



## CONSUMER PROTECTION IN E-COMMERCE TRANSACTIONS FROM THE PERSPECTIVE OF *FIQH JINAYAH*

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### Abstract

The rapid development of e-commerce transactions in the digital era has brought significant convenience to society; however, it has also generated various legal issues that potentially harm consumers, such as fraud, lack of transparency of information, *gharar* (uncertainty), and the misuse of personal data. This study aims to analyze the concept of consumer protection in e-commerce transactions from the perspective of *fiqh jinayah* and to examine its relevance in strengthening consumer legal protection. The research employs a qualitative method with a normative approach through library research by examining sources of Islamic law, *fiqh* principles, as well as scholarly literature and regulations related to consumer protection and electronic transactions. The findings indicate that *fiqh jinayah* categorizes violations in e-commerce transactions as unlawful acts (*jarimah*), particularly those involving *tadlis* (deception), *gharar*, and harmful conduct (*darar*), as they contradict the principles of justice and the protection of property (*hifz al-māl*). Furthermore, *fiqh jinayah* provides a flexible and contextual mechanism of *ta'zir* sanctions aimed at creating a deterrent effect, ensuring preventive protection, and promoting restorative justice for affected consumers. This study concludes that integrating the principles of *fiqh jinayah* with positive law can strengthen a fair, ethical, and Islamic value-based system of consumer protection in e-commerce.

Keywords: Consumer Protection, E-Commerce, *Fiqh jinayah*, *Ta'zir*, Islamic Law.

### Abstrak

Perkembangan transaksi e-commerce di era digital membawa kemudahan bagi masyarakat, namun juga memunculkan berbagai permasalahan hukum yang berpotensi merugikan konsumen, seperti penipuan, ketidakjelasan informasi, *gharar*, dan penyalahgunaan data pribadi. Penelitian ini bertujuan untuk menganalisis konsep perlindungan konsumen dalam transaksi e-commerce berdasarkan perspektif *fiqh jinayah* serta relevansinya dalam penguatan perlindungan hukum konsumen. Metode penelitian yang digunakan adalah penelitian kualitatif dengan pendekatan normatif melalui studi kepustakaan (*library research*), dengan menelaah sumber-sumber hukum Islam, kaidah *fiqh*, serta literatur ilmiah dan regulasi terkait perlindungan konsumen dan transaksi elektronik. Hasil penelitian menunjukkan bahwa *fiqh jinayah* memandang pelanggaran dalam transaksi e-commerce sebagai perbuatan melawan hukum (*jarimah*), khususnya yang berkaitan dengan *tadlis*, *gharar*, dan perbuatan merugikan (*darar*), karena bertentangan dengan prinsip

keadilan dan perlindungan harta (*hifz al-māl*). *Fiqh jinayah* juga menyediakan mekanisme sanksi *ta'zīr* yang bersifat fleksibel dan kontekstual untuk memberikan efek jera, perlindungan preventif, serta keadilan restoratif bagi konsumen. Penelitian ini menyimpulkan bahwa integrasi prinsip *fiqh jinayah* dengan hukum positif dapat memperkuat sistem perlindungan konsumen e-commerce yang berkeadilan, beretika, dan sesuai dengan nilai-nilai hukum Islam.

Kata kunci: Perlindungan Konsumen, E-Commerce, *Fiqh jinayah*, Ta'zīr, Hukum Islam.

## A. INTRODUCTION

The development of information and communication technology has significantly changed the face of global trade. Buying and selling transactions that were previously carried out face-to-face are now shifting to digital transactions known as e-commerce (electronic commerce). This development not only creates convenience in the buying and selling process, but also raises various new challenges, especially in the Consumer Protection. Consumers in e-commerce transactions are in a relatively weak position due to the absence of direct interaction with business actors, the risk of non-transparent information, and the potential for adverse practices such as fraud, goods not according to description, and violations of consumers' personal data. These issues have consistently been the focus of academic studies and the spectrum of legal regulations, both in the context of positive Indonesian law and the perspective of Islamic law (Saragih et al., 2023).

From a positive legal perspective of Indonesia, consumer protection is regulated through the Consumer Protection Law (UUPK) which specifically provides a legal basis for consumer rights and obligations as well as a dispute resolution mechanism in the event of losses due to e-commerce transactions. Research on legal protection against consumers has shown that e-commerce transactions present new challenges that require a responsive and adaptive legal approach to digital dynamics. Issues such as data security, mismatch of goods, and online fraud show that despite a clear legal umbrella, its application and effectiveness in the context of digital commerce still need to be strengthened (Samual & Jumanah, 2025).

Studies in the context of sharia economic law also emphasize that consumer protection is not only a legal issue, but also an ethical and moral requirement in business transactions. Sharia economic law emphasizes the principles of justice, transparency, and moral responsibility between business actors and consumers in order to realize transactions that are halal, safe, fair, and provide benefits to the community. This perspective is in line with the study conducted on consumer protection in digital commerce which emphasizes the importance of Islamic business ethics (Ahlan Ahlan, 2022).

However, the study consumer protection in Islamic law jurisdictions, especially from the angle of *fiqh jinayah* (Islamic criminal law), is still relatively rarely discussed systematically in the Indonesian scientific literature. *Fiqh jinayah* is known as a branch of fiqh that regulates actions that are threatened with criminal sanctions based on Islamic sharia sources, including the purpose of preventing losses and safeguarding the interests of the ummah. Literacy on how *fiqh jinayah* can respond to violations in e-commerce transactions, such as fraudulent practices, embezzlement, or acts detrimental to consumers, is still minimal so further research is needed (Susanto & Mohd Ruslan, 2020).

Within the framework of Islamic law, although the term "consumer protection" is not explicitly mentioned in classical sources, the principles underlying the protection of

consumer rights have emerged in various fiqh concepts such as the prohibition of *gharar* (uncertainty), usury, fraud, and the principle of justice (*'adl*). These principles normatively aim to maintain a balance between the rights and obligations of the transacting parties so as to create a fair and ethical muamalah relationship. This moral and ethical aspect is a strong basis for the enforcement of *fiqh jinayah* in the context of violations of consumer rights, including in online transactions (Yusri, 2019).

Several studies have shown that Islamic law inherently guarantees consumer protection through the general principles of muamalah, which, when properly implemented, can minimize actions that are detrimental to others. For example, the principle of trust requires business actors to fulfill their promises and obligations to consumers; Meanwhile, the principle of Al-ADL requires openness, honesty, and accuracy of information in every transaction so that consumers get their full rights. The inconsistency between what is promised and what consumers receive in e-commerce transactions is clearly a form of violation of ethical principles and Islamic law (Taufik & Bahar, 2019).

In the realm of *fiqh jinayah*, violations such as online buying and selling fraud can be categorized as harmful acts (*'udwan*) that have the potential to be subject to criminal sanctions, because the perpetrator has violated the rights of others who are in principle protected by Islamic law. Criminal sanctions regulated in *fiqh jinayah* have preventive and repressive functions to prevent further losses and provide a deterrent effect to the perpetrator. Therefore, integrating the view of *fiqh jinayah* with consumer protection regulations in digital transactions can provide a comprehensive theoretical and practical foundation to deal with these issues (Susanto & Mohd Ruslan, 2020).

The urgency of this research becomes clearer when looking at the increasingly rapid development of e-commerce, including its contribution to the growth of the digital economy. However, without a strong legal foundation and an adequate understanding of the mechanism for protecting consumer rights from the perspective of *fiqh jinayah*, consumers are vulnerable to losses that may not be resolved fairly. When there is an imbalance of power between business actors and consumers, as well as adequate legal uncertainty in the digital context, there is a need for an in-depth study that is not only normative juridical in nature, but also based on the principles and values of holistic Islamic law (Samual & Jumanah, 2025).

This study aims to fill this gap by examining The Concept of Consumer Protection in E-Commerce Transactions from the Perspective of *Fiqh jinayah*, so that it has scientific relevance to international and national legal studies. This study will not only discuss the theoretical aspects of *fiqh jinayah* and the protection of consumer rights, but also its potential as an instrument of law enforcement against business actors who commit violations in digital transactions. The results of the research are expected to contribute to the development of contemporary Islamic legal theories and policy recommendations based on sharia values, as well as strengthen consumer protection in the digital economy era (Ahlan Ahlan, 2022).

Overall, the importance of integrating the perspective of jihadist fiqh with positive regulations on consumer protection in e-commerce shows the profound need for a more inclusive and two-dimensional legal approach—namely positive law and Islamic sharia law. Thus, this research is expected to be a solid scientific reference in an effort to realize fair,

ethical, and in accordance with the principles of Islamic law in the current era of trade digitalization.

## B. LITERATURE REVIEW

The rapid development of electronic commerce (e-commerce) has given rise to new dynamics in the relationship between business actors and consumers, where the challenges are related to Protection of consumer rights has become a central issue in the study of modern law and Islam. Existing studies have shown that digital transactions have the potential to pose various risks for consumers, such as goods mismatches, fraud, personal data leaks, and business practices that are not transparent and detrimental to buyers. This requires a comprehensive protection framework, both from the perspective of positive law and Islamic law, including *fiqh jinayah* as part of Islamic criminal law that has the purpose of safeguarding the interests of the community and preventing losses to other parties (Agung & Nasution, 2023).

Several studies in the context of Islamic law have analyzed the concept of consumer protection and its application in the digital age. For example, research examining consumer protection in e-commerce from the perspective of sharia law emphasizes the importance of the principles of justice, honesty, and moral responsibility in digital transactions, which are ethically in line with Islamic values and provide a solid basis for consumer protection (Ahlan Ahlan, 2022). Another study also emphasized that e-commerce transactions in accordance with sharia must comply with Islamic muamalah rules such as the clarity of contracts, disclosure of product information, and respect for consumer rights (Hasan & Saini, 2024).

In this discourse, a number of literature has explored The Relationship of Fiqh Muamalah and the Principles of Consumer Protection in E-Commerce, although it does not explicitly use the terminology *Fiqh jinayah*. Studies on the term *gharar* (uncertainty) show that e-commerce is prone to contain elements of uncertainty and incomplete information that can harm consumers, so principles such as *the darar wa la dirar* (must not harm and be harmed) becomes relevant to be used as a moral and legal basis in the regulation of digital transactions (Hidayah & Parhi, 2025).

In addition, studies that analyze the concept of option rights (*Kiyar*) in e-commerce transactions shows that this right is an important mechanism in protecting consumers from losses due to goods that do not conform to the promised specifications or quality. In the context of Islamic law, the existence of the right to *Kiyar* Provide space for consumers to cancel or reject transactions if the agreed conditions are not met, thus reflecting the principles of fairness and consumer protection in a normative manner (Abdi Wijaya et al., 2023).

From an empirical study, research that focuses on consumer protection on online shopping platforms from the perspective of Islamic economic law shows that the protection of consumer rights does not only refer to legal provisions, but also needs to be supported by public awareness in understanding their rights and obligations. This unawareness, according to the findings, is one of the factors that complicates the effective implementation of consumer protection in the e-commerce system (Nurlaili Janati et al., 2023).

Other relevant literature suggests that the perspective of classical Islamic thought, for example through the work of scholars such as Ibn Taymiyyah, can enrich the understanding of consumer protection by emphasizing the importance of fair principles and the prohibition of harmful business practices such as monopoly and excessive speculation (*Conclusion*). Although the context of the classical period is different, the principles remain applicable to modern phenomena such as digital commerce (Yulfira et al., 2024).

In addition, more normative studies in the context of conventional e-commerce and positive law confirm the existence of gaps in existing legal protection, including gaps in the implementation of the Consumer Protection Law and the Electronic Information and Transaction Law (ITE). This gap is due to the complex characteristics of digital transactions and is not fully accommodated by conventional regulations that are more designed for traditional transactions (Samual & Jumanah, 2025). This literature illustrates that consumer protection in e-commerce transactions needs to be supported by a legal framework that is adaptive and responsive to new risks, including fraudulent practices and violations of digital business ethics.

Studies related to personal data protection are also an important component in the e-commerce consumer protection literature. The protection of consumers' personal data is not only a technical issue of information security, but also an aspect of consumers' rights to privacy and security of digital transactions. Research shows that the protection of consumer personal data has been regulated in national regulations such as the ITE Law and PP PSTE, but its implementation often still faces practical challenges that need to be responded to both through strengthening regulations and educating consumers and business actors (Agung & Nasution, 2023).

Furthermore, literature that focuses on positive and conventional legal perspectives also shows how consumer protection efforts are made through juridical aspects, including dispute resolution mechanisms, the effectiveness of sanctions against violations, and the role of state institutions in guaranteeing consumer rights. This study is important to understand the context of consumer protection implementation in general, which can then be reviewed or integrated with the principles of *fiqh jinayah* to overcome existing weaknesses (Maulana et al., 2023).

The jinahi fiqh paradigm itself, although specifically not widely reviewed in the context of e-commerce, has strong relevance when it is associated with the regulation of sanctions against perpetrators of acts that harm consumers. *Fiqh jinayah* does not only look at the aspect of punishment, but also the purpose of punishment in preventing harm (*Düsseldorf*), take care of the property (*Hifz Al-Mal*), and upholding justice (ADL). These principles are in line with the goal of consumer protection, where acts that are detrimental to consumers can be categorized as violations that deserve criminal sanctions based on the Islamic legal approach. The *fiqh jinayah* literature underlines that any act that harms another party in business transactions, including e-commerce, can be considered an offense because it causes *Dharar* that need to be overcome in accordance with maqasid al-shari'ah (Ahyani et al., 2025).

The cross-disciplinary study also strengthens the position of consumer protection in e-commerce as a multidimensional issue, not only related to positive regulations or Islamic ethics, but also related to the implementation of moral principles and social values. An

example is a study that looks at the role of the principles of *maqasid al-shari'ah* in realizing justice and benefits in digital transactions, which provides normative parameters to assess whether a transaction practice meets comprehensive standards of fairness and consumer protection (Abdi Wijaya et al., 2023).

Thus, there is a clear need from the academic literature to develop studies that integrate the perspective of *fiqh jinayah* with consumer protection regulations in e-commerce transactions, so as to provide a strong normative foundation based on Islamic principles. This study is important not only to expand the contemporary Islamic legal literature, but also to provide more holistic policy recommendations in facing the challenges of rapid economic digitalization and increasing consumer interaction with digital business actors.

### c. METHOD

This research is a Normative Legal Research with the Qualitative, which focuses on the study of consumer protection norms, principles, and concepts in e-commerce transactions based on the perspective *Fiqh jinayah*. This type of research uses literature studies (*library research*) as the main source of data, by examining primary, secondary, and tertiary legal materials (Wijaya et al., 2025). Primary legal materials include the Qur'an, Hadith, the rules of *fiqh*, and *Fiqh jinayah* literature related to the prohibition of fraud, *gharar*, and adverse acts in muamalah transactions. Meanwhile, secondary legal materials include scientific journals, Islamic law books and consumer protection laws, as well as the results of previous research relevant to e-commerce transactions. Tertiary legal materials are in the form of legal dictionaries, Islamic encyclopedias, and other supporting sources that serve to clarify research concepts and terms.

The approach used in this study includes a conceptual approach and a normative-juridical approach, by analyzing the concept of consumer protection in e-commerce transactions based on the principles of *fiqh jinayah* and the purpose of Islamic law (*maqāṣid al-syarī'ah*). The data collection technique is carried out through a systematic search of the literature on relevant sources, while the data analysis technique uses descriptive-analytical analysis with a deductive reasoning pattern. The classified data was then analyzed to find the relationship between violations in e-commerce transactions and the concept of consumer protection according to *fiqh jinayah*, resulting in conclusions that are argumentative, systematic, and scientifically accountable.

### D. RESULT & DISCUSSION

Electronic commerce (*e-commerce*) has become an integral part of the rapidly growing digital economy system in Indonesia and the world. The change in transaction patterns that were previously conventional has now shifted to information technology-based transactions shows that the relationship between Consumers and Business Actors It has unique characteristics, in contrast to traditional transactions. In general, consumers are understood as buyers or users of goods/services available on e-commerce platforms, while business actors are parties who offer these goods/services to consumers through digital means facilitated by the internet and other technology platforms. This relationship creates new opportunities and challenges in the context Protection of consumer rights, especially

regarding information transparency, contract clarity, and security of personal data in every digital buying and selling activity (Safrida, 2025).

E-commerce transactions have special characteristics such as the absence of direct physical interaction between consumers and business actors, dependence on digital platforms, and the use of electronic data as proof of transactions. This causes consumers to be in a weaker position than business actors, especially in terms of product information, goods condition, and dispute resolution mechanisms. Research shows that legal certainty for digital transactions is not fully adaptive to the e-commerce phenomenon, so consumers often face risks in the form of unclear contracts, difficulties in obtaining their rights, and the complexity of the law enforcement process (Safrida, 2025).

One of the main issues in e-commerce consumer protection is Non-conformity of goods or services that consumers receive with what is promised or displayed in digital platforms. These discrepancies can be in the form of the quality of goods, delivery times, even counterfeit products, which in turn cause financial and psychological losses for consumers. A number of studies highlight the importance of the obligation of business actors to provide clear, complete, and correct information about their products so as not to cause losses to consumers who buy. Information that is not transparent or misleading is a violation of fundamental consumer rights (Wahyudiono et al., 2023).

Another risk that is no less important is Digital penipuan and practice *Fraud* which makes use of the online transaction space. In the context of e-commerce, forms of fraud can be in the form of fake price offers, falsification of business actors' identities, or manipulation of review content to unethically attract consumers. Research in a legal journal found that this kind of practice is a serious form of consumer violation because it undermines market confidence while burdening consumers with losses without adequate compensation (Rain, 2024).

In addition, Personal Data Protection Consumers are a crucial factor in modern e-commerce transactions. Consumers are often required to provide a number of personal data, such as names, addresses, phone numbers, and payment data, to e-commerce platforms or business actors to process transactions. Studies show that the protection of personal data has not fully received optimal attention in digital praxis in Indonesia. Data misuse or information leakage can have a negative impact on consumers, including cyberattacks or data use without consumer consent. Therefore, the protection of personal data is an important aspect of the overall consumer protection framework in the digital age (Agung & Nasution, 2023).

Normatively, consumer protection in e-commerce in Indonesia is regulated by a number of regulations, including Law Number 8 of 1999 concerning Consumer Protection (UUPK) and the Electronic Information and Transaction Law (ITE Law). These two regulations aim to guarantee consumers' rights to true, clear and honest information; security, quality of goods/services; and compensation mechanism in the event of a loss. However, the legal literature emphasizes that these regulations are often unable to answer various fundamental issues in e-commerce such as platform responsibility, the validity of digital contracts, and the resolution of cross-border disputes. This has led to a gap between technological developments and the readiness of the legal system to provide optimal protection to consumers (Z. S. F. Siregar, 2025).

Furthermore, the study of consumer protection from the perspective of Sharia Economic Law Provide additional understanding of the moral and ethical aspects of digital transactions. In this context, consumer protection is not only seen from the formal legal side but also from the principles of fairness, balance (*Al-Mizan*), and the social responsibility of business actors. The principle of fairness requires that every transaction be carried out fairly without any element of exploitation, while the principle of transparency urges business actors to provide accurate and complete information so that there are no losses for consumers. This sharia approach emphasizes the ethical value of trading behavior, which is an important complement to the more technical positive legal approach (Ahlan Ahlan, 2022).

The basic principles of consumer protection in e-commerce include justice, balance, security, and legal certainty. Justice requires fair treatment between business actors and consumers, while balance demands the absence of dominance of one party in the transaction relationship. Security includes the security of physical products as well as the security of consumers' personal data during the transaction process, and legal certainty ensures that the rights and obligations of each party are recognized and legally protected. These principles are the normative basis in order to guarantee consumer rights in the digital era, as well as a benchmark for the effectiveness of existing legal protection mechanisms (Safrida, 2025).

From a practical perspective, the literature also shows that the implementation of e-commerce consumer protection has not been optimal due to several factors such as the lack of consumer digital literacy, weak law enforcement, and lack of coordination between related institutions. Therefore, consumer protection efforts must involve the active role of various parties, including the government as a regulator, e-commerce platforms as technical facilitators, and consumers themselves through increasing awareness of their rights. The integration between Islamic ethical principles and positive legal regulation is expected to strengthen the normative and moral dimensions of consumer protection in digital transactions (Wahyudiono et al., 2023).

Thus, the concept of consumer protection in e-commerce transactions is not only legal protection of consumers' normative rights, but also the creation of fair, transparent, safe, and ethical transaction relationships. A comprehensive approach that combines positive legal aspects and Islamic legal value principles provides a more holistic protection framework that is relevant to today's digital trade dynamics.

#### 1. Consumer Protection in the Perspective of *Fiqh jinayah* against E-Commerce Transaction Violations

Consumer protection in the context of e-commerce transactions is not only read from a positive legal perspective, but can also be examined through a perspective *Fiqh jinayah*, which is a branch of Islamic law that discusses acts that are threatened with criminal sanctions because they harm other parties materially and morally. *Fiqh jinayah* has strong relevance when looking at the actions of business actors that are detrimental to consumers as a *jarimah* — Actions that are contrary to sharia norms and muamalah ethics and deserve sanctions based on the principles of justice, prohibition of fraud, and protection of property rights (*hifz al-māl*) in Islam. This study is important considering that e-commerce practices often experience phenomena such as fraud, *gharar* (uncertainty), and actions *ḍarar* (harmful), which according to fiqh muamalah is an act that must be prevented and



strictly regulated in accordance with *maqāṣid Al-Syarī'Ah*, especially in order to maintain property and transaction fairness (Hidayah & Parhi, 2025).

One of the common actions that occur in e-commerce is Digital penipuan Where business actors deceive consumers with misleading information so that consumers suffer financial losses. This deception in *Fiqh jinayah* can be categorized as *tadlis* or fraud that is explicitly prohibited because it undermines the equality of transactions and violates the rules of honesty (*sidq*) and trust (*Trust*) in buying and selling. Studies on digital fraud explain that practices such as product information manipulation, fake offers, and unclear seller's identities are a form of violation of the principles of Islamic muamalah which aim to uphold justice and avoid losses for one party (Ahyani et al., 2025). In the view of *fiqh jinayah*, such acts are not only ethical violations, but also worthy of *ta'zir* sanctions — criminal sanctions set by the authorities according to the context of the case to provide a deterrent effect and improve the behavior of the perpetrators (M. S. Siregar et al., 2021).

In addition to scams, *Gharar* Elements, namely uncertainty or ambiguity in transactions, is also an important issue in e-commerce from the perspective of *fiqh jinayah*. *Gharar* is traditionally prohibited in Islamic transactions when the uncertainty causes significant harm to one party, especially the consumer. Research on *gharar* in *Fiqh* emphasizing that in e-commerce practices, there are many forms of ambiguity such as vague product descriptions, the absence of physical inspections of goods, and non-transparent return policies, which actually have the potential to cause consumers to lose money (Indiharwati & Mohamad, 2025). Thus, according to *fiqh jinayah*, transactions containing substantial *gharar* can be considered to violate the principles of justice and openness (*ablution al-'aqd*) so that it can give legitimacy to the protection of sharia law for consumers (Hidayah & Parhi, 2025).

The principle of *jianayah fiqh* places the prohibition against *gharar* and fraud not merely as an administrative rule, but as part of the purpose of Islamic law (*maqāṣid al-syarī'ah*) to protect property (*ḥifẓ al-māl*) and ensuring fairness in every transaction. While positive law views violations in e-commerce through contractual obligations or legal regulations, *jianayah fiqh* gives a broader moral and ethical dimension by affirming that transactions that are misinformed, uncertain, or fraudulent are fundamentally contrary to the purpose of sharia (Fadlurrahman & Fikrianihayah, 2022). Thus, business actors who violate this principle not only face the consequences of worldly law, but also sharia accountability in the context of Islamic justice (Hidayah & Parhi, 2025).

In the case of *ḍarar* (detrimental to others), *fiqh jinayah* expressly views acts that cause real harm to consumers as something that must be prevented and acted upon. For example, if business actors sell products that are clearly fake or not in accordance with what is promised, this creates financial losses for consumers. Empirical research on cases of fraud in e-commerce transactions shows that victims often suffer not only financial losses, but also a loss of trust in the digital trading system in general (Maulana, 2024). In this context, *fiqh jinayah* views such an act as not only a civil offense but can also be classified as *jarimah* that needs to be sanctioned, because morally and Islamic law such actions undermine the principles of justice and honor of contract (Hidayah & Parhi, 2025).

Furthermore, jihadist *fiqh* sees that this kind of violation does not only violate the property rights of consumers (*ḥifẓ al-māl*), but also undermines the principle Justice (*al-'adl*) and balance (*Al-Mizān*) in transactions. In the sharia view, every transaction should

reflect a balance of rights and obligations between the parties to the contract; If one party is blackmailed or harmed due to unequal or hidden information, then the transaction does not meet sharia rules (Puad & Hamdi, 2025). It also underscores the need for strong ethical and moral standards in e-commerce that are not only based on positive laws, but also on the principles of Islamic values (Hidayah & Parhi, 2025).

In addition, *fiqh jinayah* provides a foundation in the development of mechanisms Preventive and repressive sanctions against the violation. The sanctions of ta'zir in Islam are not determined permanently by the text, but by the sharia enforcement authorities based on the level of violation and its impact on society. This allows flexibility in determining appropriate penalties for e-commerce violations, while still taking into account the purpose of Islamic law to provide a deterrent effect without being excessive. Research linking *fiqh jinayah* to digital crime confirms that actions such as fraud or digital manipulation can be sanctioned by ta'zir because they have a negative impact on consumers and the wider community (M. S. Siregar et al., 2021).

The integration of *Fiqh jinayah* thought in e-commerce consumer protection also offers richer normative dimensions compared to relying only on positive laws. *Fiqh jinayah* emphasizes the importance of the requirements of honesty, transparency, and mutual satisfaction in transactions as a condition for the validity of a sale and purchase in Islam so that any violation of this provision has an impact on the validity of the contract itself. This is in contrast to the positive legal approach that focuses more on administrative or criminal sanctions based on statute laws (Hidayah & Parhi, 2025).

Thus, *fiqh jinayah*'s approach to consumer protection in e-commerce underscores that violations such as *tadlis*, *gharar*, and *qarar* are not just technical violations but are violations of Muslim principles in fair and dignified transactions. Therefore, *fiqh jinayah* provides a strong normative basis for categorizing violations of e-commerce transactions as *jarimah* that deserve sanctions, while affirming the importance of integrating Islamic legal values and modern policies in a comprehensive consumer protection effort.

## 2. The Form of Sanctions and the Relevance of *Fiqh jinayah* in Strengthening E-Commerce Consumer Protection

In an effort to protect consumers from harmful practices in transactions e-commerce, *fiqh jinayah* offers a normative approach that goes beyond just administrative rules, namely through the concept of Sanction Ta'zir — criminal sanctions of a flexible and contextual applied for violations that are not expressly mentioned in the Qur'an and Hadith, but are clearly contrary to the principles of Islamic muamalah. Ta'zir is intended to create a deterrent effect, prevent the recurrence of transgressions, and instill a sense of justice (*adl*), so that it is not only oriented towards punishment but also protection *maslahah* for disadvantaged consumers. In *fiqh jinayah*, violations that harm consumers such as digital fraud, information manipulation, or personal data violations can be included in the category of *jarimah* ta'zir, because consumers are parties whose rights are violated and this violates the values of justice upheld in Islam (Thorik et al., 2023).

As studies examining consumer protection from the perspective of Islamic law have shown, violations in e-commerce are often related to ethical and moral aspects of muamalah, such as manipulation of product catalogs, the delivery of misleading information, and the non-compliance of business actors with consumer rights. In the

context of *fiqh jinayah*, this kind of behavior not only violates legal norms, but is also a form of violation of *maqāṣid Al-Syarī'Ah*, especially the aspect of taking care of the treasure (*ḥifẓ al-māl*) and justice (*adl*). Related articles assert that Islamic law's approach to this violation does not only look at the financial impact, but also the social and moral impact on the trade relationship between business actors and consumers (Hasan & Saini, 2024).

In its application, the form of *ta'zīr* sanctions can vary greatly depending on the degree and impact of the offense committed. Despite the absence of explicit penalties in *nash syar'i* for any form of e-commerce violation, the principle of *jiyah fiqh* provides room for the competent authorities to impose proportionate sanctions—for example, fines, imprisonment, or other administrative measures aimed at preventing further harm and providing a deterrent effect. This approach is similar to the enforcement of *ta'zīr* against *cybercrime* which is detrimental to consumers in digital transactions — where *ta'zīr* sanctions can be imposed for actions such as the use of fake accounts to deceive consumers or the misuse of technology to manipulate online transactions. Studies of Islamic criminal law show that *cybercrime*, including those that harm e-commerce consumers, can be subject to *ta'zīr* because such actions violate ethical and legal values in general (Jaenudin & Nisa, 2021).

One of the important relevance of the application of *ta'zīr* sanctions in the context of e-commerce is that Deterrence effect that it produces. This deterrent effect is not only aimed at certain violators, but also to the wider community so that they are aware of the consequences of actions that harm consumers. This effect is important in a digital environment that is cross-border and often difficult to fully supervise by conventional positive laws. Research on the urgency of consumer protection in electronic transactions confirms that without the threat of strict sanctions, violations such as fraud, non-compliance with consumer rights, and misuse of personal information will continue to occur because business actors consider legal aspects less effective or irrelevant to the digital space (Islam et al., 2025).

In addition to the deterrent effect, *ta'zīr* also functions as a Preventive protection which encourages business actors to implement business practices that are in accordance with sharia principles and Islamic business ethics. This preventive principle is related to the obligation of business actors to proactively protect consumer rights, for example ensuring clarity of product information, return mechanisms, and the security of consumer data. If businesses know that unethical or detrimental actions can lead to *ta'zīr* sanctions, then there is a strong push to build a business culture that is responsive to the protection of consumer rights, which ultimately creates a fairer and more transparent digital trade atmosphere (Thorik et al., 2023).

*JiFiqh jinayah* also views sanctions not only as a consequence of repressive punishment, but also as a tool restorative justice which can restore the rights of aggrieved consumers. In the context of e-commerce, in addition to sanctioning violators, a restorative approach can involve the obligation to compensate or retribute to consumers, so that consumers not only get a sense of moral justice but also regain their rights materially. This approach is in line with *maqāṣid Al-Syarī'ah* which emphasizes the recovery of benefits and eliminating losses (*raf'u al-mafsadah*). *Maqāṣid Al-Syarī'ah* studies sharia in consumer protection emphasizes that the purpose of Islamic law is to provide space for the recovery of losses and not just to punish the perpetrators without restoring the rights of the victim (Puad & Hamdi, 2025).

The integration between the principles of *fiqh jinayah* and the national positive legal system can strengthen the consumer protection framework in the digital era. National regulations such as the Consumer Protection Act and the Electronic Information and Transaction Act have provided a legal basis for cracking down on infringements in e-commerce, but their implementation often faces obstacles, such as weak law enforcement and a lack of consumer literacy. By integrating jihadist fiqh values such as justice, social responsibility, and transparency into positive regulation, the state can create a legal system that is not only procedural but also of strong normative value that protects consumers from harmful behavior (Jannah et al., 2025).

Furthermore, the literature in Islamic law also shows that the application of ta'zīr sanctions in the context of digital violations must pay attention to the principle of balance (*mīzān*) so that the punishment imposed is proportional to the level of loss and social impact. In other words, the determination of sanctions should not be arbitrary, but should consider the elements of prevention, remediation, and justice for both parties. Principle *mīzān* This is a benchmark that punishment is not just retribution, but also a means to maintain social order in digital muamalah (Hasan & Saini, 2024).

The jinahic fiqh approach that combines deterrent, preventive, and restorative effects is an idea that is relevant to modern legal challenges in e-commerce. This integration opens up space for the formation of a more holistic sharia-based consumer protection policy — covering aspects of positive law, Islamic business ethics, and moral values that uphold individual rights. This whole concept shows that sanctions in *fiqh jinayah* are not only repressive, but also educational and rehabilitative, so that they can have a long-term positive impact on consumers, business actors, and the development of e-commerce as a whole (Puad & Hamdi, 2025).

## E. CONCLUSION

Based on the results of the discussion in three sub-chapters, it can be concluded that consumer protection in e-commerce transactions has a high urgency in line with the increase in digital trade practices that have the potential to harm consumers. The concept of consumer protection in e-commerce transactions is not only based on positive law, but also acquires strong normative legitimacy in *fiqh jinayah* through the principles of justice, balance, security, and legal certainty. In the perspective of jinyah fiqh, various forms of violations in e-commerce transactions such as fraud (*tadlīs*), *gharar*, and harmful acts (*ḍarar*) are categorized as unlawful acts (*jarīmah*) that violate property rights (*ḥifẓ al-māl*) and the value of justice. Therefore, the application of ta'zīr sanctions is seen as relevant as a flexible and contextual legal instrument in providing a deterrent effect, preventive protection, and restorative justice for aggrieved consumers. The integration of the principles of *fiqh jinayah* with a positive legal system is expected to strengthen consumer protection in the digital era, as well as encourage the creation of e-commerce practices that are ethical, responsible, and in accordance with the values of Islamic law.

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