

MONOPOLY ON PRICING IN THE SALE AND PURCHASE OF PHOTOS FROM THE PERSPECTIVE OF ISLAMIC LAW (CASE STUDY OF PHOTO BUYING AND SELLING APPLICATION: FOTOYU)

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Abstract

Islamic economics is based on monotheism (asâs ilâhiyah), where every economic activity is a form of worship to Allah. The Fotoyu application as an artificial intelligence-based marketplace allows the buying and selling of photos containing human faces through facial recognition technology and location data. From an Islamic legal perspective, buying and selling photos is permitted (mubah) as long as it does not violate sharia, such as showing genitals or there is coercion in the transaction. However, the practice of price fixing by several sellers in the Fotoyu ecosystem has caused problems in business competition. Cases in various cities show pressure on other sellers to standardize prices, which is contrary to the principles of a free market economy and Islamic law. In Islamic law, cartel practices (ittihad) are considered a form of fraud (tadlis) because they eliminate healthy competition and harm consumers. This study uses a doctrinal legal method with a normative approach. Data sources include primary legal materials (the Qur'an, hadith, muamalah fiqh, MUI fatwas, and the Compilation of Islamic Economic Law), secondary legal materials (law books and journals), and tertiary legal materials (dictionaries and internet sources). The analysis was conducted descriptively to understand the phenomenon of price monopoly in Islamic law. The results of the study indicate that buying and selling photos in Fotoyu is permitted in Islam as long as there are no elements that make it forbidden, but cartel practices in pricing are contrary to Islamic economic principles. Therefore, supervision is needed so that business competition in Fotoyu remains healthy and fair.

Keywords: Buying and Selling; Fotoyu; Islamic Law; Monopoly; Photography.

INTRODUCTION

The introduction All human activities, including in the field of economics, should be based on monotheism (asâs ilâhiyah), which makes every human action a form of worship to Allah. This basic goal is based on the belief that the ability to obtain something through the process of production, consumption, and distribution is a manifestation of the power and authority of Allah. Regarding the position of monotheism in Islamic economics, Ahmad Muhammad 'Assal & Fathi Ahmad Abdul Karim stated that Muslims should not study Islamic economics separately from Islamic creed and sharia, because the Islamic economic system is part of sharia that is closely related to the creed. Therefore, studying economics should not be done separately from Islamic creed and sharia, because the Islamic economic system is an integral part of Islamic sharia¹. The Fotoyu application is a marketplace platform (place to buy and sell) for photos or personal content that utilizes artificial intelligence technology for photo searches. This application is designed to bring together photographers/creators (hereinafter referred to as sellers) with users who act as buyers (hereinafter referred to as buyers).

The way this application works combines various modern technologies, such as artificial intelligence, cloud computing, automation, smartphones, GPS, financial technology (fintech), encryption, and crowdsourcing. Among these technologies, there are two main technologies that are Fotoyu's advantages, namely facial recognition technology and location data. By utilizing these two technologies, Fotoyu offers a unique experience for its users in selling and buying photos safely and efficiently.)².

To use this application, both sellers and buyers must comply with a number of rules set by Fotoyu. One of the most important rules and the main difference between Fotoyu and other photo buying and selling applications is the facial verification system. This rule is implemented because Fotoyu specifically focuses on buying and selling photos containing human facial objects. The facial recognition technology applied allows prospective buyers to find and buy photos uploaded by sellers, provided that the photo contains the buyer's face recognized by the Fotoyu system. If the system detects the buyer's face in the photo uploaded by the seller, the photo will automatically enter the prospective buyer's account, so that it can be purchased directly if desired.

Sellers have full freedom in determining the price of the photos they sell to buyers. There is no lowest price limit applied by Fotoyu, so sellers can set prices according to their wishes. Even sellers can give a price of Rp 0 or free of charge to buyers. For the highest price, Fotoyu applies a price of Rp 1,000,000 (one million rupiah) for one seller content³. However, problems arise when some sellers try to level the price of photos on this application. They argue that too cheap a photo price can damage the market and lower the value of photographers' work. To achieve this goal, some of them do unethical things, such as contacting other sellers through online messages or approaching them directly while taking photos.

Several cases that have occurred related to the practice of standardizing prices by certain photo sellers on the Fotoyu application show that there is pressure from certain individuals on other sellers. One example of a case that occurred was during the "SikSOROGO Lawu Ultra 2024" running event, when an unscrupulous Fotoyu seller was known to have asked another Fotoyu seller with the account name 'rimshotid' to increase the price of the photos he was selling.⁴.

A similar case also befell the account 'epicevidence', which in its sales practice was forced to increase the price of slow-motion video content that it sold in the iconic tourist area of Jalan Malioboro, Yogyakarta. This coercion shows that the phenomenon of intervention in prices does not only occur in photographic products in the form of images, but also includes video-based content that has its own selling value among buyers.⁵. Not only that, a similar incident was also experienced by another Fotoyu seller account with the name 'bendols', where he was directly asked by a Fotoyu seller in the Malioboro Street area, Yogyakarta, to standardize the prices of the photos he offered.⁶.

This attempt to standardize prices has not only occurred in the areas of Yogyakarta City and Surakarta City and its surroundings, but has also spread to other big cities. One example is in Jakarta City, where the practice of standardizing prices in the Fotoyu application also often occurs.

One real proof of this phenomenon can be seen in the upload of the thread account 'whynot.fg', which shares his personal experience when selling photos from the "Jakarta Running Festival 2024" running event on the fotoyu application. In the upload, he tells how he was forced by other fotoyu sellers to increase the prices of the photos he was selling, on the grounds that there would be no price war between sellers⁷. Instead, sellers are encouraged to compete on quality, not on lower prices. This phenomenon reflects a systematic effort by certain parties to control prices within the fotoyu ecosystem, which can ultimately impact market dynamics and sellers' freedom to determine their own sales strategies.

This act of inviting price standardization can be called price fixing which is included in unfair business competition practices. People who invite price fixing can be categorized as cartel actors. A cartel (or in Arabic fiqh known as 'ittihad') is an agreement between business actors to control production, set prices, and/or divide the marketing area of a good or service. The goal is to eliminate competition between them. As a result, consumers are forced to pay higher prices because the goods or services are under the control of the business actor⁸. One of these cartel practices is carried out through the determination of uniform market prices.

RESEARCH METHODS

The method is optional for original research articles. This method is written in descriptive and should provide a statement regarding the methodology of the research. This method is as much as possible giving an idea to the reader.

ANALYSIS AND DISCUSSION

1. Buying and Selling Human Photos on the Fotoyu Application from an Islamic Law Perspective

All buying and selling in Islamic law, the original law is permissible or permissible until there is something or case that makes it haram. As stated in the rules of fiqh which means: "The original law in muamalah is permissibility until there is an argument that shows its prohibition"⁹. Sharia has established several basic principles of prohibition of transactions that contain elements of prohibition both in terms of substance (haram li dzaatihi) and other aspects (haram li ghairihi), namely: (1) Prohibition of Usury; (2) Prohibition of Tadlis (hiding defects in goods); (3) Prohibition of Taghrir (uncertainty); (4) Fulfilling the conditions and pillars of buying and selling.

Starting from the original law of buying and selling in Islamic law, it is necessary to understand the law of photography in Islam itself before discussing the law of buying and selling. The basic principle of photography is to focus light through the refraction process, so that the light can hit the light-capturing medium. This medium, when exposed to light with the appropriate level of brightness, will produce an image that is identical to the light that passes through the lens (refractive medium). Therefore, photography can be interpreted as the activity of capturing and freezing reality using a camera, so that it can be understood that the image produced from photography is the same image as the original object.¹⁰. In the context that the object in the

image referred to in this case is a living object (human), several hadiths of the Prophet Muhammad have explained, namely¹¹:

1. From Abu Hurairah:

I heard the Prophet sallallaahu 'alaihi wa sallam say: "Allah 'Azza wa Jalla said, "Who is more unjust than the person who desires to create like My creation. Try them creating a fly or a small ant (if they can)!" (HR. Bukhari No. 5953, Muslim No. 2111, and Ahmad 2:259)

2. From Abu Hurairah in another narration it is stated:

"Allah 'Azza wa Jalla said, "Who is more unjust than the person who creates like My creation. Try them creating small ants, seeds or wheat (if they can afford it)!" (HR. Bukhari no. 7559)

3. From Abdullah bin Mas'ud:

The Prophet sallallaahu 'alaihi wa sallam said: "Indeed, the person who will suffer the most severe punishment in the sight of Allah on the Day of Resurrection will be the draftsman." (HR. Bukhari no. 5950 and Muslim no. 2109)

4. From 'Abdullah bin 'Umar:

Rasulullah sallallaahu 'alaihi wa sallam said: "Indeed, those who make images will be tormented on the Day of Resurrection. It will be said to them, "Live what you created." (HR. Bukhari no. 5961 and Muslim no. 5535)

5. From Ibn 'Abbas:

Rasulullah shallallahu 'alaihi wa sallam said: "Whoever makes a picture, he will be tortured until he can blow the spirit into the picture he made. But in reality he cannot blow it." (HR. An Nasai no. 5359 and Ahmad 1: 216. Shaykh Al Albani said that this hadith is authentic)

The hadiths above talk about painters who change the image of living creatures to produce a new image that resembles Allah's creation. As for photos from cameras, they are different. Photos from cameras are images of Allah's creation itself. So this is not included in the images that will later be ordered to be breathed into by spirits. Likening photography to images (shadows) that appear in a mirror or in water when we stand in front of it¹².

Sheikh Muhammad Bakhit, the Mufti of Egypt, issued a fatwa that photography is a technique for capturing shadows through a special tool, such as a camera (tustel), which is known in the world of engineering. He emphasized that this method is not included in the prohibition on drawing mentioned in the hadith. The prohibition on drawing is directed at the activity of creating images that previously did not exist, which is considered to rival Allah's creation. Meanwhile, photography only captures the shadow of something that has been created by Allah, so it does not meet these criteria. Although there are some scholars who are very strict about all forms of images, including photography, and consider it makruh, they generally provide leniency (rukhsah) in urgent situations or for important needs. An example is the use of photos for documents such as identity cards, passports, or photos used as lighting tools. In this case, photos are considered not to have any element of glorification or potential to damage

the creed. Therefore, photography for purposes that are beneficial or urgent is not considered problematic according to this view.¹³.

Referring to the law of buying and selling, all buying and selling, the original law is permissible or permissible until there is something or case that makes it haram. As stated in the rules of fiqh which means: "The original law in muamalah is permissibility until there is an argument that shows its prohibition"¹⁴. The legal status of halal or haram in buying and selling photos can be seen from the object of the photo/image that will be bought and sold. In Islam, there are several norms that need to be considered in art, namely¹⁵:

- 1) It is not permitted to create paintings that contain pornographic elements or depict living creatures.
- 2) It is not permitted to create stories that tell stories about gods or contain criticism of God.
- 3) It is not permitted to sing songs that contain impolite or obscene words.
- 4) It is not recommended to play music that can arouse sensual movements.
- 5) It is not permitted to perform dances that involve physical contact between men and women.
- 6) It is not permitted to show dramas or films that depict violence, hatred, or cruel acts.
- 7) It is not permitted to wear clothes that reveal one's private parts.

The prohibition on images or statues in Islam also includes objects that symbolize disbelief, injustice, or wickedness, which clearly contradict the principles of Islam. Every Muslim is not allowed to draw or paint figures who oppose Allah, such as leaders who associate Him with cows, fire, or other objects. This includes Jews and Christians who reject the prophethood of Muhammad, as well as Islamic religious leaders who do not implement the laws of Allah, as well as individuals who actively spread obscenity and corruption, such as artists or celebrities who support wicked behavior.¹⁶.

In addition, it is also forbidden to draw or display objects that are considered symbols of polytheism, such as idols, crosses, or symbols of religions that are not recognized in Islam. An example of this case can be seen in the actions of the Prophet when faced with these images or symbols. In a hadith narrated by Bukhari, the Prophet did not allow the existence of a cross in his house and made sure that the cross was destroyed. Another narration from Ibn Abbas describes that during the conquest of Mecca, the Prophet saw statues in the Kaaba. He refused to enter the place until the statues were destroyed. The statues were symbols of the idols of the polytheists of Quraysh which became symbols of their misguidance. Thus, Islam strictly forbids all forms of images, statues, or symbols related to infidelity, polytheism, or the destruction of community morals, whether in their manufacture, distribution, or use.¹⁷.

In simpler terms, the subject in the picture is prohibited from displaying things that are prohibited in the Shari'a, such as genitals, physical contact between men and women who are not mahram, polytheism (associating partners with Allah), or violence. This prohibition includes all parties involved, whether they are the ones who make the picture, the ones who

distribute it, or the ones who put it up in public places such as homes, offices, shops, or hung on walls. In fact, intentionally looking at or paying attention to the pictures is also an act that is forbidden.¹⁸

The halal or haram status of an object/product that is traded must also fulfill sharia principles based on how it is obtained. (*forbidden to be forbidden*)¹⁹. In the context of halal haram for consumer products, products that are haram for consumption in this second category are divided into two types. First, the product is actually halal, but the way it is handled or processed is not in accordance with Islamic law, such as goat meat that is not slaughtered according to Islamic law or halal food that is contaminated with haram or unclean objects in the production process. Second, the object is basically halal and pure, but is obtained through means that are prohibited in religion, such as the result of corruption, fraud, and other prohibited acts.²⁰

In the context of buying and selling photos, the halal haram status based on how to obtain it, in this case photos/images, especially on the fotoyu application, can be seen from the ethics of photographers in public spaces when taking pictures. Photos sold on the fotoyu application are generally photos of participants in large-scale running or cycling competitions and are located in public spaces, such as highways, mountains, or tourist attractions. Regarding taking photos in public spaces for sale, the main focus is the consent of the object being photographed, which in this case is the participant of the activity, as part of the terms of the sale and purchase of 'mutual consent'. It will be very difficult if the consent of the object to be photographed must be done in writing or verbally, considering the number of objects (participants) in the activity and the movement of the object to follow the route to the finish.

Therefore, it is important for an ethical photographer to be able to interpret the object's gesture as consent or refusal to be photographed. The ethics of a photographer play a very important role in continuing to respect the privacy and honor of the object even though it is in a public space.²¹. The combination of 'face recognition' and 'location data' technology in the fotoyu application is expected to limit the possibility of personal photos being spread to others, so that the privacy of the object is maintained.

In the end, buying and selling human photos on the fotoyu application from an Islamic legal perspective is permissible, as long as there is nothing that causes the sale to be haram. The haram that can occur in the transaction include:

- 1) The presence of genitals, both male and female, that are exposed in the images being traded.
- 2) There is physical contact between men and women who are not mahram in the images being traded.
- 3) There is coercion to buy the photos being traded.
- 4) There are symbols of acts that are forbidden by sharia, such as the rainbow symbol (LBTQ) or the practice of the act itself, such as a man behaving like a woman.

So as long as the photos being traded do not contain anything that prohibits the transaction and are based on mutual consent, then the transaction is permitted from an Islamic legal

perspective. As mentioned in the beginning, all human activities, including in the economic field, should be based on monotheism (asâs ilâhiyah), which makes every human action a form of worship to Allah. This basic goal is based on the belief that the ability to obtain something through the process of production, consumption, and distribution is a manifestation of the power and authority of Allah. Therefore, as a photographer, especially a Muslim photographer, it is important to understand the ethics of photography based on sharia. Some principles that need to be considered include:

1) Keeping Intentions

Intention is a fundamental aspect in every action. Every action must be based on good intentions, especially in aspects of worship such as prayer, fasting, zakat, and hajj. In the world of photography, if this profession is a source of livelihood, then intend to seek halal sustenance for the blessing of life and the welfare of the family and society. Likewise, when taking pictures in public places, intend it as a means of preaching and spreading messages of goodness. Avoid using photography as a tool to spread slander or defame Islam, the nation, and the state. Therefore, every step in photography should begin with mentioning the name of Allah (Bismillahirrahmanirrahim), and be oriented towards His pleasure.²².

2) Maintaining Morals and Boundaries

Morals are a reflection of a person's personality, which in Islam must be based on the teachings of the Qur'an and Sunnah. As a Muslim photographer, maintaining morals is a must, especially when interacting with others, including non-Muslims. A good and sincere attitude can provide a positive image for Islam and break down negative views that may exist in society. In addition, in the practice of photography, there are limitations that need to be considered, especially in interactions between men and women. Some rules that should be obeyed are:

- a) Women do not wear clothes that are too flashy.
- b) Avoid situations that can give rise to slander.
- c) Do not be alone in a quiet place with a person of the opposite sex who is not a mahram.
- d) Avoid inappropriate expressions or movements, such as a spoiled voice or excessive body movements.

3) Understanding Da'wah through Art

Da'wah in art has existed since the time of the Prophet. One of them is through Arabic literary art which has a beautiful language structure.²³. Along with the development of the times, the method of preaching needs to be adjusted to be more interesting and relevant, both for fellow Muslims and preaching to non-Muslims.

However, it should be remembered that art should not be misused as a means of seeking popularity without considering Islamic values. A work of art, including photography, should contain moral and spiritual messages. A Muslim photographer must ensure that his work is in line with Islamic values, such as including elements of divinity, verses of the Qur'an, and hadith in his message.

As stated by Prof. Thomas Arnold, the development of Islamic art is not the result of economic exploitation, but is driven by a spirit of devotion, sincerity, and honesty. Therefore, photographers must also ensure that their work is made with sincere intentions in order to gain Allah's pleasure. Da'wah is not only the responsibility of scholars, but is the duty of every Muslim, including through the art of photography. If a photo can convey a message of goodness and truth, then it will be a reward in the sight of Allah. Conversely, if photography is used to spread evil, then it will be a responsibility in the afterlife.

4) Maintaining Worship and Relationship with Allah

In the midst of the busy world of photography, do not forget the main obligation as a Muslim, namely worship to Allah. The busyness in the field often makes someone neglect to perform prayers, even though prayer is a pillar of religion and a form of closeness to Allah. A faithful Muslim photographer must maintain his relationship with Allah by always performing prayers on time and increasing prayer. By maintaining worship, a person will be closer to Allah and receive protection and guidance in every step of his life.

2. Monopoly on Price Fixing in Buying and Selling Human Photos on the Fotoyu Application in the Perspective of Islamic Law

In contemporary Islamic jurisprudence, business competition is known as *al-munâfasah at-tijâriyyah*, which is part of the discussion of *mu'âmalah* and involves business actors (*at-tujjâr*) in economic relations. Business competition is included in the category of discussion of *muamalah fiqh* which is *ijtihâdiy* in nature, so there are often differences of opinion among scholars. Some of the main topics in this discussion include *fiqh al-munâfasah al-ihkârîyyah* (monopoly competition), *ihkâr al-gillah* (oligopoly), *ittihâd* (cartel), *i'timân* (trust), *at-tas'îr* (price fixing), *mu'âmarah al-munâqishât* (tender collusion), and *syirkah qabidah* (holding company).²⁴ The discussion is included in unfair business competition which in Islam is known as *al-munâfasah at-tijâriyyah ghayr al-masyrû'ah*, which is prohibited by sharia because it contains elements of *al-ghurur* (fraud), *al-ghisy* (cheating), *at-tadlis* (misleading), and other false practices.

In an ideal market system, there should be perfect competition. This natural competition causes the price and availability of goods and services to be dynamic and varied, allowing people to freely choose products according to their financial capabilities. However, when competition is eliminated, consumers are forced to accept the prices agreed upon by business actors. Even if they want to switch to another product, the price remains under the control of the cartel, so there is no choice that is truly profitable for the community. In fact, the community needs more affordable prices as a result of healthy market competition. This kind of competitive climate encourages companies to improve the quality of service or lower prices in order to attract more consumers.

A cartel is an agreement between several companies engaged in the sale of similar services or products to jointly control market prices through regulating product distribution by eliminating business competition. The main characteristic of a cartel is an effort to eliminate competition in order to maintain dominance in the market.²⁵ Viewed from the perspective of sharia law,

this cartel practice is a form of deviation from the principle of *syirkah abdan* and *syirkah mufawadlah*, because it is not aimed at healthy cooperation, but rather to control the market unfairly by setting market prices. This kind of cartel practice is known in the *fiqh* of the *madhhab* as *idz'an*. Imam al-Bujairami defines *idz'an* as accepting the words of another party without any attempt at resistance or appeal, which is then followed by appropriate action²⁶. The essence of *idz'an* is the elimination of competition, where society is positioned as a party that is forced (*mustakrih*) to accept the price that has been agreed upon by business actors, and even to new competitors who enter the market.

Deviations from *syirkah abdan* and *syirkah mufawadlah* can be seen from the main principle of *syirkah*, namely the distribution of profit/loss according to agreement in one management, either one profession (*syirkah abdan*) or different professions (*syirkah mufawadlah*). In *syirkah abdan*, one of the elements that invalidates the *syirkah* is the absence of management of results in one management. The results of the work should be managed together and shared according to agreement. However, if each individual only receives and owns the results of his own work without a collective income collection system, then there is no profit sharing ratio. As a result, the cooperation is only a formal agreement on paper without fulfilling the true essence of *syirkah abdan*²⁷. Meanwhile, in *syirkah mufawadlah*, the element that cancels it is that the work carried out by one of the *syirkah* (*syirkah parties*) is not in accordance with the main duties and functions (*tupoksi*) that have been stipulated in the agreement. Second, the compensation received is based on *ujrah mitsil* (prevailing standard wages) and not based on the profit sharing ratio of profit or profit²⁸.

The photography market continues to grow, especially with the increasing number of sports events and other public events. As a country with a free market economy, Indonesia naturally allows new players to enter the industry. The presence of novice photographers is inevitable, both through platforms such as Fotoyu and through various other distribution media, such as Google Drive, Google Photos, Linktree, Instagram, Facebook, WhatsApp, and direct transactions. However, the main problem that often arises in the field is the low market absorption of photography results. Many photographers have difficulty selling their work, resulting in various unethical practices, such as forcing transactions on consumers, violating rules at events, and actions that create friction with the community or event organizers. This phenomenon has the potential to damage the reputation and sustainability of the photography ecosystem as a whole.

Several cases of coercion for price standardization in photo buying and selling that occurred in the fotoyu application as explained in the background, researchers consider that these cases are included in cartel practices that are prohibited by Islamic law. It can be seen that the cartel that was built in this case is price cartel, which is setting a minimum price for goods produced or traded by its members or to new competitors. Each member or new competitor in the market is prohibited from selling their products below the agreed price. Although it is permissible to sell at a higher price, it is entirely the responsibility of each individual²⁹.

The reason used by these cartels is to avoid price wars in the market and competing in quality wars, even though each seller in the market has different capital or experience. Thus, it is in

accordance with the main objective of the price cartel, which is to control the market and prevent price competition, both to cartel members and to new competitors in the market.

This kind of cartel practice is irrational when compared to other healthy and dynamic industrial mechanisms. Standardizing the selling price of photos through a cartel is a counterproductive action, as can be observed in various other economic sectors. When the price of cooking oil soars due to a cartel, consumers lose access to competitive prices.

Similarly, cartel intervention in the price of beef, rice, or soybeans creates a market imbalance that burdens the community. Even in the service sector, if all service providers set prices uniformly outside the market mechanism, consumers lose the freedom to choose services that suit their purchasing power. This phenomenon shows that artificial price formation by certain groups is not only contrary to the principles of the free market, but also hinders healthy competition that should be a driver of innovation and growth in the industry itself.

In relation to the free market mechanism, the cartel practices that occur in the photo buying and selling application, Fotoyu, have an impact on locking in uniform prices which hamper economic dynamics in the photography industry. The free market is not a destructive mechanism, but rather a natural process in the economy.

On the contrary, standardizing prices through cartels actually inhibits market flexibility and disrupts competitive balance. Before Fotoyu was launched, research showed that in several cities, strict price restrictions had caused market stagnation. This resulted in a decrease in the number of photographers who could survive, so that only a few parties were able to monopolize the shrinking market. In fact, in some areas, the photography ecosystem has almost stopped completely due to the imbalance between supply and demand. This phenomenon is exacerbated by the tendency of business actors to choose to stop their activities rather than adjust prices to market dynamics.³⁰

In a free market economy, each market class has its own consumer segment. The basic principle of economics shows that as long as there is demand, there will always be supply. This phenomenon applies to various sectors, including the photography industry. Market segmentation can generally be divided into three main classes: upper class, middle class, and lower class. Naturally, the higher the market class, the more limited the number of consumers.

On the contrary, the lower class has a much wider consumer coverage, creating a large and dynamic market potential. When a cartel is applied in the form of price standardization (for example by standardizing the price of IDR 35,000 per photo), the natural market mechanism is disrupted. Consumers from the lower middle segment who were previously able to buy within a flexible/more affordable price range will tend to reduce or even leave this market ecosystem because the price does not match their purchasing power. This is what is meant by ignoring existing segmentation and actually narrowing market potential.

There is a view that price freedom in the photography industry will lead to competition for the lowest price, which has the potential to harm business actors. However, this is not entirely true. Every seller has the right to set prices according to the value provided.

Not all consumers only consider the lowest price; many prioritize quality, exclusivity, or a unique experience. Photography is not just a commodity, but a high-value work with uniqueness that cannot be replicated identically. Therefore, a variety of price ranges from cheap, medium, to expensive, can coexist in a healthy and competitive market ecosystem coexist in a healthy and competitive market.

The implementation of the cartel system in the photography industry, especially in standardizing prices, is contrary to the principles of a free market economy. If this practice continues to be maintained, several significant negative consequences may occur, including:

1) Potential for conflict and crime

Market imbalances resulting from price monopolies can increase tensions between business actors, potentially triggering physical conflict and criminal acts, such as assault.

2) Consumer antipathy towards the photography industry.

Implementation of inflexible prices can reduce consumer interest in photography services. Consumers who feel they do not have a variety of price options have the potential to reject the creative economy ecosystem of photography, which can ultimately lead to legal problems for cartel actors.

3) Growing resistance to photography in public spaces

The public may develop a negative perception of photographers if the practice of standardizing prices is considered a form of economic exploitation. This can worsen the resistance towards photography activities in public spaces.

4) Potential disruption/closure of the fotoyu platform

If consumer dissatisfaction and internal conflicts continue to increase, photo trading platforms such as Fotoyu may face threats to operational sustainability, both on a city-specific scale and overall.

5) The decline of the photography ecosystem

Instead of creating stability in the industry, the implementation of a price cartel can actually worsen the condition of the photography market. When the ecosystem stagnates due to price inflexibility, the industry can experience significant decline.

From an economic perspective, the entry of new photographers/new sellers should not be seen as a threat, but rather as part of the natural dynamics of the market. In a broader context, this phenomenon is similar to the challenge of employment, where every year there is an increase in the number of workers, while the availability of jobs is limited.

Therefore, a wiser strategy is to accommodate and guide novice photographers so that they can adapt to healthy market ethics and mechanisms. Thus, the photography industry can develop inclusively, create healthy competition, and maintain the sustainability of the ecosystem without the need for monopolistic and counterproductive market interventions.

CONCLUSION

Buying and selling human photos on the Fotoyu application from an Islamic legal perspective is basically permissible, as long as there are no elements that make it forbidden, such as showing private parts, physical contact between non-mahrams, coercion in transactions, or symbols that are contrary to sharia.

In Islam, photography that only captures the shadow of Allah's creation is not included in the prohibition on drawing living creatures as mentioned in the hadith. However, photography ethics must still be considered, including maintaining the privacy of the photo object and ensuring that there is consent, even in public spaces. With the presence of face recognition technology and location data on the Fotoyu application, it is hoped that the privacy of the photo object will be maintained. Muslim photographers are also advised to understand the limitations of sharia in photography, maintain good intentions, apply Islamic morals, and make photography a means of preaching that does not violate religious principles. Therefore, as long as the photo buying and selling transaction is carried out by fulfilling the requirements and pillars of buying and selling and does not contain elements that are prohibited in Islam, then the law of buying and selling is still permitted.

That the practice of price monopoly or uniform pricing (cartel) in the human photo trading industry on the Fotoyu application is contrary to the principles of a free market economy and Islamic law. In Islamic law, a cartel is considered a form of fraud and cheating because it eliminates healthy competition, which can cause market imbalance, harm consumers, and give rise to potential conflicts between business actors. This cartel practice has the potential to reduce consumer interest in photography services, create tensions among photographers, and damage the photography ecosystem as a whole. Therefore, healthy and flexible competition in the photography market is very important to support the sustainability of this industry and maintain fairness for all parties.

Accommodating novice photographers and encouraging a dynamic and competitive market will be more beneficial than implementing a monopoly system that hinders innovation and industry growth.

Footnotes

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