

CIVIL LIABILITY OF DIGITAL PLATFORMS FOR CONSUMER LOSSES: A MAQASID AL-SHARI'AH APPROACH

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Abstract

The rapid growth of digital platforms has significantly transformed private legal relations and generated systemic risks for consumers in the digital economy. Despite their central role in structuring transactions and controlling digital infrastructures, the civil liability of platforms for consumer losses remains legally ambiguous, as platforms frequently position themselves as mere intermediaries under conventional private law doctrines. This study aims to examine the limitations of traditional fault-based civil liability in addressing consumer losses in platform-based transactions and to propose an alternative normative framework grounded in maqasid al-shari'ah. Employing a normative and conceptual legal method, this research analyzes civil liability principles within Indonesian private law and compares them with contemporary interpretations of maqasid al-shari'ah as an ethical-legal framework for risk regulation. The findings reveal that fault-based liability is inadequate to address structural risks inherent in digital platforms, particularly in situations characterized by information asymmetry, algorithmic control, and unequal bargaining power. By emphasizing the protection of essential interests—namely wealth (hifz al-mal), personal security (hifz al-nafs), and human dignity (hifz al-'ird)—maqasid al-shari'ah provides a normative basis for reconstructing platform liability as a risk-based and preventive responsibility. This study concludes that digital platforms should be recognized as new subjects of private law whose liability is grounded not only in contractual relations but also in their capacity to control risks and prevent consumer harm in the digital economy. These findings also provide normative guidance for strengthening Indonesian legal policy concerning the regulation and civil liability of digital platforms in protecting consumer interests in the digital economy.

Keywords: Civil Liability, Consumer Protection, Digital Platforms, Maqasid al-shari'ah.

Abstrak

Perkembangan pesat platform digital telah mentransformasi relasi hukum privat dan melahirkan risiko sistemik bagi konsumen dalam ekonomi digital. Meskipun memiliki peran sentral dalam mengendalikan infrastruktur dan arsitektur

transaksi digital, tanggung jawab perdata platform terhadap kerugian konsumen masih bersifat ambigu karena platform sering memosisikan diri sebagai sekadar perantara berdasarkan doktrin hukum privat konvensional. Penelitian ini bertujuan untuk menganalisis keterbatasan doktrin tanggung jawab perdata berbasis kesalahan dalam menangani kerugian konsumen pada transaksi berbasis platform digital serta menawarkan kerangka normatif alternatif berbasis *maqasid al-shari'ah*. Penelitian ini menggunakan metode hukum normatif-konseptual dengan mengkaji prinsip tanggung jawab perdata dalam hukum privat Indonesia serta membandingkannya dengan pemikiran kontemporer mengenai *maqasid al-shari'ah* sebagai kerangka etis dalam pengendalian risiko. Hasil penelitian menunjukkan bahwa pendekatan tanggung jawab berbasis kesalahan tidak memadai untuk menjawab risiko struktural yang melekat pada platform digital, khususnya dalam kondisi asimetri informasi, kontrol algoritmik, dan ketimpangan posisi tawar konsumen. Dengan menekankan perlindungan terhadap harta (*hifz al-mal*), keamanan pribadi (*hifz al-nafs*), dan martabat manusia (*hifz al-'ird*), *maqasid al-shari'ah* memberikan dasar normatif untuk merekonstruksi tanggung jawab perdata platform sebagai tanggung jawab berbasis risiko dan pencegahan. Penelitian ini menyimpulkan bahwa platform digital harus diposisikan sebagai subjek hukum privat baru yang bertanggung jawab tidak hanya berdasarkan hubungan kontraktual, tetapi juga atas kapasitasnya dalam mengendalikan risiko dan mencegah kerugian konsumen dalam ekonomi digital. Temuan ini sekaligus memberikan implikasi normatif bagi penguatan kebijakan hukum Indonesia dalam mengatur tanggung jawab perdata platform digital guna meningkatkan perlindungan konsumen di era ekonomi digital.

Kata Kunci: Tanggung Jawab Perdata; Platform Digital; Perlindungan Konsumen; *Maqasid al-shari'ah*.

Introduction

The rapid expansion of digital platforms has fundamentally transformed the landscape of private legal relations¹, particularly in the context of consumer transactions. Marketplaces, ride-hailing applications, fintech services, and other platform-based businesses increasingly mediate contractual relationships between consumers and service

¹ Muhamad Sayuti Hassan Suzarika Sahak, & Ramalingam Rajamanickam, "Liability of Internet Intermediaries and Legal Challenges: A Comprehensive Systematic Review," *Quality & Quantity*, 60, 2025: 2435–2457, <https://doi.org/https://doi.org/10.1007/s11135-025-02344-y>.

providers. While these platforms play a central role in shaping transactional environments, their civil liability for consumer losses remains legally ambiguous.² In many cases, digital platforms position themselves merely as intermediaries, thereby limiting or avoiding responsibility for losses suffered by consumers.³ This condition exposes a normative gap within classical civil liability doctrines that were originally designed for conventional, bilateral contractual relationships.

Existing studies on digital platforms and consumer protection have largely focused on regulatory compliance, unfair contract terms, or consumer protection statutes.⁴ Several scholars emphasize the inadequacy of fault-based liability models⁵ in addressing power imbalances between platforms and consumers, particularly in standard-form contracts and algorithm-driven transactions. Recent legal scholarship published in high-reputation journals has also highlighted the emergence of platforms as new private actors whose economic power exceeds that of traditional contracting parties. However, most of these studies remain confined to doctrinal or regulatory analyses, without sufficiently engaging with ethical or value-based frameworks that could offer a more substantive justification for enhanced consumer protection.

This research therefore aims to develop a normative reconstruction of platform civil liability grounded in *maqasid al-shari'ah*⁶ in order to provide a principled and value-based justification for risk-based and preventive responsibility. Through this approach, the study seeks to establish a more coherent theoretical foundation for recognizing digital

² Mirzhalol Allakuliev, "Tort Liability of Digital Platforms for User-Generated Content," *Uzbek Journal of Law and Digital Policy*, 3(5), 2025: 20–35, <https://doi.org/https://doi.org/10.59022/ujldp.376>.

³ Rizky Andeza Prasetya Tegar Islami Putra, & Nurul Fibrianti, "Liability of E-Commerce Service Providers for Processing Consumer Personal Data (Comparative Study of Indonesia & Europe)," *Journal of Private and Commercial Law*, 9(1), 2025: 72–109, <https://doi.org/https://doi.org/10.15294/jpcl.v9i1.9370>.

⁴ Faza Rusda Shofiy Zulfah, & Bunga Jasmine Puji Hapsari, "Legal Responsibility of Digital Commerce Platforms for Seller Content That Violates Public Ethics," *Indonesia Media Law Review*, 4(1), 2025: 84–117, <https://doi.org/https://doi.org/10.15294/imrev.v4i1.31016>.

⁵ Diana Diana & Gunardi Lie, "The Application of the Strict Liability Principle in the Protection of Consumers of Digital Logistics Services," *Indonesian Journal of Law and Economics Review*, 20(4), 2025. <https://doi.org/https://doi.org/10.21070/ijler.v20i4.1384>.

⁶ Noor Aimi Mohamad Puad & Asep Saepul Hamdi, "Maqasid Shariah and Consumer Protection in E-Commerce: Strengthening Legal Safeguards in Indonesia's Digital Economy," *International Journal of Islamic Economics and Finance Research*, 1, 2025, 64–75, <https://doi.org/https://doi.org/10.53840/ijiefer222>.

platforms as private law subjects obligated not only by contractual arrangements but also by their structural capacity to control risks and prevent consumer harm.

In parallel, research on Islamic legal philosophy—particularly the theory of *maqasid al-shari'ah*—has developed significantly in contemporary legal discourse. Modern scholarship positions *maqasid al-shari'ah* not merely as a theological construct, but as a normative framework capable of responding to modern legal challenges, including economic justice, protection of vulnerable parties, and prevention of harm. Nevertheless, the application of *maqasid al-shari'ah* to private law issues in the digital economy remains underexplored. Most existing works address Islamic finance or family law, leaving a noticeable gap in the discussion of civil liability within platform-based transactions.

This research is important because consumer losses in digital transactions are no longer incidental but systemic, resulting from asymmetric information, unequal bargaining positions, and the structural dominance of digital platforms.⁷ Addressing the civil liability of platforms is therefore essential to ensure substantive justice and effective legal protection for consumers. Recent scholarship in reputable legal journals has increasingly examined the legal implications of digital platforms in private law. Early studies primarily focused on regulatory compliance and consumer protection statutes within positive law frameworks, emphasizing issues such as unfair contract terms, intermediary liability, and statutory consumer rights. Subsequent research developed more critical perspectives, highlighting the structural imbalance between platforms and consumers, particularly in algorithm-driven transactions and standard-form contracts. These studies argue that traditional fault-based liability models are insufficient to address the economic dominance and risk-generating capacity of digital platforms.

More recent theoretical contributions have begun to conceptualize digital platforms as new private actors whose economic and infrastructural power exceeds that of

⁷ Herman Herman & A Edeth Fuari Anatasya, “Perlindungan Konsumen Online Dalam Perspektif Maqāṣid Al-Sharī’ah: Studi Sosio-Legal Di Indonesia,” *QISTHOSIA: Jurnal Syariah Dan Hukum*, 6(1), 2025: 50–60, <https://doi.org/https://doi.org/10.46870/jhki.v6i1.1552>.

conventional contracting parties.⁸ However, despite these advancements, existing research largely remains confined to doctrinal reinterpretation or regulatory reform proposals. Ethical or value-based normative frameworks capable of providing a deeper justification for expanded platform liability remain underexplored.

This study advances the discourse by introducing *maqasid al-shari'ah* as a normative foundation for reconstructing civil liability in platform-based transactions. Unlike prior research that focuses predominantly on regulatory mechanisms or doctrinal adjustments, this article develops a value-oriented framework that grounds platform responsibility in the protection of essential human interests—wealth (*hifz al-mal*), personal security (*hifz al-nafs*), and human dignity (*hifz al-'ird*).

The novelty of this research lies in repositioning digital platforms not merely as contractual intermediaries subject to regulatory oversight, but as private law subjects whose liability is normatively justified by their structural capacity to generate, distribute, and control transactional risks. By integrating *maqasid al-shari'ah* into contemporary private law analysis, this study offers a theoretical model that bridges digital governance and ethical legal philosophy.

Methods

This research is a normative legal study employing a conceptual and statutory approach. The study examines civil liability doctrines within Indonesian private law and analyzes contemporary interpretations of *maqasid al-shari'ah* as a normative framework for evaluating platform responsibility. The research focuses on legal norms, principles, and doctrines governing civil liability in digital transactions.

The subjects of this research are legal norms and legal concepts, particularly provisions of Indonesian private law relating to civil liability, relevant consumer protection regulations, and scholarly interpretations of *maqasid al-shari'ah* in contemporary Islamic

⁸ Serlita Ruben Pendang, "The Doctrine of Unlawful Acts in E-Commerce Consumer Protection," *Journal of Law and Economics*, 4(2), 2025: 193–201, <https://doi.org/https://doi.org/10.56347/jle.v4i2.354>.

legal thought. Rather than involving empirical participants, the study centers on doctrinal materials and theoretical constructs as its primary units of analysis.

Data were collected through library research, including primary legal materials (statutory regulations and doctrinal principles of civil liability), secondary legal materials (scholarly journal articles, books, and reputable academic publications), and tertiary sources where relevant. The research does not employ empirical fieldwork but relies on systematic literature review to contextualize doctrinal developments and theoretical debates.

Data analysis was conducted using qualitative normative analysis. Legal doctrines were examined through interpretative and analytical methods to identify their limitations in addressing structural risks within digital platforms. These findings were then evaluated and reconstructed through a *maqasid*-based normative framework to develop a risk-oriented model of platform civil liability.

Discussion

1. Civil Liability of Digital Platforms in Indonesian Private Law

Within the Indonesian legal system, the issue of civil liability for digital platforms must be examined through several existing legal frameworks that regulate private transactions and electronic activities. The primary doctrinal foundation is found in Article 1365 of the Indonesian Civil Code (*KUHPerdata*), which establishes liability for unlawful acts (*perbuatan melawan hukum*). Under this provision, any party who commits an unlawful act that causes harm to another is obligated to compensate for the resulting loss. However, the application of Article 1365 to digital platforms presents significant challenges, particularly when platforms position themselves as neutral intermediaries rather than active participants in digital transactions.

In addition to the Civil Code, Law Number 8 of 1999 concerning Consumer Protection provides an important legal basis for holding business actors accountable for consumer losses. The law imposes obligations on business actors to ensure that goods and services offered to consumers meet standards of safety, accuracy, and fairness. In the context of digital platforms, platform providers may be interpreted as business actors who

facilitate and structure economic transactions between users. Nevertheless, the law does not explicitly define the scope of liability for platform operators, creating uncertainty regarding their responsibility when consumer harm arises from platform-mediated transactions.

Furthermore, Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law), as amended by Law Number 19 of 2016, regulates electronic system providers and establishes certain obligations related to the operation of digital services. While this framework recognizes the role of platform operators in managing electronic systems, it primarily focuses on regulatory compliance rather than providing a comprehensive civil liability regime. Consequently, the regulation of digital platform liability in Indonesian law remains fragmented, leaving significant gaps in addressing consumer losses arising from complex platform ecosystems.

This regulatory fragmentation highlights the need for a more coherent normative framework capable of addressing the structural risks embedded in digital platform transactions. Without such a framework, existing private law doctrines risk being insufficient to ensure effective consumer protection and equitable allocation of responsibility within the digital economy. The emergence of digital platforms has reshaped the architecture of private legal relations by introducing a triadic contractual structure involving platforms, service providers, and consumers. Unlike conventional bilateral contracts, digital platforms exercise significant control over transaction terms, access to markets, and dispute resolution mechanisms through algorithmic governance and standard-form agreements.⁹ Despite this structural dominance, platforms often deny civil liability by asserting their status as mere intermediaries.¹⁰ This position reflects a persistent reliance on classical civil liability doctrines that prioritize direct contractual privity and fault-based responsibility.

⁹ P. Rott, "Digital Fairness and the Burden of Proof," *Journal of Consumer Policy*, 48(3), 2025: 297–314, <https://doi.org/https://doi.org/10.1007/s10603-025-09583-4>.

¹⁰ Mahyuddin Daud Ahmad Ibrahim & Ida Madieha Abd Ghani Azmi, "Intermediary's Liability: Towards a Sustainable Artificial Intelligence-Based Content Moderation in Malaysia," *IJUM Law Journal*, 31(2), 2023. <https://doi.org/https://doi.org/10.31436/iiumlj.v31i2.823>.

Several scholars have criticized this approach, arguing that traditional civil liability frameworks inadequately address the realities of digital transactions. Studies published in high-reputation journals emphasize that platforms actively shape transactional risks by designing interfaces, determining ranking systems, and controlling information flows.¹¹ Consequently, consumer losses arising from fraud, defective goods, or service failures cannot be viewed as isolated incidents attributable solely to third-party sellers or drivers. Instead, such losses are structurally embedded within the platform ecosystem itself.

From a private law perspective, the limitation of platform liability perpetuates an imbalance between economic power and legal responsibility. Consumers, as weaker parties, often lack meaningful bargaining power and are compelled to accept non-negotiable contractual terms. This condition undermines the substantive function of civil liability as a mechanism for risk allocation and loss distribution. Therefore, reassessing the civil liability of digital platforms is not merely a technical legal issue but a fundamental question of justice within contemporary private law.

Consumers, as the weaker parties in digital transactions, typically lack meaningful bargaining power and autonomy. Standard form contracts, unilateral terms of service, and take-it-or-leave-it conditions effectively eliminate contractual negotiation, transforming consent into a legal fiction rather than a substantive expression of will. Within such conditions, the classical assumptions of contractual equality and voluntariness that underpin private law doctrine no longer hold, calling into question the legitimacy of liability exclusions embedded in platform agreements.

This imbalance undermines the substantive function of civil liability as a mechanism for risk allocation and loss distribution. Traditionally, private law assigns liability to those best positioned to control risk and internalize the costs of harmful activities. Digital platforms, through their technological design, data governance, and algorithmic control, are uniquely capable of managing systemic risks. When liability is

¹¹ Beatriz Kira, "Regulatory Intermediaries in Content Moderation," *Internet Policy Review*, *Internet Policy Review*, 14(1), 2025: 1–17, <https://doi.org/https://doi.org/10.14763/2025.1.1824>.

artificially limited, the burden of loss is displaced onto consumers who are least capable of anticipating, preventing, or absorbing such harm.

Moreover, the restriction of platform liability weakens the preventive and regulatory dimensions of civil liability. Without the prospect of legal accountability, platforms have diminished incentives to implement robust safeguards, ethical design standards, or effective monitoring mechanisms. As a result, civil liability loses its deterrent function and becomes reactive rather than corrective, responding only to isolated disputes rather than addressing structural vulnerabilities within digital markets.

Therefore, reassessing the civil liability of digital platforms cannot be reduced to a technical exercise in doctrinal adjustment. It constitutes a fundamental question of justice within contemporary private law, implicating core values such as fairness, responsibility, and the protection of weaker parties. A normative reorientation of platform liability is necessary to ensure that private law remains capable of responding to evolving economic realities while preserving its essential role as an instrument of substantive justice.

2. Consumer Losses and the Limits of Fault-Based Liability

Consumer losses in digital platform transactions frequently occur without clear evidence of individual fault. Algorithmic decision-making, automated moderation systems, and opaque contractual clauses obscure accountability and complicate the application of fault-based liability. Legal scholarship increasingly recognizes that requiring consumers to prove negligence or intentional misconduct places an unreasonable evidentiary burden on parties already situated in structurally disadvantaged positions.

In practice, several incidents in Indonesia illustrate the vulnerability of consumers within platform-based transactions. Cases involving online fraud in marketplace platforms, misleading product descriptions, and the misuse of ride-hailing services have resulted in financial losses for consumers while platform operators frequently deny direct liability by invoking their role as intermediaries. These situations reveal the structural asymmetry between platforms and consumers and demonstrate how traditional fault-based liability frameworks struggle to address harms arising from complex digital ecosystems.

Comparative legal studies demonstrate a gradual shift toward risk-based and strict liability models in addressing technologically mediated harms. However, within Indonesian private law discourse, the application of such models to digital platforms remains limited and fragmented. Existing regulations tend to focus on consumer protection norms without offering a coherent private law justification for expanding platform responsibility.

This gap highlights the need for a normative framework that transcends doctrinal formalism. Without such a framework, civil liability risks being reduced to procedural compliance rather than serving its substantive purpose of protecting vulnerable parties and preventing systemic harm. It is at this juncture that ethical and value-based legal reasoning becomes indispensable.

Without a robust normative framework, civil liability may be reduced to mere procedural compliance, focusing on whether formal legal thresholds are met rather than on whether justice is substantively achieved. Such a reductionist view prioritizes technical correctness over meaningful protection, allowing harmful practices to persist as long as they comply with minimal legal standards. For vulnerable parties, particularly consumers operating within asymmetrical digital markets, this approach undermines the protective and corrective functions that civil liability is intended to serve.

The inability of doctrinal formalism to address systemic harm is especially evident in complex technological ecosystems. Harms arising from algorithmic governance, data exploitation, and platform-mediated transactions are often diffuse, cumulative, and difficult to attribute to individual acts of wrongdoing. When liability is confined to individualized fault, these structural harms remain largely unaddressed, perpetuating a cycle in which legal remedies lag behind technological innovation. This disconnect exposes the limitations of a purely doctrinal response to modern legal challenges.

At this critical juncture, ethical and value-based legal reasoning becomes indispensable in restoring the substantive orientation of civil liability. Normative frameworks grounded in ethical principles enable the law to evaluate legal arrangements not only in terms of formal validity but also in light of their social consequences. By

foregrounding values such as fairness, responsibility, and the protection of vulnerable interests, ethical reasoning reasserts the role of private law as an instrument of social justice rather than a neutral arbiter of procedural correctness.

Ultimately, integrating ethical and value-based reasoning into private law analysis allows civil liability to reclaim its substantive purpose of preventing harm and promoting equitable outcomes.¹² Such integration does not negate doctrinal coherence but rather complements it by supplying the normative compass necessary for navigating complex and evolving legal landscapes. In the context of digital economies, this approach ensures that private law remains responsive, legitimate, and capable of addressing systemic risks in a manner consistent with its foundational commitment to justice.

3. *Maqasid al-Shari'ah* as a Normative Framework for Civil Liability

Maqasid al-shari'ah provides a comprehensive ethical framework oriented toward the realization of human welfare (*maslahah*) and the prevention of harm (*mafsadah*). Contemporary Islamic legal scholars emphasize that *maqāsid* should be understood dynamically, allowing their application to modern socio-economic contexts, including digital economies. Within this framework, legal responsibility is not solely determined by fault but by the potential impact of an activity on protected interests.

The relevance of *maqasid al-shari'ah* to civil liability lies in its emphasis on protecting essential human interests, particularly wealth (*hifz al-mal*), personal security (*hifz al-nafs*), and human dignity (*hifz al-'ird*). Digital platform transactions directly implicate these interests, as consumers risk financial losses, exposure to unsafe services, and misuse of personal data. Therefore, evaluating platform liability through a *maqasid*-based lens allows for a more holistic assessment of harm that goes beyond contractual formalities.

Unlike conventional fault-based doctrines, *maqasid al-shari'ah* supports a preventive approach to liability. The principle of preventing harm (*dar' al-mafsadah*)

¹² Jennifer Nou & Maureen Ohlhausen, "Regulating Algorithms to Protect Consumers," *University of Chicago Law Review*, 89(4), 2024: 1505–1543, <https://doi.org/https://doi.org/10.2139/ssrn.4045559>.

justifies imposing responsibility on actors who are best positioned to control risks, even in the absence of direct fault. This approach aligns with modern legal theories that emphasize enterprise liability and risk distribution, thereby demonstrating the compatibility of Islamic legal philosophy with contemporary private law developments.

The principle of preventing harm (*dar' al-mafsadah*) plays a central role in this normative shift by justifying the imposition of responsibility on actors who are structurally positioned to anticipate, manage, and mitigate risks. Within the *maqāṣid* framework, legal responsibility is not contingent solely upon moral blameworthiness but is closely linked to an actor's capacity to prevent detrimental outcomes. This perspective resonates strongly with the realities of digital platforms, which possess superior informational access, technological control, and economic incentives that enable effective risk governance.

By emphasizing risk control rather than fault, the *maqasid*-based approach aligns with modern legal theories of enterprise liability that seek to internalize the social costs of economic activity. Enterprise liability recognizes that entities benefiting from organized activities should bear responsibility for the harms those activities generate, particularly when such harms are foreseeable and preventable. The convergence between *dar' al-mafsadah* and enterprise liability underscores the functional compatibility between Islamic legal philosophy and contemporary private law doctrines concerned with risk distribution and loss allocation.

Moreover, this alignment challenges the assumption that religious legal principles are inherently incompatible with modern legal rationality. On the contrary, *maqasid al-shari'ah* demonstrates a sophisticated understanding of causation, responsibility, and social welfare that parallels developments in comparative private law. By framing liability in terms of prevention and risk management, *maqasid* offers a normative justification for regulatory and private law interventions that seek to address structural harms in technologically mediated markets.¹³

¹³ Oliver Lepsius & Natalja Ulrich, "The Function of Fault in Civil Liability: A European View," *Oxford Journal of Legal Studies*, 42(1), 2022: 78–98, <https://doi.org/https://doi.org/10.1093/ojls/gqab020>.

Ultimately, adopting a preventive approach grounded in *maqasid al-shari'ah* strengthens the normative foundation of civil liability in the digital economy. It enables private law to respond more effectively to diffuse and systemic harms without abandoning principles of fairness or legal certainty. By integrating *dar' al-mafsadah* with contemporary theories of enterprise liability, this approach affirms that ethical considerations are not external constraints on private law but integral components of its evolution in addressing modern economic realities.

4. Reconstructing the Civil Liability of Digital Platforms through Maqasid al-Shari'ah

Applying *maqasid al-shari'ah* to the civil liability of digital platforms necessitates a reconceptualization of platforms as active private law subjects rather than passive intermediaries. Platforms design transactional environments, profit from consumer participation, and possess superior capacity to prevent harm through technological and contractual mechanisms. From a *maqasid* perspective, these factors establish a moral and legal basis for enhanced responsibility.

This reconstruction shifts the focus of liability from individual misconduct to structural risk creation. Platforms may thus be held responsible for consumer losses arising from foreseeable risks inherent in their systems, such as inadequate verification processes, misleading algorithms, or ineffective complaint mechanisms. Such an approach does not negate the liability of third-party sellers or service providers but complements it by acknowledging the platform's contributory role.

Within this framework, platforms may be held responsible for consumer losses arising from foreseeable risks that are intrinsically linked to their systems. Inadequate verification processes, for instance, enable fraudulent actors to operate with minimal oversight, while algorithmic ranking mechanisms may amplify misleading or harmful content in pursuit of engagement or profit. Similarly, ineffective complaint and redress mechanisms can exacerbate consumer losses by delaying remedies or discouraging legitimate claims. These risks are neither accidental nor external but are foreseeable consequences of platform design choices.

Importantly, attributing liability to platforms based on structural risk does not imply the absolution of third-party sellers or service providers. Instead, this approach adopts a layered conception of responsibility in which multiple actors may bear concurrent obligations according to their respective roles in risk creation and control. Third-party actors remain accountable for their direct misconduct, while platforms assume responsibility for the systemic conditions that facilitate or magnify such misconduct. This complementary allocation of liability promotes a more equitable distribution of losses without undermining individual accountability.

From a normative perspective, this reconceptualization aligns with contemporary private law theories that prioritize risk allocation and loss distribution over strict fault attribution. In complex technological ecosystems, insisting on individualized fault may render liability ineffective by obscuring causal links and imposing disproportionate burdens on weaker parties. By contrast, structural risk-based liability acknowledges that actors who derive economic benefit and exercise significant control over transactional environments are best positioned to prevent harm and internalize its costs.

Ultimately, this reconstructed approach enhances the protective function of civil liability in the digital economy. By holding platforms accountable for foreseeable systemic risks, private law can incentivize safer design practices, greater transparency, and more effective consumer safeguards. Such an outcome not only advances consumer protection but also contributes to the long-term sustainability and legitimacy of digital markets. In this sense, recognizing the platform's contributory role represents a necessary evolution of private law in response to the structural complexities of contemporary digital transactions.

The following table illustrates the conceptual differences between conventional civil liability and a *maqasid*-based approach to platform responsibility.

Table 1. Comparison of Civil Liability Approaches

Aspect	Conventional Civil Liability	Maqāṣid-Based Liability
Basis of Responsibility	Fault and contractual privity	Protection of essential interests
Position of Platform	Intermediary	Risk-controlling legal subject

Focus of Liability	Individual misconduct	Structural risk and harm prevention
Protection of Consumer	Limited and procedural	Substantive and preventive

5. Implications for Consumer Protection and Private Law Development

Reconstructing platform liability through *maqasid al-shari'ah* carries significant implications for consumer protection and the evolution of private law. First, it strengthens the normative foundation of consumer rights by grounding them in ethical principles of justice and welfare. Second, it provides a coherent justification for expanding liability without undermining legal certainty, as responsibility is linked to risk control and benefit allocation.

Moreover, this approach contributes to the broader discourse on the moral responsibilities of private actors in the digital economy. By integrating Islamic legal philosophy into private law analysis, this study demonstrates that religious-based normative frameworks can enrich, rather than constrain, contemporary legal reasoning. Such integration is particularly relevant in plural legal systems where moral legitimacy plays a crucial role in legal acceptance and enforcement.

Integrating Islamic legal philosophy into private law analysis also responds to growing scholarly concerns regarding the moral deficit of contemporary private law. As legal systems increasingly rely on standardization, automation, and algorithmic decision-making, traditional doctrinal tools often fail to capture the normative dimensions of harm and responsibility. *Maqasid al-shari'ah* offers a value-based framework capable of evaluating legal arrangements in light of their substantive outcomes, particularly their impact on human welfare, dignity, and justice. This enables private law to move beyond procedural formalism toward a more socially responsive model of legal reasoning.

Furthermore, the incorporation of religious-based normative frameworks does not undermine the secular character of modern legal systems. Instead, it enriches legal discourse by providing alternative moral vocabularies through which responsibility and justice may be articulated. In plural legal systems, law derives legitimacy not only from

formal authority but also from its resonance with the moral convictions of society. By engaging with *maqasid al-shari'ah* as an ethical framework rather than a rigid doctrinal source, this study demonstrates how religious legal thought can function as a complementary normative resource within contemporary private law.

This integrative approach also contributes to comparative legal scholarship by illustrating the convergence between Islamic legal philosophy and modern theories of risk-based liability. Both emphasize the importance of preventing harm, distributing losses fairly, and holding powerful actors accountable for systemic risks. The alignment between *maqasid al-shari'ah* and enterprise liability theories underscores the universality of certain normative principles across legal traditions. Such convergence strengthens the argument that ethical considerations are not external to private law but constitute an essential component of its normative foundation.

Finally, by foreground highlighting moral legitimacy as a central concern, this approach addresses the challenges of legal acceptance and enforcement in the digital economy. Regulations that lack moral grounding risk being perceived as technocratic or disconnected from social realities, thereby weakening compliance and enforcement. Integrating *maqasid al-shari'ah* into private law analysis enhances the perceived fairness and legitimacy of legal rules governing digital platforms. This, in turn, fosters greater trust in legal institutions and supports the sustainable development of digital markets grounded in justice, accountability, and human welfare.

6. Comparison with Existing Research

The findings of this study both align with and extend existing legal scholarship on digital platform liability. Consistent with prior research, this article affirms that fault-based liability models are insufficient to address structural risks embedded in platform ecosystems. Scholars in comparative private law have similarly argued for risk-based or enterprise liability approaches in technologically mediated transactions.

However, unlike previous studies that primarily advocate regulatory reform or doctrinal reinterpretation within positive law frameworks, this research advances the discourse by providing a normative-ethical justification grounded in *maqasid al-shari'ah*.

While earlier scholarship conceptualizes platforms as structural risk-generators, it often stops at proposing stricter statutory duties or regulatory oversight. This article differs by reconstructing civil liability from a foundational value-based perspective, thereby offering a deeper justificatory basis for expanded platform responsibility. In this sense, the present study contributes not merely to doctrinal refinement but to the theoretical reorientation of private law toward preventive justice and risk allocation grounded in ethical principles.

Notwithstanding its theoretical contribution, this study has several limitations. First, the research is normative and conceptual in nature and does not incorporate empirical analysis of judicial decisions, enforcement practices, or platform governance data. As such, the proposed reconstruction remains primarily theoretical and requires further empirical validation to assess its practical feasibility within existing legal systems.

Second, the application of *maqasid al-shari'ah* as a normative framework may be subject to interpretative diversity. Different schools of Islamic legal thought may emphasize varying priorities among protected interests, which could influence the scope of liability reconstruction proposed in this study.

Third, this research focuses primarily on Indonesian private law discourse and comparative theoretical scholarship. The generalizability of its conclusions to other jurisdictions may therefore depend on differences in legal culture, regulatory structures, and constitutional arrangements. Future research may address these limitations by conducting empirical studies on consumer disputes involving digital platforms, comparative analyses across jurisdictions, or interdisciplinary examinations integrating law, technology, and behavioral economics.

Conclusion

This study concludes that conventional fault-based civil liability doctrines are inadequate to address systemic consumer losses arising from digital platform transactions. Given their structural role in designing, controlling, and profiting from digital transactional environments, platforms cannot be treated merely as neutral intermediaries. By employing *maqasid al-shari'ah* as a normative framework, this research reconceptualizes platform liability as risk-based and preventive responsibility grounded in the protection of essential

human interests, particularly wealth (*hifz al-mal*), personal security (*hifz al-nafs*), and human dignity (*hifz al-'ird*). This conceptual reconstruction answers the research problem by demonstrating that civil liability in the digital economy must be assessed not only through fault attribution or contractual formalism, but through the platform's capacity to generate, control, and prevent structural risks affecting consumers. The study therefore affirms the need for a substantive and ethically grounded transformation of private law in the digital era.

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