



## Implementation of Law Number 8 of 1999 on Consumer Protection in Online Buying and Selling Practices: A Maqashid Shariah Perspective

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**Abstract:** This study examines the implementation of Law Number 8 of 1999 concerning Consumer Protection (UUPK) in online buying and selling (e-commerce) practices from a *Maqashid* Shariah perspective. The background of the study arises from the rapid development of digital transactions that have brought challenges to consumer protection, such as online fraud, product discrepancies, delivery delays, and misuse of personal data. This study used a qualitative descriptive approach with an empirical juridical method, involved interviews with the Department of Industry and Trade of Jambi Province and the Indonesian Consumers Foundation (YLKI) of Jambi Province, and was complemented by a literature review. The results of the study show that the principles of consumer protection in the Consumer Protection Law (UUPK) show substantial alignment with the objectives of *Maqashid* Syariah, particularly in preserving property (*hifz al-mal*), life (*hifz al-nafs*), and dignity (*hifz al-'ird*). However, the UUPK still has weaknesses in responding to the characteristics of digital transactions, including the absence of specific regulations on electronic commerce, weak law enforcement based on digital evidence, limitations in the function of Consumer Dispute Settlement Agency (BPSK), the lack of regulation on personal data protection, the minimal obligation of transparency for online business actors, and the insufficient adaptability to new digital business models. This study recommends revising the Consumer Protection Law (UUPK) to be more responsive to technological developments, strengthening consumer dispute settlement institutions, synchronizing regulations, and enhancing public legal literacy based on the principles of justice and welfare according to *Maqashid* Syariah.

**Keyword:** Consumer protection, Online trading, Consumer protection law (UUPK), *Maqashid* syariah, E-commerce.

### INTRODUCTION

Trading transactions have become an integral part of human life since the beginning of civilization. In Islamic history, the Prophet Muhammad (peace be upon him) himself was a merchant who emphasized the importance of the principle of mutual consent (*rida*) and avoiding all forms of practices that may harm one of the parties, such as *riba* (usury), fraud, and stockpiling. The Qur'an and Hadith explicitly mandate justice in every *muamalah*,

emphasizing that no party should feel harmed or wronged. These universal principles serve as the ethical and legal foundation for every economic activity.

يَأَيُّهَا الَّذِينَ ءامَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ إِلَّا أَنْ تَكُونَ تِجْرِيَةً عَنْ تَرَاضٍ مِّنْكُمْ وَلَا تَقْتُلُوا أَنفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَّحِيمًا

*O you who have believed, do not consume one another's wealth unjustly but only [in lawful] business by mutual consent. And do not kill yourselves [or one another]. Indeed, Allah is to you ever Merciful (Q.S. An Nisa 4/29).*

Along with the revolution in information technology, trade models have undergone a fundamental transformation. The digital era has given rise to the phenomenon of e-commerce or online buying and selling, which offers convenience, speed, and unlimited global accessibility (Sihombing & Resen, 2024). Consumers can conduct transactions from anywhere and at any time, select products from various parts of the world, and enjoy an efficient purchasing process (Departemen Agama Republik Indonesia, 2019).

However, the rapid development of online transactions opens opportunities for practices that harm consumers, ranging from online fraud, discrepancies between products and their descriptions, and delivery delays, to issues related to personal data privacy.

Data released by the Ministry of Communication and Information Technology (Kominfo) in September 2021 show that online fraud is one of the most frequently reported types of cybercrime in Indonesia, with 115,756 reports. This figure clearly indicates the urgency of adequate consumer protection within the digital ecosystem (Kurnia et al., 2022).

In this context, Law Number 8 of 1999 on Consumer Protection (Indonesian: *Undang-Undang Perlindungan Konsumen*; UUPK) became the legal framework for protecting consumer rights (Pemerintah RI, 1999). However, considering the dynamics and complexity of online transactions that continue to evolve, the effectiveness of UUPK implementation in the digital context needs to be thoroughly evaluated. The crucial question is to what extent UUPK can provide comprehensive consumer protection against various forms of crime and losses arising from online trading practices.

This study provides an in-depth examination of the implementation of Law Number 8 of 1999 on Consumer Protection (UUPK) in online trading practices from the perspective of *Maqashid Syariah*, whose universal principles provide a strong ethical and legal framework to ensure justice and public benefit in every transaction.

*Maqashid Syariah*, as the fundamental objective of Islamic law, emphasizes the preservation of five essential elements (*al-kulliyat al-khamsah*): religion (*hifz al-din*), life (*hifz al-nafs*), intellect (*hifz al-aql*), lineage (*hifz al-nasl*), and wealth (*hifz al-mal*). In the context of consumer protection, *hifz al-mal* (preservation of wealth) becomes highly relevant, since online transactions involve the exchange of economic value that must be safeguarded from any form of deviation or fraud that may harm consumers.

Discussing *Maqashid Syariah* is essentially discussing the essence and the deepest purpose of the enactment of Islamic law as a legal system and a guide for life. *Maqashid Syariah* is a fundamental concept in the study of Islamic law that seeks to explore and examine the overarching objectives behind the revelation of *Sharia* laws by Allah SWT. In this context, the Qur'an, as the primary source of Islamic teachings, contains various issues that touch upon the dimensions of human life and the universe, whether in social, economic, or environmental aspects.

By thoroughly examining the contents of the Qur'an, it is evident that all provisions of Islamic law were not legislated arbitrarily, but rather have a noble purpose, namely to bring mercy to all creation (*rahmatan lil 'alamin*). This purpose does not only encompass human beings as individuals or groups, but also includes all creatures created by Allah, including the environment and ecosystems. Islamic law, through the revelation of the Qur'an, has explained

in detail how humans should treat the universe by making it a means of goodness and benefit, not as an object of excessive exploitation.

The Qur'an provides guidance on the benefits of various creations of Allah in this world, along with instructions on how to utilize them ethically and responsibly. On the other hand, the Qur'an also warns against actions that may damage the natural order and cause harm, whether to individuals, society, or the broader environment.

The concept of Maqashid Sharia in Islam contains universal values that emphasize the importance of maintaining balance between ensuring well-being and preventing harm in all aspects of life (Muhaini, 2013).

One of the prominent figures in the study of *Maqasid al-Sharia* is Abu Ishaq al-Shatibi, with his monumental work entitled *Al-Muwafaqat*. One of the most significant and well-known contributions of Abu Ishaq al-Shatibi's thought is the concept of *Maqasid al-Sharia*, which literally means the objectives of legislation of Islamic law. In the book *al-Muwafaqat*, al-Shatibi devoted considerable attention to the concept of *maqasid al-sharia*, with approximately one-third of the content specifically addressing this theme (Basri, 2011). He emphasized that the primary purpose of the laws ordained by Allah is to realize *maslahah* (well-being/benefit) for human life, both in worldly and hereafter aspects.

فالمعتمد إنما هو أن الشريعة وضعت لمصالح العباد

This idea becomes a principal milestone in understanding that Islamic law is not only normative and textual, but also contains purposes and goal orientations that are broader toward the welfare of humankind (Al-Syātibī, 1996).

Al-Syatibi emphasizes that every law established in Islam essentially has a specific purpose to be achieved, and this purpose is comprehensive, not only limited to the formal aspect of the law but also encompassing moral, social, and spiritual dimensions. In other words, Maqashid al-Shariah aims to protect and realize benefit and to prevent harm (*mafsadat*); thus, Islamic law truly becomes a mercy and a solution to the problems of human life across different eras and conditions (Bakri, 1996).

Since the publication of the monumental work *Al-Muwafaqat* by Abu Ishaq al-Syatibi, the concept of Maqashid al-Shariah has gained an important position and has been recognized as a fundamental foundation in the discipline of ushul fiqh. This idea has become one of the significant approaches in understanding Islamic law, not only from the perspective of normative texts but also from the aspect of objectives and wisdom behind each legal ruling. *Maqashid al-Shariah* focuses its attention on the essence and direction of Islamic law, namely, to realize benefit and to prevent harm in human life.

Etymologically, the word *maqashid* is derived from the root word *qa-sa-da*, which means "to aim" or "to direct toward something." In the context of Shariah, this term refers to the direction and objectives intended to be achieved by Islamic law. Terminologically, *maqashid* is understood as a set of purposes and wisdom underlying the establishment of *shar'i* rulings by Allah, with the primary aim of safeguarding, protecting, and preserving human welfare in various aspects of life, both in this world and in the Hereafter (Kasdi, 2014).

According to Abu Ishaq al-Shatibi, the welfare that serves as the primary objective of the enactment of Islamic law is divided into three hierarchical levels that complement one another. This classification indicates the degree of urgency and the role of each type of need in preserving the order of human life comprehensively (Aniq, 2016):

#### 1. Dharuriyat Needs

*Dharuriyat* refers to a type of need that is highly fundamental and essential for the survival of human life. If this need is not fulfilled, it will result in severe damage that may threaten and even destroy the order of life as a whole, both at the individual and social levels.

According to Imam Asy-Syatibi, there are five fundamental aspects included in the category of *dharuriyat*, namely: the preservation of religion (*hifz al-din*), life (*hifz al-nafs*), intellect (*hifz al-'aql*), lineage and honor (*hifz al-nasl*), and property (*hifz al-mal*) (Kasdi, 2014). These five elements are essential components that must be preserved, as they have become the primary foundation for the continuity of human life and the stability of society as a whole (Zein et al., 2019). Every verse that contains legal provisions in the Qur'an, when examined in depth, will show that the primary purpose of its legislation is to preserve and protect the five fundamental principles that have been mentioned previously. In other words, all commands and prohibitions in the Sharia are intended to realize the protection of religion, life, intellect, lineage, and property as the essence of human well-being.

## 2. *Hajiyat* Needs

*Hajiyat* refers to secondary needs which, while their absence does not directly endanger human life or existence, can still result in difficulties and discomfort in daily living. The purpose of fulfilling *hajiyat* needs is to ease burdens and prevent humans from experiencing hardship, as well as to perfect efforts in preserving the five fundamental elements in *Maqashid Shariah*; thus, their implementation becomes more optimal and effective (Bakri, 1996). In other words, *hajiyat* needs include everything required by humans to provide ease, relief, and comfort in living life. These needs function to help overcome various burdens and difficulties that might be encountered; thus, the process of fulfilling obligations and carrying out religious teachings can proceed without obstructive hardships. For example, Islam prescribes the diversity of contracts and transaction systems such as *salam*, *murabahah*, *ijarah*, and *mudharabah* in order to provide flexibility for society in fulfilling their needs. These contracts provide convenience in conducting transactions, especially when certain conditions do not allow conventional transactions to be carried out. For instance, the *salam* contract (a sale and purchase with advance payment and delivery of goods at a later time) facilitates farmers or producers in obtaining initial capital, while consumers still receive the goods at the agreed time. This represents a form of relief provided by the Shariah to avoid difficulties in trade, without eliminating the principles of justice and mutual consent between the parties involved.

## 3. *Tahsiniyat* Needs

*Tahsiniyat* represents a level of need in *Maqashid Shariah* that is complementary in nature and functions to perfect human life from the perspective of ethics, aesthetics, as well as values of propriety and dignity. These needs, if not fulfilled, will not threaten the existence of the five fundamental elements in *Maqashid Shariah* (religion, life, intellect, lineage, and property), nor will they cause significant difficulties. However, their fulfillment will render human life better, orderly, and civilized. *Tahsiniyat* relates to matters that beautify and refine the implementation of law, such as etiquette in dressing, politeness in speech, cleanliness in worship, and ethics in social transactions (*muamalah*). These needs reflect Islam's concern for both outward and inward aspects of beauty in life, to achieve a harmonious and dignified life (Zein et al., 2019).

Each category of need in *Maqashid Shariah* (*dharuriyyat*, *hajiyat*, and *tahsiniyyat*) has an integrated purpose to ensure the realization of *maslahah* (*masalih*) for Muslims, both in worldly life and in the Hereafter. This classification is not merely theoretical but carries a comprehensive and profound orientation of Islamic law toward the holistic well-being of humankind.

Al-Shatibi emphasized that all Islamic laws are established on the foundation of *maslahah*, wherein Allah SWT, as he asserted (and in line with the theological thought of the Mu'tazilah group), always acts for the goodness and welfare of His servants. In other words, Islamic law is present not to burden, but to guide a better and more meaningful life.

This is as formulated in an important principle quoted from Al-Shatibi: الشرعية وضعت لمصالح العباد, yang berarti “*Shariah is established to realize maslahah for the servants.*” This principle becomes the theological and juridical basis that every legal provision in Islam essentially contains the dimension of *maslahah* as its purpose, both at the individual and societal levels, as well as in the relationship between humans and their Lord (Bakri, 1996).

## METHOD

This study aims to examine the implementation of Law Number 8 of 1999 on Consumer Protection in online transactions (*e-commerce*) from the perspective of *Maqashid Shariah*. This study used a qualitative descriptive approach with an empirical juridical method, which views law as a social phenomenon that lives and develops within society (Moleong, 2018). The main focus was directed toward the dynamics of consumer protection implementation in Jambi Province.

The research subjects included the consumer protection implementing institutions, namely the Indonesian Consumers Foundation (YLKI) of Jambi Province and the Department of Industry and Trade of Jambi Province. Primary data were obtained through direct interviews with these two institutions, while secondary data were derived from scientific literature, regulations, and research findings related to *e-commerce* and *Maqashid Shariah*. Data collection techniques were carried out through observation, interviews, and documentation to obtain a comprehensive overview of consumer protection practices in the digital context.

## RESULTS AND DISCUSSION

### The Urgency of *Maslahah* in Online Buying and Selling

The fatwa of the Indonesian Ulema Council (MUI) on online buying and selling defines this transaction as a transaction conducted through electronic devices with an internet network. This fatwa emphasizes the importance of a clear *ijab* and *qabul* within one contract session, even in a digital context (such as “checkout” or “order confirmation”). This fatwa also prohibits practices that are not in accordance with Shariah, such as *tadlis* (fraud), *tanajusy/najsy* (false bidding), and *ghisysy* (false testimonials), in order to avoid *gharar* (uncertainty) and *riba*. The clarity of product information, prices, and additional costs is also required to ensure justice and prevent harm (MUI, 2021).

The implementation of the Consumer Protection Law (UUPK) is expected to create *maslahah* for all of Indonesian society in online transactions. However, the weak implementation of consumer protection law is suspected to result in consumer losses and to distance itself from *maslahah* as the objective of Islamic law. *Maslahah* encompasses all forms of benefit, whether individual, social, or environmental. In financial transactions, the purpose of legislation is the preservation of wealth (*hifz al-mal*).

### Principles of Consumer Protection in Islamic Law and the Consumer Protection Law (UUPK)

In order to protect the interests of the parties involved in trade and business activities, Islamic law establishes a number of principles that serve as moral and legal guidelines in every transaction. These principles reflect noble values aimed at creating justice, balance, and responsibility between the parties engaged in the transaction. Principles such as *tauhid* (monotheism), *istikhlaf* (vicegerency), *ihsan* (excellence), *amanah* (trustworthiness), *shidq* (honesty), *'adl* (justice), *khiyar* (freedom of choice), *ta 'awun* (mutual assistance), security, safety, and *taradhin* (mutual consent) constitute the ethical foundation that regulates economic interactions in Islam. All of these principles show that Islam not only regulates formal legal aspects but also emphasizes spiritual, social, and moral dimensions in the practice of *muamalah* (social and economic transactions).

From the Islamic perspective, every transaction must not cause harm to either party and must be based on good intention, transparency, and social responsibility. This principle reflects *Maqashid Shariah*, namely the noble objectives of the Shariah, which aim to bring about *maslahah* and to prevent harm in human life, including in economic activities.

In line with these values, Law Number 8 of 1999 on Consumer Protection (UUPK) also regulates the principles of consumer protection as stated in Article 2. The article emphasizes that consumer protection is based on the principles of benefit, justice, balance, consumer security and safety, as well as legal certainty (Pemerintah RI, 1999). This shows the existence of a common ground between the principles of Islamic law and positive law in guaranteeing consumer rights. The principles of benefit and justice in UUPK are in line with the spirit of *maslahah* in *Maqashid Shariah*, while the principles of balance and legal certainty reflect the importance of clarity and equality of position between business actors and consumers in transactions.

In the Islamic legal system, the fundamental principle that serves as the main foundation of all business activities is the principle of *tauhid*, namely the belief in the oneness of Allah SWT. This principle occupies the highest position in the structure of Islamic ethics and law, and becomes the source of all principles that regulate human behavior, including in the field of *muamalah*. *Tauhid* is not only a theological concept but also a moral foundation in all economic activities of Muslims, which affirms that every form of transaction must be based on sincere intention and the awareness of responsibility before Allah SWT as the One and Only.

From the principle of *tauhid* emerges the principle of *istikhlaf*, which states that humans are essentially not the absolute owners of the wealth and resources they possess. On the contrary, humans are only *khalifah* or representatives of Allah on earth, entrusted with the responsibility to manage and utilize wealth with full accountability and justice. This awareness gives rise to the concept that every form of wealth owned by humans is in fact a trust from Allah SWT, and that they will be held accountable for its use, both toward fellow human beings and toward the environment.

In addition, from the principle of *tauhid* also grows the principle of *al-ihsan*, namely the principle of doing good voluntarily without the compulsion of a legal obligation. *Ihsan*, in the context of business and economics, carries the meaning of conducting transactions or services with noble ethics, providing benefit to others, and avoiding behaviors that harm other parties, even though such actions are not explicitly required by law. By prioritizing the principle of *ihsan*, business actors are required to carry out economic activities not simply for personal profit but also for the sake of public *maslahah* (Zamzam & Aravik, 2020).

These three principles, *tauhid*, *istikhlaf*, and *ihsan*, are the spiritual and ethical foundation that inspires the business system in Islam. Together, they form a moral framework that guides Muslims to act justly, honestly, and responsibly in all economic transactions, while at the same time instilling the awareness that business activities are part of worship and devotion to Allah SWT.

From the three main principles mentioned earlier emerge several derivative principles such as *al-amanah*, *ash-shiddiq*, *al-'adl*, *al-khiyar*, *at-ta'āwun*, security and safety, as well as *at-tarāqīn*. The principle of *al-amanah* affirms that business actors are bearers of responsibility (*khalifah* on earth) who must be accountable for their actions, both before humans and before Allah SWT. Meanwhile, *ash-shiddiq* emphasizes honesty as a core value in business activities (Aedy, 2011).

*Al-'adl* reflects the principle of justice, balance, and equality in horizontal relationships that preserve universal harmony. *Al-khiyar* provides the right of choice in transactions to prevent disputes between business actors and consumers. Meanwhile, *at-ta'āwun* means mutual assistance, which is a fundamental human need in fostering goodness and piety, including in interactions between producers and consumers (Pratiwi & Chintya, 2017).

The principles of security and safety in Islamic law are closely related to the principle of *al-dharuriyyat al-khamsah*, namely the five fundamental aspects that must be preserved: religion (*hifz al-dīn*), life (*hifz al-nafs*), intellect (*hifz al-‘aql*), lineage (*hifz al-nasl*), and property (*hifz al-māl*). Meanwhile, the principle of *at-tarādīt* (mutual consent) becomes a prerequisite for the validity of a sale and purchase contract, in which the transaction is considered valid if accompanied by the agreement of both parties through *sighat* (*ijab-qabul*), reflecting mutual approval between the seller and the buyer (Probosiwi, 2016).

From the above explanation, it can be concluded that the principles of consumer protection in Islamic law have a broader and more comprehensive scope compared to those stipulated in the Consumer Protection Law (UUPK). Islamic law not only regulates the horizontal aspect, namely the relationship between business actors and consumers or among business actors (*hablun minannās*), but also encompasses the vertical dimension (*hablun minallāh*), namely the relationship between humans and Allah SWT as the absolute owner of the universe. Meanwhile, UUPK normatively regulates only the relationship between business actors and consumers as affirmed in Article 2 (Siregar, 2024).

### Principles of *Maqashid Shariah* in the Consumer Protection Law (UUPK)

The Consumer Protection Law (UUPK) basically has objectives that are in line with Islamic values, namely creating a balance between business actors and consumers, as well as providing fair legal protection for consumers. In the view of Al-Shatibi, all legal provisions (Islamic law) aim to realize human *maslahah*, including the preservation of wealth (*hifz al-māl*), life (*hifz al-nafs*), and dignity (*hifz al-‘ird*).

The principle of balance in law aims to overcome inequality between the parties and to prevent exploitation. In the Islamic context, freedom of contract with the principle of mutual consent (*tarādin*) and the right of choice (*khiyar*) is strongly emphasized. Although standard clauses may bring efficiency in modern transactions, they have the potential to violate the principle of justice if no option is provided for consumers.

To examine the relevance between consumer protection principles in Islamic law and Indonesian positive regulations, particularly Law Number 8 of 1999 on Consumer Protection (UUPK), it can be carried out by reviewing the alignment between consumer rights recognized in Islamic teachings and the provisions stipulated in Article 4 of UUPK. In Islam, consumer protection is not only based on juridical considerations but also ethical and spiritual principles derived from the Qur'an and Hadith. These rights include honesty, justice, security, responsibility, and mutual consent in transactions. The following table presents a comparison between consumer rights according to Islamic law, their equivalents in UUPK, and the *shar‘i* evidences underlying them, along with an explanation regarding the points of alignment between the two:

**Table 1. The Relevance of the Consumer Protection Law with *Magasid al-Shariah***

Consumer Rights According to Islamic Law	Equivalent in UUPK Article 4	Qur'an & Hadith Evidence	Explanation of Alignment
1. The right to obtain accurate, honest, fair information, and to be free from falsification	Article 4 letter c: The right to correct, clear, and honest information regarding the condition and guarantee of goods and/or services	Qur'an (QS. Al-Baqarah [2]: 42) "وَلَا تُنْسِنَا الْحَقَّ بِالْبَاطِلِ وَلَا تَكْفُرُوا بِالْحَقِّ وَأَنْتُمْ تَعْلَمُونَ" and Hadith: (HR. Muslim no. 101) "مَنْ عَنِّشَ فَلَيْسَ «مِنَ»	The principle of <i>shiddiq</i> (honesty) prohibits all forms of fraud or falsification of information, in line with UUPK, which requires transparency of information

2. The right to obtain product safety and a healthy environment	Article 4 letters a and b: The right to comfort, security, and safety in consuming goods/services, as well as the right to choose goods/services according to the value of exchange and conditions	Qur'an (HR. Ibn Majah no. 2340): وَلَا تُنْهِوا بِأَيْدِيكُمْ إِلَى الشَّهَادَةِ Hadith (Narrated by Ibn Majah (2341) and Ad Daruquthni in his Sunan (3/77): لَا ضَرَرَ وَلَا ضَرَارٌ	The value of <i>hifz al-nafs</i> (protection of life) requires that products be safe and the environment healthy, as guaranteed in UUPK.
3. The right to obtain advocacy and dispute resolution	Article 4 letters e and f: The right to receive guidance, consumer education, and the right to be treated properly, honestly, and non-discriminatorily	Qur'an (QS. An-Nisa [4]: 58): وَإِذَا حَكَمْتُمْ بَيْنَ النِّسَاءِ أَنْ تَحْكُمُوهَا بِالْعَدْلِ Hadith (HR. Bukhari no. 2444): أَنْصُرْ أَخَاكَ « ظَالِمًاً أَوْ مَظْلُومًا »	The principle of <i>al-'adl</i> (justice) encourages fair dispute resolution, in line with the protection of consumer rights.
4. The right to protection from the abuse of circumstances	Article 4 letter g: The right to obtain compensation, indemnity, and/or replacement if goods/services are not in accordance with the agreement	Qur'an (QS. An-Nisa [4]: 29): يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تُنكِلُوا أَمْوَالَكُمْ بِالْبَاطِلِ Hadith (HR. Muslim no. 2564): مُسْلِمٌ أَخْرُو الْمُسْلِمِ لَا يُظْلَمُهُ وَلَا يَسْلَمُهُ	Islam prohibits the practices of <i>gharar</i> (uncertainty) and <i>ikrah</i> (coercion); hence, protection from the abuse of circumstances is relevant to the provisions of UUPK.
5. The right to compensation for the negative impact of a product	Article 4 letter h: The right to proper legal settlement, including compensation and indemnity	Qur'an (QS. Al-An'am [6]: 152): وَأُوفُوا الْكِيلَ وَالْمِيزَانَ بِالْقِسْطِ Hadis (HR. Abu Dawud no. 3535): مَنْ ضَارَ صَارَهُ اللَّهُ	The principle of <i>dhaman</i> (responsibility) obligates business actors to provide compensation, as explicitly regulated in UUPK.
6. The right to choose and obtain a fair value of exchange	Article 4 letter b: The right to choose goods/services according to the agreed value of exchange, condition, and guarantee	Qur'an (QS. Asy-Syu'ara [26]: 18): لَا يُؤْفَوْ الْكِيلَ وَلَا تُنْكِلُوا مِنْ حَسَرَيْنِ Hadith (HR. Bukhari no. 2076): رَحِمَ اللَّهُ رَجُلًا سَمِحًا إِذَا بَاعَ وَإِذَا اشْتَرَى وَإِذَا أَقْضَى	The principle of <i>al-tsaman al-'adl</i> (fair price) ensures that consumers obtain a fair value of exchange, as protected in UUPK.

Source: Research data

## Weaknesses of the Consumer Protection Law (UUPK) in the Era of E-Commerce

The rapid development of information technology and the digitalization of the economy have given rise to new forms of transactions that differ significantly from conventional patterns. This phenomenon has encouraged the emergence of e-commerce as part of the global digital economic transformation, in which the relationships between producers, business actors, and consumers have become increasingly decentralized, anonymous, and cross-jurisdictional. Nevertheless, the existence of Law Number 8 of 1999 on Consumer Protection (UUPK) has not yet been fully able to address the challenges of the complexity of electronic commerce.

### 1. Not Yet Specific in Regulating the Characteristics of Digital Transactions

The Consumer Protection Law (UUPK) was drafted before the rapid development of *e-commerce*. As a result, the normative provisions in this law are still oriented toward conventional transactions that occur directly between business actors and consumers. Meanwhile, digital transactions have unique characteristics such as the separation of space and time, the use of intermediary platforms (marketplaces), and the involvement of third parties in payment and delivery. UUPK has not explicitly regulated these issues, thereby creating a legal vacuum in digital consumer protection (Komdigi, 2024).

## 2. Weak Law Enforcement in the Digital Ecosystem

The enforcement of consumer rights in online transactions is often constrained by the limited institutional capacity in handling electronic evidence, the inadequacy of digital-based reporting and complaint mechanisms, as well as the difficulty of taking action against business actors operating outside the national jurisdiction. Many cases of online fraud cannot be processed effectively because the perpetrators do not have a clear business identity or are not officially registered. In addition, the absence of an integrated system between consumer protection institutions and digital authorities also weakens the supervisory function (BPK RI, 2021).

## 3. Limitations of the Function and Authority of BPSK

The Consumer Dispute Settlement Agency (BPSK), which was established based on the mandate of UUPK, has not yet been optimized to handle dispute cases in the realm of *e-commerce*. Most BPSKs are still based on manual services and have not developed an online dispute resolution system. In addition, not all regencies/cities in Indonesia have an active BPSK, and most only handle conventional transactions. In an interview with the Department of Industry and Trade of Jambi Province, it was stated that BPSK only exists in several regions and has not yet functionally reached other regencies.

## 4. Not Regulating Personal Data Protection

One of the serious gaps in the Consumer Protection Law (UUPK) is the absence of explicit provisions regarding the protection of consumers' personal data, even though data is the main commodity in digital transactions. Business actors in *e-commerce* have access to sensitive information such as addresses, contact numbers, and even consumers' account data. Without clear regulation, such data is vulnerable to misuse for commercial interests, advertising manipulation, and identity fraud. Although Law Number 27 of 2022 on Personal Data Protection was later enacted, the synchronization between the two laws remains a particular challenge (Rosadi, 2023).

## 5. Limited Transparency Obligations for Digital Business Actors

Many online business actors do not provide clear legal identities, business addresses, or procedures for product returns and complaints. In the Consumer Protection Law (UUPK), the obligation of transparency is still general in nature and not adapted to the dynamics of *e-commerce*. Consumers are often disadvantaged because they do not know which party can be held accountable when disputes occur (Pratama & Sembiring, 2024). This shows the urgent need to revise the regulation; thus, it can address digital business practices more fairly and proportionally.

## 6. Not Yet Adaptive to Digital Business Models

The Consumer Protection Law (UUPK) has also not accommodated various new business models in the digital ecosystem, such as dropshipping, stockless resellers, affiliate marketing, flash sales, and the use of AI for product personalization. The provisions in UUPK do not provide specific protection against the uncertainties arising from these schemes, such as delivery delays due to supply chain systems not being directly controlled by the main seller. Such business models generate new forms of information asymmetry that risk harming consumers.

## CONCLUSION

The implementation of Law Number 8 of 1999 on Consumer Protection in online buying and selling still has weaknesses, particularly related to consumer legal awareness, institutions that are not yet optimal, and the lack of synchronization between regulations and the development of digital technology. Nevertheless, the values of Maqashid Shariah have substantial alignment with the objectives of consumer protection, especially in preserving wealth, life, and dignity.

It is necessary to revise the Consumer Protection Law (UUPK) to make it responsive to the characteristics of digital transactions, as well as to establish derivative regulations based on Shariah principles. The strengthening of institutions such as the Consumer Dispute Settlement Agency (BPSK), the enhancement of intersectoral coordination, and consumer legal literacy are important steps to create a consumer protection system that is fair, adaptive, and sustainable in the era of e-commerce.

## REFERENCE

Aedy, H. (2011). *Teori dan Aplikasi Etika Bisnis Islam*. Bandung: Alfabeta.

Al-Syāṭibī, A. I. I. ibn M. (1996). *Al-Muwāfaqāt fī Uṣūl al-Sharī‘ah, tahqīq: Dr. ‘Abd Allāh Darrāz Jilid 2*. Beirut: Dār al-Kutub al-‘Ilmiyyah.

Aniq, A. F. (2016). مقاصد الشريعة ومكانتها في استبطاط الأحكام الشرعية. *Al-Qanun: Jurnal Pemikiran Dan Pembaharuan Hukum Islam*, 12(1), 1–24. <https://doi.org/10.15642/alqanun.2009.12.1.1-24>

Bakri, A. J. (1996). *Konsep Maqashid Al-Syariah Menurut Al-Syatibi*. Jakarta: Grafindo Persada.

Basri, R. (2011). Pandangan At-tufi dan Asy-syatibi Tentang Maslahat (Studi Analisis Perbandingan). *Diktum*, 9(2), 176–186. <https://doi.org/10.35905/diktum.v9i2.290>

BPK RI. (2021). *Laporan Tahunan 2021*. Jakarta: Badan Pemeriksa Keuangan.

Departemen Agama Republik Indonesia. (2019). *Al-Qur'an Al-Karim: Al-Qur'an dan Terjemahannya*. Jakarta: Lajnah Pentashihan Mushaf Al-Qur'an.

Kasdi, A. (2014). Maqashid Syari'ah dan Hak Asasi Manusia (Implementasi HAM dalam Pemikiran Islam). *Jurnal Penelitian*, 8(2), 248–256. Retrieved from <https://core.ac.uk/download/pdf/298614757.pdf>

Komdigi. (2024). Menguatkan Perlindungan Konsumen. Retrieved August 18, 2025, from <https://www.komdigi.go.id/berita/ekonomi-digital/detail/menguatkan-perlindungan-konsumen>

Kurnia, N., Rahayu, Wendaratama, E., Monggilo, Z. M. Z., Damayanti, A., Angendari, D. A. D., Shafira, I. (2022). *Penipuan Digital di Indonesia: Modus, Medium, Rekomendasi*. Yogyakarta: Universitas Gadjah Mada.

Moleong, L. J. (2018). *Metodologi Penelitian Kualitatif*. Bandung: Remaja Rosdakarya.

Muhaini. (2013). *Pengantar Studi Islam*. Banda Aceh: Yayasan PeNa.

MUI. (2021). *Fatwa Dewan Syariah Nasional-Majelis Ulama Indonesia (DSN-MUI) No. 146/DSN-MUI/IX/2021*. Jakarta: Majelis Ulama Indonesia.

Pemerintah RI. (1999). Undang-undang No. 8 Tahun 1999 Tentang Perlindungan Konsumen.

Pratama, B. P., & Sembiring, S. (2024). Perlindungan Hukum terhadap Konsumen dalam Memasuki Era Digital: Tantangan dan Solusi Menuju Transaksi Elektronik yang Aman, Nyaman dan Terpercaya. *Ensiklopedia of Journal*, 6(3), 225–230. <https://doi.org/10.33559/eoj.v6i3.2582>

Pratiwi, N. T., & Chintya, A. (2017). Studi Komperatif Hak dan Kewajiban Konsumen Menurut Uu No. 8 Tahun 1999 Tentang Perlindungan Konsumen Dan Hukum Islam: Studi Komperatif Hak Dan Kewajiban Konsumen Menurut Uu No. 8 Tahun 1999 Tentang Perlindungan Konsumen Dan Hukum Islam. *Fikri: Jurnal Kajian Agama, Sosial Dan Budaya*, 2(1), 141–172. <https://doi.org/10.25217/jf.v2i1.101>

Probosiwi, R. (2016). Tanggung Jawab Sosial Perusahaan dalam Peningkatan Kesejahteraan Masyarakat. *Jurnal Ilmu-Ilmu Sosial*, 13(2), 30–40. Retrieved from <https://www.academia.edu/download/66606533/8738.pdf>

Rosadi, S. D. (2023). *Pembahasan UU Pelindungan Data Pribadi (UU RI No. 27 Tahun 2022)*. Jakarta: Sinar Grafika.

Sihombing, R. E., & Resen, M. G. S. K. (2024). Perlindungan Konsumen Dalam E-Commerce

Di Indonesia: Hambatan Penerapan Regulasi Antara Penerapan Dan Pengawasan. *Aliansi: Jurnal Hukum, Pendidikan dan Sosial Humaniora*, 1(6), 58–76. <https://doi.org/10.62383/aliansi.v1i6.539>

Siregar, S. P. (2024). Kepastian Hukum Perlindungan Konsumen Sesuai dengan Ketentuan Undang-Undang Perlindungan Konsumen. *Journal of Law, Administration, and Social Science*, 4(2), 228–233. Retrieved from <https://pdfs.semanticscholar.org/debe/2ea77fded02a03563b67c11bdadbfa088d2.pdf>

Zamzam, H. F., & Aravik, H. (2020). *Etika Bisnis Islam Seni Berbisnis Keberkahan*. Yogyakarta: Deepublish.

Zein, S. E. M., Ya'qub, A., Irvan, M. N., & Latif, A. (2019). *Ushul Fiqh/Satria Effendi M. Zein*. Jakarta: Prenada Media.