

Reconstruction of Consumer Protection Regarding the Provision of Halal Features in the Marketplace from the Perspective of Maqashid Syariah

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Abstract: Consumer protection in the marketplace is an important issue along with the increase in digital transactions in Indonesia. One aspect that needs to be considered is the provision of halal features on the marketplace to ensure that the products sold are in accordance with sharia principles. This study aims to analyze the regulation of halal features in the marketplace as well as the concept of consumer protection based on the perspective of Maqashid Sharia. The research method used is an empirical legal method with a statute approach and a conceptual approach. The results of the study show that although regulations regarding halal product assurance have been regulated in Law Number 33 of 2014 concerning Halal Product Assurance, there are still many marketplace platforms that have not provided halal features in a transparent manner, so that it has the potential to cause asymmetric information for Muslim consumers. From the perspective of Maqashid Sharia, the absence of halal features in the marketplace can hinder the fulfillment of the principles of *hifz al-din* (maintaining religion), *hifz al-nafs* (preserving the soul), and *hifz al-mal* (preserving property). Therefore, it is necessary to strengthen regulations and the responsibility of marketplaces in providing halal information symmetrically to improve the protection of Muslim consumers and realize fair transactions in accordance with sharia principles.

Keywords: Asymmetric Information; Consumer Protection; Marketplace; Maqashid Sharia.

1. Introduction

Marketplace is an online platform that connects sellers and buyers to transact buying and selling products/services on a shopping application website. On the platform, buyers will find products/services from several sellers from different online stores. Each product on the platform has been given detailed specifications and an explanation of the condition of each product (Thalib & Meinarni, 2019).

Indonesia is one of the countries with the largest Muslim population in the world. Based on data from the Directorate General of Population and Civil Registration (Ditjen Dukcapil) of the Ministry of Home Affairs (Kemendagri), as of the first semester of 2024 the population in Indonesia reached 282,477,584 people. Viewed based on religion, the majority or 87.08% of the Indonesian population is Muslim, totaling 245,973,915 people in the first half of this year (Muhammad, 2024). Seeing this, we need to be aware of the application of Islamic sharia principles in all activities, especially in terms of consumption.

There are several marketplace platforms that are currently widely used in Indonesia. Based on data quoted from Samaweb, shopee is the category of marketplace platform that received the most site visits in Indonesia throughout 2023. During January-December 2023, cumulatively the Shopee site received around 2.3 billion visits, the Tokopedia site received around 1.2 billion visits, and the Lazada site 762.4 million visits. Meanwhile, the Blibli site received 337.4 million visits, and the Bukalapak site 168.2 million visits (Ahdiat, 2024).

However, not all of the marketplace platforms mentioned above have halal features, including Lazada, Blibli, and Bukalapak. The halal feature itself is information that shows that a product has met the halal standards in Islamic law, including the provision

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of materials, processing, storage, packaging, distribution, sales, and presentation of products as regulated in Article 1 number 3 of Law Number 33 of 2014 concerning Halal Product Guarantees. This shows that not all available marketplace platforms provide clear information and provide protection and guarantees regarding the halalness of products traded and used by the public.

The concept of halal products is currently being widely discussed and considered as a product standard. Consumers of other religions, as well as Muslim consumers, are starting to make halal products the standard for the products they consume. Halal products are used as a reference or standard for guaranteeing the quality, cleanliness, health, and safety of the products they consume (Pramintasari & Fatmawati, 2020). Considering the large number of people who prefer to shop online rather than offline in Indonesia, with the majority of the population in Indonesia being Muslim, it is not surprising that more attention needs to be paid to halalness in accordance with sharia principles, especially for products and marketplace business actors (Faiza et al., 2022).

Regulations to protect consumers have been firmly and clearly regulated in Article 4 letters a and c. Law No. 8 of 1999 concerning Consumer Protection (UUPK) which emphasizes that every consumer has the right to comfort, security and safety in consuming goods and/or services, including the right to obtain correct, clear and honest information regarding the condition and guarantee of the goods and services purchased (Indonesia, 1999). In addition, Law Number 33 of 2014 concerning Halal Product Guarantee (UU JPH) in Article 4 stipulates that products entering, circulating, and traded in the territory of Indonesia must be halal certified (Minister of Law and Human Rights, 2014). This law aims to provide legal certainty regarding the halalness of products consumed by the public, especially Muslim consumers.

Unfortunately, halal features that can make it easier for consumers to choose products according to their beliefs have not been a priority on several of these large platforms. Legal protection of consumers in digital transactions is very important to ensure fairness and security for all parties involved (Widyastuti et al., 2022). Consumer protection in the marketplace must pay attention to sharia principles to ensure fair and transparent transactions (Fista & Machmud, 2023). In this context, the lack of halal features in large marketplaces such as Lazada, Blibli and Bukalapak is a gap that needs to be addressed immediately. As a platform that serves the wider community, the marketplace has a responsibility to ensure that the products sold meet sharia standards, especially for Muslim consumers.

Some previous studies which is used as a reference in this study which has a similar topic, this study is important to provide a comparative reference while avoiding similarities with existing research. First, the research conducted by Faiza, et al. (2022) by title "Shopee Barokah and Tokopedia Salam Features: Halal Marketplace Innovation as an Effort to Develop a Sharia-Based Digital Economy". This study aims to determine the great potential for demand for halal marketplaces in Indonesia, especially halal lifestyle which has become a trend today. Both sharia products and services have been provided to accommodate and meet the needs of Muslims so that Muslims do not need to worry that the products/services are not in accordance with Islamic law.

Second, research conducted by Firdaus Ridhan Zhafari (2024) entitled "Violation of the Law Against Consumer Rights by Business Actors in the Marketplace by Not Providing Clear Information Regarding Products" This study discusses that one of the most important aspects regarding the rights and obligations of the parties is the provision of clear and honest information regarding the goods or services that are the target of the sale and purchase transaction. This study highlights a specific case found in the Shopee marketplace involving the sale of misrepresented books, illustrating a violation of consumer rights as regulated in the Consumer Protection Law which expressly regulates the rights and obligations of consumers and business actors in carrying out business activities.

Third, research conducted by Bima Geofani, et al (2024) entitled "Legal Protection for Muslim Consumers in Obtaining Halal Product Guarantees for Online Transactions". This study states that legal protection for Muslim consumers in obtaining halal product guarantees for online transactions is to provide protection to Muslim consumers in terms of obtaining clear and correct information about halal products sold online, as well as giving them the right to obtain compensation if the product does not meet halal standards. In addition, business actors who sell online are required to ensure that the products sold have valid halal certification. Thus, Muslim consumers have the same legal protection in both conventional and online transactions to obtain halal product guarantees.

Based on previous research similar to this research, it can be said that this research is different from previous research, because this research aims: (1). To find out how important it is to regulate the provision of halal features in the marketplace; (2). To find out how the concept of consumer protection is related to the provision of halal features in the marketplace from the perspective of Maqashid Syariah.

2. Materials and Methods

This research is a normative legal research, namely research conducted by examining primary, secondary, and tertiary legal materials as the main data source. The approach used in this study consists of two main aspects, namely the statute approach and the conceptual approach. The statutory approach is an approach to all laws and regulations related to the problem, including Law No. 8 of 1999 concerning consumer protection (UUPK) and Law No. 33 of 2014 concerning Halal Product Guarantee (UU JPH). The conceptual approach is used to determine how the concept of consumer protection is related to the availability of halal features in the marketplace based on maqashid sharia. This study uses three types of legal materials, namely primary, secondary and tertiary legal materials. Primary legal materials include relevant laws and regulations that regulate halal product guarantees and consumer protection. Secondary legal materials are in the form of legal literature, scientific journals, and books that discuss maqashid sharia. Tertiary legal materials include legal dictionaries, encyclopedias, and other supporting references. Data collection is carried out through literature studies and legal document reviews. The data obtained are processed using qualitative methods, and described in accordance with analytical descriptions.

3. Results and Discussion

3.1 Maqashid Sharia

Maqashid Shari divided from two words, namely Maqashid and Syariah. The word maqashid is the plural form of maqshad which means intent and purpose. It is a mashdar mimi from the verb qashada, yaqshidu, qashdan. In terms of language, maqshad has several meanings: first, retreat, direction (explaining) and istiqamah on the journey (Scientific & Islamic, 2022). From the explanation above, it can be concluded that Maqashid Syari'ah refers to the direction or values desired in the implementation of Islamic law.

The purpose of sharia According to Syatibi's view, it refers to the unity of Islamic law in its origins and especially the unity in the objectives of the law. Syatibi explained that the concept of maqasid sharia emphasizes that the aim of the law is to fight for the good and welfare of humanity. Meanwhile, Wahbah Zuhaili revealed that maqasid sharia involves the meanings and objectives that are maintained by the sharia in all its laws or most of its laws. Apart from that, maqasid sharia also refers to the ultimate goal of sharia and the principles underlying every existing law (Widyaningsih, 2023). Within the framework of maqashid syariah, the principle of avoiding harm is given priority over pursuing benefits. This means that it is better to avoid actions that have the potential to harm key aspects of syariah, such as religion, life, intelligence, lineage, and wealth, than to pursue benefits that may harm these goals (Syam et al., 2024).

According to al-Ghazali, *maslahat* in its original meaning is *maslaha* in Islamic law is every thing that is intended to maintain the objectives of the sharia which are essentially summarized in *al-mabaadi' al-khamsyah*, namely *hifzd al-din* (protection of religion), *hifzd al-nafs* (soul), *hifzd -'aql* (reason), *hifdz al-nasl* (descendants), and *hifzd al-maal* (property). Every law that contains the aim of maintaining these five things is called *maslahat*, and every thing that causes the loss of these five elements is called *mafsadah* (Between & Dan, 2018). *The Good News of the World* as explained above, is as follows: (a) *Hifz al-Din* (Maintaining Religion) Maintaining and protecting religion as a spiritual and moral foundation in life. This involves practicing worship, studying religious teachings, and strengthening one's relationship with God. (b) *The Mindfulness of the Self* (Preserving the Soul) Preserving and protecting human life from the threat of danger, therefore sharia prohibits all actions that endanger oneself or others. (c) *The Mind of the Aql* (Maintaining the Mind) Maintaining the mind is related to intelligence, mental health and right thinking. Humans are prohibited from doing anything that can eliminate or damage the mind. Any action that leads to damage to the mind is a bad action. (d) *The Path of the Nasl* (Maintaining Offspring) Is an effort to maintain the family and build harmonious relationships between family members. (e) *Hifz al-Mal* (Maintaining Wealth) Humans need something that can fulfill their lives, for that they need wealth and humans must try to obtain it in a halal and good way. Maintaining wealth also means protecting property from exploitation and robbery.

3.2 Symmetric Information Halal Features on Marketplace

The principle of transparency and fairness in the Islamic economic system is the main foundation in every economic transaction. One important aspect that must be maintained in transactions is equality of access to information, known as symmetric information. Symmetric information on digital platforms means that buyers and sellers have access to the same or open information that aims to benefit consumers and business actors with transparency and trust. In ensuring the halalness of a product through strict regulations, digital platforms can increase customer trust through halal features. With clear regulations and effective supervision, buyers will feel safer and more confident when buying halal products on the marketplace (Btr et al., 2025).

Based on the data that has been presented previously, there are still... marketplace platforms that do not have halal features include Lazada, Blibli, and Bukalapak in e-commerce transactions, this phenomenon is then referred to as asymmetries information. Asymmetric Information is a situation where one party (buyer) does not have access to information compared to the other party (seller) regarding certain transactions such as buying and selling. In such transactions, the buyer has incomplete information while the seller may not provide detailed information.

The relationship between information asymmetry and Muslim consumer assurance in consuming halal products is that halal certification and labeling are important information for consumers to avoid misleading information, especially for Muslim consumers. As is known, the information gap (information asymmetries) regarding the halalness of a product makes it difficult, even impossible for consumers to evaluate the halalness of a product. Minimal information regarding the halalness of a product affects consumer objectivity in choosing a product, so it is important for business actors to provide detailed information about a product (Zulham, 2014).

Marketplace platform which provides symmetrical information about halal features directly has also implemented sharia principles by providing halal products and

providing clear information about the goods sold so that it can increase consumer confidence. In addition, buying and selling practices based on ethics and social responsibility also create a positive image for the sharia economy, so that people are more likely to choose transactions that are in accordance with Islamic values. Thus, buying and selling carried out on the marketplace is not only a buying and selling transaction but also a means to build trust and strengthen community integration in a fairer and more sustainable economic system (Syahra et al., 2024). Where in the Islamic economic system, the principle of al-adl (justice) demands a balance between the rights and obligations of both parties so that the transactions carried out remain within the corridor of Islamic ethics and law. Asymmetric information in transactions that occur on the marketplace platform can cause injustice to consumers, which is contrary to the principles of muamalah in Islam.

In addition to providing trust to consumers, of course symmetrical information on halal features in the marketplace can also improve the performance of business actors, but this certainly requires improvement efforts, namely as follows:

a. Increasing information transparency

Market players, sellers, and e-commerce platforms need to work on increasing the transparency of information about products, including quality, reliability, and authenticity. This can help reduce information asymmetry between sellers and consumers.

b. Strengthening seller reputation

Sellers should focus on building a strong and positive reputation in the online marketplace. This can be done by providing good service, providing quality products, and responding quickly to consumer feedback.

c. Strengthening consumer confidence

Market players and e-commerce platforms need to build consumer trust through policies other than clear halal labeling, which can also include clear product return mechanisms, secure payment protection, and personal data security. This will help reduce consumer concerns about information asymmetry and increase their trust in conducting online transactions (Budiutono, 2023).

This reaffirms that halal labeling on products traded in the marketplace provides assurance to Muslim consumers regarding the halalness of the product. In many cases, consumers only rely on information provided by the seller without being able to directly verify the halal status of the product. Therefore, a halal label recognized by an authoritative institution is an important instrument in ensuring that the products consumed are in accordance with sharia principles.

3.3 Symmetric Halal Information Settings On Marketplace

Symmetric information Halal in the marketplace refers to a condition where sellers and buyers have equal access to information about the products or services offered. In the context of halal products, symmetric information ensures that all parties have a clear understanding of the halalness of a product. Consumers before deciding to buy or use a product/service will certainly look for information about a product/service. Completeness of information, attractiveness and advantages of a product/service are

very determining factors for consumers to determine their choice. Therefore, information is the main thing needed by consumers

In Indonesia, protection of the halalness of products (food) is the main prerequisite that must be met by business actors so that their products can be traded because the distributed food will be absorbed (consumed) by the market whose consumers are mostly Muslim. As is known, the halalness factor of products (not limited to food products) is an important part of the lives of Muslim communities that must be obeyed because it is a religious command. Therefore, information about the content of food products and information on the halalness of products are things that must not be ignored by business actors so that they are suitable for distribution to the community (Angriyani & Gultom, 2021).

Regulations regarding halal certification in Indonesia have been comprehensively regulated in Law Number 33 of 2014 concerning Halal Product Assurance (JPH). In Article 1 paragraph (1) of the JPH Law, what is meant by products are goods and/or services related to food, beverages, medicines, cosmetics, chemical products, biological products, genetically engineered products, and goods used, utilized, or utilized by the community. Furthermore, what is meant by halal products in Article 1 paragraph (2) of the JPH Law is products that have been declared halal in accordance with Islamic law (Minister of Law and Human Rights, 2014).

The obligation of halal certification and labeling in the JPH Law is regulated in Article 4 of the JPH Law which states that, Products that enter, circulate, and are traded in the territory of Indonesia must be halal certified. Based on the formulation of Article 4 of the JPH Law, it can be understood that the regulation of halal product certification and labeling contains mandatory norms, because every product traded in Indonesia must be halal certified (Zulham, 2014). In addition, the existence of a guarantee that products consumed by the public (consumers) meet safety and health aspects is certainly very relevant to Article 1 paragraph (1) of Law Number 8 of 1999 concerning Consumer Protection. As Article 1 paragraph (1) states, Consumer protection is all efforts that guarantee legal certainty to provide protection to consumers (Indonesia, 1999). The Consumer Protection Law also regulates the rights and obligations of consumers and business actors. Consumers have rights as regulated in Article 4 letters a and c, namely the right to comfort, security, and safety in consuming goods and/or services; and the right to correct, clear, and honest information regarding the condition and guarantee of goods and/or services (Indonesia, 1999).

This is also in line with the obligations of business actors as stated in Article 7 letters a, b, and d, namely that business actors have good intentions in carrying out their business activities; provide correct, clear and honest information regarding the condition and guarantee of goods and/or services and provide an explanation of use, repair and maintenance; and guarantee the quality of goods and/or services produced and/or traded based on the provisions of applicable goods and/or services quality standards (Indonesia, 1999).

The logical consequence of this is that consumers have the right to obtain clear and complete information about the product content, the materials used and the halalness of the product to be consumed, while business actors (producers) are obliged to provide

accurate product information or certify the halalness of their products and provide a halal label on the packaging (Angriyani & Gultom, 2021). Apart from that, Article 26 paragraph (2) of the JPH Law states that business actors who produce products from haram materials are required to include a statement stating that their products are not halal (Minister of Law and Human Rights, 2014) so that consumers get balanced information in obtaining a product.

Consumer rights and business actors' obligations regarding symmetric information, then marketplace platform service providers are required to provide halal features as a form of fulfilling consumer rights to obtain correct information, so that consumers do not have difficulty in mapping or finding products that are in accordance with sharia principles. This is certainly in line with the objectives of consumer protection contained in UUPK Article 3 letters c, de and f which state that increasing consumer empowerment in choosing, determining, and demanding their rights as consumers; creating a consumer protection system that contains elements of legal certainty and openness of information and access to obtain information; fostering awareness of business actors regarding the importance of consumer protection so that an honest and responsible attitude grows in doing business; improving the quality of goods and/or services that guarantee the continuity of the production of goods and/or services, health, comfort, security, and safety of consumers. However, there are shortcomings of the JPH Law which only focuses on production. At the distribution level, especially on the marketplace platform, it is not stated directly and explicitly how the concept of providing information related to the products traded is.

3.4 Consumer Protection Concept Regarding the Provision of Symmetric Halal Information in the Marketplace from the Perspective of Maqashid Syariah

Every activity in the context of maqashid sharia is directed to maintain five things (al-dharuriyat al-khamsah), namely religion, soul, mind, descendants, and property. Maintaining these five things is absolutely necessary because it will greatly affect the welfare of human life by realizing maslahah and avoiding harm which is the core and main goal of the theory of maqashid sharia (Trihafsari & Permata, 2024).

These five dharuriyat are absolute musts for humans. Therefore, Allah commands us to make every effort for their existence and perfection. On the other hand, Allah forbids us from doing things that can eliminate or reduce any of the five dharuriyat. Any action that can realize or preserve the five basic elements is good, and therefore must be done, while any action that damages or reduces the value of the five basic elements is bad, and therefore must be avoided (Suhaimi et al., 2023).

Maqashid sharia is a concept in Islamic law that aims to achieve benefits (maslahah) and avoid harm (mafsadah). In the context of consumer protection related to symmetric halal information on the marketplace, maqashid sharia can be applied in various aspects to ensure the sustainability of ethical trade and in accordance with Islamic principles. This shows that symmetric information halal features on the marketplace are not in line with maqashid sharia, because they do not fulfill three of the five objectives of sharia (al-dharuriyat al-khamsah), namely as follows:

a. *Hifz al-Din*(maintain religion)

Absence of *symmetric information* halal features on the marketplace make it difficult for Muslim consumers to choose halal and non-halal products, which can cause consumers to unknowingly consume products that are prohibited in Islam. This has the potential to damage religious awareness and endanger compliance with Islamic law. The halal feature allows Muslim consumers to choose products that are truly guaranteed to be halal without worrying about hidden haram elements in transactions.

b. *Hifz an-Nafs*(maintaining the soul)

Specifically focusing on protecting the safety and well-being of individuals, the absence of a halal label on products sold in the marketplace can have a very detrimental impact, especially for Muslim consumers. Protection of the soul is not only related to physical health, but also includes psychological and moral aspects that also determine a person's well-being. One of the most relevant examples is in food and cosmetic products. These products, if not guaranteed halal, have the potential to contain ingredients that are not in accordance with sharia principles, which can directly harm the body. Moreover, consuming products that are not in accordance with religious teachings can cause feelings of guilt, which in turn has an impact on the mental well-being of consumers. Uncertainty about the halal status of a product is a major problem, because it can lead to wrong decision-making, which of course has the potential to cause harm to both the body and the soul.

c. *Hifz al-Mal*(maintaining property)

The existence of halal features on the marketplace is very important so that consumers are not disadvantaged in transactions that contain elements of *gharar* (uncertainty) and *tadlis* (information manipulation). Many business actors include halal labels without proof of official certification, of course it can mislead consumers. This activity is included in the category of *gharar*, which is prohibited in Islam because it creates uncertainty in transactions. In this case, the marketplace must ensure that products claimed to be halal actually have valid halal certification. In addition, *tadlis* occurs when products are sold with deceptive information, such as using halal labels that are not certified by authorized institutions.

This view is also strengthened by the principle, "where there is benefit, there is Allah's law." (Zulham, 2018) According to researchers, these three aspects have a very large impact if the marketplace does not provide *symmetric information* halal features. Therefore, it is mandatory for the marketplace to accommodate the needs of Muslim consumers by providing *symmetric information* halal features that ensure clear information regarding halal and non-halal certified products. This not only increases consumer trust but also supports a more ethical, transparent, and Islamically compliant trading ecosystem.

4. Conclusions

This study highlights the importance of consumer protection in the marketplace related to the provision of halal features as a form of compliance with sharia principles. Based on

the analysis conducted, it can be concluded that although regulations regarding halal product guarantees have been regulated in Law Number 33 of 2014 concerning Halal Product Guarantees (UU JPH) and Law Number 8 of 1999 concerning Consumer Protection (UUPK), the implementation of halal features in the marketplace is still uneven. Several large marketplaces in Indonesia have not provided this feature optimally, resulting in asymmetric information for Muslim consumers in choosing products that have been certified halal.

From the perspective of Maqashid Syariah, the absence of halal features in the marketplace is contrary to the principles of protecting religion (hifz al-din), life (hifz al-nafs), and property (hifz al-mal). The lack of transparency of halal information can result in Muslim consumers consuming products that are not in accordance with sharia principles, potentially causing misleading information, and increasing the risk of fraud in transactions in the marketplace. Therefore, concrete steps are needed to overcome this problem, such as strengthening supervision of marketplace managers, and increasing consumer literacy regarding halal products. Thus, it is hoped that the marketplace ecosystem in Indonesia can be more inclusive, fair, and in accordance with sharia values, thereby providing better protection for Muslim consumers.

This research shows that the norms in the JPH Law are still limited to the production aspect and do not explicitly cover digital distribution through marketplace platforms. Based on these findings, we recommend revising the JPH Law to include specific provisions regarding the responsibilities of digital platforms in displaying product halal information transparently and symmetrically. Concrete steps that can be taken include technical regulations by BPJPH and Kominfo to set minimum standards for the display of halal labels on digital platforms, including the requirement to link to the national halal certification database.

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