



CHAPTER FOUR CONCLUSION AND SUGGESTION

A. Conclusions

1. There are five kinds of transaction of awarding bonuses and rules Implemented in Herbalife Network Marketing Company, as follows:
 - a. Overriding Royalty Revenue: This kind of bonus is given monthly up to 5% for the three levels of downline.
 - b. Monthly Production Bonus: TAB Team members can get production bonus of the organization an extra 2% - 7%.
 - c. Annual Bonus: distributed annually among Herbalife's top achievers in recognition of their outstanding performance in advancing sales of Herbalife products. The system of calculation is taken from percentage of all sales income in one year and given for top achievers.

- d. Eligibility for special vacations and trainings. Vacation and Training Events are held in exciting locations around the world.
 - e. Awards and recognition of presidential plus for watches and rings that are given every year in the extravaganza event. They are given for the highest achievers of building the network.
2. The concept of giving bonus in the perspective of *ju'alah* can be observed from the different ideas of four schools (*madhab*). *Ju'alah* transaction is allowed by Malikites, Syafi'ites, Hambalites and many scholars referring Al Quran Surah Yusuf verse 72. They also refer to hadiths such as a hadith narrated from Abi Sa'id and some other hadiths in their *ijtihad*.
- Buying, selling, and *samsarah* which are conducted in transaction of *ju'alah* applied in network marketing business are *halal/allowed* as long as they do not contain any elements of *riba*, *gharar*, *ghurur*, *dharar*, *maysir*. *Ju'alah* transaction contains elements of *gharar and juhalah* in the type of work and the duration of work. This is the reason why hanafites and some minority scholars consider *ju'alah* transaction unlawful. Majority scholars who allowed this transaction give *hukm/law rukhsah* to the element as a result of their belief in permission doing the transaction from Allah through the interpretation of the verse above.
- At the end of the discussion of *fiqh muqâran* in *ju'alah* contract, the more empowered opinion belongs to majority scholars (*jumhûr 'ulamâ'*) who said that *ju'alah* practice is allowed. Ultimately, the chosen opinion about *ju'alah* with its practices described in classic literature and contemporary ones is an allowed

transaction using Qiyas. Hence, the concept of giving bonuses by Herbalife is in accordance with the concept of *ju'alah* in Islamic jurisprudence.

B. Suggestions

Ultimately, there should be nothing to wonder in transactions of awarding bonuses applied in almost every network marketing business. After considering the transaction as *ju'alah* contract with the *illat* announcement to finish order/*sayembara*, this system of awarding bonuses in network marketing business is lawful according to Islamic law. *Ju'alah* with its practices described in classic literature and contemporary ones is an allowed transaction.

Besides, there are still many things should be considered in network marketing business. So many cases such as 12 requirements issued by Syariah National Council in Fatwa No : 75/DSN MUI/VII 2009 about PLBS (Penjualan Langsung Berjenjang Syariah). A case of agreement between two transactors is also way ordered by syari'ah as stated in al Quran.

As a distributor, getting much bonuses is only reached if he or she has been able to build great network by way of getting them into the business. It was a difficult job and not everyone can do this. According to a data, there are only less than 40% people who comes to this business (where they have to sell products and build network) are success.

In building network, a distributor will invite any people to come to the business without considering that the people is competent enough or not to survive and develop. But the facts said that majority people failed after coming to

this business. This is because of the difficulty of the job and not everyone can do this. So that, a distributor should consider which of the people are competent to get them into this business or if not, there will be more people suffer. Giving difficult job to anyone without considering choosing able people to do job is not in accordance with syari'ah value. It was stated in Al Qur'an that we are ordered to rent people who have ability to do the job we want them to do.

