



Responsibilities of Mobile Phone Counter Businesses in Medan Tembung District Regarding Exchanging Mobile Phone Spare Parts Perspective of Fatwa Number 112/Dsn-Mui/Ix/2017

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Abstract - This research investigates the practice of mobile phone counter business actors exchanging cellphone spare parts without customer knowledge, focusing on the ethical and legal implications under Fatwa number 112/DSN-MUI/IX2017. The study utilizes an empirical juridical method, commonly known as sociological juridical approach, to explore why such exchanges occur and the responsibilities entailed. Empirical juridical methods integrate legal analysis with empirical data to understand legal phenomena in real-world contexts. In this context, the responsibility of mobile phone counter business actors is assessed in light of the aforementioned Fatwa, which stipulates compensation for the unauthorized exchange of cellphone spare parts. The findings suggest that business actors may be liable for repairing or compensating customers for any damage caused by unauthorized exchanges, contrary to the original transaction agreement. This study contributes to legal scholarship by clarifying the practical implications of religious rulings on commercial practices involving mobile phone spare parts. It underscores the importance of aligning business practices with ethical and legal standards, particularly in consumer transactions where transparency and adherence to contractual agreements are paramount. Future research could delve deeper into consumer perceptions and experiences to further enrich our understanding of this complex issue.

Keywords: Responsibility, Spareparts, Mobile Phones

I. INTRODUCTION

Mobile phone counters in Medan Tembung District play a crucial role in the repair and maintenance of electronic devices, particularly in their spare parts management. The responsibilities of these businesses extend to ensuring that repairs and replacements adhere to ethical and legal standards, as outlined in Fatwa Number 112/DSN-MUI/IX/2017. This fatwa, issued by the Indonesian Council of Ulama (Majelis Ulama Indonesia), provides guidelines on contractual agreements, including those involving the lease and exchange of goods, with a specific emphasis on consumer protection and fair business practices within Islamic principles.(Yuniawati, 2015). Fatwa Number 112/DSN-MUI/IX/2017 is particularly pertinent to the operations of mobile phone counters, regulating the exchange of spare parts and emphasizing transparency and consent in transactions. This regulatory framework aims to protect consumers from unfair practices, ensuring that any exchanges of mobile phone spare parts are conducted with the explicit permission and understanding of the device owner.(Putri, 2018)

Despite these guidelines, there have been reported instances where consumers in Medan Tembung District have experienced issues related to the exchange of spare parts at mobile phone counters. These issues range from receiving substandard parts to encountering unauthorized substitutions without prior consent. Such practices not only undermine consumer trust but also raise questions about the adherence of mobile phone counters to the principles

set forth in Fatwa Number 112/DSN-MUI/IX/2017.(Ilham Labib M, 2020). This study seeks to address these concerns by examining the specific responsibilities of mobile phone counter businesses in Medan Tembung District regarding the exchange of spare parts. The objectives are twofold: firstly, to explore the reasons behind the exchange of mobile phone spare parts without explicit consumer consent, and secondly, to evaluate the compliance of these businesses with Fatwa Number 112/DSN-MUI/IX/2017. By focusing on these objectives, the study aims to contribute insights that can inform both regulatory efforts and business practices in the local mobile phone service industry.(Angraeny et al., 2022)

Marketing includes all company activities to adapt to its environment. One of the marketing strategies that must be carried out by companies is promotion or advertising. Promotional activities carried out function to inform a product and service regarding consumer demand by influencing consumers with the aim of buying and consuming the product and services offered by the company. However, consumers are increasingly aware of the influence of information from advertising or promotions carried out by marketers.(MEMPEROLEH & SUSILO, 2015). Spare parts are components of instrument and electrical control equipment that are reserved for repair or replacement of damaged machine parts. Spare parts are the main factor that determines the operation of the electronic control system in a machine. So, these spare parts have quite a big role in a company's series of production processes. Konter Cellphone is a company that operates in the field of sales of maintenance, service and development services.

Cell Phone Counter services are carried out by a Workshop team consisting of the Head Technician as the recipient of the work order, the Technician who is responsible for carrying out work in accordance with the work order under the supervision of the Head Technician, the Warehouse Section as the one who is fully responsible for the stock of spare parts and the flow of spare parts in and out. Service at the Cell Phone Counter is optimal if the information system regarding spare parts is not available, where information regarding the availability of spare parts needed to complete the job can be obtained.(Rahmania et al., 2022)

The issue of exchanging spare parts for cellphones is prohibited without permission from the owner of the cellphone itself, thus business actors must be responsible for negligence whether intentional or unintentional. In this case, the perspective of fatwa number 112/DSN-MUI/IX 2017 has regulated how contracts are permitted in Islam, therefore the practice of exchanging spare parts that occurs at Medan Cell Phone Counters is contrary to Fatwa Number: 112/DSN-MUI/IX/ 2017 include: Establish: Fatwa Concerning Ijarah Agreement
Third: Provisions related to the Shighat Ijarah Agreement

1. The ijarah agreement must be stated firmly and clearly and understood by the Mu'jir/Ajir and Musta'jir
2. The ijarah agreement may be carried out verbally, in writing, by gesture, and by deed/action, and can also be carried out electronically in accordance with sharia and applicable laws and regulations.

Tenth: Closing Provisions

1. If one of the parties does not fulfill its obligations or if a dispute occurs between the parties, then the settlement is carried out through a settlement institution based on sharia in accordance with applicable laws and regulations after no agreement has been reached through deliberation
2. The determination of this fatwa in business activities or products must first obtain an opinion from the Sharia Supervisory Board
3. This fatwa is valid from the date it is stipulated, provided that if in the future it turns out there is an error, it will be changed and perfected as appropriate.(Rifki & Ersya Faraby, 2022)

The writer quotes research in 2013 by Iga Dwi Putra, a student from UIN Maulana Malik Ibahim Malang, Department of Sharia Business Law, which details the issue of protecting consumer interests. The aim of this research is to provide legal protection for consumers for reconditioned electronic goods at Cell Phone Counters. Because if we compare what is borne

by producers and consumers, it can be concluded that it is the producers who own more. (Wahyuni, 2020). Both this research and the author's previous work address consumer protection. The main difference is that previous research examined the fulfillment of consumer rights through laws and Islamic law, while the author's research examined the responsibilities of mobile phone counter businesses to consumers through the perspective of fatwa number 112/DSN-MUI/IX 2017. (Swandani & Ramadhani, 2020)

In the case studied by the author, there were several defects or damage in exchanging cellphone spare parts, such as at the cellphone counter in Deli Serdang. Many consumers feel disadvantaged by exchanging cellphone spare parts that are not in accordance with the consumer's wishes, which they repair at the cellphone counter. At the time of the contract, it is stated that if goods are damaged or exchanged for good items, it is the responsibility of the cell phone counter to repair the goods. In fact, what happened was that spare parts were exchanged which were not supposed to be exchanged but were exchanged by the cellphone counter, but what consumers complained about was that consumers did not receive responsibility from the cellphone counter. Therefore, the author is interested in researching this case by referring to the opinion of fatwa number 112/DSN-MUI/IX 2017. (Atikah, 2018)

Based on the background of the problem above, there are several things that need to be formulated as the main problem, namely: the reasons why business actors exchange mobile phone spare parts and the responsibility of business actors in the practice of exchanging hand phone spare parts without the customer's knowledge in terms of Fatwa number 112/DSN-MUI/IX /2017. (Atikah, 2018)

II. METHOD

The writer uses empirical juridical research. Soemitro believes that what is meant by an empirical juridical approach is research that looks at the reality or data that exists in practice which is then connected to the applicable legal provisions. A juridical approach will be carried out using legal provisions and statutory regulations in force in Indonesia. (Ady et al., 2022)

Primary data, refers to information collected from the study topic itself as opposed to sources. Research data was collected using primary data, which consisted of written notes from interviews with cellphone counter owners, and other respondents as consumers, sister Ica, sister Beby, Brother Zul. (Harun, 2021). Secondary Data, types of secondary data are data obtained from books. Secondary data was obtained from literature, articles on the internet and explanations of articles and statutory regulations. (Sari & Baso, 2022)

Data collection through interviews, which is an activity carried out to obtain information directly by asking questions to respondents. Namely with the Deli Serdang Cell Phone Counter to the owner of the cell phone counter business, the admin, and other respondents as consumers. With this, the writer uses an unstructured type of interview, that is, the questions asked are flexible but do not deviate from the stated interview objectives. (Sukmawati, 2022).

III. RESULT AND DISCUSSION

1. Understanding Mobile Phone Spare Parts

Mobile phone spare parts encompass assemblies of various components that collectively perform specific functions within the device. Each component within these assemblies plays a crucial role in ensuring the proper functioning of the phone. For instance, the display module includes the LCD screen and touch panel, essential for visual interaction and user interface responsiveness. Similarly, the battery assembly consists of cells and a management circuit, providing power supply and ensuring optimal battery performance. (Tibahary, 2019)

Furthermore, beyond the major assemblies, individual components such as connectors, sensors, and microchips are integral to different functionalities. Connectors enable the seamless integration of components, sensors facilitate environmental awareness (e.g., proximity sensors), and microchips manage data processing tasks critical for the phone's operations. (Thurisina, 2010). In practical terms, common mobile phone spare parts often include the screen assembly, battery, charging port, and camera modules. These parts are

frequently replaced due to wear and tear or technological advancements. For example, a cracked screen assembly compromises both aesthetics and touch sensitivity, necessitating replacement to restore usability and preserve the phone's value.(Saipul Islam Mubarak, 2020)

Understanding the significance of each spare part not only aids in repair and maintenance but also underscores their role in sustaining device performance and user satisfaction. Thus, a detailed exploration of mobile phone spare parts elucidates their intricate roles and highlights their importance in the realm of telecommunications technology.(Adelia Fitriani Putri et al., 2021).

2. Reasons why business actors exchange cellphone spare parts

The study employed a series of interviews to investigate consumer experiences with mobile phone counter businesses in Medan. Four interviews were conducted in total: three with consumers who had undergone repairs and one with a cellphone counter business operator. Participants were selected based on their direct involvement in mobile phone repairs and their perspectives on consumer rights and business practices.(Atikah, 2019)

Sister Ica expressed dissatisfaction after her repair, discovering that her initial request to fix the buzzer led to the LCD being replaced without her consent, raising concerns about the screen's durability. Sister Beby encountered surprise and frustration as her cellphone's battery health declined significantly post-repair, meant to address the SIM CARD IC issue, facing resistance when querying the outcome. Brother Zul highlighted additional damage post-repair, particularly to the camera, not disclosed by the counter despite assurances.(Anggraeni & Rizal, 2019)

The cellphone counter business operator admitted to replacing parts without consumer knowledge to enhance resale value, including substituting LCD screens without informing customers, justified as standard practice.(Iskandar Yahya Arulampalam Kunaraj P.Chelvanathan, 2023)

The interviews underscored a disconnect between consumer expectations and business practices at Medan cellphone counters, revealing consumer disappointment and frustration due to undisclosed repairs and resultant damages. This disparity raises concerns about transparency and consumer rights in the repair process, particularly concerning Islamic principles outlined in Fatwa Number 112/DSN-MUI/IX/2017, governing contractual obligations and fair dealings.(Jihad et al., 2023).

3. Responsibilities of Business Actors in the Practice of Exchanging Mobile Phone Spare Parts Fatwa no. 112/DSN-MUI/IX/2017

The findings from the interviews explicitly highlight violations of specific provisions of Fatwa Number 112/DSN-MUI/IX/2017, which governs the Shighat Ijarah agreement in Islamic finance practices.(Rokhilawati et al., 2023)

Firstly, according to the fatwa, an ijarah agreement must be clearly stated and understood by both parties, the Mu'jir (hirer) and Musta'jir (hirer). In the interviews, consumers such as Sister Ica, Sister Beby, and Brother Zul reported instances where repairs were conducted without their explicit consent or understanding. For example, Sister Ica's LCD screen was replaced without her knowledge while requesting a buzzer repair. This lack of transparency violates the principle that agreements must be clear and understood by all parties involved.(Dwifitri, 2019)

Secondly, the fatwa allows an ijarah agreement to be conducted verbally, in writing, or through other means, ensuring that the terms are communicated effectively. However, the interviews with the cellphone counter business operator revealed practices where parts like LCD screens were replaced without informing the consumers. This action contradicts the requirement that agreements should be carried out with the full knowledge and consent of both parties, whether explicitly stated or implied.(Yumerlin, 2018)

Moreover, Fatwa Number 112/DSN-MUI/IX/2017 emphasizes that agreements must be based on mutual consent and understanding. Consumers must be aware of the nature of the

agreement, the terms involved, and any changes made during the course of the transaction. In the case of the cellphone counter interviews, consumers expressed surprise and dissatisfaction upon discovering unapproved repairs or replacements, indicating a lack of mutual understanding and consent. (Septian et al., 2023)

Furthermore, the fatwa mandates that any disputes or non-fulfillment of obligations should be resolved through Sharia-based settlement institutions, ensuring fairness and adherence to Islamic principles in resolving conflicts. However, the interviews highlighted instances where consumers faced difficulties in obtaining redress for unauthorized repairs or damages, suggesting inadequate adherence to dispute resolution mechanisms outlined in the fatwa. (Bathni et al., 2022)

The business practices observed in the interviews, particularly the replacement of parts without consumer consent and understanding, directly contravene the provisions of Fatwa Number 112/DSN-MUI/IX/2017. These practices undermine the principles of transparency, mutual consent, and fair dealing mandated by Islamic finance principles, thereby necessitating a reevaluation and adherence to ethical and legal standards as prescribed by Sharia and applicable regulations. (Ramli et al., 2020).

IV. CONCLUSION

The responsibilities of mobile phone counter businesses in the Medan Tembung District regarding the exchange of mobile phone spare parts, as outlined in Fatwa Number 112/DSN, encompass several key areas. Firstly, these businesses must strictly adhere to Sharia principles, ensuring all spare parts used are halal and compliant with the guidelines set forth in the fatwa. Quality assurance is paramount, requiring them to guarantee that exchanged spare parts meet specified standards and function properly post-installation. Transparent communication with customers regarding the origins and compatibility of spare parts is essential to maintain trust and clarity. Additionally, providing excellent customer service, including offering warranties and promptly addressing consumer complaints, is crucial for consumer satisfaction and retention. Moreover, educating consumers about the significance of using halal and high-quality spare parts, as well as raising awareness about Sharia-related considerations in the mobile phone spare parts industry, serves to enhance ethical standards and community trust. In conclusion, adherence to Fatwa Number 112/DSN ensures that mobile phone counter businesses operate responsibly and sustainably, aligning their practices with Sharia values while meeting consumer expectations effectively. This approach not only promotes ethical business conduct but also contributes to the overall integrity and reputation of these businesses within the community. (Khisom, 2019)

The main findings of this research indicate that Fatwa Number 112/DSN provides clear guidelines for mobile phone counter businesses to conduct their operations in accordance with Sharia principles. Analysis of these fatwa provisions confirms that business responsibilities extend beyond technical aspects to include moral and Islamic legal aspects in the trade of mobile phone spare parts. Therefore, proper implementation of this fatwa will ensure sustainable business practices aligned with Sharia values. (Imam Fawaid, 2020).

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