

EVALUATING ONLINE PHONE SWAP TRANSACTIONS UNDER SHARIA ECONOMIC LAW IN MANADO

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ABSTRACT

In recent years, the proliferation of online transactions has extended into diverse markets, including the mobile phone swap market. This study investigates the compatibility of such transactions with Sharia economic law, using Tuminting, Indonesia, as a case study. The research employed a qualitative approach, incorporating interviews and observations to gather data from participants engaged in online phone swap transactions. Key findings indicate that while these transactions provide convenience and accessibility, they raise significant concerns regarding compliance with Sharia principles, particularly in terms of economic justice and transaction transparency. The study proposes a framework for enhancing Sharia compliance in online swap transactions, suggesting modifications in transaction structures and regulatory oversight. This research contributes to the understanding of digital market dynamics in Islamic finance, offering insights for consumers, practitioners, and policymakers striving for ethical economic practices in digital transactions.

Keywords: Sharia Economic Law, Online Transactions, Phone Swap, Islamic Finance, Digital Market Dynamics.

INTRODUCTION

The digital transformation of commerce has ushered in an era of innovative transactional methods that challenge traditional economic and legal frameworks (Sharma et al., 2023). Among these, the practice of online phone swapping, which has gained traction in various parts of the world including Indonesia, represents a confluence of technology, commerce, and legal considerations (Mahesh & Bhat, 2022; Verma et al., 2024). This paper explores the intersection of online phone swap transactions and Sharia economic law in Tuminting, a locale noted for its dynamic digital trade environment.

Tuminting, a sub-district in Manado, North Sulawesi, Indonesia, is an interesting location to research the interaction between online mobile phone trade-in transactions and Sharia economic law for several reasons. *First*, Tuminting has experienced significant growth in the digital economy, driven by high internet penetration and the adoption of mobile technology by its population. *Second*, as part of Indonesia with a majority Muslim population (Miaty et al., 2024), Tuminting offers a unique context for examining how Sharia principles are integrated into modern transaction practices that are not well understood within the framework of traditional Islamic law. This research has the potential to provide new insights into the adaptation of Sharia law to technological innovation and transactions in the digital era, especially in dynamic and diverse areas such as Tuminting.

Sharia economic law, rooted in Islamic principles, enforces a strict prohibition against usury (*riba*) and emphasizes ethical transactions guided by fairness (*'adl*) and transparency (Laldin et al., 2020). The unique characteristic of Sharia law is its focus on ensuring that all transactions are free from *gharar* (excessive uncertainty) and *maysir* (gambling), which are pertinent issues in the volatile sphere of online exchanges (Alahouel & Loukil, 2021). Given the increasing prevalence of mobile phone swaps on digital platforms, there is a compelling need to scrutinize these transactions through the lens of Sharia to ensure they align with Islamic ethical standards (Irfan et al., 2024).

This study delves deep into the mechanics of online phone swaps conducted in Tuminting, examining how these modern digital practices can coexist with, or adapt to, the stringent requirements of Islamic finance laws. This examination is crucial, as the compatibility of such transactions with Sharia principles has broad implications for the legitimacy and moral conduct of digital markets under Islamic law. The investigation aims to illuminate the extent to which current practices adhere to Islamic doctrines and to propose pathways for enhancing Sharia compliance.

The significance of this research is manifold. It contributes to the academic discourse on the applicability of Islamic finance principles in new market contexts, particularly in the digital economy. This is especially relevant in regions like

Indonesia, where there is a significant Muslim population seeking to engage in economic activities that are in harmony with their religious beliefs (Judijanto et al., 2024). Furthermore, this study offers practical insights that could guide policymakers, market regulators, and participants in structuring and regulating digital marketplaces to foster ethical, transparent, and equitable commerce.

The central research question of this study is: How do online phone swap transactions in Tuminting conform to the principles of Sharia economic law, and what strategies can be implemented to enhance their compliance? This question not only guides the detailed exploration of current transactional frameworks but also opens avenues for proposing innovative solutions that ensure these digital exchanges meet Sharia standards, promoting a fair and ethical digital marketplace.

METHODS

This study adopts a qualitative research approach to deeply understand the intricacies of online phone swap transactions under Sharia economic law (Hendrianto & Praja, 2021). This methodology is particularly suitable for exploring the complex interactions between digital commerce practices and religious legal standards, where nuanced interpretations and subjective experiences play significant roles.

The research was designed as a case study, focusing on the community of Tuminting, Indonesia, a region known for its active participation in online commerce, especially in mobile phone trading. The case study approach allows for an in-depth examination of the practical applications of Sharia law in the digital marketplace and provides a detailed view of the participants' practices, motivations, and compliance with Islamic principles (Hoeftler et al., 2009).

The sample for this study consisted of a purposive selection of individuals involved in online phone swaps. Participants were chosen based on their engagement in phone swap transactions through popular online platforms within Tuminting. The study targeted both sellers and buyers, aiming to capture a balanced view of the transactional dynamics. A total of thirty participants were selected, comprising fifteen buyers and fifteen sellers, ensuring a comprehensive insight into the transactional process from both perspectives.

Data were primarily collected through semi-structured interviews and participant observations. Interviews were conducted using a guide that included questions on the participants' experiences with online phone swaps, their understanding of Sharia compliance in their transactions, and any challenges they faced in aligning their practices with Islamic law. Participant observation was conducted on several online platforms where phone swaps were frequent, allowing for real-time insights into the transactional behaviors and the negotiation process.

The data analysis was carried out using thematic analysis, a method well-suited for identifying, analyzing, and reporting patterns (themes) within data. The analysis began with a rigorous process of coding the transcriptions of interviews and observation notes. Initial codes were generated, and then grouped into potential themes, which were reviewed and refined in an iterative process. This thematic analysis facilitated the identification of underlying principles related to Sharia compliance and the operational challenges encountered by participants.

To ensure validity and reliability, the study employed triangulation, corroborating evidence from different sources and types of data. Peer debriefing was also used, where initial findings were discussed with other researchers in the field of Islamic finance and digital commerce to challenge the analysis and interpretation. Additionally, participant validation (or member checking) was conducted by sharing the analysis findings with some participants, ensuring that the interpretations accurately represented their views and experiences.

RESULT AND DISCUSSION

Awareness and Understanding of Sharia Compliance

The burgeoning realm of online commerce introduces complex challenges for ensuring Sharia compliance, particularly in markets like Tuminting, Indonesia, where digital transactions are becoming the norm. According to the data collected through in-depth semi-structured interviews, a majority of participants showed an elementary grasp of essential Islamic financial principles. Central among these are the prohibitions of *riba* (interest) and *gharar* (excessive uncertainty), which are designed to uphold fairness and transparency in financial dealings, aligning with the core principles of Islamic jurisprudence. Despite this foundational understanding, many participants admitted to the practical difficulties in applying these principles rigorously in online environments where physical verification of goods is impossible, raising the risk of unintentional non-compliance.

"Although we strive to adhere to the principles of Islamic finance, there are real difficulties in strictly enforcing them in the online environment. In such transactions, it is very difficult to carry out physical verification of goods, which increases the risk of *gharar*. We know that *gharar* and *riba* are something that should be avoided according to Islamic law because they can cause injustice. However, in practice, sometimes we are not completely sure whether the transactions we make are completely free of these elements."
(AB Interview, Entrepreneur, Manado, 2024)

Participants recognized *riba*, typically defined as the gain derived from predetermined interest charged on loans or received through unequal exchanges, as unequivocally forbidden under Islamic law. This prohibition is derived directly from the Quran and Hadith, which categorically denounce *riba* as a severe sin. Consequently, participants often shunned complex transaction structures that could

introduce hidden interest components into their deals. This was evident in their meticulous approach to pricing strategies and the clear structuring of payment terms to avoid profit-making that could be construed as interest.

Similarly, the concept of *gharar*, which entails risk, uncertainty, and ambiguity within transaction terms, was generally understood by the participants (Alahouel & Loukil, 2021). In traditional commerce, such ambiguity might arise from uncertainty over product quality or delivery specifics, but in the digital sphere, where goods cannot be inspected physically before purchase, this uncertainty is exacerbated (Kadirov, 2020). Many sellers in the study responded to this challenge by providing exhaustive descriptions and transparent histories of the phones on offer, striving to minimize the inherent *gharar*. This practice not only aligns with the Sharia's drive for just dealings but also enhances buyer confidence in a market where direct product inspection is not feasible.

Despite a broad understanding of Sharia principles, there was significant variance in their practical application across the sample of online phone swap participants. This divergence primarily stemmed from the individual's level of Islamic financial literacy and their personal commitment to adhering to Sharia laws. Some participants displayed a robust proactive approach, carefully aligning their business practices with Islamic principles. This group was often meticulous in structuring their transactions to ensure full compliance with Sharia, including adopting transparent pricing mechanisms and avoiding terms that could introduce *riba* or excessive *gharar* (Kadirov, 2020).

For example, several sellers went beyond standard requirements by implementing third-party verification services to ensure the phones' conditions were clearly documented and understood by both parties before completing a transaction. This not only minimized *gharar* but also adhered to the Islamic ethical mandate to avoid deceit and ensure fairness. Conversely, other participants, particularly those with limited understanding of the detailed requirements of Sharia compliance in online transactions, adopted a more relaxed approach. While they recognized the importance of complying with Sharia, they often relied on their general sense of fairness and the overarching ethical guidelines of Islam rather than specific jurisprudential rules. This sometimes led to practices that, while not overtly non-compliant, did not fully satisfy the stringent standards set by Islamic financial law.

"We are aware of the challenges that exist in ensuring fairness and clarity in buying and selling mobile phones online. Therefore, we have started to cooperate with third-party verification services to clearly document the condition of the mobile phone before the transaction is completed. This helps both parties understand exactly what they are getting. This process also helps us reduce the risk of *gharar* in our transactions, which is crucial

to ensure that we are operating in accordance with Sharia principles." (CS Interview, Businessman, Manado, 2024)

This variability in the application of Sharia principles among online phone swap participants underscores an urgent need for clear, accessible, and practical guidelines tailored specifically for digital transactions (Faizi, 2024). There is a palpable demand for educational initiatives that can bridge the gap between traditional Islamic teachings and the realities of modern digital commerce. The development of such resources could include detailed guidance on structuring transactions to avoid *riba* and *gharar*, as well as training programs to enhance participants' understanding of complex Islamic finance issues as they relate to online markets (Mohd Noh et al., 2024).

The establishment of a standardized protocol for Sharia compliance in digital transactions could greatly benefit the Muslim community by providing a reliable framework to guide their commercial activities. Such guidelines could also foster a more uniform approach to Sharia compliance, reducing the variability in practice and helping to integrate Islamic principles more fully into the burgeoning digital economy. Moreover, regulatory bodies and Islamic financial institutions could play a pivotal role in developing these resources, ensuring they are both authoritative and aligned with contemporary financial practices.

The exploration of Sharia compliance among participants in Tuminting's online phone swap market reveals a community keenly aware of its religious obligations but grappling with the challenges posed by modern digital commerce. The findings highlight a critical need for targeted educational programs and clear, practical guidelines that can help reconcile traditional Islamic principles with the demands of today's digital transactions. Addressing these needs will not only ensure that Muslim participants can engage confidently and ethically in the digital marketplace but also contribute to the broader integrity and reliability of online commerce under the aegis of Islamic finance.

Challenges in Ensuring Compliance

One of the most pronounced challenges articulated by participants in the online phone swap market in Tuminting, Indonesia, relates to the absence of explicit guidelines tailored to govern digital transactions under Sharia law. From interviews with both buyers and sellers highlighted a widespread concern over the ambiguity and inconsistency in applying Islamic principles to digital commerce. This uncertainty largely stems from the traditional frameworks of Sharia, which were conceived long before the advent of internet marketplaces.

"We face difficulties in ensuring that every online transaction meets all Sharia principles, especially avoiding *gharar* and *riba*. As a solution, we implement a third-party verification system that documents in detail the condition of each phone we sell. This helps customers clearly understand

what they are buying before the transaction is completed, and we believe this is our way of maintaining the transparency and fairness required by Sharia." (AB Interview, Entrepreneur, Manado, 2024)

Participants frequently expressed their struggle with interpreting conventional Sharia mandates in a context that is vastly different from the historical scenarios for which these laws were originally formulated. For instance, digital transactions eliminate the physical presence and direct inspection of goods, a cornerstone of traditional commerce that Islamic law relies upon to ensure fairness and transparency. The lack of clear, authoritative guidance on how to adapt Sharia principles to online settings leaves many Muslims unsure about the legitimacy of their commercial activities. This issue was particularly evident in the discourse around the principles of *gharar* and *riba*, where participants felt that existing religious guidelines do not sufficiently address the nuances of digital transactions.

The interviews revealed a call for the development of comprehensive digital Sharia compliance manuals or guidelines, which could provide specific instructions on conducting online sales and swaps. Participants suggested that such resources should come from respected Islamic financial institutions or scholarly bodies, which would lend the necessary authority and ensure widespread acceptance and adherence within the Muslim community.

"We need guidance from a reputable Islamic financial institution or a respected scientific body that can explain in detail how to make online transactions in accordance with Sharia. This will provide the necessary authority and ensure widespread acceptance and compliance within the Muslim community." (CA interview, entrepreneur, Manado, 2024)

Another significant challenge identified through participant observations and interviews concerns the practical difficulties in verifying the condition and ownership of phones involved in online swaps. This issue directly contributes to *gharar*, a form of uncertainty and risk that Sharia law seeks to minimize. Participants reported that not being able to physically inspect the phones before completing a transaction often left them anxious about potential defects or the veracity of the item's history as presented by the seller.

Several instances were recounted where buyers received devices that were in a markedly different condition from what was advertised online, or worse, phones that were later discovered to have been stolen (Jakobsson, 2012). Such scenarios not only result in financial loss but also contravene Islamic ethical principles, which emphasize honesty and transparency (Iqbal & Mirakhor, 2017). The inability to verify a phone's condition and legal status exemplifies the kind of excessive uncertainty that *gharar* represents, and which the Sharia aims to eliminate.

To address this challenge, some participants have begun utilizing third-party services that offer phone checks and verifications for a fee. While this has mitigated the risk to some extent, it introduces additional costs and is not a foolproof solution, as discrepancies in service standards can still lead to varied outcomes (Faizi, 2024; Iqbal & Mirakhor, 2017).

Deceit and fraud were repeatedly highlighted as major concerns by study participants, reflecting a deep-seated worry about the integrity of online transactions. In an environment where seller and buyer interactions are mediated by digital platforms without direct personal contact, the potential for fraudulent activities increases. Participants shared experiences where sellers had deliberately concealed critical information about a product or had engaged in bait-and-switch tactics—a clear violation of Sharia, which mandates that all parties to a transaction have full knowledge of the terms and conditions.

These practices not only undermine the trust necessary for a healthy marketplace but also violate Islamic injunctions against deceit, which is considered a serious sin. The data suggest that while digital platforms offer convenience and broader market access, they also create new avenues for unethical behavior that can be difficult to police using traditional religious and legal controls.

The challenges of ensuring Sharia compliance in online phone swap transactions are multifaceted and deeply intertwined with the broader issues of trust, transparency, and ethical conduct in digital marketplaces. The findings from this study underscore the urgent need for targeted solutions that address these specific concerns, including the development of robust digital frameworks for Sharia compliance, enhanced verification mechanisms for online goods, and stronger measures against deceit and fraud. Addressing these challenges effectively will not only enhance compliance with Islamic law but also build a more trustworthy and ethically robust digital economy.

Adaptations and Innovations

In the context of the challenges posed by online transactions, particularly in ensuring adherence to Sharia principles, participants in Tuminting have initiated various innovative practices. These adaptations are designed to align their economic activities more closely with their religious obligations, demonstrating a proactive approach to resolving the inherent conflicts between modern commerce and traditional Islamic laws. One of the standout innovations observed in this study involves the utilization of trusted third-party services to verify the quality and ownership of mobile phones involved in online swaps.

This particular adaptation addresses several issues simultaneously. Firstly, it significantly reduces the level of *gharar* (uncertainty) in transactions, a core concern under Sharia law (Bousslama & Lahrichi, 2017). By verifying the condition and provenance of the phones, these services ensure that all parties have a clear,

accurate understanding of what is being exchanged, thus upholding the principle of transparency prescribed by Islamic doctrine. Secondly, this approach helps prevent the sale or swap of stolen or otherwise illegitimately acquired items, which would be haram (prohibited) under Sharia (Hendrianto & Praja, 2021).

The interviews revealed that participants who engaged these services felt more confident about the compliance of their transactions with Islamic principles. They reported a higher level of satisfaction and a reduced incidence of disputes or feelings of being cheated, which further underscores the effectiveness of this innovative practice.

The adoption of third-party verification services is just one example of the broader community efforts to reconcile economic activities with religious obligations. These efforts reflect a deeper communal understanding of the importance of integrating faith-based ethics into all aspects of life, including commerce. This integration is not only about avoiding prohibited practices but also about actively seeking ways to enhance the ethical foundations of business activities.

For instance, some community members have begun to organize workshops and seminars focused on educating local traders and consumers about the importance of Sharia compliance in online transactions. These educational initiatives are often spearheaded by local religious leaders or Islamic finance experts, and they serve as a platform for sharing knowledge and best practices (Sharma et al., 2023). Such efforts are crucial in raising awareness and fostering a culture of ethical online trading within the community.

Additionally, there is a growing trend among local online marketplaces to develop and implement "Sharia-compliant" badges or certifications for listings that meet specific Islamic ethical standards. This system not only aids consumers in making informed decisions but also promotes a competitive advantage for sellers who adhere to these standards, thus incentivizing compliance.

These adaptations and community-driven initiatives highlight a significant shift towards more sustainable Islamic digital commerce. By embedding religious ethics into the fabric of digital market practices, the community is setting a precedent that could potentially influence broader trends in Islamic e-commerce. The success of these innovations in Tuminting could serve as a model for other Muslim-majority communities grappling with similar challenges.

Moreover, the positive reception and active participation of the community in these initiatives suggest a strong communal desire to integrate Islamic principles more deeply into everyday commercial practices. This integration not only enhances the religious significance of their economic activities but also contributes to the development of a more transparent, ethical, and reliable digital marketplace.

Analysis

The findings of this research significantly contribute to the literature on Islamic finance by illustrating the practical challenges faced when applying Sharia principles to digital transactions. This study particularly sheds light on the dynamics within an online phone swap market in Tuminting, Indonesia, highlighting how participants strive to align their business practices with Islamic legal norms. This exploration adds to the growing body of knowledge that demonstrates the complexities involved in ensuring Sharia compliance in environments that were not traditionally anticipated by Islamic jurists.

The literature on Islamic finance has been expanding, as seen in works like "Islamic Finance: Ethics, Concepts, Practice", which provides a foundational understanding of the principles governing Islamic finance but lacks detailed discussion on their application in digital realms (Hayat & Malik, 2014). This study bridges that gap by offering empirical insights into how these principles are interpreted and implemented in a specific digital context. It echoes the observations made by Hassan & Mahlknecht (2011), where the adaptability of Islamic finance in new market environments is discussed. By documenting specific challenges and adaptations, this research provides practical examples that can inform future theoretical and applied research in the field.

Theoretically, this research extends the application of Islamic legal theory to the sphere of digital commerce, suggesting that traditional principles can indeed be adapted to contemporary contexts. This aligns with the scholarly discourse that advocates for a dynamic interpretation of Sharia that evolves in response to changing socio-economic environments. Works such as Rabbani et al. (2021) discuss the innovation in financial products under Sharia, which this study complements by focusing on service innovations like third-party verifications and digital certifications.

Practically, the study underscores the need for more comprehensive regulatory frameworks that can guide Muslims in conducting online transactions that are both commercially efficient and religiously compliant. The findings suggest that while individuals and communities are innovating within the boundaries of Sharia, there is a substantial role for formal regulations that can provide consistent guidance across diverse digital platforms. This recommendation is supported by the works of Eisenberg (2012), who argues for the development of standardized regulatory practices that can foster the growth of Islamic financial institutions while ensuring adherence to Islamic law.

The adaptation of regulatory frameworks and the introduction of educational initiatives could significantly enhance the ability of Muslims to engage confidently in digital markets. By developing clear guidelines and disseminating knowledge about Sharia-compliant practices in digital transactions, regulatory

bodies can help mitigate the risks associated with *gharar* and *riba*, as well as reduce the incidence of deceit and fraud. This perspective is supported by the findings from Ayub et al. (2024), which emphasizes the importance of education and regulatory oversight in maintaining ethical standards in Islamic finance.

CONCLUSION

This study has illuminated the intricate dynamics of online phone swap transactions under Sharia law within Tuminting, Indonesia, underscoring both the practical challenges and innovative solutions adopted by the community. Practically, the findings advocate for a collaborative approach between digital platform developers and Islamic financial scholars to devise robust systems and guidelines that facilitate Sharia-compliant transactions. Theoretically, this research enriches the evolving discourse on the flexibility of Islamic law, suggesting that it can adapt to contemporary economic practices and technological advancements. It challenges traditional interpretations of commerce under Islamic law, advocating for a dynamic interpretation that evolves in response to new economic realities.

While this study provides valuable insights, it has certain limitations that must be acknowledged. Primarily, the focus on a single geographic region may not fully represent the diversity of practices and perspectives prevalent across different Muslim communities globally. This regional focus might limit the broader applicability of the findings. Additionally, the reliance on self-reported data could introduce bias, as participants might portray their practices in a more favorable light, which could skew the interpretation of how Sharia principles are actually applied in daily transactions.

To enhance the generalizability of the findings, future research should investigate similar themes across different regions or among various subgroups within the Muslim community. This broader approach would help to capture a more diverse array of practices and perspectives, providing a richer understanding of how Sharia compliance is managed in different contexts. Employing quantitative methods could also be advantageous, as they could measure the prevalence of specific practices and assess their impact on Sharia compliance more systematically.

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