

The Practice of Buying and Selling Black Market Goods on The Perspective of Islamic Economic Law

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Abstract: The purpose of this study is (1) to reveal how the practice of buying and selling black markets in Ratu Samban District, Bengkulu City. (2) To analyze the review of Islamic economic law on the practice of buying and selling black markets in Ratu Samban District, Bengkulu City. The research method used is a qualitative approach and this type of research is field research. The informant in this study was the seller and consumer. The results of this study revealed that: (1) The practice of buying and selling black markets in Ratu Samban Subdistrict, Bengkulu City, namely, the lack of openness of the seller regarding information on goods sold. For the buying and selling process the same as buying and selling mobile phones in general, where there is a bid process, checking goods, and the payment stage. For the quality of goods is very different from the original version, the difference can be seen through packaging boxes, physical mobile phones, IMEI, and processors. (2) The review of Islamic economic law to buying and selling black market mobile phones, namely: The sale and purchase is included in the sale and purchase that is forbidden in Islam, where this buying and selling contains elements of unclear and incomplete information about the goods sold.

Keywords: *Islamic economic law, buying and selling, black market goods.*

Abstract: Tujuan dari penelitian ini yaitu (1) Untuk mengungkapkan bagaimana praktik jual beli black market di kecamatan Ratu Samban kota Bengkulu. (2) Untuk menganalisis tinjauan hukum ekonomi syariah terhadap praktek jual beli black market di kecamatan Ratu Samban kota Bengkulu. Metode penelitian yang digunakan adalah pendekatan kualitatif dan jenis penelitian ini adalah penelitian lapangan (field research). Yang menjadi informan dalam penelitian ini adalah penjual dan konsumen. Hasil penelitian ini mengungkapkan bahwa: (1) Praktik jual beli black market di kecamatan Ratu Samban kota Bengkulu yaitu, kurangnya keterbukaan penjual mengenai informasi barang yang dijual. Untuk proses jual beli sama dengan jual beli handphone pada umumnya, yang mana ada proses penawaran, pengecekan barang, dan tahap pembayaran. Untuk kualitas barang sangat berbeda dengan versi aslinya, perbedaan tersebut dapat dilihat melalui kotak kemasan, fisik handphone, IMEI, dan prosesor. (2) Tinjauan hukum ekonomi syariah terhadap jual beli handphone black market yaitu: jual beli tersebut masuk ke dalam jual beli yang diharamkan dalam Islam, yang dimana jual beli ini mengandung unsur ketidakjelasan serta tidak lengkapnya informasi mengenai barang yang dijual.

Kata Kunci: Hukum Ekonomi Syariah, Jual Beli, Barang Black Market

Introduction

The other side of the uniqueness of Islamic muamalah is the many forms of buying and selling it has. This is a priceless gift from Allah SWT. Shari'a makers then humans carry it out in their economic transactions. Therefore Allah Subhanahu Wata'la through His Messenger has made the Shari'a to regulate his servants, especially in matters of muamalah. Because actually everything that is done by mankind in its time will be held accountable, and humans will be a witness for themselves

Although it is undeniable that there is harm (loss) arising from it (trade). Because human nature is never satisfied is one of the factors causing a loss in commerce. They always expect more than what they get, so they don't demand the possibility if they do things they don't want that will harm one of the parties. Trading is buying and selling with the aim of making a profit. Sales are the most powerful transactions in the world of commerce and in general are the most important part of business activity.

In this case the author will describe several issues related to the problem of buying and selling, the notion of buying and selling itself is an agreement to exchange objects or goods that have value voluntarily between the two parties, one receives the objects and the other party accepts them accordingly . with agreements or conditions that have been justified by syara ' and agreed.

Allah has explained in His noble book as well as Rasulullah SAW in his holy sunnah , regarding several muamalah laws, because humans need food, which will strengthen the body, as well as need clothes, shelter, vehicles and so on from various life interests and perfection. One of the current buying and selling of tertiary goods that is considered not a luxury item anymore is the buying and selling of electronic devices in the form of mobile phones which the author wants to examine.

The rapid development of technology makes everyone want to follow these developments. For example, there are lots of cell phones being bought and sold on black market . Mobile as a communication device that is very important and much needed by today's society has even become their lifestyle, therefore the sales and distribution of mobile phones produce significant results from year to year and experience a considerable increase. One of them can be proven by mobile phones owned by most people.

One example of a primary human need in this modern era is a mobile phone . As we know , in modern times like today, cellphones play an important role in it. Apart from that, mobile phones have become the standard of communication for today's society, especially among young people. We can find this practical object in the hands of almost everyone. Its function is even wider as time goes by. Not only to communicate, mobile phones are also used as a means of entertainment with the features in it ¹. The development of mobile phone technology from when it was first released until now is very rapid and increasingly the mobile phone products that are issued are increasingly sophisticated. The large market absorption of mobile phones in Indonesia has provided an opportunity for many mobile phone distributors to carry out the business of buying and selling mobile phones and marketing these mobile phones to the public. Not infrequently to get a cell phone with this sophisticated quality requires a lot of funds. For example, Apple recently released the Iphone 13 Pro Max with a price range of Rp. 15,000,000, - up to Rp. 17,000,000,-²

The large market absorption of mobile phones in Indonesia in general has provided many opportunities for cellphone distributors to compete with each other in distributing and marketing cellphones that have been produced by manufacturers to people who are in cities in this country. Of course this has created a high competition for mobile phone distributors , so distributors who are unable to compete in a healthy manner distribute cellphones by avoiding taxes. Black cell phone sales Such a market can also provide advantages for distributors in penetrating the mobile phone market into society quickly, easily and cheaply, without reducing the profits earned by the distributors themselves .

¹Amiruddin and Zainal Azikin . *Introduction to Information Technology Legal Research Methodology* . (Jakarta: Raja Grafindo Persada. 2008), p. 58.

²[Http://oketekno.com/11833/harga-apple-iphone-6-plus-danspecification.html](http://oketekno.com/11833/harga-apple-iphone-6-plus-danspecification.html) accessed on 27 July 2022.

Mobile in general black market is very different from “ *official* ” *mobile phones* or also called “ *legal* ” *mobile phones* , because *they are mobile phones black market* is essentially a mobile phone that is deliberately smuggled into the country by way of avoiding the state taxation system. Meanwhile, “ *legal* ” *mobile phones* are mobile phones that are distributed through distributors who have official certificates from the Directorate General of Post and Telecommunications of the Republic of Indonesia for distribution to markets that meet the minimum standards set by the government. This is different from the type of cellphone which is a used cellphone that has been repaired and updated, so that the cellphone looks like a new cellphone with “ *Black Market* ” *status* or a cellphone with “ *Illegal* ” *status*.³

Problems in the community arise when the buyer does not know and understand that the mobile phone purchased is a mobile phone *BlackMarket* . _ This is compounded by unscrupulous sellers who do not provide sufficient explanations to prospective buyers regarding mobile phones *black market* or cell phone *Refurbished* which will be chosen by prospective buyers.

Mobile *Black Market* , which is often abbreviated as BM Mobile , is a situation in which an item is exactly the same as the original but not an original item or just like a replica or many people call it a *rejected item*. (failed).⁴

In the study of Islamic jurisprudence , the truth and accuracy of information when a business actor promotes his wares meets a very significant study. Islam does not recognize classic capitalism "Buyers must be careful", nor "Buyers must be careful" but in Islam what applies is the principle of balance (*ta'dul*) where buyers and sellers must be careful ⁵.

The information that must be provided to buyers is not only related to the quantity and quality of an item, but also related to side effects or dangers of use, protection of certain religions, such as information on the halal or haram of a product. The risk of using the goods will be imposed on business actors as a cause of loss for violating the principles of prudence or arbitrary use of rights.

One of the goals of dishonest promotion or advertising is so that the merchandise is in demand or attracts buyers to buy it. In relation to the practice of buying and selling BM cellphones , sellers promote in such a way under the pretext that the goods they are selling are new, sealed and original , even though the goods they are selling are not what is offered, this is fraudulent because the seller is not telling the truth. about the condition of the goods being sold and not being given clear information to consumers so this smells *gharar* .

Apart from that, starting from the origin of *cellphones black market* and things that contain fraud and *gharar* , this has an impact on the nature of the goods being offered whether they are lawful or unlawful. So this is where there is a need for research on buying and selling *cellphones black market* viewed from the perspective of Islamic economics.

This research was conducted in the city of Bengkulu which is one of the big cities in Indonesia. Where people really need communication tools such as mobile phones to facilitate all their affairs, both personal and business matters. Based on initial observations, the author conducted an interview with one of the cellphone leaders in Bengkulu who said that "in buying and selling cellphone transactions , we as employees do not explain that the goods are black goods. market . Because, if we tell or explain that the goods are black goods market , consumers will feel hesitant to buy products from our leaders."⁶

So, based on the statement above, the writer finds the problem of buying and selling black market in the city of Bengkulu, namely the seller is not forthright about the goods being traded. Based on the problems above, the writer is interested in conducting research on "Review of Islamic Economic Law on the Practice of Buying and Selling Black Market Goods"

³Amiruddin and Zainal Azikin . *Introduction to Information Technology Legal Research Methodology* . (Jakarta: Raja Grafindo Persada. 2008), p. 54.

⁴Wijayanti. “ *Review of Islamic Law on Khayar's rights in the Sale and Purchase of Sealed Cellphones at Couter Master Cell Driyorejo Gresik* ” (Surabaya: Thesis of IAIN Sunan Ampel, 2009), h. 51.

⁵Muhammad Anwar. *Islamic Fiqh: Muamalah, Munakahat , Faraid, and Jinayat* . (Bandung. Alma'arif , 1971), p.198

⁶Preliminary observations with prominent employees in Bengkulu City, on July 20 2022.

Method

The type of research to be carried out is *field research*) using qualitative research. Qualitative research is a research process that studies selected issues, cases, or incidents in depth and detail. Qualitative data is data in the form of sentences and descriptions, even in the form of short stories.⁷Data collection was carried out and concluded from beginning to end. Qualitative research is research that tends to use analysis.

The approach used in this study is an empirical normative approach. Normative or doctrinal research is research based on norms, both identified with justice that must be realized (*ius constituent*) and norms that have manifested as explicit commands and which have been positively formulated clearly (*ius constitutum*) to guarantee certainty. While empirical or non- doctrinal research is research based on behavior or actions and human interactions that actually and potentially will be patterned.⁸

Data and Analytics

General Description of Mobile Black Market in Bengkulu City

Technological developments are growing rapidly day by day. This can be proven by the many innovations that have been created to date. In addition, technology has also influenced people's lifestyles and mindsets so that they can affect their social life. This situation aroused the desire of brother Febra (a pseudonym) to set up a business that provides buying and selling and trading of mobile phones . This business aims to help the community in meeting their needs, especially in terms of technology.

Researchers conducted research at a counter in the city of Bengkulu, precisely on Jl. Suprpto, Ratu Samban District . The area is indeed very strategic to be used as a place of buying and selling. Lots of competing cellphone shops to get customers and to spend the existing stock.⁹

Here the researcher will present an overview of buying and selling cellphones black market in the city of Bengkulu. Based on the results of an interview with Febra, he said that his business was founded in 2018. Initially, Febra's brother traded cellphones using the *dropship system* . *Dropship* is an online buying and selling system without requiring a penny of capital . The buyer first transfers some money to the *dropshipper's account* . Furthermore, *the dropshipper* pays the *supplier according to the dropshipper's purchase price* accompanied by the cost of sending the goods to the buyer's address. *Dropshippers* are obliged to submit consumer data in the form of names, addresses and telephone numbers to *suppliers* .¹⁰

The services provided by Febra are:

1. Buying and Selling Original Cellphones

In this case, Febra's brother also provided original cellphones , because some consumers really wanted to buy original ones, not black ones market .

2. Selling cellphones *black market*

Mobile *black* *The actual market* is not much different from the original cellphone , the difference is that the cellphone enters Indonesia by being smuggled and not through a tax (duty) payment mechanism. This causes the price of handphone blackmarket is cheaper than the original handphone .

3. Selling cellphones *supercopy* (black market)

Based on interviews that the author conducted with Febra's brother as a business owner, handphone This *supercopy* is the mobile phone most frequently sought after by consumers. This is because many consumers want mobile phones well-known brands at affordable prices or much cheaper than normal prices. While setting up the business, Febra's brother confessed, his cell phone *The supercopy* that consumers are most interested in are Samsung and Iphone .¹¹

At the beginning of his business, Febra's brother got a cell phone *black market* from distributors

⁷ M. Burhan Bungin, *Social & Economic Research Methodology*, (Jakarta: Prenadamedia Group: 2013), p. 124.

⁸ Burhan Ashshofa , *Legal Research Methods* , (Jakarta: Rineka Cipta, 2013), h. 33

⁹Preliminary observation on 25 July 2022

¹⁰Results of an interview with Febra (pseudonym) as a business actor, on January 12, 2023.

¹¹The results of the interview with Febra's brother as the seller, on January 12, 2023.

in Jakarta. However, he does not know the physical condition of the cellphone he will sell to consumers. Because at the beginning of his business, Febra's brother still used the dropship buying and selling system. But gradually, Febra's brother didn't just get a cell phone *black only* from the Jakarta distributor, but he also took the goods from the Palembang distributor or from his friends who both sell cellphones *black market* ¹².

Identification of Black Market Mobile Phones

1. Comparison Between Original Mobile (Official) With Handpone Black Market

mobile phone manufacturers. Not only high-end cellphone manufacturers, various brands Mobile phones from China have also flooded the Indonesian market. Not even a few of these cellphones are cellphones *black market*. When viewed in a shortcut, almost nothing feels different from a cellphone black market with the original mobile phone. This is because, more and more cellphones black market comes with a display that is increasingly similar to the original.

This certainly makes it difficult for consumers to distinguish which is genuine and which is fake. However, there are actually significant differences that users can find. The following are the basic differences between the original cellphone and the cellphone black markets:

a. Cell Phone Packaging Box

Based on the interviews that the authors conducted with this business owner, the initial differences from the original mobile phone with the mobile phone black market is the cellphone packaging box. On an original cellphone, the cellphone packaging box is wrapped *in* plastic with the Iphone logo in all parts, while for the black version market doesn't. Even if there is, the plastic wrapping used only has a partial logo, not the whole.

b. Mobile Physical

From the physical side or the appearance of the cellphone, between the original and black market does look the same, even very difficult to tell the difference. But when you hold the cellphone, you will clearly feel the difference. *Supercopy* version (*black market*) will feel heavier, rougher, and have a very pronounced plastic feel. If on an original cellphone, the Samsung logo will feel softer, while the *supercopy version* feels rough and raised. When you open the back casing, you will see the condition of the battery holder, the hologram on the battery looks rougher because it was made carelessly.

c. International Mobile Station Equipment Identity (IMEI)

cell phone must include the IMEI number on the back of the cell phone, while the cell phone supercopies produced and distributed usually do not include the IMEI number. IMEI consists of 15 digit numbers and functions as a carrier of information about the cellphone, such as the cellphone manufacturer, cellphone model, etc.¹³

The Practice of Selling and Buying Black Market Mobile Phones in Ratu Samban District, Bengkulu City

In general, Febra's brothers market these goods using social networks such as Facebook, Instragram. In the post, Febra's brother did not clearly state that the cellphone he was selling was a supercopy cellphone. He only explained the type of mobile phone and the selling price. In addition, he provides a contact person for his customers. This is so that consumers who want to ask questions or are interested in buying can contact Febra's brother through the contact person he included in the description of the post.¹⁴

At the beginning of his business, Febra's brother got a *black market cell phone* from a distributor in Jakarta. However, he does not know the physical condition of the cellphone he will sell to

¹²The results of the interview with Febra's brother as the seller, on January 12, 2023.

¹³The results of an interview with brother Yongki, an expert in the field of cellphones, on January 15, 2023.

¹⁴Observation results on July 25, 2022.

consumers. Because at the beginning of his business, Febra's brother still used *the dropship* buying and selling system. But gradually, Febra's brother didn't only get *black market cellphones* from Jakarta distributors, but he also took these items from Palembang distributors or from friends who incidentally both sell *black market cellphones*.¹⁵

Black Market) cellphones that come directly from the official factory. For example, from the iPhone company, when printing or assembling cellphones, there will be tests on the engine and cellphone components. If the iPhone meets the requirements or passes the check, it will be marketed officially. However, if there is a cellphone that is defective and not fit for sale, then that's where someone who is not responsible from the office markets cellphones through the BM route. So not all BM cellphones are fake or counterfeit goods.

Apart from that, Febra also serves his customers at the shop or counter and can transact directly with potential buyers. Various products are offered by Febra's brothers to their consumers, but the main thing consumers are looking for is the HP brand, in other words smartphones. The stages in the process of buying and selling transactions carried out by the seller, starting from offering the goods to making payments. Among others:¹⁶

1. Bid Stage

This bidding stage is carried out by the distributor or promoter of each brand. Various ways are used by promoters to attract consumers who walk around the counter. Not infrequently they are seen standing in front of the counter holding several brochures that will be given by prospective customers which contain several specifications of the cellphone and the price of the cellphone.

In this offer, Febra gave consumers two choices, whether they wanted a new cellphone or a BM cellphone. Most consumers choose BM mobile phones, because the price is cheaper.

2. Goods checking stage

After making an offer, this shop gives flexibility to consumers to see in more detail the items they will buy. First, consumers will be shown the seal on the outside of the box to further convince consumers of the authenticity of the goods being offered. With more confidence, the deal will happen to both parties. Second, after an agreement has been made on the seal. Then the seal will be opened and the contents of the box will be shown. After that, consumers are given the opportunity to check the cellphone themselves.

3. Payment stage

This is done after an agreement has been reached between the two parties (seller and buyer). The agreement (contract) that occurs directly or verbally through communication media or social media, whether it's regarding the price, whatever the conditions are, after that, then proceed with written form or a note. The memorandum contains the type of goods, quantity of goods, date of purchase, and the signatures of both parties.¹⁷

In general, the process and implementation of buying and selling BM cellphones at brother Febra's place is the same as buying and selling other goods, as the author has alluded to in the previous section. Currently there are many BM cellphones on the market. However, consumers do not know at all because of a lack of knowledge or information about these goods, this can be said to be a lack of consumer proficiency with the goods they will buy.

The most sought-after BM cellphones by consumers are Samsung and Iphone. Brother Belki said that the price at the official store is very different from the price here. The prices here correspond to the quality, there must be drawbacks.¹⁸

Price comparison is indeed a major factor in consumer interest in choosing a BM mobile phone. Because the price is relatively cheap, consumers flock to buy cellphones from Febra.

Febra's brother said that if the customer knows the BM handpone, it is very easy to distinguish between BM goods and the original. For example, it can be seen from the shape of the order, the

¹⁵ Interview with Febra's brother as a seller, on January 12, 2023.

¹⁶ Interview with Febra's brother as a seller, on January 12, 2023.

¹⁷ Interview with Febra's brother as a seller, on January 12, 2023

¹⁸ Interview with Belki as a consumer, on January 14, 2023.

physical cellphone, IMEI, cellphone camera, processor, software authenticity, connectivity.¹⁹It's true that if you look at the items they are almost the same, but if you look in more detail there are lots of differences. As expressed by one consumer, who said that "I don't know what BM goods are like, when I bought a cell phone it was the same as other shops".²⁰

Not all consumers are blind to knowledge about BM cellphones, there are consumers who say "I know that the item is a BM item. Because I compared my cellphone with my friend's, there are lots of differences. Such as battery life and cellphones that get hot easily if they are played for too long.

In the transaction process, it is true that Febra's brother did not explain in detail about the goods he was selling. Because, according to Febra, if we explain these items in detail, consumers' interest in buying cellphones at the shop will decrease.²¹There are some consumers who already understand/know that the cellphone is a BM item. But they choose these items because the price is cheaper than the price in the official store.²²

According to Febra, the practice of buying and selling is correct according to the Shari'a, as follows:

1. There are people who have a contract or muta'aqidain (seller and buyer)

In buying and selling transactions for buyers not only within the scope of the city of Bengkulu, but also outside the city of Bengkulu there are also many. Regarding BM goods, there are very many enthusiasts. This statement is supported by what was expressed by one consumer who said "I have bought a cell phone for the second time at this figure".

2. There is a shighat (pronounced consent qabul)

Brother Febra said that as usual, buyers make transactions, look at the items they want to buy, then make an offer or come in person to meet me in person, but usually most buyers who are far away make transactions only through social media or communicate via telephone. Here sellers and buyers make an offer regarding the price, can it be reduced or is the price fixed.

The bargaining is in accordance with what was conveyed by one of the buyers who said "usually I bid around 200-400 below the original price."²³

3. There are items for sale

The goods that I trade here are BM goods, which are almost the same as original goods such as Samsung and Iphone. Most of the buyers are teenagers, apart from the need to keep up with the times.

4. There is a replacement exchange rate for goods

Regarding the exchange rate, you can usually use TF media (from outside the city) or pay directly/cash at the figure.²⁴

Review of Sharia Economic Law Against the Sale and Purchase of Black Market Goods in Bengkulu City, Ratu Samban District

Human problems related to the world always change according to the situations and conditions that humans face. If this benefit is not noticed and realized, humans will experience difficulties in their lives. Therefore, Islam needs to pay attention to these various human benefits by sticking to the general principles contained in Islamic law, this is what prompted the author to conduct an analysis based on sharia economic law that occurred in the city of Bengkulu.

Based on the results of the research, BM's cellphones are goods originating from abroad that are smuggled in secretly to avoid taxes. This violates the principles of economic law because taxes must be paid. Then, from the way of marketing and sales, we can see that Febra, as the seller of the BM

¹⁹Interview with Febra's brother as a seller, on January 12, 2023.

²⁰Interview with Darlan's brother as a consumer, on January 13, 2023.

²¹Interview with Febra's brother as a seller, on January 12, 2023.

²²Interview with Andre's brother as a consumer, on January 14, 2023.

²³Interview with Bagus as a consumer, on January 13, 2023.

²⁴Interview with Febra's brother as a seller, on January 12, 2023.

cellphone, did not explain all about the shortcomings of the BM cellphone that he was offering because he was afraid that customers would no longer be interested and could reduce buyer interest in the BM cellphone that he was selling.

The stages in buying and selling include:

1. Bidding stage

In this stage, we can see that the seller is offering new mobile phones and BM mobile phones. Judging from the results of the interviews, many people chose BM cellphones because the seller did not mention the shortcomings of the cellphone. So this is not permissible in Islam, because there must be openness between sellers and buyers. Disputes occur, because the goods sold are not transparent, or there is an element of fraud that can arouse hostility between the two parties to the transaction.²⁵

2. Goods checking stage

Based on the results of the interview above, here the seller only shows a glimpse and explains a little about the item and then says that the item has no defects at all. Here the buyer's lack of understanding of BM goods, so it's easy to be deceived by sellers. Buyers must be *tamyiz* (able to distinguish), as a sign of awareness to distinguish between good and bad.²⁶

3. Payment Stage

Here the seller uses 2 payment methods, you can transfer or pay in cash. If you are far outside the city, you will choose the transfer method, but for those outside the city, the consequences are very big. Because, *kla*, the buyer did not see and did not check the item directly.

So, we can see that buying and selling transactions are unclear regarding information on goods. Then these transactions are included in transactions that are prohibited in Islam, namely, *bai' al-gharar transactions* (buying and selling that contain ambiguity).

وَعَنْ أَبِي هُرَيْرَةَ قَالَ : نَهَى رَسُولُ اللَّهِ عَنْ بَيْعِ الْحِصَاةِ وَعَنْ بَيْعِ الْعَرَارِ (رواه مسلم)

Abu Hurairah RA said: "The Messenger of Allah prohibited buying and selling by throwing stones and buying and selling stones and buying and selling *gharar* (the price, time and place of which are unclear) (HR Muslim).

In this hadith it can be understood that in Islam it is forbidden to buy and sell where the time and place are not clear. In Islam itself, it prohibits buying and selling that contains harm, which, as we know, is *the black market mobile phone* itself.²⁷

In Islam there is something called *tadlis* which is a form of transaction that contains something that is not known by either party. Every transaction in Islam must be based on the willingness of both parties (both are pleased). They must have the same information so that neither party feels cheated/cheated because there is something *unknown to one party* (a situation where one party does not know information that is known to the other party, this is asymmetric information), in fiqh language, namely *tadlis* (fraud). , and can occur in 4 (four) cases, namely, in quantity, quality, price and time of delivery.

From the explanation above, Islam views that there is a need for disclosure by business actors regarding information on the goods they sell. And for the buyer, it is necessary to have information about the goods they are going to buy, so that sellers and buyers are open to each other and are happy with each other. With the aim of achieving great benefit and not destroying the rights of tyrannizing other people because this is prohibited in the Shari'a.

We can see that the terms of sale and purchase include, there are people who are in contract or

²⁵Hasbi Ash Shiiddieqy, *Law - Islamic Fiqh Law (An Inter-Madzab Review)*, (Semarang: PT. Pustaka Rizki Putra, 2001), h. 354-355.

²⁶Hamzah Ya'qub, *Trade Code of Ethics According to Islam (Patterns of Guiding Life in the Economy)* , (Bandung: Diponegoro, Cet. II, 1992), h. 79-81.

²⁷Abdul Salam Arief. " *Ushul Fiqh in Contemporary Business Studies*". In *Ainurrafiq (ed.), Jogja School: Initiating Contemporary Ushul Fiqh Paradigm* . Jogjakarta: Ar-Ruzz, 2002), h. 230.

muta'qidain (seller and buyer), there is shighat (lafadz ijab qabul), goods are being traded and there is an exchange rate of goods. So, according to the terms of sale and purchase, this is legal, but what is the problem/what makes the sale and purchase illegal is because of the obscurity of the goods. Islamic teachings do not prohibit Muslims from fulfilling their needs or desires. Everything on this earth was created for the benefit of man. However, humans are ordered to consume goods/services that are lawful, reasonable, and not excessive. Fulfillment of desires or needs is still permissible as long as this is able to add to the mashlahah or does not bring harm.

In the study of ushul fiqhi it is explained that something will not be prohibited or forbidden except because something that contains danger and harm to human life.²⁸

From the explanation above, Islam views that there is a need for disclosure by business actors regarding information on the goods they sell. And for the buyers, it is necessary to have information about the goods they are going to buy, so that sellers and buyers are open to each other and are happy with each other. With the aim of achieving great benefit and not destroying the rights of tyrannizing other people because this is prohibited in the Shari'a.

Conclusion

After conducting a series of discussions and analysis, the writer draws the conclusion that:

1. Based on the results of the research here, researchers can conclude that the practice of buying and selling mobile phones black market in the city of Bengkulu, namely the seller's lack of openness regarding information on the goods being sold. Furthermore, the buying and selling process is the same as buying and selling cellphones in general, where there is a bidding process, checking of goods and the payment stage. The quality of the item itself is very different from the original version, these differences can be seen in the packaging box, physical cellphone, IMEI, processor.
2. Review of Sharia Economic Law on buying and selling cellphones black market conducted in the city of Bengkulu. There needs to be openness carried out by business actors on information from the goods they sell. And for the buyer, it is necessary to have information about the goods they are going to buy, so that sellers and buyers are open to each other and are happy with each other. If you look at BM goods, they are almost the same as the original goods. Here, the buyer's discernment is needed in distinguishing BM goods from the original goods. The sale and purchase of BM goods is included in the category of buying and selling which is forbidden in Islam, where this sale and purchase contains elements of ambiguity and incomplete information about the goods being sold.

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²⁸Sartia Effendi, M. Zain, *Ushul Fiqh*, (Jakarta: Prenada Media Group, 2008), p. 54.

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