



Consumer Protection Law in Sale and Purchase Transactions: A Perspective of Economic Justice and Sharia Ethic

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Abstract

This text examines consumer safety in sale and buy transactions through the lenses of financial justice and Sharia ethics, with precise interest in virtual marketplaces. Despite the existence of complete legal frameworks, customer protection law remains in large part procedural and reactive, failing to address structural electricity imbalance, information asymmetry, and unfair preferred contracts that systematically disadvantage clients. Using a socio-criminal studies layout, this observation integrates normative felony evaluation with maqāṣid al-sharī'ah as a great justice benchmark. The findings screen that conventional patron protection mechanisms often legitimize unequal transactions via prioritizing formal consent and contractual validity over fairness outcomes. digital systems in addition exacerbate customer vulnerability through centralizing control over information disclosure and dispute resolution. This newsletter proposes an integrative client protection model that mixes legal enforceability with Sharia-based totally ethical accountability, repositioning purchaser protection law as a preventive and justice-orientated regulatory framework. The take a look at contributes to patron law scholarship by way of demonstrating that Sharia ethics can be characterized as a normative evaluative framework that complements the legitimacy and effectiveness of client protection regulation in digital markets.

Keywords: Consumer Protection Law, Economic Justice, Sharia Ethics, Maqāṣid Al-Sharī'ah.

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INTRODUCTION

Consumer protection law functions as a legal instrument designed to stabilize the relationship between business actors and consumers in sale and purchase transactions, particularly in situations characterized by asymmetrical power and information (Cristina, 2023). In Indonesia, Law Number 8 of 1999 on Consumer Protection explicitly guarantees consumers' rights to legal protection, accurate information, and fair remedies in commercial transactions (Indonesia, 1999). These legal safeguards have become increasingly significant as contemporary commerce expands through digital platforms, where consumers frequently encounter misleading product descriptions, counterfeit goods, and uncertain liability on the part of sellers and marketplace operators (Febrina et al., 2022). Within Islamic economic thought, practices such as usury (*riba*), interest, and excessive uncertainty (*gharar*) are prohibited due to their association with unfairness and exploitation. Instead, Islamic finance emphasizes ethical principles grounded in justice, transparency, and mutual consent (Khan, n.d.). Consequently, Sharia ethics function not only as moral guidance but also as a normative framework capable of strengthening fundamental consumer protection in market transactions (Khan, n.d.).

The principle of freedom of contract may produce injustice in standard-form contracts due to unequal bargaining power, thus requiring regulatory intervention to ensure fairness and

consumer protection (Nabila & Djayaputra, 2023). In online marketplaces, e-commerce practices often disregard consumer rights by imposing non-negotiable terms that place consumers in structurally weaker positions (Ummah, 2019). This study employs normative empirical legal research to reveal these challenges and the lack of effective regulatory oversight in digital commercial practices (Yuridis et al., 2023). Standard contractual clauses frequently shift responsibility from business actors to consumers, undermining the protective objectives of Law Number 8 of 1999 on Consumer Protection by legitimizing unequal risk allocation (Latifah et al., 2023). The enduring relevance of classical Islamic legal thought demonstrates that *fiqh* principles aligned with equality, fairness, and justice reinforce the convergence between consumer protection regulation and Sharia ethics in preventing exploitation and upholding human dignity in contemporary sale and purchase transactions. (Mateja & Kaprou, 2021).

Despite the existence of regulatory frameworks, consumer protection law often fails to deliver substantive justice due to tensions with the principle of freedom of contract, particularly in standard-form agreements, thereby necessitating legal reform and technological adaptation (Santoso, 2024). Effective consumer redress is essential for ensuring access to justice; however, many consumers refrain from pursuing remedies because dispute resolution mechanisms are perceived as complex, costly, and inaccessible, highlighting the need for more comprehensive regulatory solutions, particularly in the European context. Integrating *maqāṣid al-sharī'ah* into e-commerce regulation offers a normative approach to strengthening consumer protection by embedding ethical values of justice, public welfare, and transparency, thereby addressing structural gaps within existing legal frameworks (Anatasya, 2025).

Consumer protection law must be reconceptualized through a justice-oriented framework that integrates legal enforcement with ethical accountability by emphasizing proactive regulatory oversight, recognizing consumers as relational subjects within data-driven market ecosystems, and embedding consumer rights within broader constitutional and ethical frameworks (Prihartanto et al., 2025). Accordingly, consumer protection mechanisms should move beyond mere procedural compliance toward substantive justice by adopting preventive oversight models, redefining the legal position of consumers in digital transactions, and ensuring that market efficiency is balanced with moral responsibility (Prihartanto et al., 2025). Embedding Sharia-based economic justice within consumer protection law is therefore essential to strengthening legal safeguards against exploitative trade practices, particularly by promoting transparency, fairness, and ethical integrity in commercial transactions (A & Rohmah, 2025).

This study addresses the absence of a normative benchmark for justice by reconceptualizing consumer protection law through the lenses of algorithmic justice and participatory digital rights, thereby advancing an interdisciplinary paradigm that integrates digital fairness, equity, and human dignity (Prihartanto et al., 2025). *Maqāṣid al-Sharī'ah* offers a holistic framework for AI and digital ethics by complementing dominant Western approaches with spiritual, moral, and social justice dimensions, while addressing regulatory deficiencies through inclusive system design and Sharia-based governance (Habib, 2025). Building on this foundation, the study articulates a Sharia-informed model of consumer protection that emphasizes compliance with Sharia principles in digital transactions, particularly with respect to contractual validity, transparency, informed consent, and accountability (Widodo & Muinah, 2025). This model not only strengthens ethical and legal safeguards within e-commerce ecosystems but also enhances consumer trust and long-term loyalty in digital markets.

METHOD

This study finds that violations in online transactions undermine both statutory consumer protection law and Islamic business ethics, thereby necessitating the integration of legal frameworks to strengthen consumer protection (Rizky et al., 2025). Employing a normative research method with a qualitative approach, the study draws on literature review, regulatory analysis, and interviews with students to examine the effectiveness of existing consumer protection mechanisms (Mishra & Varshney, 2024). The analysis explores both the formal structure of consumer protection norms and their practical operation in real market settings by engaging with international standards, circular economy principles, and comparative case studies from multiple jurisdictions. Using a normative and exploratory research design, the study relies on global policy documents and scholarly sources to contextualize regulatory challenges in digital commerce. A socio-legal approach is adopted to bridge the gap between legal doctrine and social reality by

comparing sociological concepts such as “living law” and “law in action,” thereby providing a more comprehensive understanding of consumer protection in practice (Tan, 2022).

This study identifies regulatory gaps within e-commerce legal frameworks and proposes solutions through a normative legal analysis, including strengthening cybersecurity measures and enhancing the enforcement of consumer protection laws. The analysis is based on qualitative evidence derived from doctrinal legal evaluation and policy-oriented recommendations (S et al., 2025). By examining both the normative structure of consumer protection law and the empirical challenges faced by consumers in the digital age, the study employs a comprehensive literature review and case study analysis. These findings underscore the urgent need for a harmonized legal framework and increased international cooperation to ensure effective consumer protection in cross-border digital commerce.

This study examines the methodological approach of classical Islamic scholars in formulating *maqāṣid al-sharī'ah* through qualitative methods and thematic analysis, while comparing it with contemporary scientific research methodologies, thereby aligning legal reasoning models with a *maqāṣid*-based analytical framework (Alias et al., 2024). It further argues that consumer protection in Islamic banking requires a holistic approach that integrates Sharia values with global best practices, highlighting the need to reform existing legal mechanisms to ensure regulatory clarity, ethical compliance, and effective consumer safeguards (Faris et al., 2024).

RESULTS AND DISCUSSION

Legal Gaps in Consumer Protection within Sale and Purchase Transactions

The court demonstrated effective consumer protection by granting the plaintiff the right to independently process changes to the Land Ownership Certificate, underscoring the importance of robust law enforcement and simplified administrative procedures in safeguarding consumer rights (Klin et al., 2024). Using a normative legal method with a case study approach, the study reveals that prevailing regulatory frameworks, particularly those relying on notice and consent are inadequate to address structural risks inherent in standard contracts and digital marketplace practices (Nehf, n.d.). Moreover, enforcement mechanisms often prioritize formal compliance over substantive fairness, failing to prevent consumer harm and protect vulnerable groups, as evidenced in contexts such as the COVID-19 pandemic and in jurisdictions like Zambia, where consumer protection law remains insufficient to achieve economic justice (Kafwabulula & Mwange, 2025).

Power Imbalance and Information Asymmetry in Digital Sale and Purchase Transactions

The findings demonstrate that power imbalances and information asymmetry are structural features of digital sale and purchase transactions, systematically positioning consumers as weaker parties within platform-mediated markets (Rahevar et al., 2021). Through a comparative analysis of U.S. and Italian legal frameworks, the study shows that disparities in information and bargaining power undermine genuine consent and erode equality in commercial relationships (Milo, 2022). Digital platforms further exploit time-inconsistent users by centralizing control over data disclosure, rendering consent mechanisms ineffective unless they enable meaningful and easy refusal, and reducing consent to mere formal acceptance rather than informed agreement (Abrardi & Hoernig, 2021). Consequently, digital transformation requires new regulatory strategies that emphasize platform impartiality to correct imbalances embedded in standard contractual terms (Möslein, 2023).

Standard Contracts and Unfair Clauses: Legal and Ethical Assessment

Standard-form contracts in online transactions frequently contain unfair clauses that disadvantage consumers due to information deficits and one-sided contractual terms, while existing legal mechanisms remain insufficient to ensure effective consumer protection (Palanissamy & Kesavamoorthy, 2019). Exoneration clauses in particular limit sellers' liability, create imbalances in rights and obligations, and undermine consumer rights by imposing unilateral burdens that may cause significant harm (J. Review et al., 2024). Weak enforcement of consumer protection laws allows such deficient standard clauses to persist, including in vehicle purchase credit agreements, despite explicit statutory prohibitions (Irawati et al., 2023).

Standard-form construction contracts are commonly regarded as efficient instruments for implementing building projects, reflecting the broader justification that standard contracts enhance transactional efficiency (Sabrina et al., 2015). However, this rationale overlooks the unequal bargaining position of consumers, who often lack realistic alternatives and are compelled to accept non-negotiable terms (Ummah, 2019). Consumers also tend to comply with contractual provisions

even when they are unfair or unenforceable due to motivated reasoning and psychological pressure to maintain the status quo, reinforcing existing power imbalances (To & The, 2006). In multilateral markets, such contractual efficiency frequently produces defective terms that undermine consumer justice, thereby necessitating regulatory intervention (Scott, 2003).

Islamic business management is grounded in ethical and legal principles that promote integrity, honesty, and social responsibility, including the rejection of coercion and deception in contractual arrangements (Agustian et al., 2023). Contracts that systematically transfer risk to one party create legal ambiguity and conflict with Sharia principles of justice and transparency, thereby undermining ethical standards in economic exchange (M. Junaidi, 2024). Using a qualitative approach based on interviews and observations, the study finds that the transformation of the *tompangan* tradition into an informal debt system involving excessive returns contradicts both consumer protection objectives and Sharia-based economic justice due to the presence of usury prohibited under Islamic law (Ahmad et al., n.d.).

Digital vulnerability in online marketplaces represents a universal condition of consumer defenselessness arising from power imbalances embedded in automation and data-driven commercial relations, often intensified by unfair market practices (Sax & Micklitz, 2022). To address these challenges, the Jewish concept of covenant is proposed as a normative framework that emphasizes moral agency and responsibility, particularly in response to legal constructions that define platforms merely as intermediaries and shift legal risk onto consumers (Berman, 2022). Furthermore, the proposed *Restatement of the Law of Consumer Contracts* is criticized for perpetuating a legal fiction by presuming consumer assent to contractual terms that are neither read nor understood, thereby underscoring the need for stronger and more substantive regulatory intervention (Pridgen, 2020).

Sharia Ethics as a Normative Benchmark for Consumer Justice

Sharia ethics provide a coherent, value-based normative benchmark for consumer protection by addressing structural weaknesses through principles such as the prohibition of *gharar*, *riba*, and *tadlis*, as examined through qualitative analysis of Islamic legal sources (R. M. Sari, 2024). Core values emphasized in the Qur'an fairness, the prohibition of fraud, and responsibility in business directly correspond to consumer protection concerns, including truthful information and equitable contractual relationships, indicating that integrating these principles with positive law can strengthen consumer safeguards (Akbar & Alghifari, 2025). Through literature-based research in Sharia economics, the study demonstrates that Islamic business ethics embed moral responsibility within economic transactions, framing consumer justice not only as a legal entitlement but also as an ethical obligation grounded in justice, honesty, and accountability (M. Sari & Yoe, 2025).

Sharia based norms conceptualize sale and purchase transactions as moral engagements with social consequences, prioritizing fairness, mutual benefit, and public interest (*maṣlahah*) over mere formal contractual freedom (Syahra et al., 2024). This study finds that principles of Sharia economic law are not yet fully reflected in contemporary marketing practices, indicating the need for greater transparency and regulatory compliance to protect consumer rights and prevent exploitative conduct beyond procedural dispute resolution (A & Rohmah, 2025). In the digital era, Sharia ethics offer a robust foundation for consumer protection by integrating technical, ethical, and moral dimensions to address the normative gaps left by procedural legalism, supported by measures such as transparency, Sharia-based regulation, and consumer education (Anatasya, 2025). Through a philosophical normative approach, the emphasis of Sharia on equity and harm prevention enables a deeper evaluation of contractual fairness and market behavior by prioritizing human dignity and balancing rights and obligations, thereby strengthening the capacity of consumer protection law to address systemic injustice (Dwi Edi Wibowo, 2024).

Integrating Sharia ethics into consumer protection analysis enables the law to move beyond technical legality toward ethical accountability by aligning legal principles with Qur'anic teachings on fairness, the prohibition of fraud, and responsibility in business conduct (Akbar & Alghifari, 2025). Legal outcomes are thus evaluated not only on the basis of formal compliance with written rules but also in light of societal expectations of justice, which encompass fairness, equality, and cooperation, as illustrated by case study analysis of the WTO Dispute Settlement System that underscores the limits of enforcement-centered approaches (Paper & Iv, 2015). In this respect, Sharia ethics contribute to a more holistic framework of consumer justice by harmonizing legal

enforceability with ethical responsibility and prioritizing dignified justice through the integration of Islamic legal principles into consumer protection regulation (Dwi Edi Wibowo, 2024).

Maqāṣid Al-Sharī'ah Analysis of Consumer Protection Mechanisms

Applying the *maqāṣid al-sharī'ah* framework reveals that existing consumer protection mechanisms only partially fulfill the objectives of Islamic law, as many financial products are categorized within secondary needs (*ḥājīyyāt*) and embellishments (*taḥsīniyyāt*) rather than essentials (*darūriyyāt*) (Ahmed et al., 2022). A qualitative analysis of regulations and practices at Bank Syariah Indonesia indicates that current *murābahah* practices tend to prioritize administrative compliance over substantive principles, potentially concealing *ribā* and undermining core *maqāṣid* values such as wealth protection (*ḥifẓ al-māl*) (Nurbaidah, 2025). Despite the presence of comprehensive legal instruments, persistent gaps in data protection and weak enforcement mechanisms continue to expose consumers to vulnerability, highlighting a significant disconnect between regulatory intent and actual protection outcomes (Ummah, 2019).

Current consumer protection regimes inadequately operationalize the *maqāṣid* principle of harm prevention (*dar' al-mafāsīd*), as they fail to effectively safeguard consumers from risks such as fraud and data theft (Anatasya, 2025). In Indonesia, legal frameworks predominantly respond to consumer harm retrospectively through dispute resolution mechanisms, facing structural constraints and lacking proactive regulatory measures (M. Sari & Yoe, 2025). Moreover, tensions between procedural and substantive justice in law enforcement where procedural justice emphasizes transparent decision-making processes while substantive justice focuses on truth and accountability often hinder their simultaneous realization, as reflected in studies employing mixed-method approaches with limited evidentiary specification (Efendi, 2024).

The interpretation of *maqāṣid al-sharī'ah* in Islamic finance is inherently complex and context dependent, requiring a cautious approach to balance market efficiency with moral responsibility while upholding Islamic principles, thereby underscoring the need for clear normative standards (Batool, 2017). As a normative benchmark, *maqāṣid al-sharī'ah* shifts legal evaluation from procedural compliance toward substantive outcomes grounded in human values, offering a theoretical framework for addressing issues such as consumer protection and economic exploitation (Sax & Micklitz, 2022). Moreover, *maqāṣid al-sharī'ah* provides a foundation for a sustainable and inclusive economic system by emphasizing justice, equitable wealth distribution, and social responsibility, aligning legal assessment with the protection of wealth and the realization of fairness (Putri & Aziz, 2025).

A comparison between positive consumer protection law and a *maqāṣid* based approach reveals fundamentally different conceptions of justice, with positive law operating within a procedural paradigm that emphasizes enforcement and dispute resolution after harm occurs, while Islamic law prioritizes the prevention of harm and the promotion of public welfare through *Maqāṣid al-Sharī'ah* (Brownsword, 2022). Using a qualitative comparative approach, the study positions *maqāṣid al-sharī'ah* as a theoretical framework grounded in textual analysis and holistic interpretation to safeguard rights and advance substantive justice (Alias et al., 2024). Furthermore, insights from behavioural economics demonstrate how consumer decision-making is often distorted by manipulation and information asymmetry, thereby justifying regulatory intervention to correct structural power imbalances and misleading market practices (Erika, 2019).

Table 1.

Power Imbalance, Legal Gaps, and Maqāṣid al-Sharī'ah-Based Responses in Sale and Purchase Transactions

Forms of Power Imbalance in Transactions	Identified Legal Gaps in Consumer Protection Law	Maqāṣid al-Sharī'ah-Based Normative Response
Information asymmetry between sellers/platforms and consumers, especially in digital marketplaces	Disclosure obligations lack effective verification and enforcement mechanisms	Ḥifẓ al-māl (protection of wealth): requires truthful information, transparency, and prohibition of deception as substantive obligations
Standard form contracts unilaterally drafted by business actors or platforms	Contract validity assessed procedurally despite materially unfair clauses	‘Adl (justice): requires balance of rights and obligations and rejects exploitative clauses
Weak bargaining position of	Dispute mechanisms are	Dar’ al-mafāsīd (prevention of

consumers in refund and dispute processes	complex, costly, and inaccessible	harm): emphasizes proactive prevention of injustice
Market efficiency prioritized over consumer welfare	Law prioritizes certainty over ethical accountability	Taḥqīq al-maṣlaḥah (realization of public interest): aligns efficiency with social justice

The study finds that consumer protection law remains predominantly procedural, resulting in suboptimal protection despite the existence of regulatory frameworks (Akbar & Alghifari, 2025). Using a qualitative method based on analytical literature review, the research examines national legal regulations alongside Qur’anic principles on business ethics and consumer protection, although it does not specify the strength of empirical evidence (Andriani et al., 2023). By applying *maqāṣid al-sharī’ah* as a normative framework, the study reframes consumer protection toward ethical consequences and social impact, demonstrating its potential to strengthen fair e-commerce regulation through principles of justice, welfare, and transparency (Anatasya, 2025).

An Integrative Model of Consumer Protection Based on Legal and Sharia Ethics

This study proposes an integrative model of consumer protection by revitalizing the *hisbah* institution in Morocco, combining legal enforceability with Sharia-based ethical accountability to address consumer rights and contemporary market challenges (T. L. Review et al., 2025). It reconceptualizes consumer protection law as a proactive and justice-oriented framework that incorporates algorithmic audits and participatory digital rights to respond to the dynamics of digital commerce (Prihartanto et al., 2025). The study further characterizes digital vulnerability as a universal condition of susceptibility to architectural, relational, and data-driven power imbalances, emphasizing that the use of digital technologies to exploit consumers constitutes an unfair commercial practice (Sax & Micklitz, 2022).

The proposed integrative model is grounded in Islamic values of justice, trust, consultation, and business ethics, aiming to promote legal certainty, substantive justice, and moral responsibility through internal and external control mechanisms, transparency, ethical training, and socially responsible conduct (Abdurrahman, 2025). By integrating elements such as user self risk assessment and incentive structures for intermediaries, the model offers a regulatory framework capable of addressing information asymmetry and contractual inequality in digital marketplaces (Habbine & Kim, n.d.). The study further strengthens consumer protection regulation by examining complex global regulatory environments and providing insights into balancing consumer protection with innovation in FinTech through a comprehensive review of international regulatory practices and projected legislation (H & Fischl, 1996).

Maqāṣid al-Sharī’ah principles are also employed as normative benchmarks to evaluate and enhance legal frameworks in related areas, including child protection law in Indonesia, using qualitative methods based on literature review and legal analysis (Husain et al., 2024). The objectives of wealth protection (*hifz al-māl*) and justice (*‘adl*) are applied to assess money laundering from a Sharī’ah perspective, demonstrating the need for stricter ethical constraints than those found in conventional legal regimes to safeguard human welfare (Hoque et al., 2021). Finally, a maqāṣid-based evaluative approach emphasizes outcomes and social impact, supporting ethical market governance oriented toward consumer and citizen needs, where consumer protection law functions as a mechanism of moral regulation grounded in solidarity, sustainability, and public interest (Athambawa, 2025).

The model emphasizes shared responsibility among buyers and suppliers in sustainable supply chain contracting to mitigate unfair exploitation and ensure compliance with regulations (Nurbaidah, 2025). Transactional fairness addresses public concerns about unfair digital pricing practices, suggesting regulators focus on substantive fairness to restore market trust. (Lyons & Sugden, 2023) Digital platforms are accountable intermediaries with ethical and legal obligations to prevent exploitative practices by internalizing fairness as a legally relevant duty to counterbalance power imbalances and protect vulnerable parties. (Malgieri, 2025) The integration of Corporate Social Responsibility (CSR) with consumer protection is essential for fostering sustainable business practices and enhancing consumer trust, aligning legal enforceability with moral responsibility to ensure justice in transactions. (Article et al., 2024)

CONCLUSION

This article concludes that contemporary consumer protection law in sale and purchase transactions suffers from a structural limitation, namely its persistent reliance on procedural

legality rather than substantive justice. Although existing legal frameworks formally recognize consumer rights, they remain largely reactive and inadequate in addressing systemic power imbalance, information asymmetry, and unfair standard contracts, particularly within digital marketplace environments. Consequently, consumer protection law often legitimizes unequal transactions instead of correcting the structural conditions that generate consumer vulnerability.

By applying *maqāṣid al-sharīʿah* as a normative evaluative framework, this study demonstrates that economic justice in consumer transactions cannot be achieved solely through formal consent, contractual validity, or post-dispute remedies. The *maqāṣid* principles of protecting wealth (*ḥifẓ al-māl*), preventing harm (*darʿ al-mafāsid*), and ensuring justice (*ʿadl*) function as substantive benchmarks capable of exposing legally valid yet ethically unjust market practices. This constitutes the central theoretical contribution of the article, showing that Sharia ethics operate not as a parallel moral discourse but as an internal corrective logic that enhances the coherence and effectiveness of modern consumer protection law.

From both regulatory and policy perspectives, the integrative model proposed in this study repositions consumer protection law as a preventive and justice-oriented framework. Legal enforceability remains essential, yet it must be complemented by ethical accountability targeting structural unfairness embedded in standard contracts, platform governance, and digital transaction architectures. Regulators are therefore encouraged to move beyond formal compliance toward substantive fairness review, while digital platforms and business actors should be recognized as legally accountable for preventing exploitative practices. Embedding *maqāṣid*-based economic justice within consumer protection regulation strengthens consumer welfare and aligns market governance with broader objectives of social justice, ethical sustainability, and long-term economic legitimacy.

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