

Consumer Protection in the Digital Era: Challenges and Solutions from an Islamic Legal Perspective

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Abstract: Technological advancements have transformed buying and selling transactions from conventional to digital, providing convenience for people in conducting transactions. However, this progress also brings new challenges for consumers, particularly regarding protection from fraud, privacy issues, and fulfillment of consumer rights. Consumers' personal data stored in digital systems is vulnerable to misuse, and there is no guarantee that the goods or services received match the agreement with the seller. This study aims to analyze consumer protection challenges in the digital era from an Islamic legal perspective and offers solutions based on sharia principles. This research employs a normative legal method with a literature study approach. The findings reveal that Islamic law, through primary sources such as the Qur'an, Sunnah, Ijma', and Qiyas, as well as muamalah principles such as *ash-shiddiq* (honesty), *al-adl* (justice), and *al-ihsan* (benevolence), provides a strong foundation for consumer protection in the digital era. The study highlights that Islamic law not only emphasizes technical protections but also ethical and moral aspects in digital commerce. In conclusion, consumer protection solutions from an Islamic perspective include three main aspects: transparency in digital transactions, strengthening sharia-based regulations, and enhancing consumer education. By applying the values of justice, honesty, and responsibility in transactions, the goal is to establish safe and fair digital transactions for all parties involved.

Keywords: *Digital, Consumer Protection, Solution, Islamic Law, Justice.*

Abstrak: Perkembangan teknologi digital telah mengubah transaksi jual beli dari konvensional menjadi digital, memberikan kemudahan bagi masyarakat dalam bertransaksi. Namun, kemajuan ini juga menimbulkan tantangan baru bagi konsumen, khususnya dalam hal perlindungan dari penipuan, privasi, dan pemenuhan hak-hak konsumen. Data pribadi konsumen yang disimpan dalam sistem digital rentan terhadap penyalahgunaan, serta tidak ada jaminan bahwa barang atau jasa yang diterima konsumen sesuai dengan kesepakatan. Penelitian ini bertujuan untuk menganalisis tantangan perlindungan konsumen di era digital dari perspektif hukum Islam serta menawarkan solusi-solusi berdasarkan prinsip-prinsip syariah. Penelitian ini menggunakan metode hukum normatif dengan pendekatan studi pustaka. Hasil penelitian menemukan bahwa hukum Islam melalui sumber utama seperti Al-Qur'an, Sunnah, Ijma', dan Qiyas serta prinsip-prinsip muamalah seperti *ash-shiddiq* (kejujuran), *al-adl* (keadilan), dan *al-ihsan* (kebaikan), dapat memberikan pedoman perlindungan konsumen yang kuat di era digital. Berdasarkan temuan, hukum Islam tidak hanya menekankan pentingnya perlindungan teknis tetapi juga aspek etika dan moral dalam perdagangan digital. Sebagai kesimpulan, solusi perlindungan konsumen dalam perspektif Islam meliputi tiga aspek: transparansi dalam transaksi digital, penguatan regulasi berbasis syariah, dan peningkatan edukasi konsumen. Dengan penerapan nilai-nilai keadilan, kejujuran, dan tanggung jawab dalam transaksi, diharapkan tercipta transaksi digital yang aman dan adil bagi seluruh pihak.

Kata Kunci: *Digital, Perlindungan Konsumen, Solusi, Hukum Islam, Keadilan.*

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Introduction

The current digital era has made digital an integral part of people's lives, digital is no longer an option but has become a reality that society must face. The use of information and communication technology has had a major impact on various aspects of life, including buying and selling transactions carried out by the public, thereby making Indonesia enter the digital economy.¹ The industrial revolution has disrupted life in the form of benefits, challenges, and even the risk of threats to individuals, society, institutions and also to the state in various areas of life, including the economic sector, if appropriate anticipation and policy attitudes are not carried out, as well as the impact on the economy.² digital as part of technological industrialization is an inevitability that must be accepted by the Indonesian people who adhere to an open economic system, as part of the world economic community.³ Technology has provided easy access and efficiency in buying and selling transactions, from time efficiency to cost efficiency. Buying and selling transactions carried out digitally do not require sellers and buyers to meet in person, these transactions can be carried out anywhere and at any time. Consumers who carry out buying and selling transactions digitally can shop at any time without needing to go to the shop or seller's place, thereby saving time and energy. Online platforms often offer a wide selection of products from various brands

and categories accompanied by product reviews and ratings, making it easy for consumers to compare. Consumers in the digital era have an orientation towards shopping with convenience and speed. The attitude of business people who often only prioritize profits, this can cause losses for consumers who enjoy or utilize the final results of a product.⁴ So legal protection is needed for consumers to get the best products or services for transactions that have been carried out.

The digital era makes business movements move very quickly, so that the circulation of money occurs more quickly and it is often found that business actors continue to look for various ways to get as many consumers as possible by ignoring morality and ethics. In general, business is an organized individual business activity to produce and sell goods and services in order to make a profit to meet the needs of society.⁵

Business people continue to understand consumer behavior to find ways that are more profitable for themselves. According to the American Marketing Association or abbreviated as AMA, consumer behavior is a dynamic interaction between influence and cognition, behavior and events around us in which humans carry out aspects of their lives.⁶ The impact of digital on consumer behavior in transactions not only provides a lot of convenience in transactions, on the other hand consumers also have the opportunity for various possible discrepancies between the product or service received and the information promised by the seller, and the personal data used by consumers in these transactions is also likely to be misused. by

¹ I Gede Agus Kurniawan, Lourenco de Deus Mau Lulo, and Fradhana Putra Disantara, "IUS Constituendum of Expert Advisor in Commodity Futures Trading: A Legal Certainty," *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 1 (2023): 31–45, <https://doi.org/https://doi.org/10.29303/ius.v11i1.1170>.

² Ayang Ayu Taufitra and I Gede Agus Kurniawan, "Hak Kepemilikan Komunal Dalam Indikasi Geografis," *JUSTISI* 9, no. 2 (April 12, 2023): 175–89, <https://doi.org/10.33506/jurnaljustisi.v9i2.2307>.

³ Dhani Gunawan Idat, "Memanfaatkan Era Ekonomi Digital Untuk Memperkuat Ketahanan Nasional," *Jurnal Lemhannas RI* 7, no. 2 (2020): 5–11, <https://doi.org/10.55960/jlri.v7i2.67>.

⁴ Kufyatul Wardana, "Bentuk Tadlis Dalam Jual Beli Pada Hasil Periklanan Di TPI Lampubo Banda Aceh" (Universitas Islam Negeri Ar-Raniry Darussalam Banda Aceh, 2018).

⁵ ALma and Bukhari, *Pengantar Bisnis* (Bandung: CV Alfabeta, 1997).

⁶ Danang Sunyoto and Yanuar Saksono, *Perilaku Konsumen*, Eureka Media Aksara (Purbalingga, 2022).

other people.⁷ Therefore, legal protection for consumers who carry out transactions online is expected to minimize the occurrence of various losses for consumers. Consumer protection is a term used to describe the legal protection given to consumers in their efforts to meet their needs from things that are detrimental to the consumer himself.⁸ Consumer protection in online transactions in Indonesia is regulated in several laws, such as Law Number 8 of 1999 concerning Consumer Protection (UUPK), Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE), Law Number 27 of 2022 concerning Personal Data Protection (UU PDP), Government Regulation Number 71 of 2019 concerning Implementation of Electronic Systems and Transactions (PP PSTE), Minister of Trade Regulation Number 50 of 2020 concerning Provisions for Business Licensing, Advertising, Development and Supervision of Business Actors in Trading via Electronic Systems, and Bank Indonesia Regulations on Electronic Payment Transactions. All of these regulations provide protection for consumers in online transactions, starting from clarity of information, data security, to the complaint process if discrepancies or losses occur. Consumers can also report violations or fraud to relevant agencies such as the National Consumer Protection Agency (BPKN) and the Financial Services Authority (OJK) to obtain further protection.

Digitalization from an Islamic law perspective is a good change towards modernization which must follow sharia

principles to ensure that the use of technology remains useful, creates social justice, supports sustainable economic development in accordance with sharia values, and provides benefits for the people. The Islamic religion upholds ethical and moral values, including in responding to the economy in the digital era. Islam regulates how humans fulfill their needs, humans cannot justify various ways to fulfill their needs. Based on the general principles of business in Islam, consumer is defined as every person, group or legal entity that uses property or services because of legal rights, whether used for final use or for further production processes.⁹ Islam means that consumers are not only individuals, but also legal entities such as waqf foundations or certain companies and institutions. Consumer protection in Islam is very important, where consumer protection based on Islamic law refers to the concept of halal and haram. All Muslim consumers have the same right to obtain goods with halal status.

Islam, as a religion adhered to by the majority of the Indonesian population, views trade or buying and selling in the digital era as a change that is very beneficial for society. Islam strongly supports buying and selling carried out online, because the practice of buying and selling or trading is one of the things that the Prophet taught and exemplified. Consumer protection in the digital era in Islamic law is based on the Al-Qur'an, Sunnah, Ijma' and Qiyas which must be understood, so as to provide benefits for all parties. The values that Islam has established regarding trade and commerce are a manifestation of ethics. with benchmarks of honesty, trust and sincerity. The digital era has brought a lot of progress and convenience to the buying and selling system in Indonesia, but it also raises various

⁷ Anak Agung Istri Ari Atu Dewi et al., "The Role of Human Rights and Customary Law to Prevent Early Childhood Marriage in Indonesia," *Sriwijaya Law Review* 6, no. 2 (2022): 268–85, <https://doi.org/10.28946/slrev.Vol6.Iss2.1885.pp268-285>.

⁸ Elisa Siti Widyastuti, Tiya Rissa Kamila, and Panji Adam Agus Saputra, "Perlindungan Konsumen Dalam Transaksi E-Commerce: Suatu Perspektif Hukum Islam," *Milkiyah: Jurnal Hukum Ekonomi Syariah* 1, no. 2 (2022): 43–50, <https://doi.org/10.46870/milkiyah.v1i2.208>.

⁹ Miru Ahmad and Sutarman Yodo, *Hukum Perlindungan Konsumen* (Jakarta: Raja Grafindo Persada, 2004).

challenges that could be detrimental to consumers. Islam views challenges in the digital era as a phenomenon that needs to be faced wisely and adhering to ethical values and sharia principles. Islam. Therefore, this research will discuss the Islamic legal perspective on consumer protection in the digital era and solutions to consumer protection in the digital era according to Islamic law.

Method

Legal research is carried out as an effort to analyze the law as a fact or reality that occurs in social life and as a norm that regulates the social life of society.¹⁰ With research in the legal field, it can be understood whether the laws produced have provided benefits to society or not, and as a means of to evaluate published legal policies. Scientific research is one way humans search for truth. Legal research is research carried out scientifically, namely a method that aims to study one or several phenomena, by analyzing them and conducting an in-depth examination of these facts, to then try to find a solution to the problems caused by these facts.¹¹ Peter Mahmud Marzuki, said that legal research is a process of discovering legal rules, legal principles and legal doctrines in order to answer the legal issues faced.¹²

The type of research in this research is normative legal research or library research, normative legal research identifies theories, concepts or opinions as a theoretical basis, which will be used as a basis for analyzing problems in research.¹³ The data collection

technique in this research is by document study, namely by understanding various statutory regulations, related journals, books, verses of the Qur'an, history of the Hadith of the Prophet, previous research and other legal literature, then analyzed in depth, This allows researchers to understand the dynamics of the regulations and theories underlying the topics discussed in this research. The data analysis technique used is qualitative analysis, where this research begins with a review of existing legal theories and concepts, then applied to describe topics related to Islamic legal perspectives on consumer protection in the digital era and consumer protection solutions in the digital era according to Islamic sharia.

Discussion

Islamic Law Perspective on Consumer Protection in the Digital Era

In today's digital era, electronic or online commerce has become a part of people's lives which has brought changes to the way consumers shop and fulfill their needs. The majority of consumers in Indonesia are Muslim consumers, and an understanding of the principles taught by the Islamic religion is needed to fulfill their needs. According to Islam, consumer protection in the digital era must be based on the principles of justice, honesty and the benefit of the people. The legal basis for consumer protection in Islamic law is based on four main sources, namely the Al-Qur'an, Sunnah, Ijma', and Qiyas. Even though the Al-Qur'an does not directly regulate consumer protection specifically, the Al-Qur'an as the first source of law has provided general principles in carrying out buying and selling or trading transactions. The Sunnah, which is the actions and sayings of the Prophet Muhammad SAW, which is the second source of law in Islam, has provided concrete examples regarding how the Prophet Muhammad treated his consumers in trading. Several hadiths have explained

¹⁰ Fradhana Putra Disantara, "Innovative Legal Approaches for Contemporary Challenges in Indonesia," *Indonesian Journal of Innovation Studies* 25, no. 4 (August 8, 2024), <https://doi.org/10.21070/ijins.v25i4.1241>.

¹¹ Soerjono Soekanto, *Pengantar Penelitian Hukum*, Jakarta: UI Press, 1986.

¹² Sri Mamudji Soerjono Soekanto, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, 17th ed. (Jakarta: Rajawali Pers, 2015).

¹³ I Gusti Ketut Ariawan, "Mrtode Penelitian Hukum Normatif" 1, no. 1 (2013): 4.

guidelines regarding business ethics, including protecting consumers from loss and injustice.

Ijma' is the agreement of all mujtahids among Muslims at a time, after the death of Rasulullah SAW on a Sharia law regarding an event or case, ijma' was only established after the death of Rasulullah SAW and can only be used as a source of law if no explanation or norms are found. legal norms in the Al-Qur'an and Sunnah regarding a problem or case.¹⁴ Qiyas or analogy, is a method of taking law in Islam which involves comparing situations that have not been regulated in the main legal sources with situations that have been regulated. In the context of consumer protection, Qiyas can be used to adapt the principles contained in the Al-Qur'an, an, Sunnah, and Ijma' into new situations that arise in the modern business world.¹⁵ These four foundations essentially mean that consumers have the right to justice, honesty and transparency in their buying and selling transactions.

Islam considers trade or buying and selling to be one of the noble livelihoods because the Prophet Muhammad also met the needs of his people through trade. Trading in the current digital era is progress and change over the previous trading system. Islam provides guidelines that everyone should not mistreat other people, including in matters of trade, so that consumers have the right to get everything they pay for as promised by the seller. This has been explained in the Al-Qur'an Surah (QS) Al-Baqarah verse 279 "... not to harm (harm) and not to be wronged (to be harmed)" meaning that in buying and selling transactions you are not allowed to abuse other people or consumers. The Prophet has given rules for doing business to be able to

earn income without harming consumers. The Prophet has prohibited several buying and selling practices that contain elements: Talaqqi Rukban (intercepting traders who bring goods from the production place before they reach the market), Doubling the price (according to Imam Ghazali, it is forbidden to double the price according to the prevailing custom), Bai' al-gharar (business that contains an element of fraud because there is no certainty), Gisyah (hiding defects in the goods being sold, you can also mix defective products into good quality products), Najasy Business (business practices where someone pretends to be a buyer who bidding with high offers accompanied by unreasonable praise for quality, with the aim of increasing the price of goods), Haram products (trading in goods that have been prohibited and prohibited by the Al-Qur'an and Sunnah), Usury (additional takings in business transactions) , and Tathfif (reducing the weight or measure of goods to be sold).¹⁶ The business practices that were prohibited by the Prophet Muhammad indirectly contained the values of protecting consumer rights, even though at that time they were still not as modern as they are now, the values taught by the Prophet Muhammad will continue to provide benefits to his people without time or future limitations. This also shows that long before the modern world was familiar with the term consumer protection, Islam had implemented the principles of consumer protection in trade which were directly exemplified by the Prophet.

Indonesia specifically provides guarantees for consumer protection through on April 20 1999 the Government of the Republic of Indonesia enacted Law Number 8 of 1999 concerning Consumer Protection (UUPK) which was published in

14 Mukhtar Yahya and Fatchurrahman, *Dasar-Dasar Pembinaan Hukum Fiqh Islam* (Bandung: Alma'arif, 1986).

15 Universitas Tjut, Nyak Dhien, and Program Studi Hukum, "Perlindungan Konsumen Dalam Bingkai Syariah Di Era Digital," *Syiar-Syiar* 3 (2023): 58–68.

16 Amanda Tikha Santriati and Dwi Runjani Juwita, "Perlindungan Hak Konsumen Dalam Perspektif Hukum Islam Dan Undang-Undang Konsumen Nomor 8 Tahun 1999," *Opinia de Journal* Vol. 2, no. 2 (2022): 33–50.

the State Gazette of the Republic of Indonesia Number 3821, which regulation was the beginning of consumer protection as a whole. formal legitimacy that provides legal certainty for consumers and is the responsibility of business actors to provide the best products or services for their consumers. UUPK is not the beginning and end of laws that regulate consumer protection, but it opens up the possibility of forming new laws that basically contain provisions that protect consumers. In today's digital era, consumers also get legal protection with the ITE Law which specifically regulates transactions between people electronically or online. All of this is expected to provide legal certainty for consumer protection in Indonesia. Legal certainty is a guarantee that the law is implemented, that those who are entitled according to the law can obtain their rights and that decisions can be implemented, legal certainty is a justifiable protection against arbitrary actions, which means that someone will be able to obtain something they hope for in certain circumstances.¹⁷ Legislation and Islamic values that regulate consumer protection in Indonesia are expected to be able to provide stronger legal protection for consumers to meet their needs.

Islam places restrictions on consumers to consume or use products that have halal status, as explained in QS.Al-Baqarah verse 168 "O people, eat what is halal and good from what is found on earth, and do not follow the steps the devil, because in fact the devil is a real enemy for you" this verse not only contains the halal and haram aspects of consuming something, but also gives a message to consumers to consume food or drinks that are clean and not disgusting or that do not endanger their health, so that indirectly Islam has provided

protection for consumers in terms of maintaining their health and should not do anything that is harmful to themselves. To provide legal protection for consumers, the UUPK has established several principles as the basis mentioned in Article 2 of the UUPK "Protection of consumer rights is based on benefits, justice, balance, security and safety of consumers, as well as legal certainty" in this way the state guarantees that consumers must receive treatment. and the best product from the buying and selling transactions carried out.

Meanwhile, Islam has also established several principles in carrying out transactions, namely ash-shiddiq, al-adl, al-khiyar, security and safety, at-tauhid, istiklaf, al-ihsan. Ash-Shiddiq is the behavior that was exemplified by the Prophet Muhammad in trading or doing business, namely the Prophet had a Shiddiq personality which means honesty, so consumers have the right to whatever the seller has offered. Al-adl is justice, equality or balance, where in carrying out business transactions there must be an ideal balance between sellers and buyers so that consumers receive equal benefits for the nominal they have paid. Al-khiyar is the consumer's right to choose first in buying and selling transactions, so as to avoid disputes or misunderstandings regarding the transaction.

Islam also requires its followers to maintain safety and provide security for each other so that the benefit of the community can be realized, including when carrying out ebli sales transactions. The basic principle or foundation of all business activities in Islamic law is placed on the highest principle, namely tawhid (affirming Allah SWT).¹⁸ From this principle, the principle of istikhlaf was born, which states that what humans have is essentially a deposit from Allah SWT, humans are only

¹⁷ Siti Halilah and Fakhurrahman Arif, "Asas Kepastian Hukum Menurut Para Ahli," *Jurnal Hukum Tata Negara* 4, no. Desember (2021): 56–65.

¹⁸ Yusuf Qardhawi, *Norma Dan Etika Ekonomi Islam*, ed. Zainal Arifin and Dahlia Husin (Jakarta: Gema Insani Press, 1997).

holders of the trust given to them.¹⁹ From the principle of monotheism, the principle of al-ihsan (benevolence) also emerged, meaning carrying out good deeds that can benefit other people without any particular obligation requiring them to carry out these actions.²⁰ The principles in Islamic law not only regulate horizontal relationships between business actors and other business actors (*hablum minannas*), but Islamic law also regulates vertical relationships (*hablum minallah*), namely the relationship between humans (business actors and consumers) and Allah SWT, because in the future, all our actions while in the world, including carrying out buying and selling transactions, will definitely be accounted for before Allah SWT as God and creator of humans. Meanwhile, the UUPK only regulates buying and selling transaction relationships between business actors and other business actors and between business actors and their consumers.

Islam provides protection for consumers who experience losses due to buying and selling transactions carried out due to fraud carried out by business actors against consumers is a disgraceful act or an act that is not justified. Responsibility when related to the cause of compensation (*dhaman*) can be divided into five, namely: Compensation for Damage to Goods (*Dhaman Itlaf*), Compensation for Transactions (*Dhaman 'Aqdin*), Compensation for Actions (*Dhaman Wadh'u Yadin*), Compensation for Deception (*Dhaman al-Hailulah*), Compensation for Deception (*Dhaman Al-Maghrur*).²¹ To avoid all aspects of compensation in order to provide legal protection for consumers in trade, Islam also gives consumers the right

to choose first before carrying out buying and selling transactions called *khiyar*. Through the right of *khiyar*, Islam provides ample space for consumers and producers to defend their rights in trade whether to continue *aqad/business* transactions or not and choose to continue or cancel business transactions as long as they are still in one place.²² Thus, Islam regulates buying and selling transactions and consumer protection in a very complex manner in order to create mutual benefit.

Consumer Protection Solutions in the Digital Era According to Islamic Law

Solutions for consumer protection in the digital era from an Islamic perspective consist of transparency in digital transactions, strengthening sharia-based consumer protection regulations, and increasing consumer education. Transparency in *muamalah* or business in Islam focuses on the application of the values of justice, honesty and responsibility, with the application of sharia values in the digital era not only protecting consumers technically, but also strengthening ethics and morality in business trade transactions carried out by public. Islam really emphasizes the value of justice in human life, because basically justice is the main goal to be achieved in law. In Islamic teachings, justice is God's decree for the cosmos or universe of His creation, justice is a principle which constitutes the law of all celebrations. Therefore, violating justice is violating the law of the cosmos and the sin of injustice will have the effect of destroying the order of human society.²³ So that in buying and selling or trading transactions between sellers and buyers, they must both get justice, namely the seller provides the best

¹⁹ Qardhawi.

²⁰ Najmudin Ansorullah, "Prinsip-Prinsip Hukum Islam Dalam Tanggung Jawab Pelaku Usaha," *Jurnal Najmu*, 2007.

²¹ Widyastuti, Kamila, and Agus Saputra, "Perlindungan Konsumen Dalam Transaksi E-Commerce: Suatu Perspektif Hukum Islam."

²² Abdurrahman Al-Jaziri, *Fiqh Empat Mazdhab Bagian Muamalah II* (Jakarta: Darul Ulum Press, 2001).

²³ Mahir Amin, "Konsep Keadilan Dalam Perspektif Filsafat Hukum Islam," *Al-Daulah: Jurnal Hukum Dan Perundangan Islam* 4, no. 02 (2015): 322–43, <https://doi.org/10.15642/ad.2014.4.02.322-343>.

product or service according to the costs paid by the buyer, and the buyer pays his obligations according to what the seller provides. Islam provides solutions for consumer protection in the digital era by applying the value of honesty (Ash-Siddiq), which is the main value in Islam which covers all aspects of life, starting from worship, social interaction and muamalah (trade or business relations).

Honesty in Islam means acting and saying according to the truth and avoiding all forms of lies and fraud in a buying and selling transaction. Honesty is a noble characteristic that is upheld in Islam, because it reflects the faith and integrity of a Muslim, this is in accordance with the word of Allah SWT in QS At-Taubah verse 119 "O you who believe, fear Allah, and be with those who a righteous or honest person" and the words of the Prophet Muhammad in the Hadith History (HR) Thabrani and Ahmad "A Muslim is a Muslim brother. It is not permissible for a Muslim, if he trades with his brother and finds a defect, unless he explains it." By adhering to the value of honesty, parties carrying out trade transactions not only get blessings or benefits, but also carry out Allah's commands and follow the example of the Prophet Muhammad. Trade or business practices during the time of the Prophet were closely guarded and regulated by the Prophet, as a wise leader he often carried out inspections in the markets of Medina to protect his people from misleading trading practices. The inspection carried out by Rasulullah showed that in transactions, willingness between the trader and the buyer is required, so that neither party feels disadvantaged, the act of hiding defects in merchandise will actually not increase one's fortune, in fact it will eliminate blessings because wealth collected by fraud is very angry with Allah.²⁴

²⁴ Muhammad Nizar, "Prinsip Kejujuran Dalam Perdagangan Versi Alqur'an," Ilmu Al-Qur'an Dan Tafsir 4, No. 1, no. 2 (2018): 309–20.

Responsibility in carrying out muamalah or trade is one of the values emphasized in the Islamic religion. Islam views business as a means of creating benefits for the people, therefore business people have a social responsibility to help consumers fulfill their needs, this is in accordance with the words of Rasulullah SAW in Hadith Thabrani "the best people are those who are most beneficial to people" The hadith emphasizes the importance of social responsibility for the welfare of the people in general. The value of responsibility in Islam also includes trust (amanah), commitment to promises or agreements, and avoiding cheating (tadlis). In Islam, responsibility is closely related to trust, when someone runs a business he has the responsibility to run the business honestly and maintain the trust of all parties, both consumers, business partners and employees. Maintaining trust in business transactions includes openness of information, honesty in explaining product quality and accuracy in keeping promises or agreements, in accordance with the word of Allah in QS An-Nisa: 58 "Indeed, Allah commands you to convey trust to those who are entitled to receive it..." Verse This emphasizes the importance of implementing the value of trust in all aspects of life, including business transactions, so that consumers receive good protection in meeting their needs. By implementing the principle of trust, sharia-based companies are committed to maintaining integrity, transparency and accountability in wealth management, thereby creating a more ethical and just business environment, this is in line with Islamic ethical and moral principles that encourage social justice and shared prosperity.²⁵

Every promise and agreement in Islam is considered a responsibility that must be

²⁵ Riska Amalia, Lince Bulutoding, and Sumarlin, "Integrasi Konsep Amanah Dalam Syariah Enterprise Theory: Tinjauan Literatur Komprehensif," Jurnal Ekonomi Syariah Pelita Bangsa 09, no. 01 (2024): 140–48, <https://doi.org/10.37366/jespb.v9i01.1151>.

fulfilled or kept, responsible business people will commit to the agreements that have been made, so that consumers can avoid losses due to transactions that have been made. The form of business actor's commitment to promises must be put into practice starting from providing actual prices, delivery times, to appropriate product or service quality. This commitment can build trust and minimize disappointment and prevent losses on the part of consumers, in accordance with the words of Rasulullah SAW in the Hadith of Abu Dawud "Muslims are bound by their terms..." This hadith emphasizes the importance of fulfilling the conditions or promises that have been agreed upon, so that consumers can have their rights protected in their buying and selling transactions. The value of business actors' responsibility in business also includes avoiding fraud (*tadlis*) so that consumer protection in the digital era is better maintained. *Tadlis* is a transaction that contains something that is not known to one of the parties to the buying and selling transaction. Every transaction in Islam must be based on the principle of willingness between both parties (mutually pleased).²⁶ Islam strictly prohibits all forms of cheating or fraud in business, whether in the form of deceiving product quality, covering up product defects or providing incorrect information about the products or services offered. Business people are responsible for providing clear and accurate information to consumers so that consumers do not feel cheated. Rasulullah SAW in a Muslim hadith once said "whoever cheats, then he is not among our Prophet." This hadith shows that cheating is very contrary to the values of religious teachings. Islam, and business people are obliged to avoid it as a form of general responsibility towards consumers, and a specific responsibility towards God.

²⁶ Sholahuddin Muhammad, *Asas-Asas Ekonomi Islam* (Jakarta: PT Raja Grafindo, 2007).

Sharia-based regulatory arrangements in consumer protection in the digital era are very important in facing technological developments like today, considering that the majority of consumers in Indonesia are Muslim consumers, so they really need strong legal protection for the buying and selling transactions they carry out to meet their needs. Developed during the industrial revolution 4.0. This causes all industries to become dependent on technological developments and the internet.²⁷ Even in the current era of digitalization technology, competition is not only face to face but also in the world of web, internet and software based business in aspects of our daily lives.²⁸ Sharia regulations emphasize the principles of justice, honesty, transparency and responsibility in business, all of which are important for safeguarding consumer rights in online transactions. Sharia regulations require full transparency in every transaction, the government can arrange for digital platforms to provide clear and accurate information regarding the products or services offered, including prices, descriptions, return policies, and other terms and conditions, which conditions prevent *gharar* elements (ambiguity) which is prohibited in Islam, this is based on the words of Allah SWT in QS Al-An'am: 152 "and perfect the measures and scales fairly..." This verse shows the importance of justice, transparency or openness of information in transactions. Transactions in the digital era are closely related to financial technology or better known as fintech, because when carrying out digital transactions consumers are not required to make digital payments. The emergence of sharia fintech was chosen because the Muslim community in Indonesia

²⁷ Elvira Fitriyani Pakpahan, Kristina Chandra, and Anderson Tanjung, "Urgensi Pengaturan Financial Technology Di Indonesia," *Jurnal Darma Agung* 28, no. 3 (2020): 444, <https://doi.org/10.46930/ojsuda.v28i3.807>.

²⁸ Nugroho Ngafifi and Chowdury, *Pengenalan Teknologi Di Internet* (Yogyakarta: Pustaka baru Press, 2016).

in making transactions wants to avoid practices that are prohibited in Sharia, however, sharia-based fintech still leaves several problems.²⁹ Regulations regarding sharia fintech in Indonesia have been regulated in several regulations: Financial Services Authority Regulation (PJOK) Number 77 or PJOK Number 01 of 2016 concerning Information Technology-Based Money Lending and Borrowing Services, PJOK Number 13 of 2018 concerning Digital Financial Innovation in the Financial Services Sector, Bank Indonesia Regulation Number 19/12/PBI/2017 concerning the Implementation of Financial Technology, and DSN-MUI Fatwa Number 135/DSN-MUI/V/2020 concerning Sharia Electronic Money. Sharia fintech regulations in Indonesia are also considered problematic because they do not yet regulate aspects of sharia supervision or sharia compliance, even though the supervision aspect is closely related to consumer protection which must be upheld in all processes involving the public as consumers.³⁰ So it is necessary to strengthen sharia-based regulations in Indonesia to ensure consumer protection in the digital era.

Consumer education in the digital era aims to empower consumers to be more aware of various bad possibilities that could happen to them. With collaboration between the government, digital platforms, consumer protection institutions, and Islamic sharia values, it is hoped that consumer awareness can increase and transactions made will be safe transactions for consumers. Consumer education in the digital era is very important to provide understanding to the public as consumers about their rights, how to protect

themselves, and the steps that can be taken if a violation occurs. The purpose of educating consumers is to prevent consumers from fraud, misleading information, or detrimental business practices. Transactions in the digital era are much more complex than conventional transactions, because shareholders and consumers do not meet in person, consumers cannot choose products directly, transaction payments are made using fintech and consumers do not immediately receive products or services after the transaction process is complete, so the position of consumers in terms of digital transactions is very weak. Therefore, consumers need in-depth understanding before carrying out digital transactions. Consumer education must start by providing a clear understanding regarding their rights and obligations in digital transactions, these rights include the right to correct information, the right to choose, the right to security, and the right to obtain compensation if they experience losses, with By understanding their rights as digital consumers, consumers can be more careful and alert when carrying out online transactions. One step that can be taken in this case is that the government or consumer-related institutions can hold webinars or distribute educational materials on social media to socialize consumer rights.

One of the challenges in the digital era is that there are so many frauds or manipulative practices that misuse technology, digital literacy is needed to avoid this. Through digital literacy, consumers can learn to recognize signs of fraud, such as fake sites, unreasonable price offers, or requests for personal information that are beyond reasonable limits. Islam prohibits sellers and buyers from carrying out fraudulent practices in buying and selling transactions, so that through fraud there are parties who suffer losses.³¹ Cybercrime is

²⁹ Rizal Habibunnajar and Indra Rahmatullah, "Problematisasi Regulasi Pinjam Meminjam Secara Online Berbasis Syariah Di Indonesia," *Jurnal Legal Reasoning* 2, no. 2 (2020): 120–34, <https://doi.org/10.35814/jlr.v2i2.2225>.

³⁰ Muhammad Sadar, Muhammad Taufik, and Habloel Mawadi, *Hukum Perlindungan Konsumen Di Indonesia* (Jakarta: Akademia, 2012).

³¹ Hilman Taqiyudin, "Konsep Etika Muamalah Dalam

increasingly developing, ranging from digital fraud to misuse of personal data which is detrimental to the data owner. Protection of personal data is crucial in today's digital era where consumer data is often taken, stored, or even sold by third parties, so consumers in the digital era need to understand how their data is used and protect their personal data from misuse. Forms of education that can be carried out are by providing education through campaigns on digital platforms about how to verify the authenticity of e-commerce sites, read and understand product reviews correctly, and maintain the security of personal data, and socialize about the Personal Data Protection Law from consumer institutions or government to provide understanding to the public.

Introduction to the concept of sharia values in digital buying and selling transactions is also very necessary, because the majority of business actors and consumers in Indonesia are Muslim consumers. Considering that trade or business practices in Islam have also been explained and practiced directly and complexly since the time of the Prophet Muhammad, the values of the Prophet's teachings are not limited by distance, space and time. Consumers are required to understand their basic rights as Muslim consumers, namely to obtain halal products or services. Halal certification and labeling must comply with sharia rules stipulated in determining the halalness of a food product, in this case it will be related to the competence of the institution that issues the halal standard certificate used, the personnel involved in certification and auditing, and what is less important is the halal certification mechanism. Alone.³² One

step that can be taken is for religious leaders or preachers to expand their preaching in a digital direction. It is hoped that preachers can disseminate information about Islamic values in business or practice through interesting videos and interesting posters uploaded in various places. social media. Therefore, consumer protection in the digital era is not only the task of the government or related institutions, but also our collective responsibility as human beings to create a profitable business life.

Conclusion

Islam considers trade or buying and selling to be one of the noble livelihoods because the Prophet Muhammad also met the needs of his people through trade. Trading in the current digital era is progress and change over the previous trading system. Islam provides guidelines that everyone should not mistreat other people, including in matters of trade, so that consumers have the right to get everything they pay for as promised by the seller. This has been explained in the Al-Qur'an Surah (QS) Al-Baqarah verse 279 "... not to harm (harm) and not to be wronged (to be harmed)" meaning that in buying and selling transactions you are not allowed to abuse other people or consumers. Digitalization from an Islamic law perspective is a good change towards modernization which must follow sharia principles to ensure that the use of technology remains useful, creates social justice, supports sustainable economic development in accordance with sharia values, and provides benefits for the people. The Islamic religion upholds ethical and moral values, including in responding to the economy in the digital era. Islam regulates how humans fulfill their needs, humans cannot justify various ways to fulfill their needs. Consumer protection in Islam is very important, where consumer protection based on Islamic law refers to the concept of halal and haram. All Muslim consumers

Islam," *Muamalatuna* 11, no. 1 (2020): 80, <https://doi.org/10.37035/mua.v11i1.3326>.

³² Musyifikah Ilyas, "Sertifikasi Dan Labelisasi Produk Halal Perspektif Maslahat Certification and Labeling Halal Products of Maslahat Perspective," *Al-Qadau*, 2017, 357–76.

have the same right to obtain goods with halal status.

According to Islam, consumer protection in the digital era must be based on the principles of justice, honesty and the benefit of the people. The legal basis for consumer protection in Islamic law is based on four main sources, namely the Al-Qur'an, Sunnah, Ijma', and Qiyas. Even though the Al-Qur'an does not directly regulate consumer protection specifically, the Al-Qur'an as the first source of law has provided general principles in carrying out buying and selling or trading transactions. The Sunnah, which is the actions and sayings of the Prophet Muhammad SAW, which is the second source of law in Islam, has provided concrete examples regarding how the Prophet Muhammad treated his consumers in trading. Several hadiths have explained guidelines regarding business ethics, including protecting consumers from loss and injustice. Ijma' is the agreement of all mujtahids among Muslims at a time, after the death of Rasulullah SAW on a Sharia law regarding an event or case, ijma' was only established after the death of Rasulullah SAW and can only be used as a source of law if no explanation or norms are found. legal norms in the Al-Qur'an and Sunnah regarding a problem or case. Qiyas or analogy, is a method of taking law in Islam which involves comparing situations that have not been regulated in the main legal sources with situations that have been regulated. In the context of consumer protection, Qiyas can be used to adapt the principles contained in the Al-Qur'an, an, Sunnah, and Ijma' into new situations that arise in the modern business world. Islam has also established several principles in carrying out muamalah transactions, namely ash-shiddiq, al-adl, al-khiyar, security and safety, at-tauhid, istiklaf, al-ihsan. The principles in Islamic law not only regulate horizontal relationships between business actors and other business actors (hablum minannas), but Islamic law also regulates

vertical relationships (hablum minallah), namely the relationship between humans (business actors and consumers) and Allah SWT, because In the future, all our actions while in the world, including carrying out buying and selling transactions, will definitely be accounted for before Allah SWT as God and creator of humans.

Solutions for consumer protection in the digital era from an Islamic perspective consist of transparency in digital transactions, strengthening sharia-based consumer protection regulations, and increasing consumer education. Transparency in muamalah or business in Islam focuses on the application of the values of justice, honesty and responsibility, with the application of sharia values in the digital era not only protecting consumers technically, but also strengthening ethics and morality in business trade transactions carried out by public. The solution for consumer legal protection according to Islamic law essentially includes 3 things, namely: the application of the concept of transparency in digital transactions, which is a muamalah concept that prioritizes openness of information and honesty, strengthening sharia-based digital consumer protection regulations so that it can strengthen Islamic values to protect consumers as a whole. comprehensive, and increasing education for consumers with good cooperation between the government, consumer protection institutions and religious leaders or preachers so that consumers can understand their rights and become a preventive measure against various modes of fraud. Islamic law offers relevant solutions to face various consumer protection challenges in the digital era through the values of justice, honesty and mercy, so that it is hoped that safe and fair transactions can be created for all parties.

Credit Authorship Contribution

Dwi Edi Wibowo: Conceptualization, Methodology, Investigation, Writing - Original Draft, Data Collection, and Supervision.

Declaration of Competing Interest

The authors declare no competing interests related to this study. No financial or personal conflicts of interest are present.

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References

- Ahmad, Miru, and Sutarman Yodo. *Hukum Perlindungan Konsumen*. Jakarta: Raja Grafindo Persada, 2004.
- Al-Jaziri, Abdurrahman. *Fiqh Empat Mazdhab Bagian Muamalah II*. Jakarta: Darul Ulum Press, 2001.
- ALma, and Bukhari. *Pengantar Bisnis*. Bandung: CV Alfabeta, 1997.
- Amalia, Riska, Lince Bulutoding, and Sumarlin. "Integrasi Konsep Amanah Dalam Syariah Enterprise Theory: Tinjauan Literatur Komprehensif." *Jurnal Ekonomi Syariah Pelita Bangsa* 09, no. 01 (2024): 140–48. <https://doi.org/10.37366/jespb.v9i01.1151>.
- Amin, Mahir. "Konsep Keadilan Dalam Perspektif Filsafat Hukum Islam." *Al-Daulah: Jurnal Hukum Dan Perundangan Islam* 4, no. 02 (2015): 322–43. <https://doi.org/10.15642/ad.2014.4.02.322-343>.
- Ansorullah, Najmudin. "Prinsip-Prinsip Hukum Islam Dalam Tanggung Jawab Pelaku Usaha." *Jurnal Najmu*, 2007.
- Ariawan, I Gusti Ketut. "Mrtode Penelitian Hukum Normatif" 1, no. 1 (2013): 4.
- Dewi, Anak Agung Istri Ari Atu, Ni Ketut Supasti Dharmawan, Anak Agung Istri Eka Krisnayanti, Putu Aras Samsithawrati, and I. Gede Agus Kurniawan. "The Role of Human Rights and Customary Law to Prevent Early Childhood Marriage in Indonesia." *Sriwijaya Law Review* 6, no. 2 (2022): 268–85. <https://doi.org/10.28946/slrev.Vol6.Iss2.1885.pp268-285>.
- Disantara, Fradhana Putra. "Innovative Legal Approaches for Contemporary Challenges in Indonesia." *Indonesian Journal of Innovation Studies* 25, no. 4 (August 8, 2024). <https://doi.org/10.21070/ijins.v25i4.1241>.
- Gunawan Idat, Dhani. "Memanfaatkan Era Ekonomi Digital Untuk Memperkuat Ketahanan Nasional." *Jurnal Lemhannas RI* 7, no. 2 (2020): 5–11. <https://doi.org/10.55960/jlri.v7i2.67>.
- Habibunnajar, Rizal, and Indra Rahmatullah. "Problematisasi Regulasi Pinjam Meminjam Secara Online Berbasis Syariah Di Indonesia." *Jurnal Legal Reasoning* 2, no. 2 (2020): 120–34. <https://doi.org/10.35814/jlr.v2i2.2225>.
- Halilah, Siti, and Fakhrurrahman Arif. "Asas Kepastian Hukum Menurut Para Ahli." *Jurnal Hukum Tata Negara* 4, no. Desember (2021): 56–65.
- Ilyas, Musyifikah. "Sertifikasi Dan Labelisasi Produk Halal Perspektif Masalahat Certification and Labeling Halal Products of Masalahat Perspective." *Al-Qadau*, 2017, 357–76.
- Kurniawan, I Gede Agus, Lourenco de Deus Mau Lulo, and Fradhana Putra Disantara. "IUS Constituendum of Expert Advisor in Commodity Futures Trading: A Legal Certainty." *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 1 (2023): 31–45. <https://doi.org/https://doi.org/10.29303/ius.v11i1.1170>.
- Muhammad, Sholahuddin. *Asas-Asas Ekonomi Islam*. Jakarta: PT Raja Grafindo, 2007.
- Ngafifi, Nugroho, and Chowdury. *Pengenalan Teknologi Di Internet*. Yogyakarta: Pustaka baru Press, 2016.
- Nizar, Muhammad. "Prinsip Kejujuran Dalam Perdagangan Versi Alqur'an." *Ilmu Al-Qur'an Dan Tafsir* 4, No. 1, no. 2 (2018): 309–20.
- Pakpahan, Elvira Fitriyani, Kristina Chandra, and Anderson Tanjaya. "Urgensi Pengaturan Financial Technology Di Indonesia." *Jurnal Darma Agung* 28, no. 3 (2020): 444. <https://doi.org/10.46930/ojsuda.v28i3.807>.
- Qardhawi, Yusuf. *Norma Dan Etika Ekonomi Islam*. Edited by Zainal Arifin and Dahlia Husin. Jakarta: Gema Insani Press, 1997.
- Sadar, Muhammad, Muhammad Taufik, and Habloel Mawadi. *Hukum Perlindungan Konsumen Di Indonesia*. Jakarta: Akademia, 2012.
- Santriati, Amanda Tikha, and Dwi Runjani Juwita. "Perlindungan Hak Konsumen Dalam Perspektif Hukum Islam Dan Undang-

- Undang Konsumen Nomor 8 Tahun 1999.” *Opinia de Journal* Vol. 2, no. 2 (2022): 33–50.
- Soekanto, Soerjono. *Pengantar Penelitian Hukum*. Jakarta: UI Press, 1986.
- Soerjono Soekanto, Sri Mamudji. *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. 17th ed. Jakarta: Rajawali Pers, 2015.
- Sunyoto, Danang, and Yanuar Saksono. *Perilaku Konsumen*. Eureka Media Aksara. Purbalingga, 2022.
- Taqiyudin, Hilman. “Konsep Etika Muamalah Dalam Islam.” *Muamalatuna* 11, no. 1 (2020): 80. <https://doi.org/10.37035/mua.v1i1.3326>.
- Taufitra, Ayang Ayu, and I Gede Agus Kurniawan. “Hak Kepemilikan Komunal Dalam Indikasi Geografis.” *JUSTISI* 9, no. 2 (April 12, 2023): 175–89. <https://doi.org/10.33506/jurnaljustisi.v9i2.2307>.
- Tjut, Universitas, Nyak Dhien, and Program Studi Hukum. “Perlindungan Konsumen Dalam Bingkai Syariah Di Era Digital.” *Syar-Syar* 3 (2023): 58–68.
- Wardana, Kufyatul. “Bentuk Tadlis Dalam Jual Beli Pada Hasil Perikanan Di TPI Lampubo Banda Aceh.” Universitas Islam Negeri Ar-Rainy Darussalam Banda Aceh, 2018.
- Widyastuti, Elisa Siti, Tiya Rissa Kamila, and Panji Adam Agus Saputra. “Perlindungan Konsumen Dalam Transaksi E-Commerce: Suatu Perspektif Hukum Islam.” *Milkiyah: Jurnal Hukum Ekonomi Syariah* 1, no. 2 (2022): 43–50. <https://doi.org/10.46870/milkiyah.v1i2.208>.
- Yahya, Mukhtar, and Fatchurrahman. *Dasar-Dasar Pembinaan Hukum Fiqh Islam*. Bandung: Alma’arif, 1986.