



Analysis of Buying and Selling Positive Test Packs on the Shopee Application from a Sharia Economic Law Perspective

Putri Estining Tiyas

Universitas Nahdlatul Ulama Sunan Giri

email : putriestiningtiyas02@gmail.com

Abstrak

Testpack positif merupakan testpack yang telah digunakan oleh ibu hamil. Di dalam testpack terdapat urin yang mengandung bakteri jamur dan virus yang berpotensi tertularnya penyakit. Fenomena tersebut tidak sejalan dengan teori ba'i terkait syarat objek bisa memberikan manfaat menurut syara' dan tidak menimbulkan kemudharatan. Penelitian ini disusun untuk menjawab berbagai rumusan masalah. Pertama, bagaimana mekanisme praktik jual beli testpack positif di Shopee? Kedua, bagaimana analisis jual beli testpack positif di Shopee perspektif hukum ekonomi syariah? Metode yang digunakan untuk menyusun penelitian ini berupa penelitian lapangan (Field Research). Sehingga metode pengumpulan data dilakukan melalui wawancara, observasi dan dokumentasi terkait mekanisme dan motif jual beli. Kemudian data dikelola menggunakan metode deksriptif analisis melalui pendekatan kualitatif. Hasil penelitian ini menunjukkan dua hal utama. Pertama, mekanisme jual beli testpack positif dimulai dari penjual membeli testpack yang masih bersegel, setelah itu testpack diberikan sampel urin untuk menunjukkan hasil positif. Kemudian dikemas kembali dan didistribusikan kepada konsumen. Kedua, dari perspektif hukum ekonomi syariah menggunakan teori ba'i menunjukkan bahwa testpack positif merupakan benda mutanajis dan menimbulkan kemudharatan. Oleh karena itu, jual beli testpack positif tidak sesuai dengan syarat objek jual beli. Sebab testpack positif merupakan limbah medis yang bahaya didistribusikan karena dapat menyebabkan penularan penyakit.

Kata kunci:

Jual beli;
Testpack
Positif;
Shopee

Abstract

Positive test pack is a test pack that has been used by pregnant women. Inside the test pack there is urine containing bacteria, fungi and viruses that have the potential to transmit diseases. This phenomenon is not in line with the ba'i theory regarding the requirements for objects to provide benefits according to sharia and not cause harm. This study was conducted to answer various problem formulations. First, what is the mechanism of the practice of buying and selling positive test packs on Shopee? Second, how is the analysis of buying and selling positive test packs on Shopee from the perspective of sharia economic law? The method used to compile this research is field research. So that the data collection method is carried out through interviews, observations and documentation related to the mechanisms and motives of buying and selling. Then the data is managed using a descriptive analysis method through a qualitative approach. The results of this study show two main things. First, the mechanism of buying and selling positive test packs starts from the seller buying a test pack that is still sealed, after which the test pack is given a urine sample to show a positive result. Then repackaged and distributed to consumers. Second, from the perspective of sharia economic law using the ba'i theory shows that positive test packs are mutanajis objects and cause harm. Therefore, the sale and purchase of positive test packs is not in accordance with the terms of the object of sale and purchase. Because positive test packs are medical waste that is dangerous to distribute because it can cause disease transmission.

Keywords

Buy and sell;
Positive
Testpack;
Shopee

Introduction

In the Islamic concept, maintaining health as a form of worship as an implementation of gratitude for the gifts given by Allah (Amirah, *et.al*, 2023). herefore, maintaining health is included in hifdzul an nafs if in the Islamic



treasury it means maintaining or preserving the soul (Ali Abdurroziq, *et.al*, 2022). Maintaining health is not only from the internal aspect but also from the surrounding environment or external aspects. One external aspect that influences a person's physical health is medical devices.

Medical devices are a component in supporting healing efforts (Ane Prasetyowati, 2025.). The role of medical devices is very crucial for diagnosing, treating and monitoring medical conditions (Agus, 2023). For this reason, in its use it must meet the technical standards for the use of medical equipment, one of which is from the safety aspect. Likewise, the distribution of medical devices must be in accordance with standards, benefits, and safety (Undang-Undang Republik Indonesia Nomor 17 Tahun 2023).

However, in reality, many individuals distribute medical devices that do not meet the quality standards issued by the Ministry of Health. One of them is like buying and selling positive pregnancy tests. A pregnancy test is a stick-shaped test tool used to detect pregnancy in the human chorionic gonadotropin (hCG) hormone in urine (Widia Lestari, *et.al*, 2023). Buying and selling positive pregnancy tests is done through the Shopee application where sellers trade used pregnancy test packs sold from IDR 13,000.00 to IDR 60,000.00 per piece (JI, 2025).

This phenomenon has been mentioned by health practitioner Dr. Boyke Dian Nugraha, SpOG, who said that buying and selling used pregnancy test packs that have been exposed to pregnant women's urine is the same as selling medical waste. Moreover, when holding it without wearing gloves, it is likely to be at risk of contracting various diseases from bacteria, fungi, viruses from the urine of pregnant women (Mochammad Fajar Nur, 2024.)

Bacteria contained in urine include *Escherichia coli* (*E. coli*), *klebsiella*, *proteus*, and others (Andri Nugraha, *et.al*, 2019). These bacteria can cause digestive tract infections, pneumonia, bacteremia (Arya Ulilalbab, *et.al*, 2023). In addition, according to Dr. Cahyawati Arisusilo Sp.OG explained that buying and selling positive test packs is very unethical and dangerous because the effects of urine left alone can cause gonorrhea (pus in urine), chlamydia, hepatitis b. (Cahyawati Arisusilo, Sp.OG, 2025.).

Used test packs are included as infectious medical waste or waste that occurs due to medical procedures originating from the human body (Bagaskara, 2025). Medical waste has been regulated in the Regulation of the Minister of Health Number 18 of 2020, which is waste from health service activities (Peraturan Menteri Kesehatan Nomor 20 Tahun 2020). In addition, Law of the Republic of Indonesia Number 17 of 2023 concerning Health Article 138



stipulates that medical devices distributed must be of standard and quality in accordance with applicable regulations and medical devices distributed must be safe and provide benefits (Undang-Undang Republik Indonesia Nomor 17 Tahun 2023). Therefore, buying and selling positive test packs is not in accordance with applicable regulations.

Islam has regulated buying and selling in the concept of muamalah. In muamalah, buying and selling has been regulated in such a way including the pillars and conditions (Zaenal Abidin, *et. al*, 2022). The object is a condition of buying and selling which must be useful and can be utilized (Azzam Abdul Aziz Muhammad, 2022). In this case, the test pack has no health benefits, but instead causes harm. In addition, the object contains harm if the buyer uses it to manipulate or deceive others for something bad. Therefore, the Positive test pack is unethical to be traded.

Therefore, this researcher focuses on the potential impacts of buying and selling used medical devices. This phenomenon is an important concern because used medical devices can cause disease if not managed properly.

Literature Review

To support this research, several literature studies are needed, such as Muhammad Naufal Yannassandi and Evi Kongres, "Legal Protection for Consumers for the Sale of Orthopedic Screws Without Going Through a Feasibility Test and Distribution Permit" (Naufal Yannassandi, Dan Evi Kongres, 2023). This study examines the number of fraudulent business actors in producing and selling health equipment products, one of which is Orthopedic Screws. Orthopedic Screws are sold without the feasibility and distribution permits that are distributed through sales and distributed to hospitals and health centers at lower selling prices.

Cyntia Angelina Nadapdap, Raffles, Herlina Manik, "Legal Rights of Consumers Using Illegal Covid-19 Preventive Medical Devices" (Angelina Nadapdap *et al*, 2022). This study examines the Covid-19 preventive medical devices circulating in Jambi that do not have a distribution permit. So that many are freely traded rapid antigen tests. This is not in line with the Decree of the Minister of Health Number Hk.01.07/Menkes/446/2021 which regulates the provisions and procedures for antigen-based rapid tests, in addition to rapid tests for other medical devices in the form of hand sanitizers and medical masks.

Ardelia Shafaraissa and Sharda Abrianti, "Consumer Protection Against the Use of Used Antigen Swab Test Kits Based on the Consumer Protection Law" (Shafaraissa, dan Sharda Abrianti, 2021). This study discusses the legal



remedies that can be taken by prospective airplane passengers at Kualanamu Airport carried out by individuals from PT Kimia Farma Diagnostika against the use of used antigen swab test kits.

M. Taufik Naufal, Skripsi: "Analysis of the Legality of Reject Sanitary Napkins Sales on the Shoppe Application from the Perspective of Consumer Protection Law and Sharia Economic Law" (M. Taufik Naufal, 2024). The results of the study show that reject sanitary napkins are illegal products, in addition to being damaged, perforated and defective in condition that does not meet production standards, so they are not suitable for use. The sale and purchase violates Law Number 8 of 1999 concerning Consumer Protection. On the other hand, in Islam, such a sale and purchase is permitted (mubah) if the health of the user is not disturbed, and is forbidden if after use it turns out to cause health problems.

From the several studies above, none have analyzed the sale and purchase of positive test packs on Shopee, which is the sale and purchase of used medical devices sold on Shopee illegally. This phenomenon is an important concern because used medical devices can spread disease if not managed properly. Because it has been contaminated with bacteria, viruses, or hazardous substances.

Method

The research method is a technique that is systematically arranged in a study to obtain data (Busyairi Ahmad, *et.al*, 2020). The research method used is qualitative in the form of field research or collecting data directly in the field. Data sources to support the validity and reliability of the research through secondary data obtained from observation, interviews and documentation. While secondary data is obtained from books, journals, books, the internet and other sources that are arranged systematically using descriptive analysis methods.

The process of analyzing data carried out by researchers begins with examining the data in the form of examining the results of interviews with informants. Then the data is reduced by summarizing the long interview transcripts into the main points. After that, verification and drawing conclusions from the data that has been obtained.

Results

As a development of industrial technology, Shopee is designed as a mobile commerce digital trade in buying and selling transactions and service services



(Nadya Rahmadhani, *et.al*, 2024). As a media with a user system that becomes a seller or buyer (customer to customer or C2C). So that it can facilitate both. This platform can be accessed without having to use an application or smartphone, because it can be used through the platform's official website (Roos Nelly, 2024)

However, with the convenience of the features managed by Shopee, it has an impact on the freedom to sell products that are actually not worth promoting. Although Shopee has provided standardization for goods that are worthy of being sold on its platform. Both from food and beverage products, cosmetics, electronic services that are limited to health products (Admin, 2025).

One of the health products sold on Shopee is a test pack. A test pack is a test tool used to detect pregnancy independently by individuals (Ainur Rofiq, 2020). In this case, it can be interpreted that the test pack has not been used or is an original product. However, the problem here is that the test pack is sold after the tool has been used by someone else or is commonly referred to as a positive test pack. Through interviews conducted with sellers, buyers and reviewers on Shopee, the following findings can be made:

First, the motive underlying this practice is based on the interests of each of the perceptions of buyers and sellers. One of the sellers on the NP account explained that the motive for opening this business was to help each other between women. In addition, for assignments or practical purposes. So that they help each other between pregnant people and buyers (NP, 2025).

Meanwhile, from the buyer's perception, the motives that encourage them to check out a positive testpack also vary. From interview samples and reviews from buyers of shops that have been ordered, there are several buyer accounts on Shopee with different motives.

Account	Store	Account Name	Type Of Test Pack	Buyer's Motif
		B*****i	OneMed	Buying for his friend
	JB	W*****h	OneMed	Household conflict
		G*****y	OneMed	Prank
		N*****i	Andalan	Prank
	JS	P*****1	OneMed	Filming properties
		N*****a	OneMed	Prank
	TV	T*****0	OneMed	Prank
		T*****i	Andalan	Prank

Second, the distribution mechanism of positive test packs found in this study is systematic but informal. This means that the buying and selling process has a clear flow. Based on the results of the interview with NP, the sales mechanism begins with the purchase of a sealed test pack by the seller. The test pack is then used or urine samples are taken from pregnant women. In other



words, the seller and the pregnant woman work together, and the profits will be shared according to the agreement (NP, 2025). After that, repackaging is carried out. Packaging is done by disguising the product label on the receipt. This aims to maintain the privacy of the buyer and so as not to be blocked by Shopee (TM, 2025.) While what is meant by informal is a transaction where the process does not go through official or illegal channels (Hadi, 2019). Because selling positive test packs is the same as buying and selling medical waste.

Third, buying and selling positive test packs has several impacts, ranging from health to social aspects. From a health aspect, according to Doctor Boyke Adi Nugraha, Sp. OG, a positive test pack is the same as a used test pack or is included in medical waste (Muhammad Fajar Nur, 2025). Medical waste has the potential to cause a high risk of disease transmission through injured body parts. This is because not only blood has a high level of infection, but urine can also be a medium for transmitting disease (Dhea Putri Primadana Arum, *et.al*, 2022).

This condition is because the urine produced does not yet have a known medical history for the pregnant woman. According to the explanation of Dr. Cahyawati Arisusilo, Sp. OG stated that the effects of urine that is left will have health impacts such as gonorrhea, chlamydia, hepatitis b (Cahyawati Arisusilo, Sp. OG, 2025).

From a sociological perspective, this sale and purchase has the potential to be misused or used as a material for manipulation. Although there are several buyers who have checked out positive test packs used as assignment media, practicums and filming properties. Some use it for personal gain to manipulate or prank others. However, it is different from pranking others with motives for emergency situations and that is the only way.

Fourth, the practice of buying and selling positive test packs has violated the terms and conditions of the Shopee platform regarding the types of products that are allowed and restricted to be sold on its platform. Products sold on Shopee are the full responsibility of the seller. It can even lead to the possibility of being banned or having your account or product blocked by Shopee. Especially related to medical devices that can cause side effects after use (Admin, 2025).



Discussion

A. Positive Testpack Buying and Selling Mechanism on the Shopee Application

Mechanism is a regular procedure to achieve goals in doing something (Mudzakir Ilyas, 2020). The mechanism for buying and selling positive test packs on Shopee is systematically structured. The buying and selling is carried out on Shopee when there is an order from the buyer. The procedure is carried out based on the condition of the seller whether or not she is pregnant. If the seller is not pregnant, they need the help of a third party as a urine provider. In accordance with an interview with NP as one of the sellers of positive test packs on Shopee who stated that before selling positive test packs, she bought a sealed test pack first.

After purchasing, the test pack was given a sample of pregnant women's urine. Because she was not pregnant, the urine was obtained from her closest relatives. When two lines appeared on the result indicator, the test pack was returned to the seller for repackaging. Before packaging, the positive test pack was washed first so that it did not cause an odor from the urine it contained.

After being cleaned, the test pack was packed into the original test pack packaging. Then a receipt was given on the packaging label. However, the receipt was disguised, this was intended to maintain the privacy of the buyer. The motives for buying and selling test packs vary according to the needs of each party. From the seller, it can be seen from the economic aspect and helping each other. While from the buyer, it is used as a medium for assignments, work or pranks.

B. Analysis of Positive Testpack Buying and Selling in the Shopee Application from a Sharia Economic Law Perspective

In Islam, buying and selling (*ba'i*) is a muamalah transaction which aims to reduce assets so that ownership ends (Ibnu Mas'ud dan Zainal Abidin, 2021). Buying and selling is legally permitted. However, in Islam there are buying and selling that are prohibited, such as selling goods that contain elements of gharar, usury and maisyir, as well as buying and selling haram goods and causing harm (Subairi, 2021).

In carrying out buying and selling transactions (*ba'i*) there are pillars and conditions that need to be known by the parties. For this reason, these pillars and conditions include:

1. Shighat (Agreement)



Shighat is a statement of consent to express the agreement between the seller and the buyer (Subairi, 2021)

- a. The existence of a suitability of the contract (ijab qabul)

There is clarity and harmony between the statements in the product description and the results of the interview between the buyer and seller regarding the suitability of the original urine from pregnant women (TM, 2025).

- b. The existence of a unity of the contract assembly

The ijab qabul carried out online through the Shopee platform by the seller and buyer in a positive testpack transaction. It is proven that the product is ready in the display case and ready to be checked out. Thus, the contract does not conflict with the pillars of the conditions that have been regulated in the sharia (JI, 2025).

2. People who make transactions (al-mutaqidain).

The people involved in the sale and purchase contract include the buyer (*musytari'*) and the seller (*al-ba'i*). The conditions for al-mutaqidain include the following:

- a. Reasonable Reasonable means that all parties in the sale and purchase contract have the ability to understand what is being done (Fitrah Sugiarto, 2022). In the transaction of buying and selling positive test packs on Shopee, it has met the requirements of being rational. Because, to sell goods on Shopee requires system settings such as registration, verification, and providing chat features using the shop's Ai assistant to the payment method (JI, 2025). Likewise with buyers, when they want to buy goods, they must ensure that the payment method and destination address are as needed.

- b. Baliq

Baliq is the age at which a person has reached maturity both mentally and spiritually (Ruzaipah, *et.al*, 2021). In the concept of buying and selling positive test packs, it has met the requirements of baliq, because the seller obtained her urine sample from her own urine, which happened to be pregnant. Meanwhile, the buyer bought the test pack to be used for personal needs such as assignments, pranks to filming properties.

- c. The person who made the contract is a different person

A different person means that the parties making the transaction must be different people at the same time and in one transaction (Dwi Nanik Yuliana & Zahara, 2021). If correlated with a positive test



pack, the contract is considered valid because there is no dual role of the seller and buyer in one contract (NP, 2025).

d. Own will

In buying and selling, the intention to make a transaction must come from oneself. What is meant by one's own will is not being intervened by anyone (Sri Ulfa Rahayu, *et.al*, 2024). This positive test pack is sold of the will or with full awareness by the seller to make a profit. Likewise, buyers of this product for assignments, practicums, and pranks (NP, 2025).

3. Object of sale and purchase (ma'qud'alaih)

a. Pure or possibly sanctified

Pure is a condition of an object that does not contain dirt or is contaminated with impure elements (Al-Juzairi Abdurrahman, 2016). Pure indicates that something is clean both in substance and in nature. While a mutanajis object is an object that is exposed to impure substances, but if the impure substance has been removed or can be cleaned, it becomes menda suci (can be sanctified) again (Lailatul Badriyah, 2021).

A test pack is a mutanajis object because before being packaged, the test pack is washed first (NP, 2025). The TM account also states that the object has been washed and is safe to hold (TM, 2025). Although when opening the package there is still a pungent smell of urine. However, over time the smell disappears. This indicates that the impure substance in the test pack has disappeared. So it is said to be a mutanajis object. Regarding the sale and purchase of objects that are contaminated with impurity (mutanajis) and their use, several scholars have various rulings on this matter, including the following:

First, Hanafiyah scholars allow the sale and use of mutanajis objects or objects that are contaminated with impurity, whether in the form of clothing, fat and cheese or other objects. Likewise, liquid objects that are contaminated with impurity may be traded as long as the impurity is minimal and the purity of the object is the majority. Second, Maliki scholars do not allow the sale and use of the most famous mutanajis objects. However, Ibn Wahab allows the sale and use of them on the condition that the object can be cleaned from impurity, and is not used for a mosque. Third, Shafi'iah scholars allow the sale and use of objects that are contaminated with impurity



as long as they have been cleaned or purified. Fourth, Hanabilah scholars prohibit the sale of liquid objects that are contaminated with impurity, but they may be sold to infidels. In addition, impure objects may be used for purposes other than mosques..(Jaih Mubarak dan Hasanudin, 2020)

From the four schools of thought, it can be concluded that impure objects are permissible to be traded and used as long as the object has been purified from the impure substances attached to the object. So that positive test packs may be traded as long as the impure substances they contain in the form of pregnant women's urine have disappeared, both in terms of odor and color.

- b. The object being sold must be clearly known (ma'lum) in shape, size and nature of the substance

Ma'lum here means that the goods must be clear without being covered up, must be transparent in terms of size, shape and nature of the substance. So that there is no doubt between either party. The nature of the positive test pack being sold has clearly shown that the test pack is a used test pack that has contained real urine from pregnant women. In accordance with the results of the interview and the product description, the urine is real, not scribbles or stickers. In addition, the price has also been clearly stated in the product description. The price is sold according to the brand being marketed (TM, 2025).

- e. Providing benefits according to sharia

The main purpose of buying and selling is to obtain benefits between the two (Mas'ud dan Zainal Abidin, 2021). Maslahah is a concept for doing something that leads to benefits and avoids harm (Elfa Erfiana, 2021). Mudharat is an act that does not obtain benefits or tends to be a loss-making act. Harm in Islam is an act that is prohibited because it can cause harm or damage (Sherina Syam, *et.al*, 2022). This is in line with the hadith of the Prophet from Ibn Abbas which reads.

لَا ضَرَرَ وَلَا ضِرَارَ

Which means that it is not allowed to harm and also not to harm each other. (Azhari Fathurrahman, 2015). The hadith above prohibits doing acts that are harmful and harmful to each other. In this case, it is forbidden to harm oneself or others. Because avoiding one harm is better than pursuing benefits. In accordance with the rules of fiqh



The rule above explains that harm must be eliminated (Azhari Fathurrahman, 2015). If correlated with a sale and purchase transaction, then the result of the sale and purchase does not cause harm between al-mutaqidain. Harm in a sale and purchase transaction can be seen from the transaction agreement, the object of the transaction until there are elements, intentions or motives behind the transaction.

If reviewed from the hadith and the rules above, the sale and purchase of positive estpacks can be said to cause and not cause harm depending on the motive or initial desire to buy the item. It is stated that it does not contain harm if the initial intention is for emergency needs such as for assignments, practicums or as supporting work equipment that is really needed. However, if it is used as something that is prohibited by religion and law that has a great potential for loss or damage, then the sale and purchase is invalid.

f. Own property f

This means that the goods sold belong to the seller, not to someone else. Because in Islam it is not permissible to sell objects that are not your own or without the permission of the owner of the goods, even though the goods will become your property (Ibnu Mas'ud dan Zainal Abidin, 2021) The test pack sold belongs to the seller, who has purchased a sensitive test pack and then given it to a pregnant woman to take a urine sample. After that, it is returned to the seller to be repackaged (NP, 2025).

g. Can be handed over

In Islam, one of the requirements for a sale and purchase object is that the goods can be handed over. Because it is a condition for the exchange of ownership from musytari' and al ba'i (Ibnu Mas'ud dan Zainal Abidin, 2021). In Islam, one of the requirements for a sale and purchase object is that the goods can be handed over. Because it is a condition for the exchange of ownership from musytari' and al ba'i (TM, 2025.)

So it can be concluded that a positive test pack is a mutanajis object. The sale and purchase of the product was carried out by al-mutaqidain on Shopee, when there was an order from musytari'. When viewed from the Sharia Economic Law using the theory of buying and selling (ba'i), test packs are prohibited from being sold if they can cause harm or transmission



of disease, especially if they are used to manipulate other people. However, they may be traded if they are used for urgent needs or other necessities as long as gloves are worn when holding them.

From a health perspective, a positive test pack is equipment that has become medical waste so that it has great potential to spread the risk of contracting the disease (Mohammad Fajar Nur, 2025.) Diseases can be transmitted from the urine content in the test pack, because the urine produced by pregnant women whose health history is not known for sure. When a pregnant woman has a history of infectious diseases, then anyone who holds the used test pack is likely to contract the disease.

In line with this, Dr. Cahyaati Arisusilo mentioned the impacts of urine that is left such as gonorrhea, chlamydia, and hepatitis b (Cahyawati Arisusilo, Sp. OG, 2025). In addition, Dr. Boyke stated that urine is a growth medium for bacteria, germs, fungi and viruses. Moreover, not using gloves when touching it, then accidentally touching the mouth or food, can cause stomach aches such as diarrhea due to germs from urine even though the urine is not held directly (Mohammad Fajar Nur, 2025)

Because in the urine there are negative bacteria in the form of *Escherichia Coli* (E-Coli) (Winiati P. Rahayu, et.al, 2018). E-coli bacteria are gram-negative bacteria in the digestive tract (Arya Ulilalbab, et.al, 2023). If urine is left too long, there is a pathogenic content as a medium for the growth of germs and bacteria (Dewi Rosida dan Dewi Indah Noviana Pratiwi, 2019). These pathogens cause several infections in the digestive tract such as diarrhea, urinary tract infections (UTI), neonatal meningitis and even result in kidney failure (Winiati P. Rahayu, et.al, 2018).

Used test packs are included in infectious medical waste from medical devices in the form of in vitro diagnostics. This waste is solid waste that comes from the diagnosis of a patient's body through medical equipment, such as blood and urine (Kementerian Kesehatan Republik Indonesia, 2016). For this reason, the government has regulated all matters relating to public health in Law Number 17 of 2023. This law contains various aspects of health, including the availability of medical devices.

One of the points explained regarding health efforts regarding the use of pharmaceutical preparations and medical devices is regulated in CHAPTER V in part XX. Especially in Article 138 which explains several points including:

- (1) Pharmaceutical preparations, medical devices and PKRT must be safe, beneficial, and halal in accordance with applicable legal provisions.



- (2) Prohibition on every individual to procure, produce or distribute pharmaceutical preparations that do not meet standards and quality
- (3) Prohibition on every individual to promote, distribute and distribute medical devices that do not meet standards, safety and quality
- (4) Producing, promoting and distributing pharmaceutical preparations and medical devices must comply with applicable standards
- (5) PKRT in the production process, promotion to distribution must comply with applicable standards and provisions
- (6) Obligation to foster and supervise the production and distribution of pharmaceutical preparations, medical devices and PKRT by the central and regional governments according to their authority (Undang-Undang Republik Indonesia Nomor 17 Tahun 2023 Tentang Kesehatan 2023).

In this case, there are several provisions in this Article that are not met as standardization of the sale of medical devices, including:

- a. Testpack as medical waste of medical devices in the form of in vitro diagnostics which function to diagnose the HcG hormone in urine to detect early pregnancy (Ainur Rofiq, 2020). Medical waste is prohibited from being traded because it contains health risks and environmental pollution. In accordance with the Minister of Health Regulation Number 18 of 2020 which explains the implementation of medical waste management in Article 5, it must be managed specifically both internally and externally (Peraturan Menteri Kesehatan Nomor 18 Tahun 2020). Moreover, positive test packs are included as infectious waste so that waste management can be carried out by destroying the object. For this reason, positive test packs are not suitable for sale.
- b. Quality requirements
It is clear that positive test packs are included in medical waste. Therefore, it does not comply with quality requirements. This is because the test packs that are sold are no longer sterile products, because they have been contaminated by urine (RT, 2025). Although they are washed before packaging. This is because washing does not guarantee the sterility of the urine contained therein. Microorganisms in the test pack cannot be completely clean even though they have been washed (Muhammad Fajar Nur, 2025). Moreover, the basic material of the test pack is plastic, so that elements in urine still remain in the pores of the test pack plastic.
- c. Efficacy/benefits



A positive test pack does not provide health benefits. On the contrary, it causes the spread of disease transmission caused by microorganisms contained in urine. Because basically medical devices are medical instruments to prevent, diagnose, treat and alleviate patient diseases. In this case, the test pack is included in medical devices as a diagnostic tool. However, if the test pack has been used, the test pack can no longer be used as a diagnostic tool. The test pack is a disposable medical device, so if it is reused, the results are invalid.

The impact of a positive test pack can be gonorrhea, chlamydia and hepatitis b, (Cahyawati Arisusilo, Sp. OG, 2025.) *Gonore* is a sexually transmitted disease. (Wahyuddin & Sam'um Mukramin, 2023). While chlamydia is a sexually transmitted infection (Nuria Fitri Adista, *et.al*, 2025). Hepatitis B is an inflammation of the liver, this disease can be transmitted through the body fluids of sufferers (I Made Wiraguna, 2024). The three types of diseases are diseases caused by viruses, bacteria, fungi and germs from the sufferer.

Fourth, Production, promotion and distribution of pharmaceutical preparations and medical devices must comply with applicable standards. Positive test packs produce them not in accordance with laws and regulations because they are in an illegal manner. So that their promotion and distribution are prohibited. Fifth, PKRT in their promotion and distribution must comply with standards. Some examples of PKRT are hand sanitizers and baby diapers. So test packs are not included in PKRT.

Sixth, the government's obligation to supervise the production and distribution of health needs. In this case, there has been no government participation in overcoming the circulation of positive test packs.

So it can be concluded that, positive test pack is in vitro diagnostic medical waste that causes various medical impacts caused by bacteria, germs or viruses from urine. Therefore, from the analysis of Law Number 17 of 2023 in Article 138, the practice of buying and selling positive test packs is prohibited because it does not meet the standards of medical devices in the form of quality, efficacy/benefits and safety.

Conclusion

Based on the analysis of the sale and purchase of positive test packs on Shopee, it can be concluded as follows the mechanism for the sale and purchase of positive test packs begins with the purchase of a sealed test pack by the seller,



then dipped into the urine of a pregnant woman until two lines appear on the result indicator. After that, it is repacked and distributed to buyers by disguising the name of the item receipt. Second, a positive test pack is a used medical device that has urine in it so it is included in the mutanajis object. The sale and purchase of positive test packs causes harm and transmission of health risks caused by the urine of pregnant women, therefore such sale and purchase is not permitted. Meanwhile, in terms of health science, positive test packs are medical waste. Medical waste is prohibited from being distributed because it contains bacteria, viruses and can cause transmission of various diseases. Therefore, the sale and purchase of positive test packs violates Law Number 17 of 2023 concerning health, in Article 138 because it does not comply with standards, quality and benefits in producing, procuring and distributing medical devices.

Recommendation

From the explanation above, a suggestion can be drawn regarding this research, namely as follows:

1. Further research is needed regarding the law of prank motives when used for good.
2. Shopee should carry out more supervision of products that are restricted on its platform. If there are still products that are not suitable for sale, it is mandatory to ban the product.
3. As consumers, you must be wise in making purchases of the goods you need. In addition, you must know the impacts and risks that will arise from the sale and purchase.

References

- Abdurroziq, *et.al*, Ali. Maqashid al-Shariah Implementation and Islamic Economics Industry in Indonesia. *Fara'id and Wealth Management*, Vol. 2, No. 2, 2022 .
- Abidin, *et. al*, Zaenal. *Fiqh Muamalah*. (Zabags Qu Publish, 2022), hlm. 75 .
- Admin, *Kebijakan Barang yang Dilarang dan Dibatasi*.
<https://help.shopee.co.id/portal/4/article/71189-Kebijakan-Barang-yang-dilarang-dan-dibatasi?previousPage=search+recommendation+bar>.
Shopee, 2025, 19 April.
- Agus, *Dinamika Perkembangan Alat Kesehatan di Indonesia*.
<https://dinkes.jogjaprovo.go.id/berita/detail/dinamika-perkembangan->



- alat-kesehatan-di-indonesia. Dinas Kesehatan Daerah Istimewa Yogyakarta, 2024, 09 Desember.
- Ahmad, *et.al*, Busyairi, Penerapan Studi Lapangan Dalam Meningkatkan Kemampuan Analisis Masalah (Studi Kasus Pada Mahasiswa Sosiologi Isip Yapis Biak) Implementation of Field Studies To Improve Problem Analysis Ability (Case Study in the Stu. *Jurnal Nalar Pendidikan*, 8(1), (2020), hlm. 34.
- Al-Juzairi, Syaikh Abdurrahman, *Fikih Empat Madzhab Jilid 1*, (Jakarta: Pustaka Al Kautsar, 2016), hlm. 22.
- Angelina Nadapdap, C, Raffles, R., & Manik, H, . Hak Hukum Terhadap Konsumen Penggunaan Alat Kesehatan Pencegah Covid-19 Ilegal. *Zaaken: Journal of Civil and Business Law*, Vol. 3, No. 3, 2022.
- Arisusilo, Sp. OG, Cahyawati. *Wawancara*. 23 Januari 2025
- Abdul Aziz Muhammad, Azzam, *Fiqh Muamalat Sistem Transaksi dalam Fiqh Islam* (Jakarta: Amzah, 2022), hlm. 28.
- Badriyah, Lailatul, *Fiqh Ibadah Dalam Kehidupan*, (Guepedia, 2021), hlm. 19.
- Bagaskara, Jenis Limbah Medis Yang Harus Ditangani Dengan Tepat, <https://mutucertification.com/jenis-limbah-medis/>, mutu international, 2025, 1 Februari.
- Erfiana, Elfa, Tinjauan Maslahat al Mursalat Terhadap Penerapan Peraturan Menteri Agama Nomor 30 Tahun 2005 Tentang Wali Hakim. *Al-Syakhsiiyyah: Journal of Law & Family Studies*, Vol. 3, No. 2, 2021, hlm. 193. <https://doi.org/10.21154/syakhsiiyyah.v3i2.3543>
- Amirah, *et. al*, Menjaga Kesehatan Tubuh dalam Perspektif Islam. *Jurnal Religion: Jurnal Agama, Sosial, Dan Budaya*, Vol. 5, No. 1, 2023, hlm. 375.
- Ruzaipah, *et.al*, Penetapan Usia Kedewasaan Dalam Sistem Hukum Di Indonesia. *Mitsaqan Ghalizan*, Vol. 1, No. 1, 2021, hlm. 2. <https://doi.org/10.33084/jmg.v1i1.2808>
- Fathurrahman, Azhari, *Qawaidh Fiqhiyah Muamalah*. (Lembaga Pemberdayaan Kualitas Ummat, 2025), hlm. 99-100. https://idr.uin-antasari.ac.id/6804/1/QAWAID_FIQHIYAH_revisidocx.pdf
- Fitri Adista, *et.al*, Nuria, *Penyakit Menular Seksual*, (Cilacap: PT Media Pustaka Indo, 2025), hlm. 29. https://books.google.co.id/books?hl=en&lr=&id=naZTEQAAQBAJ&oi=fnd&pg=PA19&dq=klamidia+adalah+penyakit+apa&ots=AO9M4gKMAG&sig=prghapOaNdT8aHZJDCXZMG91-ko&redir_esc=y#v=onepage&q=klamidia+adalah+penyakit+apa&f=false



- Hadi, Nur. (2019). Transaksi Pedagang Asongan Menurut Ekonomi Syariah, *Jurnal Pemikiran Keislaman*, 30(2), 2019, hlm. 312. <https://doi.org/10.33367/tribakti.v30i2.815>
- Ilyas, Mudzakir, Mekanisme Pembiayaan Mitraguna Berkah Pns Dengan Akad Murabahah Pada Pt. Bank Syariah Mandiri Cabang Prabumulih, *Adl Islamic Economic: Jurnal Kajian Ekonomi Islam*, 1(2), 2020. <https://doi.org/10.56644/adl.v1i2.20>
- Kementrian Kesehatan Republik Indonesia, *Pedoman Klasifikasi Izin Edar Alat Kesehatan*, 2016, hlm. 6.
- Jobuflanelindonesia, *Wawancara*, 2025.
- Lestari, et.al, Widia, *Asuhan Kebinana Kehamilan (Panduan Lengkap Asuhan Selama Kehamilan Bagi Praktisi Kebinanan)*, (Jambli: PT. Sonpedia Publishing Indonesia, 2023), hlm. 39.
- Mas'ud dan Zainal Abidin, Ibnu, *Fiqih Madzab Syafi'i - Edisi Lengkap Buku 2: Muamalat, Munakahat, Jinayat*, (Bandung: CV Pustaka Setia, 2000), hlm. 31.
- MT, *Wawancara*, 2025.
- Mubarok dan Hasanudin, Jaih, *Fikih Mu'amalah Maliyyah Akad Jual-Beli*. (Bandung: Simbiosis Rekayasa Media, 2020) hlm. 22-38.
- Nanik Yuliana, & Zahara, R. A, Dwi, *Jual Beli Rambut Sebagai Hair Extension Perspektif Hukum Islam di Alicia Salon Kota Kediri*. *Indonesian Journal of Humanities and Social Sciences*, 2(2), 2021, hlm. 164.
- Naufal Yannassandi, Dan Evi Kongres, Muhammad, *Perlindungan Hukum Terhadap Konsumen Atas Penjualan Screw Orthopedi Tanpa Melalui Uji Kelayakan dan Izin Edar*, *Jurnal Hukum Magnum Opus*, 6(1), 2023.
- Nelly, Roos, *Perlindungan Hukum Terhadap Konsumen Dalam Melakukan Transaksi Jual Beli Online*. *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial*, 1(6), 2024, hlm. 365.
- Nugraha, et.al, Andri, *Cautis Asuhan Keperawatan Pasien Dengan Gangguan Infeksi Karena Pemasangan Kateter Urin Teori dan Aplikasi*, (Surabaya: CV. Jakad Publishing Surabaya, 2019), hlm. 28.
- Nur, Mmuhammad. Fajar, *Viral Test Pack Bekas Dijual untuk Prank, dr Boyke: Itu Limbah Medis Berbahaya*, <https://health.detik.com/berita-detikhealth/d-6219157/viral-test-pack-bekas-dijual-untuk-prank-dr-boyke-itu-limbah-medis-berbahaya>, detikhealth, 2024, 9 Desember.
- P. Rahayu, et.al, Winiati, *Escherichia coli: Patogenitas, Analisis, dan Kajian Risiko*, (Bogor: Penerbit IPB Press, 2018), hlm. 2. https://www.google.co.id/books/edition/Bakteriologi_Infeksi_Saluran



Kemih_Patog/7eZBEQAAQBAJ?hl=id&gbpv=1&dq=urin+mengandung+e-coli&pg=PA16&printsec=frontcover

Peraturan Menteri Kesehatan Nomor 18 Tahun 2020.

Peraturan Menteri Kesehatan Nomor 20 Tahun 2020.

Prasetyowati, Ane, *Pusat Kajian Instrumentasi Alat Kesehatan*. <https://up2m-ft.univpancasila.ac.id/Pusat-Kajian-Instrumentasi-Alat-Kesehatan-2/>, 2024, 09 Desember.

PN, *Wawancara*, 2025

Putri Primadana Arum, *et.al*, Dhea, Gambaran Pengelolaan Limbah Infeksius oleh Perawat di Ruang Rawat Inap RSUD Provinsi Riau, *Jurnal Medika Utama*, 03(02),2022, hlm. 2376 <http://jurnalmedikahutama.com>

Rahmadhani, *et.al*, Nadya. Analisis Strategi Komunikasi Pemasaran Nronlineshop_ Di Platform Shopee. *Jurnal Penelitian Ekonomi Manajemen Dan Bisnis (JEKOMBIS)*, Vol. 3, No. 3, 2024, hlm. 131 <https://doi.org/10.55606/jekombis.v3i3.3942>

RT, *Wawancara*, 2025.

Rofiq, Ainur, Konsep "Iddah Dengan Menggunakan Tes Kehamilan Perspektif Maqasidus Syari'ah", *MAQASHID Jurnal Hukum Islam*, 3(1), 2020, hlm. 62. <https://doi.org/10.35897/maqashid.v3i1.289>

Rosida dan Dewi Indah Noviana Pratiwi, Dewi, *Pemeriksaan Laboratorium Sistem Uropetik*, (Banjarmasin: Sari Mulia Indah, 2019), hlm. 28.

Shafaraissa, dan Sharda Abrianti, Ardelia. Alat Test Swab Antigen Bekas Berdasarkan UU Perlindungan Konsumen. *Hukum Pidana Dan Pembangunan Hukum*, 4(1), 2021.

Subairi, *Fiqih Muamalah*, (Pamekasan: Duta Media Publishing, 2021), hlm. 69.

Sugiarto, Fitrah, *Fiqih Mu'amalah*, (Yogyakarta: Pustaka Egaliter, 2023), hlm. 54.

Syam, *et.al*, Sherina, Aspek Masalah-Mudharat Terhadap Pelegalan Ganja Sebagai Obat Perspektif Hukum Islam, *Shautuna: Jurnal Ilmiah*, 03(1), 2022, hlm. 224. <https://doi.org/10.24252/shautuna.vi.24138>

Taufik Naufal, M, *Analisis Legalitas Penjualan Pembalut Reject Pada Aplikasi Shoppe Perspektif Hukum Perlindungan Konsumen Dan Hukum Ekonomi Syariah*, Skripsi, Universitas Nahdlatul Ulama Sunan Giri, 2024.

Ulfa Rahayu, *et.al*, Sri, Analisis Jual Beli dalam Perspektif Islam. *El-Mujtama: Jurnal Pengabdian Masyarakat*, 4(2), 2024, hlm. 1174.

Ulilalbab, *et.al*, Arya, *Pengantar Mikrobiologi*, (Banten: Penerbit PT Sada Kurnia Pustaka, 2023), hlm. 31.

Undang-Undang Republik Indonesia Nomor 17 Tahun 2023 Tentang Kesehatan.



- Wahyuddin, & Mukramin, Sam'um, Strategi penanggulangan penularan penyakit Hiv/Aids (kajian sosiologis pada masyarakat ujung Tanah Kota Makassar). *Koloni*, 2(2), 2023, hlm. 5.
- Wiraguna, I. Made, Diagnosis hepatitis B melalui pemeriksaan laboratorium : sebuah tinjauan pustaka. *Intisari Sains Medis*, 15(3), 2024, hlm. 1164. <https://doi.org/10.15562/ism.v15i3.2177>

