



CONSUMER PROTECTION FROM MISLEADING ADVERTISING ON THE TIKTOK DIGITAL PLATFORM: IBN TAIMIYAH'S PERSPECTIVE

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ABSTRACT

*The development of digital technology has given rise to social media platforms like TikTok as a massive marketing tool, especially for young consumers. However, the rise of misleading advertising with manipulative content poses serious risks, particularly to children and students with limited digital literacy. This study aims to analyze misleading advertising practices on TikTok from the perspective of Ibn Taymiyyah, focusing on the concept of *tadlis* (fraud) and the urgency of normative and moral consumer protection. The method used is normative juridical research enriched with empirical data through literature review and interviews with student TikTok users. The results show that misleading advertising has significantly harmed young consumers and has not received adequate legal protection, both in terms of national regulations and digital platform oversight. Ibn Taymiyyah's thoughts, particularly the principle of *hisbah*, provide an ethical foundation for strengthening a consumer protection system based on justice, honesty, and moral responsibility. This study recommends reformulating national regulations, establishing a digital supervisory authority, and strengthening digital consumer literacy based on Islamic values.*

Keywords: Consumer Protection, Misleading Advertising, TikTok, Ibn Taymiyyah

1. INTRODUCTION

The development of digital technology has brought about significant transformations in people's communication patterns and consumption behavior. Social media is no longer simply a vehicle for social interaction but has evolved into a highly effective marketing medium. One prominent platform in this context is TikTok, a short-form video-based app that is extremely popular among the younger generation. Through artificial intelligence algorithms, TikTok is able to

deliver personalized and persuasive promotional content, making it a fertile ground for cross-sector commercial activity (Fera & Mirzam, 2024).

However, this advancement brings new challenges in the realm of consumer protection. The phenomenon of misleading advertising has become a crucial problem, particularly because promotional content often includes exaggerated claims, false testimonials, and product visualizations that do not reflect reality. These advertisements are presented in the form of engaging videos and emotional narratives, which often mislead young consumers with low digital literacy (Silalahi, Sibatuara, & Aliza, 2023). Children and students are the groups most vulnerable to misleading advertising practices, given their limited ability to discern information and their tendency to make impulsive consumption decisions (Hasanah, Wirawan, & Zainuri, 2022).

From a positive legal perspective, Indonesia has Law Number 8 of 1999 concerning Consumer Protection, which prohibits businesses from disseminating false or misleading information when marketing products or services (Republic of Indonesia, 1999). However, this regulation faces challenges in its application to cross-border digital platforms like TikTok, which are not under the direct jurisdiction of the Indonesian Broadcasting Commission (KPI) or other national regulatory agencies (State Gazette of the Republic of Indonesia, 2016). This creates a legal vacuum in digital advertising oversight and exacerbates consumer vulnerability.

From an Islamic legal perspective, misleading advertising practices can be categorized as a form of fraud (*tadlis*) and uncertainty (*gharar*) in transactions, which are expressly prohibited by classical Islamic scholars. One figure who placed great emphasis on fairness and transparency in transactions was Ibn Taymiyyah, who considered *tadlis* a form of injustice and betrayal that invalidates the sale and purchase agreement (Ibn Taymiyyah in Lubis & Ismaulina, 2020). Furthermore, Ibn Taymiyyah's concept of *hisbah* reinforced the importance of the presence of authorities to protect the market from unfair practices (Hajar, 2021).

This study is significant because until now, studies on misleading advertising on digital platforms have generally focused on positive law and technological aspects, while normative approaches based on Islamic ethics have not been explored in depth. This is where the research gap lies, which this study aims to address: integrating a normative juridical approach with the principles of *muamalah* jurisprudence (*fiqh muamalah*) to build a digital consumer protection system that is not only formal and legal, but also imbued with moral values and substantial justice (Nurjanah et al., 2024).

Therefore, this study aims to:

1. Analyze the phenomenon of misleading advertising on TikTok based on Indonesian positive law regulations;
2. Examine the concepts of fraud (*tadlis*) and *hisbah* in the thought of Ibn Taymiyyah;

3. Develop a consumer protection model based on the integration of positive law and muamalah jurisprudence in the digital context.

With this approach, research is expected to provide theoretical and practical contributions in developing consumer protection policies that are more adaptive to the challenges of the digital era, and in line with Islamic values that uphold honesty, justice, and social responsibility (Moten, 2011; Sofwan, 2017).

2. RESEARCH METHOD

This research uses a normative-juridical approach combined with empirical studies. The normative-juridical approach is used to examine applicable laws and regulations, including Law Number 8 of 1999 concerning Consumer Protection and Law Number 35 of 2014 concerning Child Protection, as well as Islamic legal principles from the thoughts of Ibn Taymiyyah regarding the prohibition of *tadlis* (fraud) in economic transactions (Republic of Indonesia, 1999; Government of the Republic of Indonesia, 2014; Lubis & Ismaulina, 2020).

Meanwhile, an empirical approach is used to strengthen the normative study with factual data through field studies. This research is descriptive-analytical, describing the phenomenon of misleading advertising on TikTok and evaluating the relevance of the positive legal framework and principles of Islamic jurisprudence (Astawa et al., 2023).

The informant selection technique used a purposive sampling method with the following criteria: (1) high school students/equivalent who actively use TikTok; (2) have experience making purchases through TikTok Shop; and (3) have experienced a discrepancy between the advertisement and the product received. The informants consisted of four students in Medan City, representing adolescent digital consumers (Hasanah et al., 2022).

The primary data in this study consisted of: relevant national laws and regulations (the Consumer Protection Law and the Child Protection Law); Ibn Taymiyyah's thoughts as examined through his works such as *Majmū' al-Fatāwā* and contemporary interpretations of *fiqh muamalah* literature; and in-depth interviews with informants.

Secondary data was obtained from scientific journals, legal textbooks, research reports from state institutions (such as the Ministry of Communication and Information and the Indonesian Corruption Eradication Commission), as well as Islamic literature and digital consumer protection policies (Silalahi et al., 2023; Hajar, 2021).

Data collection was conducted through literature review and semi-structured interviews. A literature review was used to examine the legal framework and Islamic principles, while interviews were conducted to obtain field data related to adolescent consumers' experiences with misleading advertising on TikTok.

To ensure data validity, source triangulation was used, comparing student interview findings with information from legal regulations and scientific literature. Additionally, triangulation was conducted with third parties, including students' mentors and academic literature for corroboration (Creswell, 2016).

The data were analyzed using a normative-prescriptive method to develop an ideal legal and ethical formulation for responding to the phenomenon of misleading advertising. The analysis stages followed the model of Miles, Huberman, & Saldana (2014):

1. Data condensation: filtering relevant legal and field data;
2. Data display: compiling findings into a thematic matrix of normative and empirical data;
3. Conclusion drawing/verification: formulating legal solutions and an Islamic approach to digital consumer protection in a substantive and contextual manner.

With this approach, this research is expected to bridge the gap in positive regulations and the need for moral protection for consumers, particularly children and adolescents, in the digital space based on Islamic values.

3. RESULT AND ANALYSIS

The Phenomenon of Misleading Advertising on TikTok and Its Vulnerability to Young Consumers

The TikTok platform has developed into a powerful digital marketing ecosystem, particularly among teenagers, who are the dominant users (Fera & Mirzam, 2024). Ease of access, engaging visual interactions, and personalized algorithms make it easier for users to accept promotional content without critical evaluation. Interviews in this study indicate that the majority of students purchase products on TikTok influenced by attractive displays, celebrity testimonials, and emotional narratives without verifying the information's veracity.

This demonstrates an information asymmetry between sellers and consumers. According to information economics theory, when one party has more information and intentionally conceals it, there is potential economic loss for the other party (Lubis & Ismaulina, 2020). In this context, young consumers are easily deceived by advertising claims such as "thick and high-quality products" that turn out to be mere visual illusions. The following are field findings as a result of research.

No	Informant	Answer 1	Answer 2	Answer 3	Answer 4
1	Name: Naila Normansyah Age: 18 Tahun School: MAN 1	"Yes, I've shopped at TikTok Shop. I think it's easy	I've at about products from ads that appear on my	"I usually learn about products that appear on my advertised	"Yes, I've purchased products on the ad, but when

	Medan TikTok Account: Nailaa_244	and fun to feed. Sometimes, I also browse the storefront, especially when there's an interesting video that showcases the product in a creative way. So, you could say I learn about them both ways."	shop there. There are many unique products that you might not find easily elsewhere."	TikTok. Usually, the product catches my attention because there are testimonials or reviews from other users that pique my curiosity. Sometimes, I also like to see videos showing their TikTok account." product, which convinces me to buy it."	they arrived, the material turned out to be thin and not as promised. I've experienced this many times. As a step to combat fraudulent advertising, I left a comment directly through their TikTok account."
2	Name: Nabila Salwa Bila Age: 17 Tahun School: MAN 1 Medan TikTok Account: Nabila_Salwabila	"Yes, I've shopped at TikTok Shop. The shopping experience was quite enjoyable because there was a wide selection of unique and interesting products. Plus, the purchasing process was easy and fast."	"I usually learn about products from ads that appear on my For You Page (FYP) and also from videos I watch. TikTok has a cool way of showcasing products, so sometimes I'm even interested in discovering more by browsing the storefront."	"Yes, I've purchased products advertised on TikTok. I usually buy after seeing reviews or product demos from creators I follow. Their testimonials often convince me that the product is worth buying."	"The shoes I bought from the TikTok ad looked nice and high-quality. I ordered the correct size, but when they arrived, the material wasn't as expected."
3	Name: Fitri Maulida Age: 17 Tahun School: SMA Negeri 1 Medan	"Yes, I've shopped at TikTok Shop. I think it's fun	"I usually learn about products from ads that appear on my	"Yes, I've purchased products after seeing reviews	"I once bought sunscreen, and the ad stated it was a 14mm size.

	TikTok Account:	Fitri Maulida	to shop there because there's a wide selection of interesting products and sometimes they have promotions that make the prices more affordable."	feed. I also sometimes browse the storefront to find trending items or items that are popular among my friends. So, I could say I learn about them both ways."	or usage videos from other users. It really helps me make a decision."	However, when the items arrived, I received a 15mm size, which turned out to be smaller."
4	Name: Age: 17 School: MAN 1 TikTok Account:	Putri Ramadhani Tahun Medan Putriramadhani_123	"Yes, I've shopped at TikTok Shop. It was quite exciting because there are many unusual products and sometimes they have attractive discounts."	"Mostly, I learn about products from ads that appear on my FYP. TikTok has an algorithm that's really good at making relevant ads appear based on our interests. I also enjoy browsing the storefront, especially when I see creative videos that make the product look appealing."	"I've purchased skincare products after seeing lots of positive reviews and convincing usage videos."	"I once bought shoes in the size I ordered, but the item didn't live up to my expectations. This was the second time I'd been disappointed. I left a negative review on TikTok."

A Normative Review of Consumer Protection Regulations in Indonesia. Legally, consumer protection in Indonesia is regulated by Law Number 8 of 1999 concerning Consumer Protection, which explicitly prohibits businesses from disseminating misleading information or advertising. However, this regulation has

not fully addressed the complexities of cross-border digital transactions, such as those occurring on TikTok. Jurisdictional limitations, differences in consumer protection standards between countries, and the dynamics of changing digital technology present challenges in implementing consumer protection in the digital era (Silalahi, 2023).

The scope of consumer protection can be divided into two aspects:

1. Protection against the possibility that goods delivered to consumers do not match what was agreed upon.
2. Protection against the imposition of unfair terms and conditions on consumers (Zulham, 2013).

Consumer protection has a broad scope, encompassing consumer protection for goods and services, starting from the stage of obtaining goods and services to the consequences of using those goods and/or services (Hulman, 2021).

1. Protecting consumers from deceptive and misleading business practices.
2. Integrating the implementation, development, and regulation of consumer protection with protection in other sectors.

Furthermore, empirical findings also indicate students' weak legal awareness of consumer rights and the lack of easily accessible digital reporting mechanisms (Silalahi et al., 2023). One informant's statement, "We don't know where to report it, so we prefer to stay silent," reinforces the fact that legal protection is not yet effectively present in the digital space.

Limitations of Positive Legal Regulations on Cross-Border Digital Advertising

Normatively, Law No. 8 of 1999 concerning Consumer Protection prohibits all forms of misleading advertising, including advertisements that use false testimonials, unsubstantiated claims, and exaggerated promises (Republic of Indonesia, 1999). However, this regulation has proven incapable of addressing the complexities of cross-border digital advertising practices, such as those occurring on TikTok. The platform is not under the jurisdiction of the Indonesian Broadcasting Commission (KPI) or any other national supervisory agency, creating legal loopholes in digital law enforcement (State Gazette, 2016).

The absence of a sanction mechanism for foreign businesses that advertise aggressively but do not have a legal entity in Indonesia is a major challenge to consumer protection. Furthermore, the lack of a specialized and adaptive digital advertising supervisory agency also hinders the preventive and repressive action taken against misleading advertising cases (Hasanah et al., 2022).

Ibn Taimiyah's perspective on Tadlis as a basis for digital economic ethics

In the treasury of Islamic economic thought, Ibn Taymiyyah placed great emphasis on the principles of justice and honesty in transactions. He strictly prohibited all forms of Tadlis, transactions involving information unknown to either party. Every transaction in Islam must be based on the principle of mutual consent between both parties. They must have the same information so that neither party feels cheated or deceived due to circumstances where one party is unaware of information known to the other.

Tadlis is also an imperfect transaction involving fraud, either by the seller or the buyer of goods or money. Fraudulent selling occurs when a seller conceals defects in their merchandise from the buyer, even though they know about them. Fraudulent buying occurs when a buyer manipulates the payment method, even though they know about it. This can include paying with counterfeit money or an expired ticket (Fauzi, 2017)

All forms of digital fraud like this are essentially the same as the tadlis (traditional fraud) prohibited by Ibn Taymiyyah, namely deception or concealment of truth in transactions. Although the methods of fraud differ, the essence remains a violation of the principles of honesty and fairness in buying and selling (Moten, 2011). Tadlis transactions also contain elements of deception that can harm one of the parties. In the current context, tadlis can be identified in misleading advertising practices, such as exaggerated claims, false testimonials, and visual manipulation, which are rampant on digital platforms.

In the context of Islamic law, the practice of misleading advertising is very relevant to be studied through the concept of tadlis in muamalah. Ibnu Taimiyah firmly stated that every form of fraud in transactions—whether by hiding defects in goods, embellishing false quality, or manipulating prices—is a haram act and invalidates the sale and purchase contract (Lubis & Ismaulina, 2020).

Ibn Taimiyah stated:

"If someone sells an item that has a defect that he knows about, but does not explain it to the buyer, then he has truly deceived him and betrayed him. This is a form of great injustice, and buying and selling in conditions like this is void."
(*Majmū' al-Fatāwā*)

Advertising practices on TikTok that over-present products, cover up shortcomings, or use fake testimonials fall into the tadlis category. This violation not only violates ethics but also undermines the principles of justice and transparency that are the foundation of Islamic transactions (Nurjanah et al., 2024).

The Urgency of Hisbah and Digital Market Supervision

Ibn Taymiyyah also emphasized the importance of the state's role, through the institution of hisbah, in overseeing trade to prevent fraud and injustice. In the context of the digital era, hisbah can be interpreted as a system of active state

oversight of online commercial practices, including monitoring digital advertising (Hajar, 2021).

The state must carry out its regulatory function to ensure fairness in digital transactions, protect consumers, and uphold the value of transparency. Using the *maqāṣid al-shari'ah* approach, these efforts are part of safeguarding people's wealth and intellect from being damaged by information manipulation and economic exploitation (Moten, 2011).

Strategic Implications for Islamic Value-Based Digital Consumer Protection

Based on the above analysis, it can be concluded that consumer protection in the digital era must be multidimensional: legal, ethical, and educational. National policy reformulation is crucial for creating adaptive and transnational regulations. Furthermore, an Islamic approach, including the prohibition of *tadlis* (traditional fraud), the implementation of *hisbah* (religious practices), and the value of *ṣidq* (honesty), needs to be integrated into the digital consumer protection system.

Consumer education based on Islamic values is also an essential preventative strategy. Students need to be equipped with digital literacy and ethical transactions to recognize advertising manipulation and make informed purchases. Thus, protection is not only legally normative but also embedded in individual consciousness (Astawa et al., 2023; Sofwan, 2017).

4. CONCLUSION

The phenomenon of misleading advertising on digital platforms like TikTok presents a serious challenge to consumer protection, particularly among young people such as students and children. Empirical findings from interviews and observations demonstrate that young consumers frequently fall victim to misleading promotions, whether through unrealistic product claims, visual manipulation, or false testimonials. This is exacerbated by low digital literacy, ignorance of consumer rights, and the absence of easily accessible and responsive reporting mechanisms.

From a regulatory perspective, Law Number 8 of 1999 concerning Consumer Protection prohibits misleading information and advertising. However, its implementation in a cross-border digital context still faces significant obstacles, primarily due to the lack of a specific supervisory authority to handle digital advertising and the unclear accountability mechanisms for platforms like TikTok, which operate transnationally. This demonstrates a gap between positive legal texts and the dynamic and complex digital reality.

From an Islamic legal perspective, the practice of misleading advertising can be categorized as a form of *tadlis*, namely, fraud committed by concealing important information or manipulating facts in transactions. Ibn Taymiyyah firmly rejected all forms of transactions containing elements of ambiguity, injustice, or

manipulation. The concept of hisbah, the state's obligation to supervise markets to prevent fraud and injustice, serves as a normative basis for affirming the state's role in protecting consumers from harmful and unethical economic practices.

Therefore, digital consumer protection in the context of misleading advertising cannot be based solely on formal legal regulations. An integrative approach is needed that combines positive law with Islamic ethical principles to build a protection system that is not only legally valid but also morally just. Ibn Taymiyyah's thinking makes significant conceptual contributions to framing this issue, particularly through the concepts of *tadlis*, *hisbah*, and the principle of *ṣidq* (honesty) in transactions.

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