

## Review of Islamic Law on microtransaction contracts in the gacha system

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### ABSTRAK

Sistem gacha adalah sebuah konsep *game* dari Jepang. Popularitas *game mobile* dengan model bisnis *freemium* (F2P) yang menggunakan sistem gacha sebagai alat monetisasi *game* menjadi masalah jika dilihat dari legalitas transaksi menurut syariat Islam. Pembelian *item* virtual dalam *game* disebut sebagai *microtransactions*, dimana pemain menggunakan uang riil yang dibelanjakan menjadi *item* virtual atau mata uang *game* sebagai alat tukar untuk *item* tersebut. Strategi *freemium* memiliki daya tarik bagi pemain untuk menghabiskan uang untuk menjelajahi permainan. Gacha adalah metode untuk mendapatkan *item* virtual dalam *game*, konsep gacha sangat bergantung pada probabilitas dan kelangkaan *item* tersebut. Semakin langka *item* tersebut, pemain diharuskan mengeluarkan uang lebih banyak. Di Jepang, pada tahun 2012, gacha dilarang karena melakukan kampanye yang menyesatkan. Penelitian ini bertujuan untuk menganalisis validitas sistem akad *microtransaction* pembelian barang virtual menggunakan sistem gacha menurut Islam. Penelitian ini menggunakan metode penelitian kepustakaan. Dalam mengumpulkan data penelitian, peneliti menganalisis sumber dari penelitian sebelumnya terkait strategi bisnis *freemium*, transaksi mikro dan penggunaan sistem gacha, serta aturan hukum Islam dari berbagai transaksi tersebut. Hasil penelitian menunjukkan bahwa transaksi menggunakan sistem gacha mengandung unsur *maysir*, *taghrir* dan *tadlis*. Menggunakan sistem gacha tanpa melakukan transaksi mikro dengan uang asli tidak memenuhi unsur *maysir*, *taghrir* dan *tadlis*. Sementara itu, pemain yang melakukan transaksi mikro untuk membeli *item* dalam *game* secara langsung atau tanpa melalui gacha termasuk dalam akad *ijarah*. Pemain juga bisa mendapatkan *reward* sebagai bentuk hadiah dari *developer game* jika pemain melakukan *grinding*.

Kata Kunci: Gacha, *Freemium*, Hukum Islam, Bisnis, Transaksi Mikro

### ABSTRACT

Gacha system is a game from Japan. The popularity of mobile games with a freemium (F2P) business model that uses the gacha system as a game monetization tool has become a problem when viewed from the legality of transactions according to Islamic law. Purchases of virtual items in the game are referred to as microtransactions, where players use real money that is spent into virtual items or game currency as a medium of exchange for these items. The freemium strategy has an attraction for players to spend money to explore a game. Gacha is a method to get virtual items in the game, the concept of gacha is very dependent on the probability and rarity of the item.

The rarer the item, the player is required to spend more money. In Japan, in 2012, gacha was banned for carrying out a misleading campaign. This study aims to analyze the validity of the microtransaction contract system for purchasing virtual items using the gacha system according to Islam. This research uses the library research method. In collecting research data, the researchers analyzed sources from previous studies related to freemium business strategies, microtransactions and the use of the gacha system, as well as the rules of Islamic law from these various transactions. The results show that transactions using the gacha system contain elements of *maysir*, *taghrir* and *tadlis*. Using the gacha system without doing microtransactions with real money does not fulfil the elements of *maysir*, *taghrir* and *tadlis*. Meanwhile, players who perform microtransactions to buy in-game items directly or without going through gacha are included in the *ijarah* agreement. Players can also get rewards (sell) in the form of certain items if they grind as a gift from the game developer.

## I. INTRODUCTION

Microtransactions have become popular since the development of the game industry, especially in Indonesia. Various gaming communities are growing and have entered the realm of professional players who are recognized both nationally and internationally. In the world gaming market, Indonesia is ranked 12<sup>th</sup> with 62.1 million active users; even Esport Indonesia has been accommodated by the government with the establishment of the Indonesian Esports Executive Board (PBESI) as the official organization for the national sports coaching branch (Gunawan et al., 2021). Since 2018, esports fans worldwide have reached 380 million viewers (Columb et al., 2019). And almost all games currently use a business strategy with a microtransaction system, namely using the real currency for purchases in a video game (Ricky et al., 2021). such as Mobile legend, PlayerUnknown's Battlegrounds (PUBG), Free Fire, Genshin Impact, and others.

Game developers tend to use a business strategy with a freemium or free to play (F2P) model to attract customers, namely by inviting customers to download game applications for free and then customers can buy content or items in the game (Pradhipta, 2021). In principle, the freemium strategy divides consumers into two groups firstly; non-paying customers will get a limited value proportion for free; secondly, paying customers will get a more increased value proportion for premium (Holm & Jensen, 2017). The business strategy unit above can attract the interest of customers or game users in exploring the game, especially if the game has a Massively Multiplayer Online Role-Playing Game (MMORPG) type. This type of game was developed by the current esports industry. With so many online games available and a large number of players, it is possible for players to make transactions in the game to win points. It is not uncommon for gamers to buy items such as weapons, clothes, accessories and others. Most of these transactions are carried out using the gacha system or loot box.

Gachapon or gacha is a term for game of chance which is inspired by the concept of a toy capsule machine in Japan; gacha is similar to a vending machine for children's toys that issue gifts if one is lucky. Gacha in the game can be played for free, but virtual items with

a certain rarity can often only be obtained through purchases with real money (Pradhipta, 2021). Buying and selling transactions in online games have become a very profitable business opportunity because of the large market. The number of game downloads that are currently popular in the Play Store application is the Free Fire game which has reached one billion downloads, Mobile Legend has reached 100 million downloads, and PlayerUnknown's Battleground (PUBG) has reached 500 million downloads. Almost all of them use the item purchase system with the gacha model. Therefore, the author is interested in conducting a review of Islamic law from transaction contracts made by game users that are used to purchase game items with the gacha model. Various types of buying and selling have been regulated in Islam; these transaction activities are part of *muamalah* life. Whereas in Islamic law, things that are *mumalah* basically have certain rules. Namely as follows: "The original law in all forms of *muamalah* is permissible unless there is evidence that forbids it".

This rule has the meaning that in every transaction and *mumalah* basically, it is permissible, for example, buying and selling, pawning, renting, cooperation and others, unless there is a strict prohibition against a transaction, such as causing something bad (*mudharat*) for example fraud (*tadlis*), uncertainty (*taghrir*), usury and gambling (Permana, 2020). In discussing the mechanisms and effects of gacha both socially, economically and individually involved in microtransactions used for gacha in online games, previous studies have varied as research conducted. Shibuya (2019) explains that some game users who use the free to play (F2P) system with gacha have the impact of social and economic problems. As in its home country of Japan, the gacha system was banned in 2012 because it was considered a misleading promotion by offering a high probability of profit (Koeder & Tanaka, 2017). Specifically, Indonesia currently does not have a law that regulates gacha law in online games. The loot box or gacha system is not in line with Law number 11 of 2011 concerning Gambling (Putra & Gunadi, 2020). Research on gacha using the perspective of Islamic law is rarely found in interpreting transactions using the gacha system. So, the author wants to study more about the gacha problem with the unity of the transaction contract in it.

## II. RESEARCH METHOD

This paper uses library research. In collecting research data, the next researcher analyzes and organizes sources from previous research related to freemium business strategies, micro-transactions and the use of the gacha system, as well as the rules of Islamic law from these various transactions. Shavelson and Towne explain that doing a literature review is the same as extracting variations in the results of previous studies, in obtaining an overview of the problems to be studied and also being able to answer the various challenges that exist when compiling a study (Mahanum, 2021).

## III. RESULTS AND DISCUSSION

### 3.1. Microtransactions in Gacha Game

Initially, microtransactions were used to make payments when buying apps or to buy content in video games. Most of the microtransactions are done with a low amount. The name of this transaction is based on its purpose, not on the amount of the transaction. Many examples of these microtransactions are carried out in high payout amounts, often in games of good level (Tomić, 2019). Microtransaction is a general term used by game players to purchase in-game items that can be purchased with the game currency, such as gold, diamonds, credit actions, credit points and others provided in the game. Game designers design game mechanics that require virtual goods; therefore, they present virtual currency in their video games, with the aim of attracting them to spend their real money by converting it into virtual items or game currency through microtransactions (Asadi & Hemadi, 2018; Schwiddessen, 2018).

The development of microtransactions has its own problems in the game world, for example, the problem of fairness in multiplayer games, people who use real money to make functional purchases of items such as weapons and level up are considered inappropriate in the eyes of other players who follow the game flow with gameplay. It's systemically fair because the settings are already provided in the game but deemed unworthy of their instantly higher position (Evers et al., 2015; Neely, 2021). This does not mean that single-player games are immune from ethical issues with item purchase content because, in single-player games, transactions often appear under the guise of Downloadable Content (DLC) (Neely, 2021). Downloadable Content (DLC) is additional content that is very important for many reasons, one of which is to keep the game story 'Fresh' and not boring. The problem is that players will continue to be encouraged to spend their money on commodities in the game (Lizardi, 2012). The purpose of game users doing microtransactions other than to buy functional items (pay to win), such as increasing levels and adding weapons, namely to buy decorative items to add aesthetics in the game or often called cosmetic microtransactions. For example, players can spend their real money to spend in-game emotes that can express their ideas or feelings, change the appearance of clothes (skins), buy certain effects such as 'goal explosions' which allow celebrating in-game victories with unique visual effects (Zendle et al., 2020).

### **3.2. Freemium Transaction Model (F2P) in Game**

In the game industry, the development of microtransactions is supported by a freemium model business strategy known as free to play (F2P). This means that customers can download games for free, but customers are encouraged (to explore games) to make purchases from commodities in the game, except for customers who use the game for free, they will get a limited proportion of value while increasing levels or get cosmetics in the game must go through the grinding process (Hamari et al., 2020; Holm & Jensen, 2017). In a study, it was also found that customers have a positive attitude towards service providers when there are events at low prices and make customers' purchase intentions higher. Since it is believed that the use of money is an investment in their game account, it is likely that customers will get real money when trading that game account in the future (Wang et al., 2021). In Indonesia, there is already e-commerce that trade gold, diamonds, accounts and other game vouchers (Agus Rohmat Hidayat, 2020).

The freemium business strategy has a unique concept in attracting customers to make in-game transactions. Some freemium services sometimes intentionally reduce the enjoyment of playing when customers play for free so as to attract customers to buy content or features provided as premium (Heimo et al., 2018). There are several things that influence the purchase intention of players. Firstly, the higher the level of enjoyment of freemium, the lower the intention to buy premium content, but the higher the intention to use the service as a whole. Both are positive social values. The three qualities of freemium services have nothing to do with the intention to buy premium content even though they have something to do with the use of freemium—the four economic values (Hamari et al., 2020). It encourages players to make transactions with real money in exchange for virtual items or game currency; freemium provides rewards in the form of game currency or items for free if players do grinding or other terms farming (playing continuously).

The concept in freemium is to attract a large number of players, many of whom never spend any money on the game. When game publishers can't make money directly from players, they use ad-generating content and players will automatically click on ads or watch videos. This is called an incentivized action, and when players are annoyed, they can make a transaction to convert to premium without advertising (Sheng et al., 2020). Even in the grinding concept above, players are even willing to watch advertisements to get rewards in the form of items or game currency.

### 3.3. Gacha Mechanism

In Japan, the free to play (F2P) mobile game industry started more than ten years ago before the introduction of smartphones. In contrast to Western countries, they introduced a special monetization in F2P called "Gacha" or "Gachapon". Players cannot directly purchase items via in-app payments but must participate in a lucky draw to get the item (Koeder & Tanaka, 2017). This gacha system is one of the main sources of revenue for free-to-play games in Japan (Shibuya et al., 2015).

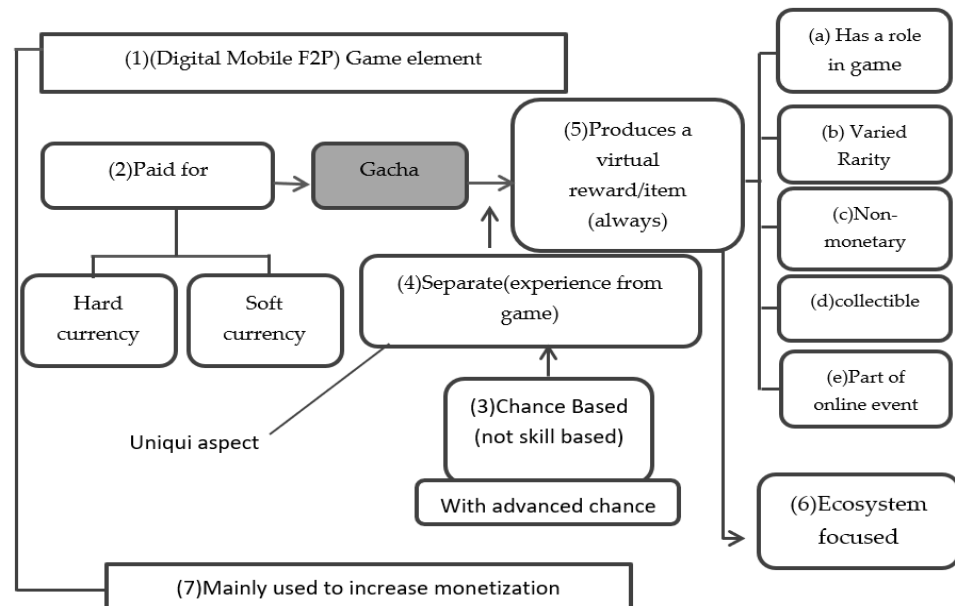
Gacha is often associated with loot boxes because both transactions and objectives are the same if Gacha comes from the Gashapon machine game while loot boxes come from treasure chest boxes (Koeder et al., 2018). The mechanics of loot boxes are the same as for Gacha in that they are virtual boxes that are earned with real money and contain virtual items to gain in-game benefits. However, players do not know in advance what items will be received; virtual items can be in the form of functional or cosmetic benefits (Meduna et al., 2020). There are several mechanisms used in purchasing items with the Gacha system:

- a. Complete Gacha, i.e., players must obtain a set of items to unlock special rare items.
- b. A gacha box is a virtual box from a set of items with a known probability.
- c. Sugoroku Gacha is combining Gacha with boardgame; the gacha acts like a dice which then allows the player to move across the board to unlock special items.
- d. Redraw Gacha is that users can redraw Gacha (sometimes free, sometimes paid).

- e. Consecutive Gacha is buying gacha in bulk to increase the overall chance of getting rare items.
- f. Open/Closed Gacha is a gacha that shows its probability to obtain certain items.
- g. Discounted Gacha is a special campaign where users pay less for gacha sweepstakes (Koeder et al., 2018).

Based on actual gameplay and previous literature, the initial outline of Gacha in F2P games can be described in Figure 1. as follows:

**Figure 1.** *Gacha in F2P Games* (M. J. Koeder et al., 2018)



From the chart above, it can be understood that (1) Gacha is an in-game system and not the game itself. (2) The transaction uses game currency obtained from real money, namely hard currency and soft currency. (3) This game is based on chance. (4) Get a different experience in clicking the gacha, and usually use animation to visualize the lucky draw. (5) Always give virtual gifts. (5a) In the form of virtual items, characters and others. Which plays into the game (5b) Different rarity levels (5c) Often collectible (5d) Cannot be exchanged for real money (5e) Gacha and rewards are often tied to real-time events. (6) Items obtained through gacha are only valuable within the game, as they are an important part of the game ecosystem. (7) Gacha is mostly used to increase the monetization of game providers (Koeder et al., 2018; Koeder & Tanaka, 2017).

### 3.4. Concept of transaction contract in Islamic perspective

Buying and selling are very important activities in life because this activity continues to be carried out from time to time, and every buying and selling has its own rules. The etymological definition of buying and selling is "exchange of something with something else" (Hamdani, 2019). The concept of buying and selling in Islamic economics is the transfer of ownership of an item due to a contract of exchange of property for property or property for goods (Satiyo & Ambariyani, 2018). Meanwhile, in terms of objects being traded, they are divided into 3, namely: First, buying and selling *Mutlaqah*, meaning the

exchange of goods or services for money; second, buying and selling *Sarf* means the exchange of one currency with another currency, third, buying and selling *Muqayyadah* means the exchange goods with goods (barter) (Putra, 2019).

*Akad* is the most important part of a transaction because one way to get something to be owned, according to Islam, is by using a contract. *Akad* comes from the Arabic *al-aqd*, which means engagement, agreement and agreement. In the contract, what must be done is *ijab* (statement of making a bond) and *Qabul* (statement of accepting a bond), and the implementation of the contract is carried out by two or more people who must be carried out according to the sharia, must not deviate such as fraud or ambiguity (Putra, 2019). According to the majority of scholars in general, it is stated that the contract is everything that humans want to do, whether it comes from one party such as *waqf*, *thalaq*, liberation, or comes from both parties such as buying and selling, *ijarah*, *wakalah*, and *rahn* (Adam, 2021). Contracts in fiqh are divided into two categories, namely, first, *mu'awadah* (reciprocal) contracts of a business nature, such as *bai'*, *ijarah*, and *salam* contracts; both *tabarru'* (voluntarily) are good, such as a grant, *qard*, and *shadaqah* contracts (Harun, 2018).

In the sale and purchase agreement, there are pillars and conditions that must be met. The pillars of buying and selling are the contract (*ijab* and *qabul*), the parties to the contract (seller and buyer), and the price and goods or *Ma'qudalaih* (the object of the contract), and the purpose of the contract (*maudhu' al-aqd*) (Satiyo & Ambariyani, 2018; Atthoriq et al., 2020). The conditions in terms of the perpetrator (seller and buyer) are reasonable, self-willed, both proficient in law, and *baligh* or mature. In terms of price and goods (*ma'qudalaih*), the first is sacred; the second is useful; the third can be handed over, the four items are clear in substance, size and nature, the five items are in power (property). In terms of the contract (*sighat*), the first is that the seller and buyer are already *mukallaf* (legally competent), the second is that the *qabul* is in accordance with the consent, the third is the consent and the *qabul* in one majlis (forum) (Hamdani, 2019).

In contemporary buying and selling contracts, people are often found transacting without saying the contract (*Sighat*) in one *majlis*, this kind of contract is called buying and selling *mu'athah*. *Mu'athah* buying and selling has the meaning of an agreement between the two parties (the seller and the buyer) on the price (*tsaman*) and the goods sold (*mut saman*) and both exchange without saying *ijab* and *qabul*, and sometimes there is one party who says *lafadz* (Basyiroh, 2018). In addition, *sighat* can also be done in writing (*aqid bil kitabah*), usually done when it is not possible to say *sighat* directly (Satiyo & Ambariyani, 2018), the transaction process of giving and receiving money and goods is part of *sighat*. The concept of money in Islamic economics is different from the concept of money in conventional economics. In Islamic economics, the concept of pure money as a medium of exchange (money) is not capital, while in conventional economics, money is sometimes considered as money, and sometimes money is considered as capital and commodities (Windiausti & Athief, 2019). As for some of the rules of *fiqh* in transactions (contracts), as follows: "The main law in the contract is the willingness of both parties to enter into the contract, and the result is what is determined in the contract."

This means that every transaction must be based on freedom and willingness; there is no compulsion or disappointment in either party. "A contract whose object is a certain object is like a contract for the benefits of that object." It means that the object in the contract can be in the form of certain goods, such as buying and selling and also in the form of the benefits of an item (leasing), so whether the purchase of goods or benefits and services are the same terms and pillars. "Transactions that are cancelled because they do not meet the requirements and pillars do not turn out to be valid because they are allowed." This means that a contract that is void in Islamic law is considered non-existent or never happened. For example, if in a usury contract it is clear that the law is forbidden, it cannot be done unless the contract is replaced in accordance with the sharia (Permana, 2020).

### 3.5. Analysis of Islamic Law on Direct Purchase of Virtual In-Game Content/Items

Microtransactions in online games, according to the Islamic view, are rental contracts (*ijarah*), when players use real money to buy game features (top-up) or make premium accounts. Earning free items or game currency is referred to as a special gift contract (sell). The reason for the two is especially online games that have received official licenses from the state, which means they are allowed because they are out of the *muamalah* limits, which are prohibited in *fiqh* (Syamsudin, 2021). Giving game currency or in-game items by the developer is part of the sales contract. The concept of selling in *muamalah* has the meaning of reward or giving someone in a certain amount to people who do special actions (Afriani & Ahmad, 2018). Then the player has the right to use it to purchase in-game items whose prices are clearly stated.

Meanwhile, when a player makes a purchase using real money, it does not include *sharf* because the *sharf* provisions are against the official currency. *Sharf* in the digital era is usually done to top up e-money because e-money is a legal currency as a representation of the amount of money deposited at the e-money issuer. The value of e-money is cash and stable so that it is free from elements of usury, *gharar*, and *maysir* (Febriandika & Hakimi, 2020). Meanwhile, the game currency is not something original but only an HCI (Human-Computer Interaction) design (Wang & Mainwaring, 2008). The *sighat* position that occurs in the top up and purchase of virtual items in the game is referred to as a *bi al mu'athah* contract (Satiyo & Ambariyani, 2018). *Mu'athah* contract is making a contract without explicit consent because it is based on habits in the community, and there has also been mutual agreement (*an-taradin*) between the two, according to the *Syafiiyah* scholars *mutaakhirin* considers it to be a valid contract (Hamdani, 2019).

### 3.6. Analysis of Islamic Law on the Purchase of Virtual In-Game Content/Items through the Gacha System

Microtransaction as a purchase contract in the freemium game (F2P) has several ways for players to get paid content/items in the game, first by making payments with real money; secondly, free users must play the game continuously (Holm & Jensen, 2017), thirdly by watching advertisements (Sheng et al., 2020). Gacha is one of the variations in monetization that game developers use to get players to get features in the game. Transaction contracts



to buy features in the game use a purely probability-based gacha system, and there is no clear price listed to get these items, as illustrated in the grand scheme of gacha in numbers 3 and 4 (Koeder et al., 2018). If this is seen in *fiqh*, transactions through the gacha system contain elements of *maysir*, *taghrir* and *tadlis*.

In simple terms, *maysir* means to get something easily, without working, and to get a profit with the element of betting or commonly called a risky game with speculation (Zulfaa, 2018). There are three aspects of gambling; the first is the goods at stake, the second is the game as a determinant of victory, the third party who wins takes the treasure. The position of *maysir* in gacha is when the player uses real money to play gacha, and when doing this, the player does not get the desired item, while the game developer benefits from it, meaning that the buyer (player) here charges the money to the winner (developer) for the game—a trading system based on luck. The game as a determinant of gambling victory in the gacha system varies, such as compu gacha, box gacha, sugoroku gacha, redraw and others (Koeder et al., 2018).

The gambling system on gacha is not exactly the same as that in the real world because players don't get real money as prizes, but the player's perception of getting rare items with gacha is similar to getting big money prizes in gambling. Moreover, players can look for the sensation of big wins by paying more and more money. This game context is called gambling simulation (Shibuya et al., 2015). Even the state mufti of Malaysia forbids the gacha system in the 626<sup>th</sup> Erysyad Al-Fatwa on the issue of gambling, with legal considerations that three aspects of gambling are fulfilled, as well as with the arguments of several books and the Qur'an in Surah Al-Maidah verse 90, which explains that liquor, gambling, sacrificing to idols, voting for fate is a heinous act and an act of the devil (Saiful Adlie, 2021).

*Taghrir* (obscurity) and *Tadlis* (deception) are further influences that make gacha prohibited in Islam. In *fiqh muamalah*, *taghrir* or *gharar* has three meanings, first something doubtful or uncertain, second something unknown; the third, *gharar* is a combination of the two (Ramly, 2019). In the gacha, every item that you want to buy has been explained in detail by the developer so that the purchase of items that are unclear or uncertain are slightly refuted. But the problem is that the buyer cannot immediately take the item; it is necessary to take it randomly by the buyer so that the item you want to take is not necessarily obtainable, and there is no certainty of price, and this is a form of *gharar* from gacha. The element of fraud (*tadlis*) in gacha also lies in the condition that one party does not know the truth (Sutjipto & Cahyono, 2020).

One element of gacha as a system that has a *tadlis* side is the example of the case in Japan which once banned the gacha system itself because it was too aggressively carrying out campaigns that were considered heretical so that players played games with the gacha system, and in the end, triggered players to continue spending their money to earn rare items that are not necessarily obtained.

The basis of Islamic law based on habit is called '*urf*', in terms of whether or not '*urf*' is divided into two, namely '*urf sahih*' (true) and '*urf fasid*' (damaged) (Athief, 2019). Although

gacha has become a habit among players and considers just a game which means it is not gambling in real life, the practice with real money and the system and motivation of gacha is no different from gambling in real life. The contract rules above which states, "transactions that are cancelled because they do not meet the requirements and pillars do not turn out to be valid because they are allowed". So gacha transactions using real money, which contain elements of *maysir*, *gharar* and *tadlis*, are prohibited from being legal transactions according to Islam. Therefore, gacha is included in *'urf fasid*, which means that although it has become a habit among the game user community, it is still contrary to sharia. If the purchase of gacha through real money payments has elements that forbid it, then the purchase of items without real money with the gacha system gets a different recognition. Players use pure game currency, which is obtained through the process of playing the game and completing certain missions in the game continuously (grinding) or getting rewards from the game. This means that if the player does gacha with the game currency obtained from the game developer, there will be no *maysir*, *tadlis* and *taghrir*, because the player does not make transactions in the form of real money or there are no items at stake.

#### IV. CONCLUSION

Gacha is a form of microtransaction carried out in the game by randomly picking items by the player. Something that players use to make gacha transactions is real money and game currency. The level of rarity of items in gacha varies greatly. The rarer the price for gacha is getting more expensive. Transactions using the gacha system also contain elements of *maysir*, *taghrir* and *tadlis*. Using the gacha system without doing microtransactions with real money does not fulfil the elements of *maysir*, *taghrir* and *tadlis*. Meanwhile, players who perform microtransactions to buy in-game items directly or without going through gacha are included in the *ijarah* agreement. Players can also get rewards (sell) in the form of certain items if they grind as a gift from the game developer.

#### Author Declaration

**Author contributions and responsibilities** - The contributions and responsibilities of the author-Author contribute substantially to the conception and design of the research. The author is responsible for data analysis, interpretation, and discussion related to the results. The author also reads and approves the final manuscript.

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