



Buying and Selling iPhones with Illegal IMEI Without Warranty in the Perspective of DSN Fatwa No. 146/DSN-MUU/XII/2021 on Sharia-Based Online Stores (Case Study on Facebook Marketplace)

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Abstract - This research analyzes the practice of buying and selling iPhones with illegal IMEI codes without warranty through the lens of Fatwa DSN No: 146/DSN-MUU/XII/2021, which addresses online stores based on Islamic principles. Employing a qualitative approach, the study focuses on case studies from the Facebook marketplace. Data is collected through the observation of transactions involving illegal iPhones on the platform and an analysis of the relevant Fatwa DSN. Findings indicate that these transactions violate Islamic principles, specifically gharar (uncertainty) and fraud. The study highlights the implications of these practices on public welfare and justice, underscoring the need to enforce Islamic law in online business contexts. This research contributes to the understanding of Islamic business ethics and the necessity for stricter regulations to uphold justice and public welfare in online transactions. Ensuring legal and transactional validity, promoting public welfare, and maintaining social justice are essential for conducting Sharia-compliant and fair transactions in the digital marketplace.

Keywords: Mobile Phone Trade, Illegal IMEI, DSN Fatwa

I. INTRODUCTION

In the rapidly evolving digital era, online buying and selling have become integral to daily life. This phenomenon includes the online sale of iPhones, one of the most sought-after electronic goods. However, behind the convenience and practicality of online platforms, various issues need to be addressed, especially from the perspective of Islamic law. One common issue is the presence of iPhones with illegal IMEI (International Mobile Equipment Identity) numbers being sold without warranties (Er Tanjung et al., 2023). IMEI is a unique number assigned to each mobile device and serves as its official identity. The practice of selling iPhones with illegal IMEI numbers not only violates legal regulations but also has serious implications from an Islamic law perspective (Kamaluddin, 2022).

In Islamic jurisprudence, buying and selling are strictly regulated transactions, with principles that must be adhered to for validity and compliance with religious rules. The fatwa DSN No: 146/DSN-MUI/XII/2021 concerning Online Shops Based on Sharia Principles provides guidelines for online business practitioners, including those selling iPhones, to conduct their activities in accordance with Islamic principles (Rusmawati, 2015). Facebook Marketplace, widely used by sellers and buyers of iPhones, including those with illegal IMEI numbers, serves as a relevant case study. Therefore, it is crucial to examine how the practice of selling iPhones with illegal IMEI numbers can be analyzed from the perspective of Islamic law, in line with the fatwa issued by the Dewan Syariah Nasional (DSN) Majelis Ulama Indonesia (MUI). This introduction aims to discuss the practice of selling iPhones with illegal IMEI numbers without a warranty from an Islamic perspective and its relevance to fatwa DSN

No: 146/DSN-MUI/XII/2021, providing a better understanding of proper conduct for transactions that align with Islamic principles in the digital marketplace (Emir Adzan Syazali et al., 2022). Using iPhones with illegal IMEI numbers also poses various risks and negative impacts for owners. Such iPhones tend to lack quality assurance, leading to potential serious damage or technical issues. Without an official warranty, owners will face difficulties in obtaining adequate after-sales service if problems arise with their device. From an Islamic perspective, the practice of selling iPhones with illegal IMEI numbers without a warranty violates principles of justice and public welfare. These transactions harm consumers and negatively impact legitimate businesses and manufacturers (Hukum et al., 2007).

Therefore, it is crucial to understand that online business practitioners, especially those selling iPhones, must adhere to Sharia principles governing these transactions. This involves ensuring legal and transactional validity, as well as promoting public welfare and social justice. This study will analyze the practice of selling iPhones with illegal IMEI numbers without a warranty from the perspective of Islamic law, in accordance with fatwa DSN No: 146/DSN-MUI/XII/2021. This analysis aims to provide a comprehensive understanding of the importance of conducting Sharia-compliant and fair transactions in today's digital marketplace (Wibowo & Srijadi, 2023).

II. METHOD

This study employs a qualitative research design, specifically adopting a descriptive approach. The choice of a qualitative approach is justified by the need to explore and understand the complex phenomenon of buying and selling iPhones with illegal IMEI numbers without warranty within the context of Islamic law. Qualitative research is well-suited for this investigation as it allows for an in-depth exploration of the characteristics, dynamics, and influencing factors of the practices under study.

The data collection process involves multiple techniques to ensure a comprehensive understanding of the phenomenon:

1. Direct Observation: This involves observing iPhone transactions in Facebook marketplaces to gather real-time data on how these transactions are conducted.
2. Interviews: Semi-structured interviews are conducted with both sellers and buyers involved in the transactions. These interviews aim to gather insights into their motivations, experiences, and perspectives on the legality and ethical considerations of their practices.
3. Content Analysis: Discussions and testimonials from related online groups or forums are analyzed to identify common themes, sentiments, and patterns regarding the sale of iPhones with illegal IMEI numbers.
4. Literature Review: A review of relevant literature and Islamic fatwas provides a theoretical foundation and contextual understanding of the legal and ethical implications of the phenomenon within Islamic law.

The collected data will be analyzed qualitatively using thematic analysis. This method involves identifying, analyzing, and reporting patterns (themes) within the data. Thematic analysis allows for a detailed examination of the data to uncover thematic patterns and relationships that provide a deeper understanding of the practice of buying and selling iPhones with illegal IMEI numbers without warranty from an Islamic perspective. By employing this research method, the study aims to contribute to a comprehensive understanding of the phenomenon and produce findings that are valuable for the development of policies and business practices aligned with Islamic principles (Irianto, 2017).

III. RESULT AND DISCUSSION

Islamic Principles in Online Transactions

Justice and Transparency

Islamic law mandates that all transactions must adhere to principles of honesty, transparency, and fairness. This means sellers must disclose all relevant information about the products they are selling. Selling iPhones with illegal IMEI numbers without warranties

violates these principles as it involves deception, potentially misleading buyers about the quality and legality of the products they are purchasing (Wadong, 2000). According to Rifa (2021), such practices undermine the foundation of trust essential in Islamic commerce. In Islam, consumers have the right to receive goods that are of acceptable quality and as described. When sellers provide iPhones with illegal IMEI numbers, they are depriving consumers of these rights. The lack of warranty further exacerbates the situation, as it leaves consumers unprotected in case of defects or malfunctions (Fista et al., 2023).

Regulatory Issues in Indonesia

IMEI Regulations, The Indonesian government has stringent regulations regarding IMEI numbers for telecommunications devices, enforced by various ministries including the Ministry of Communication and Information Technology and the Ministry of Industry. These regulations require that all iPhones sold in Indonesia must have unique, officially registered IMEI numbers to ensure they are legally imported and sold (Junaidi, 2021). The requirement for IMEI registration is a legal mandate aimed at curbing the sale of illegal and potentially harmful electronic devices. Violating these regulations can lead to legal repercussions for both sellers and buyers. Additionally, marketplace platforms have a responsibility to ensure that the products sold on their sites comply with these regulations to protect consumers and maintain market integrity (Prasetyo, 2020).

Consumer Behavior and Marketplace Dynamics

Factors Influencing Purchases, several factors drive consumer behavior in purchasing iPhones with illegal IMEI numbers. High demand for iPhones, lower prices of illegal units, and financial constraints are significant motivators. Additionally, inadequate monitoring of illegal sales on e-commerce platforms and the ease of conducting transactions online further influence consumer decisions (Analiya & Arifin, 2022; Sipahutar, 2019). Purchasing iPhones with illegal IMEI numbers can have broader implications for public welfare and justice. Such practices undermine government regulations and can lead to legal conflicts. From an Islamic perspective, these transactions violate principles of justice and public welfare, leading to potential harm for the wider community (Eleanora & Sari, 2020).

IV. CONCLUSION

The study underscores the significance of adhering to Islamic principles in online transactions, particularly in the sale of iPhones with illegal IMEI numbers without warranties. Islamic law emphasizes honesty, transparency, and fairness in commerce, which are compromised by the sale of such iPhones. These practices involve deception and potentially mislead buyers about the legality and quality of the products, depriving them of their rights to acceptable quality and accurate product information.

From a regulatory perspective, the Indonesian government's stringent IMEI regulations are crucial in curbing the sale of illegal electronic devices. Sellers and marketplace platforms are responsible for ensuring compliance with these regulations to protect consumers and uphold market integrity. The sale of iPhones with illegal IMEI numbers not only violates these regulations but also poses risks to consumers, who may face difficulties in obtaining after-sales service and quality assurance.

Consumer behavior and marketplace dynamics further complicate the issue. High demand, lower prices of illegal units, and financial constraints drive consumers to purchase iPhones with illegal IMEI numbers. This behavior undermines government regulations and violates Islamic principles of justice and public welfare, potentially leading to broader negative implications for society.

The study highlights the need for online business practitioners, especially those selling iPhones, to adhere to Sharia principles. Ensuring legal and transactional validity, promoting public welfare, and maintaining social justice are essential for conducting Sharia-compliant and fair transactions in the digital marketplace. This comprehensive understanding can inform

the development of policies and business practices aligned with Islamic principles, ultimately fostering a more ethical and legally compliant digital commerce environment.

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