis Bahar, 2014). Suatu transaksi yang dilakukan karena keterpaksaan tidak dibenarkan atau dilarang.
- e. Freedom. This principle implies that in every business activity is required to be carried out with freedom, which means that there is no element of coercion in the muamalat process carried out. Freedom of will that will give birth to the voluntariness and consent of the parties (Ahmad Wardi Muslich, 2013). The freedom that is enforced must of course be based on the principle of mutual consent and no one party feels wronged (Siswandi, 2015).
- f. Legal certainty. All transactions must be based on contracts recognized by Islamic law and positive law. Recognition of a contract in Islam is an agreement that contains *ijab* and *qabul* between the parties. A valid contract will obtain legal certainty, legal certainty will guarantee the protection of the rights of each party and then can also avoid unwanted things. This means that a contract that has legal certainty is one of the events to minimize the occurrence of risks in the future (Supriadi dan Ismawati, 2020).

A legal certainty in positive law can be seen in the presence of a written agreement or contract between the two parties along with matters that become clauses of the agreement. The written agreement made also includes a form of prudence of the parties in running a business

considering that business activities are not only related to one person.

Analysis of Vtube in Islamic law and positive law

The Covid-19 pandemic that hit Indonesia had a negative impact on the economic sector. The decline of the national economy is also marked by the increasing number of unemployment. The Covid-19 pandemic has paralyzed the freedom of interaction among people and has even paralyzed economic growth, so that many companies have suffered losses and then laid off many workers. The financial hardship felt by the community becomes even more bitter when job vacancies are also increasingly scarce.

The scarcity of job vacancies experienced by the community, the Vtube application comes with an offer that makes people encouraged to try it. Vtube as a business application that brings in huge profits just by watching ads is a solution that is eagerly awaited during the pandemic. The easy way Vtube works is only by relying on android phones and internet data chosen by the community with the aim of increasing income. In addition, the use of Vtube which is simple and can be done anywhere makes the Vtube application even more attractive.

Vtube is a mainstream media via the internet that allows users to watch various videos they want just by searching in the application. As for other services that users can create their own video playlists, see other user satisfaction statistics. Similar to other social media applications, Vtube can also update, subscribe or follow other people's videos (Evans W Wirga, 2016). Uniquely, Vtube will also provide a fee if Vtube users are willing to watch the advertisements displayed by the application.

Vtube has a level for all its users. A user who is at the lowest level, namely a free mission, is a user who has no members or has no capital either in the form of points or in the form of investment. The free mission level will only last for 40 days and after that users are required to continue their level if they still want to use Vtube. Users who are at the free mission level have a target of completing at least 15 ads a day. If the target is able to be completed, the

user will get 1 point which is worth Rp.15,000.- thus if in a month the user is able to complete the entire ad target, the user will get Rp.150,000.-. (Ritonga, 2021).

Another convenience that exists on Vtube is that anyone can use it without any gender restrictions or age restrictions. The only requirements needed to run this business are to use an ID card and an active telephone number to activate. In fact today Vtube users do not only come from young people or men but the Vtube business has been done by many housewives.

Vtube business is done very easily without reducing and disturbing the user's time. Some users even leave their mobile phones after selecting an ad and do not watch the ad until it is finished. Because the most important thing in watching ads on Vtube is just completing the targeted time duration. All the conveniences and advantages provided by Vtube are certainly the main things that make people join the Vtube business (Ramlan Rambe, 2020).

However, with so many conveniences obtained and the benefits that feel odd, it is necessary to further review how the legal position of using the Vtube application. Considering Islam as a religion that is rahmatilil 'alamin, of course Islam has provided restrictions that should not be violated in carrying out business activities. These limits are contained in the basic principles of muamalat based on the Qur'an and sunnah.

The realization of healthy and good business activities to be carried out by the parties must be carried out clearly and honestly. This is a basic principle to fortify the trust of the parties in carrying out business activities. Thus it can be formulated that business activities that are in accordance with the principles in Islamic economics boil down to values that focus on amar ma'ruf nahi mungkar. Abandoning everything that is prohibited and doing everything that is recommended by Islamic law. These can be seen in the principles of divine economics (divinity); humanitarian economics (khalifah); balance economics (justice and equality); and principles in muamalat. The rules of doing business

according to sharia have a commitment that focuses on poverty alleviation, upholding the Islamic economy, upholding economic justice, eliminating MAGRIB (maysir, gharar, riba) and muamalat principles (M Zaidi Abdad, 2019)

After paying attention to the business activities carried out by the community through Vtube, it is known that in the Vtube business there are several elements that are not in accordance with the principles in bermuamalat, namely the presence of maysir, namely profit and loss. Vtube provides point exchange services with rupiah so that users who intend to exchange points for rupiah can do so through change or selling points to other members. However, this is fortuitous because there is no guarantee that the user will have a member who wants to buy the point. It is known that if a user wants to exchange his points to rupiah then he needs to find another user who wants to buy his points.

Furthermore, in Vtube there is also an element of gharar, namely the uncertainty in the origin of Vtube's profits. Users do not know where the profits come from, whether from Vtube itself or from companies that place advertisements on Vtube. Referring to the time of Vtube activation, it is also not further explained about the source of profit obtained by users. However, if the profits come from companies that offer certain products by placing advertisements on Vtube, of course, if you look at it from a business logic point of view, it is very unfavorable for the company because it will only increase large expenses which could potentially cause losses. Because the company will also provide compensation for Vtube as a service provider. At the extreme, every time someone else sees an ad, the advertiser will be obliged to pay. But what if those who watch the ad are children, even though they watch as many ads as possible but the target market is not in accordance with the products offered, losses will definitely occur.

Uncertainty is also found in users who invest their wealth to level up so that they have as many points as possible. The benefits of investment are unclear because it is not known when the points owned will provide benefits. Because the points owned will continue to be points until a change is made with other

members. Even the value of large investments up to Rp.150,000,000.- has no guarantee that it will return at the promised time. The absence of a contract is also one of the weaknesses of Vtube so that users who experience losses do not have authentic evidence as a handle. Thus, it can be drawn a red thread that there is uncertainty about the time and profit of investment.

The existence of the elements of *maysir* and *gharar* becomes clearer because there is no effort made by the user but gets a large profit. The offer given by Vtube with the lure of capital that can be returned within 3 months is only a trick to attract people to participate in investing their money.

As a legal country, Indonesia has a set of rules and institutions that take care of digital business issues. To provide security and comfort in business activities, the government through the Financial Services Authority (OJK) provides strict rules for every company established with business purposes. Every company that wants to carry out business activities is required to have an operational license from the OJK.

Based on a letter issued by the OJK regarding the Investment Alert Task Force (SWI), it is contained in the attachment to the list of entities terminated by the OJK that Vtube, which is registered under the name PT Future View Tech (Vtube), is terminated on the grounds of unlicensed money investment by offering profits of Rp.200,000-Rp.70,000,000 only by clicking on advertisements (Otoritas Jasa Keuangan, 2020). Based on the OJK Press Release numbered SP-06 / SWI / VII / 2020 on July 3, 2020, it is firmly stated that the government has stopped Vtube's business activities because they have the potential to harm the public. Responding to the OJK Press Release, the Ministry of Communication and Information has also removed the Vtube Electronic System Operator Registration Mark with Number: 002376/DTAI.PSE/03/2020 (CNN Indonesia, 2021).

In using Vtube as an application that adds profit, it is very clear that there is no legal certainty which is the general principle in *muamalat*. It is known that Vtube was once

licensed by the OJK with an information and telecommunications license. The decision to revoke this license was made by the OJK in consideration of the number of applications that acted as investment companies but turned out to be fraudulent investments. Under the guise of investment, Vtube is basically the same as companies with the Money Game system.

The definition of Money Game is explained by Fatwa DSN-MUI No. 75 / DSN-MUI / VII / 2009 concerning Guidelines for Sharia Leveled Direct Sales (PLBS), in the first provision of paragraph 9 it is explained that Money Game activities to raise public funds or procure money with the practice of providing commissions and bonuses from the recruitment / registration of new business partners / joining then not from product sales or product sales results but the products sold are only camouflage or do not have quality / quality that is accounted for.

The practice of money games or often also referred to as ponzi schemes is carried out by persuading others to invest their wealth by offering high returns. Ponzi schemes usually always invite new investors by offering large and fast profits. Ponzi schemes have advantages such as *segitinga* (Harizan, 2017). This means that profits will always flow to the highest leader from the profits earned by members. Slightly different from Vtube, in Vtube the profit earned by a leader only comes from 1 level below a leader. So that if the members have other members as well, then the first leader is not entitled to the benefits.

At the level of a Multi Level Marketing (MLM) company, Vtube also applies this to its users. In the MLM system, if someone uses the Vtube application, he must have a member or member of the company (Muchlis Bahar, 2014) which they usually call "foster children". After having several members, a leader will be responsible for training their members until they get a big profit. The benefit that a leader will get with a large membership is that they will benefit by not being charged a deduction or disbursement fee which was previously 25% of the points owned. With members, the fee is no longer charged to a leader. Another advantage that the leader gets is that every member who

will disburse or change points, a leader will get a fee.

Globally, the business system with MLM is carried out by attracting prospective members who are also consumers and members. If the more members you have, the more profit a leader will get (Agus Marimin, 2016) even the more the Vtube level owned by the leader increases. This MLM business under the guise of investment occurs on Vtube which clearly harms others.

Business offers by claiming to get huge profits are very dangerous for the community. Because indirectly Vtube has taken advantage of people's ignorance of Islamic law and positive law so that it gives the lure of giving high profits (Muhammad Syamsudin, 2020).

Based on the provisions of Fatwa DSN-MUI No. 75 / DSN-MUI / VII / 2009 / About Guidelines for Sharia Leveled Direct Sales (PLBS) in the consideration of the fatwa in the first decision paragraph 9 which reads: "Money Game activities to raise public funds or procure money with the practice of providing commissions and bonuses from the recruitment / registration of new business partners / joining then not from the sale of products or the sale of products but the products sold are only camouflage or do not have quality / quality that is accounted for."

Referring to Vtube that in practice there are elements as described in the paragraph above that there is a bonus or profit obtained from recruiting members. Furthermore, in the second decision paragraph 1 which reads: "Transactions in the trade do not contain elements of gharar, maysir, usury, dharar, dzulm and sin" while if you pay attention to the Vtube business there is gharar and maysir which is detrimental to investors because there is no clarity in investment.

In addition, there is also another fatwa from DSN-MUI with No. 291/MUI-KB/E.1//VII on the Law of Network Marketing/MLM Business: 291/MUI-KB/E.1//VII on the Law of Network Marketing / MLM Business establishes the prohibition of MLM as a Money Game because it is included in real fraud. More clearly in the Criminal Code Chapter XXXV Article 378 which reads:

"Fraud is a person who, with intent to unlawfully benefit himself or another, either by means of a false name or a false situation, or by deceit, or by a series of false words, induces someone to deliver goods or to create debts or to cancel receivables."

The crime of fraud is one of the crimes against property. In a broader sense, it is said that the crime of fraud is also called bedrog. Bedrog is also regulated in the Criminal Code Chapter XXV articles 378-395 which explains that bedrog can also take the form of fraud which is more specific, namely forms of fraud, elements of fraud and legal consequences of fraud.

In the author's opinion, Vtube is included in the main fraud category as described in article 37 of the Criminal Code. From the wording of the article above, it can be understood that the fraud scandal contained in Vtube is included in the category of criminal acts. Because in Vtube a user is invited to continue to increase his level by investing a certain amount of money by offering high profits in a relatively fast period of time.

CONCLUSION

Based on the explanation above, it can be concluded that a business using Vtube should not be done because it is not in accordance with the principles in muamalat which prohibit the elements of maysir and gharar and even contain mudharat for others. In addition, in the eyes of positive law in Indonesia, the Vtube business is contrary to the provisions of the DSN-MUI Fatwa No. 75 / DSN-MUI / VII / 2009 / Regarding Guidelines for Sharia Leveled Direct Sales (PLBS) and other fatwas from DSN-MUI with No. 291 / MUI-KB / E.: 291 / MUI-KB / E.1 / VII concerning Network Marketing / MLM Business Law and contrary to the Criminal Code article 378. The impermissibility of using Vtube as a business really needs to be socialized to the entire community so that victims of fraud do not expand. In addition, it needs to be followed up further by Kominfo RI and OJK regarding the prohibition of the use of illegal entities because to this day there are still many people who use Vtube as a business that promises huge profits.

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