

LEGAL REVIEW OF CUSTOMS SMARTPHONE INSPECTION PROCEDURES IN BANTEN PROVINCE

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Abstract

The rise of illegal smartphones, or black-market devices, in Indonesia especially in Banten Province has become a significant legal issue alongside growing smartphone use and rapid e-commerce expansion. These devices often bypass customs regulations, tax requirements, IMEI registration, and import licensing, leading to state financial losses, unfair competition, and weak consumer protection. This study examines law enforcement efforts against illegal smartphone sales and their impact on the official smartphone industry in Banten Province. It also reviews inspection procedures by the Directorate General of Customs and Excise. The research uses an empirical juridical method with a descriptive qualitative approach, including literature review, statutory analysis, observations, and interviews with Soekarno-Hatta Customs and Excise officers. Findings show that enforcement includes administrative inspections, physical checks of imports, tax compliance monitoring, and IMEI registration through the Central Equipment Identity Register (CEIR) system. However, supervision is limited by the rapid growth of e-commerce, inadequate digital monitoring, and low public awareness of the importance of legal products. This research improves understanding of illegal smartphone oversight and highlights the need for inter-agency cooperation and stronger digital monitoring to support customs enforcement and consumer protection in Indonesia.

Keywords: *smartphone; illegal; law enforcement; Customs; e-commerce.*

Abstrak

Peredaran smartphone ilegal atau black market di Indonesia, khususnya di Provinsi Banten, menjadi persoalan hukum yang terus berkembang seiring meningkatnya penggunaan smartphone dan aktivitas perdagangan elektronik (*e-commerce*). Smartphone ilegal umumnya masuk tanpa memenuhi ketentuan kepabeanan, perpajakan, registrasi IMEI, serta perizinan impor sehingga menimbulkan kerugian negara, persaingan usaha tidak sehat, dan lemahnya perlindungan konsumen. Metode penelitian yang digunakan adalah penelitian hukum empiris dengan pendekatan kualitatif deskriptif. Hasil penelitian menunjukkan bahwa penegakan hukum dilakukan melalui pemeriksaan administratif, pemeriksaan fisik barang impor, pengawasan kewajiban perpajakan, serta registrasi IMEI melalui sistem Central Equipment Identity Register (CEIR). Namun demikian, efektivitas pengawasan masih menghadapi hambatan akibat meningkatnya transaksi *e-commerce*, lemahnya pengawasan digital, dan rendahnya kesadaran masyarakat terhadap penggunaan produk legal. Penelitian ini berkontribusi dalam memberikan pemahaman mengenai pengawasan smartphone ilegal serta pentingnya sinergi antarinstansi dan penguatan pengawasan digital dalam mendukung penegakan hukum kepabeanan dan perlindungan konsumen di Indonesia.

Kata Kunci: *smartphone; ilegal; penegakan hukum; Bea Cukai; perdagangan elektronik.*

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1. INTRODUCTION

The advancement of information and communication technology in the era of globalization has significantly transformed societal lifestyles. Among these technological developments, smartphones have emerged as a primary medium for communication, information access, education, entertainment, and digital economic activities. The increasing public demand for smartphones has resulted in a consistent annual rise in market demand. Consequently, the smartphone trade in Indonesia has expanded through both official distribution channels and illegal channels, commonly referred to as the black market. The proliferation of illegal smartphones presents a serious challenge, as it undermines state revenue from taxes and import duties, and adversely affects consumers and the official smartphone industry in Indonesia, particularly in Banten Province (Kukuh Dwi Kurniawan, 2022).

The black market constitutes illegal trade conducted outside official channels and in violation of national laws. In practice, illegal smartphones are typically imported into Indonesia without adherence to customs procedures, official permits, import taxes, or compliance with telecommunications equipment legality standards. These devices are subsequently sold to consumers at prices substantially lower than those of officially distributed smartphones. The lower price point is a primary driver of public interest in illegal smartphones, particularly among consumers seeking high-specification devices at more affordable prices (Reswari, 2022).

The widespread distribution of illegal smartphones negatively impacts multiple sectors. For the government, this circulation leads to significant losses in potential state revenue from taxes and import duties, as illegal imports bypass customs procedures. Additionally, the presence of illegal smartphones fosters unfair competition among distributors and the official smartphone industry in Indonesia. Official products that comply with tax obligations, import permits, and device certification are forced to compete with illegal products sold at lower prices due to the absence of legal and tax-related costs.

On the other hand, consumers are also disadvantaged by the circulation of illegal smartphones. Illegal smartphones generally lack official warranties. Consumers are also adversely affected by the circulation of illegal smartphones. These devices typically lack official warranties, reliable after-sales service, and are susceptible to network blocking due to unregistered International Mobile Equipment Identity (IMEI) numbers. Such conditions violate the provisions of Law Number 8 of 1999 on Consumer Protection, which guarantees consumers' rights to comfort, security, and safety in the use of goods and services. Insufficient consumer protection in illegal smartphone transactions frequently results in financial losses when devices are damaged or rendered unusable due to system blocking (Jasmine, 2022).

The circulation of illegal smartphones in Indonesia is rising alongside the growth of e-commerce. According to Article 1 of Law Number 7 of 2014 concerning Trade, e-commerce is defined as trade conducted through electronic devices and procedures. E-commerce enables transactions without face-to-face interaction. Marketplaces, social media, and other digital platforms have become the main channels for buying and selling smartphones online.

(Prananingtyas, 2024). Bank Indonesia data indicates that e-commerce transactions in Indonesia continue to grow each year. In 2022, transactions totaled 3.49 billion, rising to 3.71 billion in 2023. This growth highlights e-commerce as a vital part of Indonesia's economy (Febri Bayu Andriawan, 2022). However, the expansion of e-commerce also makes it easier for illegal businesses to sell unauthorized smartphones. Monitoring these sales is challenging because sellers' identities are often unclear and transactions occur rapidly and on a large scale.

Indonesia's high smartphone usage has made it one of the world's largest smartphone markets. eMarketer reports that the number of users has reached 89.8 million and is projected to exceed 116 million. Most users are also connected to the internet, which further drives digital commerce (Budianto, 2025). This large market presents significant opportunities for both legal and illegal businesses.

The Indonesian government has implemented a range of law enforcement measures to address the circulation of illegal smartphones. A key legal foundation for these actions is Law Number 17 of 2006, which amends Law Number 10 of 1995 on Customs. Article 102 of the Customs Law stipulates that individuals involved in smuggling within the import sector, including those who fail to declare goods properly or import goods without adhering to customs regulations, may face criminal sanctions. This provision authorizes the Directorate General of Customs and Excise to monitor imported goods entering Indonesia.

Furthermore, the government issued Government Regulation Number 80 of 2019 concerning Electronic Trading (PMSE) to regulate digital commerce activities. This regulation outlines the obligations of business actors engaged in electronic commerce in accordance with applicable laws. Despite these measures, monitoring illegal smartphone trade through e-commerce remains challenging due to the extensive scope of digital transactions and the difficulty in identifying illegal businesses.

The government's efforts to eradicate illegal smartphones also seek to eradicate illegal smartphones through the implementation of the IMEI registration system, as mandated by Minister of Communication and Information Technology Regulation Number 1 of 2020 concerning the Control of Telecommunication Devices and Equipment Connected to Cellular Mobile Networks through International Mobile Equipment Identity (IMEI) Identification. The IMEI registration system is designed to ensure that only legally imported and registered devices can access cellular networks in Indonesia. Under this system, smartphones with unregistered IMEIs are blocked from accessing cellular operator networks. The Directorate General of Customs and Excise plays a crucial role in inspecting imported HKT devices (cell phones, handheld computers, and tablets). Inspections are conducted on passenger baggage and international shipments through administrative and physical inspections. Administrative inspections include reviewing customs documents, passports, boarding passes, shipping data, and import tax obligations. Meanwhile, physical inspections are conducted to ensure the type of goods and the IMEI numbers of the devices are registered in the national system. Interviews with Soekarno-

Hatta Customs and Excise officials indicate that all HKT devices entering through official channels must undergo IMEI registration once customs and tax obligations are fulfilled. The IMEI data is then automatically transmitted to the government-managed Central Equipment Identity Register (CEIR) system. This system serves as a key instrument in controlling illegal smartphones in Indonesia.

Despite regulatory efforts, monitoring illegal smartphones remains challenging. The growth of e-commerce enables illegal smartphones to enter the market through small private shipments. Limited public awareness of the risks associated with illegal smartphones sustains demand for black market products, as consumers often prioritize lower prices over legality and safety. This study examines law enforcement measures against illegal smartphone sales and their impact on the official smartphone industry in Banten Province. It also reviews inspection procedures used by Customs and Excise authorities. The research uses an empirical legal method with a qualitative descriptive approach, drawing on literature review and interviews with Soekarno-Hatta Customs and Excise officers. The findings aim to provide insights into illegal smartphone monitoring and support efforts to improve law enforcement in customs and e-commerce in Indonesia.

2. RESEARCH METHODS

A qualitative research method, based on an empirical and sociological legal approach, was used. This approach enabled analysis of how laws regulating illegal smartphone circulation are implemented and how Customs in Banten Province conducts smartphone inspections. Qualitative research was chosen to gain a deeper understanding of legal phenomena in society, grounded in real-world conditions (Murdiyanto, 2020). The study took place at the South Tangerang Customs Office in Banten Province, focusing on inspection procedures for imported smartphones and law enforcement actions against illegal devices.

The research used both primary and secondary data sources. Primary data were obtained through interviews and direct observation with the Directorate General of Customs and Excise (DJBC). Secondary data came from literature reviews and analysis of relevant laws and regulations, including the Customs Law, Trade Law, Consumer Protection Law, and IMEI control regulations. Data collection included literature review and field research, followed by descriptive qualitative analysis linking interview results to legal provisions. Data reliability was ensured through source triangulation techniques (Sugiyono, 2017).

3. RESULT AND DISCUSSION

3.1 Law Enforcement Actions Against Illegal Smartphone Sales and Their Impact on the Formal Smartphone Industry in Banten Province

Advancements in information and communication technology have significantly impacted daily life. Smartphones now serve not only as communication tools but also support education, work, entertainment, digital transactions, and social activities. Rising demand for smartphones

has increased market activity and created opportunities for illegal or black market trade through unofficial channels that do not comply with Indonesian law.

The circulation of illegal smartphones in Indonesia, especially in Banten Province, has become a significant legal concern as e-commerce grows. These devices are imported without meeting customs, tax, IMEI registration, or other licensing requirements. They are usually sold at lower prices than official products, attracting consumers seeking high-spec devices at reduced costs. According to Kukuh Dwi Kurniawan (2022), the black market involves illegal trade outside official channels to avoid legal obligations such as taxes and permits. This activity reduces state revenue from taxes and import duties and creates unfair competition, as illegal products do not meet the legal standards required of official goods.

Interviews with Soekarno-Hatta Customs and Excise officers indicate that enforcement against illegal smartphones relies on monitoring imported HKT (Mobile Phones, Handheld Computers, and Tablets) entering Indonesia. This process includes administrative and physical inspections of both passenger carry-on items and international shipments. Administrative inspections involve reviewing documents related to passenger identity and shipments, including passports, boarding passes, travel tickets, invoices, and shipping data. Officers also verify tax obligations and customs compliance to ensure goods are properly declared under applicable laws. Physical inspections confirm that goods match their administrative documents. Officers compare device type, quantity, and IMEI numbers, which are then registered in the national system. According to interviews, all imported goods must undergo thorough inspection without exception.

This oversight is a form of implementation of Law Number 17 of 2006 concerning Amendments to Law Number 10 of 1995 concerning Customs. Article 102 of this law states that anyone committing smuggling in the import sector is subject to criminal sanctions. This type of smuggling includes false declaration of goods, importing goods without complying with import regulations, or other actions that harm state finances. Interviews with the Soekarno-Hatta Customs intelligence unit indicate that Customs' main authority is administrative, including monitoring, inspecting, preventing, and investigating imported goods. If intentional violations that constitute customs crimes are identified, cases may be escalated to criminal proceedings under Article 102 of the Customs Law.

The findings indicate that a common method involves the misuse of personal use facilities for commercial trading. Numerous illegal smartphones are imported through private shipments in quantities that surpass the permitted limits. Interviews reveal that the maximum allowance for personal shipments is two devices. When this threshold is exceeded, Customs and Excise authorities are authorized to conduct further inspections and prevent the importation of these goods.

In practice, goods that violate import regulations may be designated as Goods Controlled by the State (BDN). Subsequently, these goods can be reclassified as State Property (BMN) and may

be auctioned, donated, or destroyed in accordance with relevant legal provisions. This mechanism illustrates that law enforcement against illegal smartphones encompasses both repressive and preventive measures to mitigate potential state losses.

Beyond its connection to customs law, the monitoring of illegal smartphones is also governed by Law Number 7 of 2014 concerning Trade. This legislation requires that trade activities comply with legal and licensing requirements. Smartphones are categorized as electronic goods subject to prohibitions and restrictions (*lartas*). Consequently, their importation must fulfill specific administrative requirements, including import approval, electronic device certification, and tax compliance.

Research findings indicate that illegal smartphones marketed via online marketplaces and social media platforms typically do not comply with these legal requirements. Such products enter the country through channels with limited oversight and are subsequently sold openly to consumers. This trend suggests that the growth of e-commerce has contributed to the increased distribution of illegal smartphones in Indonesia.

Prananingtyas (2024) notes that the expansion of e-commerce in Indonesia has facilitated transactions without direct interaction between sellers and buyers. This environment enables illegal businesses to sell goods without clear identification. Supporting this, Bank Indonesia data from 2023 indicate that e-commerce transactions have increased annually. The rise in e-commerce activity has influenced the circulation of illegal smartphones on digital marketplaces. Research indicates that many consumers are attracted to these platforms due to significantly lower prices compared to official products. However, most consumers are unaware that these devices lack import legality, official IMEI registration, and consumer protection guarantees. From the standpoint of consumer protection, this situation is inconsistent with Law Number 8 of 1999 concerning Consumer Protection. The law affirms that consumers are entitled to comfort, security, and safety when using purchased goods. In contrast, illegal smartphones typically lack official warranties, do not provide after-sales service, and are at risk of IMEI blocking, all of which can harm consumers.

Interviews with Customs and Excise officials reveal that their jurisdiction is confined to the importation of goods from abroad. Once goods enter the domestic market, oversight of their sales is beyond the scope of Customs and Excise and necessitates coordination with other relevant agencies. This underscores the need for inter-agency collaboration to ensure effective enforcement against illegal smartphones. Additionally, the regulation of illegal smartphones is reinforced by Minister of Communication and Informatics Regulation Number 1 of 2020 concerning the Control of Telecommunication Tools and Equipment through IMEI Identification. Interviews indicate that after fulfilling all customs and tax obligations, the device's IMEI data is automatically submitted to the Central Equipment Identity Register (CEIR) system. This system restricts unregistered devices from accessing Indonesia's cellular network. The implementation of IMEI registration represents a strategic government initiative to reduce the circulation of illegal smartphones. This system functions as both an administrative tool and a law enforcement

mechanism against unauthorized devices. Through IMEI registration, the government aims to limit the prevalence of illegal smartphones in the community.

The results of this study align with Jasmine's (2022) opinion that illegal smartphones do not come from official distributors and lack IMEI registration and Post and Telecommunication permits. This research also supports Reswari's (2022) view that illegal smartphones often enter the country with minimal oversight and are marketed through electronics stores and e-commerce platforms. The presence of illegal smartphones significantly impacts the official smartphone industry in Indonesia. Illegal products are sold at lower prices because they do not pay taxes, import duties, or other legal fees. This creates unfair competition for official distributors who comply with all legal requirements and tax obligations.

Besides impacting legitimate businesses, the circulation of illegal smartphones causes state losses in tax and customs revenues. According to Ananta (2024), the Directorate General of Customs and Excise and relevant ministries once thwarted smuggling of electronic goods worth billions of rupiah, including laptops, cell phones, and other devices. This data shows that illegal electronic goods remain a serious problem in the Indonesian trade system.

The research shows that law enforcement against illegal smartphones in Banten Province has been carried out according to applicable law. However, effective oversight faces obstacles, mainly due to digital technology development and increased e-commerce transactions. Therefore, strengthening digital oversight, improving inter-agency coordination, and educating the public about the risks of illegal smartphones is necessary. Stronger cooperation between the government, law enforcement, e-commerce platforms, and authorized smartphone industry players is needed to suppress illegal product circulation. Marketplaces also need to increase oversight of sellers offering smartphones without official legality to ensure consumer protection. Law enforcement against illegal smartphones in Banten Province is carried out through administrative supervision, physical inspection of imported goods, IMEI registration, and coordination between relevant agencies. However, digital commerce development and high public interest in affordable smartphones remain major challenges in eradicating illegal smartphones in Indonesia.

3.2 Procedures for Smartphone Inspection Conducted by Customs Authorities in Banten Province

The Directorate General of Customs and Excise's smartphone inspection procedures are a crucial part of monitoring imported goods entering Indonesia. These inspections implement customs law to prevent illegal goods, including smartphones that do not meet import and IMEI registration requirements. Based on interviews with Soekarno-Hatta Customs and Excise officers, smartphone inspection procedures are conducted on HKT devices (mobile phones, handheld computers, and tablets) carried by passengers or shipped via international shipping services. The inspections consist of two main stages: administrative inspection and physical inspection.

Administrative inspections examine documents related to the passenger's identity and shipment. These include passports, boarding passes, travel tickets, purchase invoices, and shipping documents. Officers also check tax obligations and customs regulations for the imported goods. According to interviews, administrative inspections ensure incoming goods are correctly declared under Customs Law. They also detect data discrepancies, manipulation of quantities, or attempts to evade taxes by importers or passengers. Next, a physical inspection ensures the goods match the administrative documents. Officers verify the type of goods, number of devices, and IMEI numbers to be registered with the national system. The inspection also confirms the devices are genuine HKT goods and not disguised.

This inspection is a direct implementation of Law Number 17 of 2006 concerning Customs, which requires all imported goods to be notified to Customs and Excise officials. Furthermore, the inspection procedure is also related to Article 102 of the Customs Law concerning the crime of import smuggling. Based on interviews, all HKT devices entering through official channels must undergo detailed inspection without exception. All devices must go through IMEI registration to control illegal smartphones in Indonesia. Once all administrative and tax obligations are met, the device's IMEI data is automatically forwarded to the CEIR system. This system is managed by the government under Minister of Communication and Informatics Regulation Number 1 of 2020 concerning IMEI Control.

IMEI registration aims to prevent illegal smartphones by restricting unregistered devices' access to the national cellular network. This stops illegally imported smartphones from being used optimally in Indonesia due to possible network blocking. Based on research, Customs and Excise also monitors smartphones in international shipments. Inspections check quantity, type, and compliance with sender data. If import violations or excess personal use quantities are found, Customs and Excise can prevent the shipment. One of the biggest challenges in monitoring imported smartphones is the rise of e-commerce. Easy digital transactions allow illegal smartphones to enter through personal shipments in large quantities. This makes monitoring illegal smartphones more complex.

According to Prananingtyas (2024), the development of e-commerce allows trade activities to be carried out quickly and widely without territorial boundaries. This provides opportunities for illegal businesses to distribute smartphones without complying with applicable legal requirements. Furthermore, the public's lack of understanding of import regulations hinders monitoring. Many people do not realize smartphones are classified as prohibited and restricted goods (lartas) and must comply with import requirements and IMEI registration. In carrying out supervision, Customs and Excise has administrative authority in the form of document review, physical inspection, goods prevention, and tax compliance monitoring. However, if indications of customs crimes are found, handling can be escalated in accordance with Article 102 of the Customs Law. If smartphones violate import regulations, Customs and Excise authorities may classify them as State-Controlled Goods (BDN). These goods can then be reclassified as State-Owned Goods (BMN) and are subject to auction, donation, or destruction as required by law.

This study finds that smartphone inspection procedures aim to protect state revenue from taxes and import duties while also enhancing consumer protection. Illegal smartphones often lack official warranties and after-sales service, and are vulnerable to network blockages, which can harm consumers. These findings are consistent with Ananta's (2024) assertion that the government is intensifying oversight of electronic goods smuggling into Indonesia. The results also corroborate Kukuh Dwi Kurniawan's (2022) view regarding the adverse effects of the black market on state revenue and the stability of the legitimate smartphone industry.

This study also shows that Customs and Excise implement smartphone inspection procedures in line with applicable law. However, advances in digital technology and growing e-commerce require stronger digital oversight systems and better cross-sector coordination to monitor illegal smartphones effectively. In Banten Province, Customs smartphone inspection procedures function as both administrative checks and law enforcement against illegal smartphone trade. These actions help protect state revenue, promote fair competition, support the legitimate smartphone industry, and ensure legal protection for consumers.

4. CONCLUSION

The research findings indicate that law enforcement efforts against the circulation of illegal smartphones in Banten Province have been implemented through administrative oversight mechanisms and physical inspections conducted by the Directorate General of Customs and Excise. These efforts target HKT devices (cell phones, handheld computers, and tablets) entering passenger luggage and international shipments. The procedures involve customs document verification, fulfillment of tax obligations, and IMEI registration connected to the Central Equipment Identity Register (CEIR) system to control illegal devices. The study further reveals that the continued circulation of illegal smartphones is driven by high volumes of e-commerce transactions, insufficient digital oversight, and limited public awareness regarding the importance of using legal products.

The research also demonstrates that the presence of illegal smartphones results in state revenue losses from taxation and import duties, fosters unfair business competition for authorized distributors, and exposes consumers to risks due to the absence of warranty guarantees and legal protection. Consequently, there is a need for more integrated inter-agency oversight, enhanced marketplace monitoring, and public legal education to promote informed and law-abiding consumer behavior. Future studies should assess the effectiveness of digital surveillance in combating illegal smartphone trade on e-commerce platforms and explore the development of information technology-based surveillance systems to support customs law enforcement in Indonesia.

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