

## **Consumer Protection in The Perspective Of Islamic Law: The Principle of Dignified Justice**

Dwi Edi Wibowo, Fradhana Putra Disantara  
Universitas Pekalongan, Pekalongan, Central Java,  
Institut Teknologi Bisnis Yadika, Pasuruan, East Java  
dwiedi.unikal@gmail.com

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### ***Abstract***

*Consumer protection from an Islamic legal perspective will prioritize the principle of dignified justice as its main basis. Justice in Islamic sharia does not only include fulfilling rights equally, but also regarding respect for human dignity as creatures of God, so that dignified justice in Islam is justice that collaborates moral, spiritual and social values to maintain a balance between rights and obligations. Islamic sharia not only protects consumers from material loss, but will also maintain human dignity as legal subjects, this is because Islam teaches the values of al-'ilah (justice), maslahah (benefit), hisbah (supervision), and their relevance to protection of consumer rights. The principle of dignified justice emphasizes that consumers' rights must be protected and treated with respect, including consumer rights to correct information, freedom from fraud, and guarantees of product quality. This research uses a philosophical normative approach which will discuss the importance of values in Islamic sharia to provide more fair protection for consumers. Therefore, integrating the principles of Islamic law into regulations governing consumer protection can be a strategic step to create dignified justice for all parties.*

**Keywords :** *Dignified Justice; Consumer Protection; Islamic Sharia.*

### **Introduction**

Justice is one of the main pillars in social, national, and state life, because justice will ensure the fulfillment of the rights of each individual, the fulfillment of responsibilities, and maintaining equality, as well as avoiding disparities in society.<sup>1</sup> With justice, it will maintain balance in the relationship between individuals and groups with no party feeling disadvantaged or ignored, so that it

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<sup>1</sup> Maciej Dybowski, Weronika Dzięgielewska, and Wojciech Rzepiński, eds., *Practice Theory and Law: On Practices in Legal and Social Sciences (Discourses of Law)* (New York: Routledge, 2024).

can maintain social solidarity in society. Justice is an important or fundamental element in creating a harmonious, prosperous, and sustainable community life. Without justice, various inequalities, conflicts, and dissatisfaction will arise that can damage the social life of society. Justice is a very important value in law, which is different from legal certainty which tends to be equalizing, justice is individual, which means that each case must be treated according to its conditions and situations, where in the implementation and enforcement of the law, society has a great interest so that its justice is always considered.<sup>2</sup> Although the law is not always identical or does not always go hand in hand with justice, because the law is general and widely binding, the implementation and enforcement of the law must still be carried out fairly, by considering individual aspects in each case or transaction carried out by the community. Creating comprehensive and consistent justice from all parties is very important to achieve a civilized and dignified life for all parties.<sup>3</sup>

Dignified justice is a concept of justice that not only emphasizes the distribution of rights equally and fairly, but also pays attention. Dignified justice does not only measure or assess justice through formal equality, such as equal treatment before the law, but also by prioritizing the ethical, moral, and social aspects of society.<sup>4</sup> The purpose of law in the Theory of Dignified Justice is to emphasize justice that prioritizes respect for human dignity, with the aim of achieving laws that humanize humans that focus on building awareness that every individual is a creation of God Almighty who has noble dignity, so that the Theory of Dignified Justice is considered very relevant to the Indonesian context, because it reflects the values of Pancasila which are the result of deep contemplation regarding Divinity, Humanity, Unity, Democracy, and Justice.<sup>5</sup> Dignified justice recognizes that every individual has a value of human dignity inherent in him/herself, therefore in terms of fulfilling justice, human rights must still be respected, such as the right to receive humane treatment, freedom from oppression, and fair legal protection. Dignified justice provides a discussion that goes beyond formal justice or the application of rigid regulations, because it considers substantive justice, namely justice that focuses on the results and impacts of the application of the law and ensures that all parties receive truly fair

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<sup>2</sup> Hanoch Dagan, Roy Kreitner, and Tamar Kricheli-Katz, "Legal Theory for Legal Empiricists," *Law & Social Inquiry* 43, no. 02 (December 27, 2018): 292–318, <https://doi.org/10.1111/lsi.12357>.

<sup>3</sup> David N. Schiff, "Socio-Legal Theory: Social Structure and Law," *The Modern Law Review* 39, no. 3 (1976): 287–310.

<sup>4</sup> Fradhana Putra Disantara, "Perspektif Keadilan Bermartabat Dalam Paradoks Etika Dan Hukum," *JURNAL LITIGASI (e-Journal)* 22, no. 2 (2021): 205–29.

<sup>5</sup> Teguh Prasetyo and Jamalum Sinambela Sinambela, "Penerapan Sanksi Administrasi Dan Sanksi Pidana Terhadap Pencurian Data Pribadi Perspektif Teori Keadilan Bermartabat," *Spektrum Hukum* 20, no. 1 (2023): 59.

treatment according to the context they need. Substantive justice will offer justice in other forms that can break through the rigidity of procedures or rules that actually cause injustice.<sup>6</sup> In dignified justice that involves moral and ethical values, justice is not only determined by written law, but also by humanitarian principles, such as tolerance, compassion, and empathy for the needs and conditions of the parties involved, so that protection of individual rights remains balanced with the obligation to respect the rights of others..

The legal system must provide justice that is not only considered legal by applicable regulations, but must also ensure that humane treatment and human values are provided by providing equality of opportunity and treatment without discrimination.<sup>7</sup> With dignified justice, harmonious social relations will be created in society, and maintain a balance between rights and obligations in community life. Dignified justice is justice that humanizes humans (*nguwongke uwong*) and becomes the basis of ethics or axiology and the main purpose of law in general and is also known in English literature as legal theory, jurisprudence, or philosophy of law which focuses on understanding substantive law in a legal system, so that dignified justice not only plays a role as a moral principle, but also as a basis for formulating legal theory and practice.<sup>8</sup> Dignified justice is not only an expression of the abstract dimension of the applicable legal rules and principles, but also deeply reveals the legal rules and principles that exist in the legal system. In this context, the legal system in question is the Indonesian positive legal system, which is based on Pancasila. Therefore, Dignified Justice can be called a legal theory based on Pancasila, because it reflects the basic values contained in Pancasila as the basis of the state.

Dignified justice in consumer protection will integrate legal aspects of justice with social and moral values to protect consumers from detrimental actions, such as fraud, economic injustice, and exploitation, so as not only to ensure the fulfillment of rights fairly, but also to respect the dignity and values of humanity. Every consumer has the right to receive protection from dangerous products, incorrect or misleading information, and unethical trade practices. Consumers have the right to receive clear, honest, and transparent information about the products or services offered by business actors, so that they can ensure that consumers make the right decisions before buying and selling transactions are carried out without the risk of manipulation. Business actors or producers have a

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<sup>6</sup> Teguh Prasetyo and Tri Astuti Handayani, "Theory of Dignified Justice as A Legal Foundation of Law Reform in Indonesia," *Surakarta Law and Society Journal* 1, no. 1 (2018): 46–54.

<sup>7</sup> Necati Polat, "The Real and the Formal: Legal Realism Revisited," *Social & Legal Studies* 8, no. 1 (March 17, 1999): 47–74, <https://doi.org/10.1177/096466399900800103>.

<sup>8</sup> Fradhana Putra Disantara, Bayu Dwi Anggono, and A'An Efendi, "Mendudukan Norma Etika: Perspektif Teori Keadilan Bermartabat Terhadap Relasi Etika Dan Hukum," *Rechtsidee* 10, no. 2 (2022): 1–13, <https://doi.org/10.21070/jihr.v10i0.773>.

moral responsibility to not only prioritize profits, but must also pay attention to the social and economic impacts of the products sold on consumers. By implementing the value of dignified justice, consumer trust in business actors will increase, thus creating a sustainable and healthy trade and economic ecosystem. Dignified justice pays special attention to vulnerable consumer groups, such as children, the disabled, and low-income communities who are often victims of unfair trade practices. Dignified justice in consumer protection is a holistic approach that involves legal justice and respect for human dignity or rights. A holistic approach means creating continuity and harmony between the parties.<sup>9</sup> Dignified justice not only protects consumers from rights violations, but also encourages business actors to continue to act ethically and fairly, so that the relationship between business actors and consumers can be built on the basis of mutual respect, mutual trust, and create a harmonious and sustainable trading system.

Indonesia is one of the countries with a majority of its population embracing Islam. Islam is one of the countries in the world with the largest Muslim population, namely with the number of Indonesians who adhere to Islam, 88% of whom are Muslims, where the majority of Muslims in Indonesia can be found in the western regions of Indonesia such as Java and Sumatra, and the entry of Islam into Indonesia through trade.<sup>10</sup> Islam entered Indonesia in the 7th century also beginning with trade routes or buying and selling businesses carried out by traders from Arabia, Persia, and Gujarat. The spread of Islam was then strengthened by the role of scholars, guardians, and Islamic kingdoms, such as Demak, Samudra Pasai, Cirebon Sultanate, Banjar Kingdom of South Kalimantan, Bnten Kingdom, Mataram Kingdom and Aceh.<sup>11</sup> Therefore, the practice of trade in Islam has been going on for a very long time, even since Islam was first introduced or entered Indonesia. Trade or business practices that continue to develop along with efforts to grow the economy in Indonesia, then Islam is inseparable from its role in participating in advancing good business practices in Indonesia. In Islam, consumers have a very important position in trade or business practices, so consumers must be protected in obtaining their rights. Islamic law will provide protection for everyone, both morally, legally, and ethically<sup>12</sup>. The principles of honesty, justice, and compliance with Islamic law are the main foundations in

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<sup>9</sup> Teguh Prasetyo, *Penelitian Hukum: Suatu Perspektif Keadilan Bermartabat* (Bandung: Nusa Media, 2019).

<sup>10</sup> Laode Monto Bauto, "Perspektif Agama Dan Kebudayaan Dalam Kehidupan Masyarakat Indonesia," *Jurnal Pendidikan Ilmu Sosial* 23, no. 2 (2014): 11–25.

<sup>11</sup> Jefik Zulfikar Hafizd, "Sejarah Hukum Islam Di Indonesia: Dari Masa Kerajaan Islam Sampai Indonesia Modern," *Jurnal Tamaddun: Jurnal Sejarah Dan Kebudayaan Islam* 9, no. 1 (2021): 169.

<sup>12</sup> Noor Mohammed, "Principles of Islamic Contract Law," *Journal of Law and Religion* 6, no. 1 (1988): 115, <https://doi.org/10.2307/1051062>.

establishing good relations between producers and consumers, so that Islam can maintain balance and create harmony in business or economic activities in Indonesia.

Dignified justice for consumers in Islamic law is a concept that emphasizes fair treatment, maintaining balance or avoiding gaps in business interactions, and respect for consumer rights. Islam views consumers as one of the parties that must be respected and treated with good responsibility in accordance with Islamic moral and sharia values. Justice is one of the main principles in Islam, including in business or economic transactions. Business transactions in the sharia trade sector in Indonesia have shown a fairly rapid increase, this opens up new alternatives in doing business for the community, where with the majority of the population being Muslim, Indonesia offers great opportunities for business development based on the principles of Islamic law.<sup>13</sup> Allah has given a written message so that his servants do not cheat in trade practices, this is in accordance with the word of Allah SWT in the Qur'an, Surah (QS.) Al-An'am Verse 152 which reads "And perfect just measures and weights, and do not burden anyone except according to his ability" this verse shows that Allah provides very detailed directions for his servants in doing good business or trade, not only to gain financial benefits, but also as a means to gain the pleasure of Allah SWT. A good business is a business that is run in accordance with Islamic law and applicable regulatory rules, Islamic law respects consumer rights, such as the right to halal, quality, and safe products or services.<sup>14</sup> Consumers in Islam also have the right to obtain correct information so that consumers can make wise decisions before making transactions, producers must also provide honesty in terms of price, quality, and clear processes as a form of respecting consumer rights.

The Prophet himself was someone who transacted as a trader to support his family, during his trade the Prophet always implemented the noble values of sharia, in HR. Al-Bukhori explains that "The Prophet SAW traded for Khadijah RA, and he was known as a trustworthy and honest trader. Khadijah then offered to marry him because of her love and trust in the noble qualities of the Prophet." The hadith shows that in trading, the Prophet consistently applied good Islamic sharia values, so that he gained the trust of Khadijah who eventually became his wife. Islam has also regulated several business practices to create dignified justice for consumers in trade, some of which are that Islam prohibits fraudulent practices in any form, the Prophet SAW in the Hadith History (HR.) Muslim once said "Whoever cheats, then he is not from my group", Islam also prohibits trade

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<sup>13</sup> Ari Kurniawan, "Muamalah Bisnis Perdagangan Syariah," *Justitia Jurnal Hukum* 1, no. 1 (2017): 41.

<sup>14</sup> Noel J. Coulson, "Islamic Law," in *An Introduction to Legal Systems*, ed. J.D.M. Derrett (London: Sweet & Maxwell, 1968).

practices that can harm consumers, such as usury and monopoly. Injustice towards consumers not only causes worldly losses, but also gets the threat of punishment in the afterlife, this is emphasized by the Prophet in HR. Tirmidhi "Honest and trustworthy traders will be with the Prophets, Shiddiqin, and Shuhadah on the Day of Resurrection" the hadith shows that for traders who are dishonest and deceive their consumers, they are not included in the group of prophets, so they will get the threat of severe punishment. All of this is an effort to provide protection for consumers. Consumer protection refers to legal protection given to consumers to protect them from things that are detrimental in an effort to meet their needs, in Islamic law, consumer protection is very important and is based on the concept of halal and haram.<sup>15</sup> Consumer protection according to Islamic law is very relevant in Indonesia, considering that the majority of consumers in this country are Muslim. Therefore, Muslim consumers have the right to get protection against goods and services that are in accordance with Islamic law. In addition, the Indonesian government also has a responsibility to actively protect the rights of Muslim consumers as part of the rights of Muslim citizens.

Therefore, this study will discuss further about consumer protection in the perspective of Islamic law by implementing the principle of dignified justice, so that it is hoped that the wider community can better understand and apply the values in Islamic law to create quality business practices while still being able to follow developments in the modern era.

## **Method**

This study uses a normative research method, namely research that focuses on data studies through literature analysis that discusses legal norms from various perspectives consisting of analysis of legal principles, legal theories, comparative law, and legal history.<sup>16</sup>

## **Result and Discussion**

### **The Concept of Consumer Protection in Islamic Law: What and How?**

Islam makes trade or business as one of the muamalah practices that has been exemplified by the Prophet. Islam understands business as a series of economic activities in various forms, which are not only limited to ownership of assets and the profits obtained. However, there are provisions regarding how to obtain and use these assets, which are regulated by the principles of halal and

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<sup>15</sup> Aidh Sultan Albaqme, "Consumer Protection under Saudi Arabia Law," *Arab Law Quarterly* 28, no. 4 (2014): 158–75.

<sup>16</sup> Rony Hanitiyo Soemitro, "Metode Penelitian Hukum Dan Jurimetri" (Jakarta: Ghalia Indonesia, 1994), 55.

haram.<sup>17</sup> The main principle in Islamic economics is justice and balance, which aims to ensure that all parties involved in economic transactions are treated fairly, other principles in Islamic economics are zakat (charity tax) which functions to redistribute wealth and help the less fortunate, as well as the principle of profit sharing (mudharabah and musyarakah) which replaces the interest system with a risk and profit sharing model.<sup>18</sup> These principles not only ensure compliance with sharia law, but also as an effort to create more ethical and responsible economic practices. The principle of the interests of justice in Islam can be seen in two main aspects, namely justice is part of the pillars of Islamic law, which is reflected in more than 40 verses of the Qur'an and various hadiths that discuss the issue of justice, and the demand for justice is a basic right or human right for every human being.<sup>19</sup> In its application, Islam does not differentiate between a person's belief or religious background, but upholds universal justice for all mankind, this can be seen in QS. people with what Allah has revealed to you. And do not be a defender of those who betray." This verse confirms that Allah sent down revelations to the Prophet Muhammad SAW to carry out justice among mankind, according to His instructions. In addition, Muslims are prohibited from defending people who betray or act unfairly.

Justice is one form of effort to provide protection for consumers. Consumer protection is all efforts to ensure legal certainty in providing protection to consumers, so that consumers feel safer and more comfortable with the goods or services they buy from businesses, consumer protection law covers all principles and rules that regulate and protect consumers in the relationship between product providers and consumers, including the issue of providing and using the product in society.<sup>20</sup> Consumer protection in Islamic economics is an inseparable part of Islamic economic teachings, which aims to ensure the fulfillment of consumer needs when consuming goods. This also includes the application of sharia law principles in regulating production activities by producers, in order to comply with the provisions applicable in Islam.<sup>21</sup> Justice is not only a moral responsibility to fellow human beings, but for Muslims who

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<sup>17</sup> Siti Femilivia Aisyah, "Etika Bisnis Islam: Implementasi Prinsip Keadilan Dan Tanggung Jawab Dalam Ekonomi Syariah," *El-Iqthisady: Jurnal Hukum Ekonomi Syariah*, 2024, hlm.54.

<sup>18</sup> Mustofa Tohari, Ary Fatkurrochman Ariansyah, and Zikri Rahmani Rahmani, "IMPLEMENTASI AKHLAK AL KARIMAH DI DALAM EKONOMI ISLAM," *Jurnal Bilqolam Pendidikan Islam* 5, no. 2 (2024): 3.

<sup>19</sup> Enggi Rahmat Firmanto, "Kepentingan Berbuat Adil Dalam Islam," *Al-Qolamuna: Journal Komunikasi Dan Penyiaran Islam* 1, no. 1 (2024): 48–59.

<sup>20</sup> Nurlaili Janati, Delima Afriyanti, and Ficha Melina, "Perlindungan Konsumen Pada Platform Belanja Online Perspektif Hukum Ekonomi Islam," *Syarikat: Jurnal Rumpun Ekonomi Syariah* 6, no. 1 (2023): 138.

<sup>21</sup> Siti Khayisatuzahro Nur and Fauziyah Fauziyah, "LEGALITAS USAHA UNTUK PERLINDUNGAN KONSUMEN DALAM PRESPEKTIF HUKUM POSITIF DAN HUKUM BISNIS SYARIAH," *Jurnal Ilmiah Manajemen Dan Bisnis (JIMBis)* 2, no. 4 (2023): 364.

uphold justice, they have emulated the character of the Prophet Muhammad SAW, because justice is one of the commendable traits and characters of the Prophet Muhammad. Justice as one of the traits that must be possessed by believers, according to HR. Tirmidhi who explains that "The most loved person by Allah is a just leader, and the most hated person by Allah is a tyrannical leader" from the hadith it can be concluded in general that being fair is not only an obligation for leaders but also an obligation for business people or traders in running their businesses, because for business people who can apply the principle of justice, in addition to being able to attract consumer interest, it will also bring Allah's pleasure in the form of rewards and other goodness. Upholding justice for all parties, including providing justice for consumers in buying and selling transactions will bring extraordinary goodness to the person until tomorrow on the Day of Judgment, in accordance with the words of the Prophet in HR. Muslim "No servant is fair in the world, but he will be on the pulpit of light in the sight of Allah on the Day of Judgment" is truly extraordinary Allah's promise to his servants who can act fairly, so as business actors or traders must also be able to apply the principle of justice to their consumers in running their business, in order to create a business or trade that is approved by Allah and gets a lot of goodness. According to Yusuf Qardhawi, one of the goals of sharia (maqashid sharia) is the realization of justice, which means that consumer rights should not be taken away by companies, while companies are also expected to produce products that benefit consumers, so that a mutually beneficial relationship is created between the company and consumers.<sup>22</sup>

Islamic law also emphasizes threats for parties who cannot uphold justice, including business actors or traders who cannot do justice, in accordance with the words of the Prophet in HR. Ahmad which read "Indeed, those who act unfairly will be placed on the pulpits of hellfire on the Day of Resurrection" so that this is inversely proportional to the promise of good rewards for His servants who want to uphold justice. Becoming a business actor will open up great opportunities for servants to uphold justice, because they will be dealing with many parties who are their consumers in running their business, so that they can implement and become pioneers of justice to the many people who are their consumers. Islam has given orders to its followers to uphold justice regardless of social status, relationships or other personal feelings. Justice is the core of Islamic teachings which includes relationships with God, humans and the universe. Because justice is one of the paths to a life full of benefits or goodness and blessings, both in this world and in the afterlife.

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<sup>22</sup> Nurhajjah Zulfa et al., "Konsep Maqashid Syariah Dalam Praktik Strategi Pemasaran Tiktok Dengan Landasan Etika Bisnis Islam," *Journal of Accounting, Management, Economics, and Business (ANALYSIS)* 2, no. 1 (2024): 74.



### **The Principle of Dignified Justice in Islamic Law: Its Relation to Consumer Protection**

Justice in Islamic economics refers to the application of the principles of justice and equality in trade, business and other economic activities in accordance with Islamic law which includes justice in the distribution of income and wealth, fair treatment of customers and employees, and preventing fraudulent and deceptive practices.<sup>23</sup> In Islamic economics, money is not considered the main goal, but rather as a means to achieve happiness and well-being. Dignified justice for consumers in Islamic law is part of the general principle of justice values that must be applied in various aspects or areas of life. Islam requires producers, traders, business actors, and service providers to treat their consumers fairly according to their respective rights and obligations. Which justice is not only upheld because of regulations and humanitarian reasons, but also as a form of carrying out Allah's commands and the example of the Prophet. The principle of justice for consumers in Islamic law is explained in great detail, starting from the obligation of transparency and honesty in front of consumers, one example of which is by providing the right and true measure, Allah SWT says in QS. Hud Verse 85 "And perfect the measure and weight with justice, do not harm people against their rights and do not cause damage on the earth." Islamic law also emphasizes that the goods or services offered must be in accordance with the promised quality standards, and do not pose a danger to consumers.

Rasulullah SAW once said in HR.Ibn Majah which reads "Whoever sells defective goods without explaining it to prospective buyers, then he is always in the wrath of Allah" this hadith shows that upholding justice for consumers in trade or business practices really gets special attention from Allah and Rasulullah. In addition, it was also told about the story of Rasulullah once reprimanded a trader who mixed dry merchandise with wet ones, where Rasulullah reminded him to separate his dry merchandise from the wet ones, so that the trader would avoid fraudulent actions that could harm consumers, this can be seen in HR.Muslim "From Abu Hurairah ra, it is narrated that Rasulullah once passed a trader selling a pile of food. Rasulullah then put his hand into the pile and felt that some of the food was wet. The Messenger of Allah asked the merchant, 'Why is this food wet, O merchant?' The merchant replied, 'The food was exposed to rain, O Messenger of Allah.' The Messenger of Allah then said, 'Why didn't you put the wet part on top, so that people could see it?' The Messenger of Allah continued, 'Whoever cheats, he is not one of my people.' This hadith shows how detailed Islam teaches

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<sup>23</sup> Aris Munandar and Ahmad Hasan Ridwan, "Keadilan Sebagai Prinsip Dalam Ekonomi Syariah Serta Aplikasinya Pada Mudharabah," *Maqdis: Jurnal Kajian Ekonomi Islam* 7, no. 1 (2023): 91.

its followers to always be careful in trading or business, not to run a business only prioritizing material profit to the point of ignoring justice for consumers.

The relationship between consumer protection and the principle of dignified justice in Islamic law can be understood in depth through a philosophical approach that emphasizes the moral and ethical values underlying both concepts. In this context, dignified justice is not only seen as a legal principle, but also as a value that must be internalized in every social interaction, including in economic transactions. Philosophically, Islamic law is rooted in the principles of justice, balance, and respect for human dignity. In the Islamic view, every individual has rights and obligations that must be respected, and this includes consumer rights. Consumer protection in this context is not just a regulation or policy, but a manifestation of a moral commitment to ensure that every individual is treated fairly and not exploited. The principle of dignified justice in Islamic law emphasizes that every transaction must be carried out with transparency and honesty. In this case, consumer protection functions as a mechanism to prevent detrimental practices, such as fraud and exploitation. In a philosophical view, fraudulent acts not only harm consumers, but also damage integrity and trust in society. Therefore, consumer protection is important to maintain this trust, which is the foundation for healthy social relations. Furthermore, in the context of business ethics, Islamic law encourages producers and service providers to be responsible for the products and services they offer. This responsibility reflects higher moral values, where producers are not only oriented towards profit, but also towards the welfare of consumers. In this case, consumer protection serves to uphold good business ethics, which is in line with the principle of dignified justice.

Another philosophical aspect is the importance of education and awareness among consumers. In Islamic law, knowledge is considered the key to achieving justice. By raising consumer awareness of their rights and obligations, society can create a more just and balanced environment. Consumer protection, in this case, serves as a tool to empower individuals, so that they can make better and more informed decisions in transactions. In the context of dispute resolution, Islamic law emphasizes the importance of justice and dignity in the process. Consumer protection includes fair dispute resolution mechanisms, which allow consumers to obtain justice without having to go through a detrimental process. This reflects a commitment to preserving the dignity of the individual, which is at the heart of the principle of dignified justice. The relationship between consumer protection and the principle of dignified justice in Islamic law reflects the synergy between moral, ethical and legal values. Both serve to create a more just society, where every individual is respected and their rights are protected, especially in the context of economic transactions..The relevance of justice to Islamic business

management is very important to reflect the values taught in Islam, this concept of justice is not only a principle, but also the main basis that guides responsible and ethical business practices where in Islamic teachings, justice is seen not only as a moral obligation, but also as an effective business strategy. So when justice is applied in business management, justice can create an environment that supports sustainable business growth and profitability. The form of dignified justice for consumers in Islamic law is also manifested in the prohibition of exploitative practices in business, such as raising prices unreasonably, hoarding goods or *ikhtikar* which can harm consumers. *Ihtikar* is the practice of hoarding goods with the aim of reducing the amount of supply available in the market, so that the price of the goods increase.<sup>24</sup> The Messenger of Allah said in HR.Muslim "No one hoards, except he sins" that for traders or business actors who hoard, in addition to causing social unrest in society, they will also get the threat of sin from Allah SWT.

The most important principle in buying and selling transactions is that consumers have the absolute right to get products or services that are *halal* and *thayyib* or good, it is the responsibility of producers or business actors to ensure that they offer products in accordance with *sharia*, Allah says in QS. Al-Baqarah Verse 168 which reads "O mankind, eat from the lawful and good food found on earth" so that it is obligatory for Muslim consumers to use or enjoy *halal* products. Indonesia is known for its high level of Islamic obedience, so the issue of *halal* food is an important concern among the community, Indonesia has great potential as a consumer market for the Muslim population, therefore, the government has a great responsibility to protect all its citizens, especially consumers, in the process of distribution and promotion of *halal* products.<sup>25</sup> Islamic law strictly prohibits fraudulent practices in trade transactions, business actors who defraud consumers are considered to have committed a major sin, this is in accordance with the words of the Prophet in HR.Muslim "Whoever deceives, then he is not part of my group" so that consumers must be protected from all forms of fraud from business actors who only prioritize material gain. Consumer protection is a concept that aims to protect consumer rights and ensure that they are not harmed by unfair business practices, one of the theories underlying the concept is the theory of 'Consumer Sovereignty' introduced by Adam Smith in his famous work 'The Wealth of Nations' the theory considers consumers as parties who have the power to influence the market through their choices and preferences, but over time, it was

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<sup>24</sup> Aniq Akhmad Ali Bawafie et al., "PRAKTIK MONOPOLI PERDAGANGAN DAN IKHTIKAR DALAM PERSPEKTIF EKONOMI SYARIAH," *HEI EMA: Jurnal Riset Hukum, Ekonomi Islam, Ekonomi, Manajemen Dan Akuntansi* 3, no. 1 (2024): 5.

<sup>25</sup> Azzahratul Azkiya and Siti Azizah, "Sertifikasi Halal Daging Sapi Potong Sebagai Upaya Perlindungan Konsumen Muslim Di Pasar Rawa Indah Kota Bontang," *VISA: Journal of Vision and Ideas* 3, no. 3 (2023): 1047.

found that consumer power is often not comparable to the power of business actors, so that the need for more effective regulation and protection arises. Realizing the mandate in business or trade practices is also one of the efforts to realize protection for consumers, because with the existence of trustworthy business actors, they will provide quality services or products for consumers.

In business, the principle of trust can be applied through various aspects, such as running a business with the principle of honesty, complying with agreements, and avoiding fraud or manipulation.<sup>26</sup> This (the practice of trust) can be seen directly from the practice of the Prophet who has succeeded in making a business trip to the Sham region. In which trip the Prophet faithfully carried out the mandate given by his business partners and delivered the results of the business after returning from the trip. Consumers in Islamic law have several responsibilities that must be carried out, some of which are that consumers are responsible for ensuring that the goods or services consumed and used are in accordance with Islamic law, consumers must be honest in providing reviews or making claims regarding a product or service, and Islam also gives a message to consumers to avoid wasteful transactions, according to the word of Allah in QS. Al-A'raf Verse 31 "And do not be excessive, surely Allah does not like people who are excessive". So that Islamic law not only regulates the fulfillment of consumer rights from traders or business actors, but also emphasizes to consumers to remain wise and responsible for themselves and for the transactions that have been carried out. Islamic law provides strict threats or sanctions to anyone who acts unfairly towards consumers, starting from worldly sanctions that can be punished according to applicable regulations, such as fines or compensation for perpetrators of fraud or cheating. As well as sanctions in the afterlife, where for business actors who act unfairly to consumers will be held accountable in the afterlife, according to the words of the Prophet in HR. Tirmidhi "Honest and trusted traders will be made one with the Prophets, Siddiqin, and Martyrs. However, for traders who cheat, they will be placed in hell" the hadith shows the firmness of Allah and the Messenger so that we act fairly, even specifically the hadith mentions the word 'trader' or business actor. In HR. Bukhori and Muslim it is stated that "The seller and buyer have the right to cancel the transaction until they separate, and if both are honest and give good information, then they will be blessed in their sale and purchase. However, if both lie and hide something, then the blessings of their sale and purchase will be lost. " The hadith emphasizes that in a buying and selling transaction, both parties must apply honesty so that it can create blessings in the transaction being carried out. Traders who are able to uphold justice will receive a degree of goodness equal to the Prophets, people who

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<sup>26</sup> Gamal Moursi Badr, "Islamic Law: Its Relation to Other Legal Systems," *The American Journal of Comparative Law* 26, no. 2 (1978): 187, <https://doi.org/10.2307/839667>.

do good, and people who die as martyrs, it is truly a noble reward for traders who are able to apply the principle of justice to consumers.

On the other hand, for traders or business actors who do not apply the principle of justice, they will not only receive punishment in the world, but also receive the threat of hell which means direct torture from Allah without limits. In QS.A-Baqarah Verse 188 it states that "Do not eat up your wealth among yourselves in a wrongful or false way and do not bring the matter to the court of law, so that you may eat up part of other people's wealth in a sinful way, while you know" the verse shows that humans are prohibited from committing fraud or cheating in buying and selling transactions so as to harm consumers, besides that in another letter, namely in QS.Al-Mutaffifin Verse 1-3 Allah SWT says "Woe to those who cheat, namely those who when receiving a measure from others, they demand more, and when they measure or weigh for others, they reduce" the verse provides a warning to traders who are cunning in measuring for their merchandise, namely those who cheat in trade transactions by reducing or increasing the measure to gain profit in an improper or illegal way.

Dignified justice in Islamic law not only protects consumers from financial or material losses, but also protects consumers from arbitrary treatment from business actors who have greater power in controlling the market, so that consumer dignity can be maintained. Consumers have the right to obtain products or services in accordance with what has been offered or promised by business actors, when consumers experience injustice or are dissatisfied with what has been transacted which causes losses for consumers, then it must be resolved fairly and with dignity. In the event of a dispute between business actors and consumers, Islam teaches that it must be resolved fairly and with dignity, the method that has been exemplified in the Qur'an and Hadith is through deliberation and sulh (peace). Deliberation as a path that will produce the best and fairest decisions, and peace as the main choice to resolve conflicts, so that it can maintain harmony and the dignity of each party in society. Allah SWT has said in QS.Ali-Imran Verse 159 "And consult with them in that matter, then when you have decided to put your trust in Allah, for verily Allah loves those who put their trust in Him" this verse shows that deliberation or negotiation is the recommended way to reach a decision. Islam strongly supports peace as the best solution for disputing parties, one of the verses that explains peace is QS. Al-Hujarat Verse 9 "And if there are two groups of believers at war, then make peace between them. If one of them does wrongdoing, then fight the group that does wrongdoing until they return to Allah's commands. If they have returned, then make peace between them fairly and act fairly. For indeed Allah loves those who act justly." The caliphs in Islam are also known for their fair and wise attitudes, including in the field of trade or business. The caliphs upheld justice by maintaining a balance between the rights

and obligations of traders and consumers, and protecting the market from fraud or deception. For example, the caliph Umar Bin Khattab was known to be very strict in supervising trade and maintaining prices in the market, in practice Umar once warned traders not to hoard goods in order to raise prices unilaterally or unfairly because Umar considered hoarding goods as an act of injustice or persecution, and Umar always ensured that prices in the market remained reasonable and in accordance with the principles of justice. In addition, the caliph Abu Bakar Ash-Shiddiq also always ensured honest practices in transactions or trade, before he became a caliph, he was an honest trader by ensuring that his merchandise was in accordance with the description he conveyed to consumers, Abu Bakar also opposed monopoly practices that could harm society at large. Islamic law views dignified justice in providing protection for consumers emphasizing protection of consumer rights through business or trade practices that are transparent, honest, wise, maintain consumer dignity, avoid exploitation and the obligation of producers to offer goods or services that are halal and safe for consumers. Dignified justice within the framework of Islamic sharia will create a harmonious business relationship between business actors or producers and consumers in accordance with the principles of Islamic sharia.

The existence of government institutions has an important role to support the realization of the principles of dignified justice for consumers based on Islamic law, where the existence of government institutions can help to regulate, supervise, and protect trade activities so that they remain in line with Islamic law values. Some examples of such government institutions are the Indonesian Ulema Council (MUI) which is responsible for providing halal certificates, fatwas, and sharia guidelines for several business activities in Indonesia. Halal certification is an official assessment issued by the MUI in the form of a written fatwa to state that a product meets the principles of halal in Islam with the main purpose of halal certification on food, medicine, and cosmetic products is to protect the rights of Muslim consumers, ensuring that the product is in accordance with the teachings of Islam.<sup>27</sup> The National Sharia Council-Indonesian Ulema Council (DSN-MUI) and the Sharia Supervisory Board (DPS) have the task of ensuring that sharia principles are implemented properly in the economic sector, especially in banking and sharia financial institutions, these tasks and responsibilities are very large, considering that sharia institutions operate under the name of "Islam". Fulfillment or violation of sharia principles in sharia banks not only impacts the institution, but can also affect the image of Islam as a whole, if a bank or sharia institution violates sharia principles, the public will not only blame the institution, but can

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<sup>27</sup> Dewi Ayu Widyaningsih, "Sertifikasi Halal Perspektif Maqashid Syariah," *FALAH: Jurnal Hukum Ekonomi Syariah* 4, no. 1 (2023): 64.

also blame Islam.<sup>28</sup> The Financial Services Authority (OJK) regulates and supervises Islamic banking, Islamic insurance, and other Islamic financial institutions to ensure their compliance with Islamic sharia. Islamic banking is one of the main pillars in the Islamic financial system, which is responsible for various financial, investment, and financing activities, the purpose of which is not only to achieve financial results, but also to make ethical and moral values an inseparable part of every business decision and action.<sup>29</sup> Sharia insurance is based on Islamic values that regulate fair, transparent and ethical business principles.<sup>30</sup> In addition, there is also the Halal Product Guarantee Agency (BPJPH) which ensures that all halal products circulating in the market are in accordance with sharia standards. At the global or international level, there is also the Islamic Development Bank (IDB), an international financial institution that supports global economic development based on Islamic sharia principles, and there is the Accounting and Auditing Organization for Islamic Financial Institutions (AAOIFI), an international organization that develops accounting, auditing, and governance standards in accordance with Islamic sharia. In the history of Islam, the caliph Umar Bin Khattab also appointed mustahib or market supervisors to ensure that transactions in the market were in accordance with Islamic sharia or not. The existence of government institutions that support Islamic sharia principles in trade or business will ensure protection for consumers by forming transactions that run fairly, transparently, and in accordance with Islamic sharia. These institutions function as supervisors, protectors, and law enforcers who maintain the integrity and quality of trade or business, and protect the community from business practices that are not in accordance with Islamic sharia.

## Conclusion

Justice is not only a moral responsibility to fellow human beings, but for Muslims who uphold justice, they have emulated the character of the Prophet Muhammad SAW, because justice is one of the commendable traits and characters of the Prophet Muhammad. Dignified justice for consumers in Islamic law is part of the general principle of the value of justice that must be applied in various aspects or areas of life. Islam requires producers, traders, business actors, and service providers to treat their consumers fairly according to their respective

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<sup>28</sup> Rika Dwi Ayu Parmitasari and Muhammad Wahyuddin Abdullah, "Penerapan Prinsip Dan Kepatuhan Syariah Pada Pengelolaan Keuangan Syariah," *Neraca: Jurnal Ekonomi, Manajemen Dan Akuntansi* 2, no. 1 (2024): 285.

<sup>29</sup> Akhmad Zulhikam et al., "Filosofi Prinsip Keuangan Islam Dan Implikasinya Pada Perbankan Syariah," *Neraca: Jurnal Ekonomi, Manajemen Dan Akuntansi* 2, no. 1 (2024): 274.

<sup>30</sup> Muhammad Aldi, "Etika Bisnis Dan Tanggung Jawab Sosial Perusahaan Dalam Asuransi Syariah (Studi Kasus: PT Asuransi Syariah Amanah Sejahtera)," *ISLAMIC BUSSINESS LAW REVIEW* 5, no. 1 (2024): 1.

rights and obligations. Where justice is not only upheld because of regulations and humanitarian reasons, but also as a form of carrying out Allah's commands and the example of the Prophet Muhammad. The caliphs in Islam are also known for their fair and wise attitudes, including in the field of trade or business. The caliphs uphold justice by maintaining a balance between the rights and obligations of traders and consumers, and protecting the market from fraud or deception. Consumer protection from an Islamic legal perspective not only emphasizes and pays attention to economic and profit aspects, but also emphasizes the moral aspects and social dimensions for consumers whose dignity must be respected. Business actors must apply the principle of dignified justice in accordance with Islamic law by treating consumers fairly, providing information that is in accordance with the actual situation, and ensuring that transactions are carried out without fraud and exploitation. The state also has an important role in creating a fair trade climate in accordance with Islamic law, namely through the existence of sharia institutions. Thus, consumer protection in Islamic law is not only to maintain balance in economic transactions, but also to maintain human dignity as consumers and create justice in all aspects of life.

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