



CONSUMER PROTECTION AGAINST COUNTERFEIT MOTORCYCLE OIL PRODUCTS FROM THE MAQASID SYARIAH PERSPECTIVE (CASE STUDY OF WORKSHOPS IN MEDAN AREA DISTRICT)

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Article Info

Article history:

Received :

Revised :

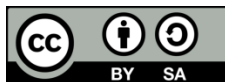
Accepted :

Available online

<http://jurnal.uinsu.ac.id/index.php/analytica>

E-ISSN: 2541-5263

P-ISSN: 1411-4380



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ABSTRACT

The circulation of counterfeit motorcycle oil poses serious threats to consumer safety and economic welfare, as it degrades engine performance, increases the risk of mechanical failure, and endangers lives. While consumer protection laws in Indonesia provide a legal framework to address such issues, enforcement remains weak, and public awareness is limited. This study offers a novel integration of the Maqasid Shari'ah perspective particularly the principles of Hifz al-Mal (protection of wealth) and Hifz an-Nafs (protection of life) with empirical legal analysis to assess consumer protection against counterfeit oil circulation in Medan Area workshops. Using an empirical juridical method and a qualitative descriptive approach, data were obtained through interviews with workshop owners, consumers, and relevant stakeholders, as well as literature and regulatory reviews. The findings reveal that counterfeit oil circulation not only violates positive law but also undermines fundamental Shari'ah objectives, resulting in significant financial losses and heightened accident risks. The study contributes to the discourse by demonstrating the relevance of Islamic legal principles in strengthening consumer protection mechanisms. Practical implications include the need for stricter law enforcement, targeted consumer education, and collaborative monitoring between government agencies, industry players, and community organizations to effectively curb the distribution of counterfeit motorcycle oil.

Keywords: Consumer Protection, Fake Oil, Maqasid Shari'ah

1. INTRODUCTION

Consumer protection is a crucial pillar of the modern trade system, particularly in the automotive sector, which directly impacts user safety and comfort (Zulham, 2013). One serious issue that continues to emerge is the widespread circulation of counterfeit motorcycle oil, including in the Medan Area District. These counterfeit products not only reduce engine performance and shorten vehicle lifespan, but

also increase the risk of traffic accidents, threatening the lives of users (Wilatika & Osmawati, 2022).

Legally, Law Number 8 of 1999 concerning Consumer Protection guarantees consumers' rights to obtain safe, high-quality goods that meet the information provided (President of the Republic of Indonesia, 1999). However, the reality on the ground demonstrates weak implementation and oversight, resulting in the continued prevalence of counterfeit oil products. Low consumer awareness, limited ability to distinguish genuine from counterfeit products, and economic motives of business actors are the main driving factors behind this phenomenon (Suparyanto & Rosad, 2020).

From the Maqasid Sharia perspective, this phenomenon violates the principles of Hifz al-Mal (protection of property) and Hifz an-Nafs (protection of the soul) (Al-Syatibi, 1997; Muhammad, 2004). Circulation of fake oil is not only financially detrimental, but also has the potential to cause fatal damage to engines which can trigger accidents. In addition, fraudulent practices in trade like this clearly conflict with the principles of justice, honesty (*amanah*), and openness (transparency) in Islamic muamalah (Zulfa et al., 2023).

Previous research has discussed consumer protection against unsuitable products from the perspective of positive law (Aryet, 2025; Sri Arlina & Prasja, 2022) and Islamic law (Permata, 2024). However, studies that integrate Maqasid Syariah principles in depth in the context of consumer protection for counterfeit motorbike oil are still rare, especially in regional-based studies such as the Medan Area. This represents an important research gap to fill, given its multidimensional impacts, including economic, safety, and trade morality.

The urgency of this research lies not only in its academic aspects, but also in its practical implications for consumer protection policy in Indonesia. By combining positive legal analysis with the principles of Maqasid Sharia, this research is expected to provide a more comprehensive conceptual framework and strategic recommendations. The novelty of this research lies in its integrative approach, combining the normative perspective of Islamic law with empirical field data, thereby enriching the literature and providing applicable solutions.

Therefore, this study aims to: (1) identify the factors causing the circulation of counterfeit motorcycle oil in Medan Area District; (2) analyze it from a Maqasid Sharia perspective; and (3) evaluate the effectiveness of existing consumer protection regulations in order to formulate strategic steps to minimize trade practices that harm the public.

2. RESEARCH METHOD

This study uses an empirical juridical method with a qualitative descriptive approach, aiming to analyze consumer protection against the circulation of counterfeit motorcycle oil in Medan Area District from the perspective of Maqasid

Syariah (Islamic Law). The empirical juridical method was chosen because it is relevant to examining the application of legal norms in practice, combining positive legal data with social facts in the field (Marzuki, 2005; Muhammad, 2004). The qualitative descriptive approach was used to describe the phenomenon in depth based on primary and secondary data. This study not only captures the factual conditions but also analyzes them using the legal basis and principles of Maqasid Syariah as a normative perspective (Abdussamad, 2021).

Primary data were obtained through in-depth interviews with 10 informants, consisting of workshop owners, consumers, and representatives of relevant institutions, including the Non-Governmental Consumer Protection Institute (LPKSM). A purposive sampling technique was used to select informants with direct experience with the circulation of counterfeit oil (Sugiyono, 2019).

Secondary data was collected through a literature review, including: relevant laws and regulations, such as Law Number 8 of 1999 concerning Consumer Protection and Law Number 7 of 2014 concerning Trade; scientific literature on consumer protection, Islamic law, and Maqasid Sharia; journal articles, books, and trusted online sources.

Data analysis was conducted using the interactive model of Miles and Huberman (1994), which includes three stages: data reduction, which involves selecting, simplifying, and organizing interview and observation data; data presentation, which involves organizing data in narrative form, tables, and direct quotations from informants; and conclusion drawing and verification, which involves interpreting the data to answer the research questions.

This analysis was combined with a study of Maqasid Sharia to assess the compliance of oil trading practices with the principles of Hifz al-Mal (protection of property) and Hifz an-Nafs (protection of life), as well as the theory of strict liability in consumer protection law (Zulham, 2013).

To ensure validity, this study employed triangulation of sources and methods (Patton, 2015). Triangulation was conducted by comparing interview results with various informants, direct observations at workshops, and regulatory documents and literature.

With this methodological design, the study is expected to provide a complete and comprehensive picture of counterfeit oil distribution practices, as well as strategic recommendations for strengthening consumer protection based on positive legal perspectives and Sharia values.

3. RESULT AND ANALYSIS

Maqasid Syariah is a fundamental theory in Islamic law which explains the main objectives of the enactment of sharia. Etymologically, maqasid means aim or purpose, while sharia refers to God's rules or laws that regulate human life. This concept has developed in classical to contemporary Islamic thought, which

generally agrees that the main aim of the Shari'a is to create benefit (maslahah) and avoid harm (mafsadah) in all aspects of life.

Scholars such as Al-Ghazali, Al-Syatibi, and Ibn Ashur explained that the five main aspects of Maqasid Sharia (al-kulliyat al-khams) include protection of religion (ḥifẓ al-dīn), soul (ḥifẓ al-nafs), reason (ḥifẓ al-'aql), descendants (ḥifẓ al-nasl), and property. (ḥifẓ al-māl). From the perspective of Maqasid Sharia, consumer protection against counterfeit products, such as motorcycle oil, is closely linked to the principle of safeguarding life and property. The sale of counterfeit oil not only harms consumers financially but can also endanger the safety of vehicle users.

This violates the basic principles of Islamic muamalah, which emphasize honesty, transparency, and responsibility in every transaction. In Islamic economic practice, deception (ghisy), ambiguity (gharar), and fraud (tadlis) are strictly prohibited behaviors as they contradict the maqasid.

Therefore, enforcing consumer protection against counterfeit products from the perspective of Maqasid Sharia is not merely a technical or positive legal issue, but rather part of an ethical and moral commitment to upholding basic human rights, protecting society from harm, and ensuring the continuity of fair, honest, and civilized economic activities. This Maqasid Sharia approach provides a strong normative basis for the formation of consumer protection regulations and policies within a modern legal system based on Islamic values.

The Practice of Circulating Counterfeit Motorcycle Oil in Medan Area District

Observations and interviews indicate that the circulation of counterfeit motorcycle oil in workshops in Medan Area District is quite widespread. The dominant factors driving this practice include:

1. Lower Selling Price – Counterfeit oil is sold at a lower price than genuine oil, attracting price-sensitive consumers (Wilatika & Osmawati, 2022).
2. Low Consumer Awareness – Many consumers are unaware of the physical differences between genuine and counterfeit oil, making them easily deceived (Suparyanto & Rosad, 2020).
3. Economic Motives of Business Actors – Workshop owners tend to choose to sell counterfeit oil because of the higher profit margins, despite being aware of the risk of damage to consumers' engines.

One workshop owner, Mr. Ading, admitted that the sale of counterfeit oil is carried out behind closed doors to avoid public disclosure. This reinforces the finding that the distribution of counterfeit oil is systematic and involves a network of suppliers at the local level.

Impact on Consumers

The use of counterfeit oil results in:

1. Damage to engine components, which accelerates the decline in vehicle performance.
2. Increased maintenance costs, as consumers require more frequent servicing.
3. Potential accidents due to engine malfunctions, which threaten the safety of drivers (Hifz an-Nafs).

Applicable Legal Framework

The circulation of counterfeit oil violates several provisions of Law Number 8 of 1999 concerning Consumer Protection, including:

1. Article 4: Consumer rights to comfort, security, and safety.
2. Article 7: Obligation of business actors to provide accurate and honest information.
3. Article 8: Prohibition on trading goods that do not meet standards.
4. Article 62: Criminal sanctions for business actors who violate these provisions.

In addition, trade and consumer protection regulations through Minister of Trade Regulation No. 69 of 2018 and Law No. 7 of 2014 concerning Trade prohibit the circulation of counterfeit goods.

Analysis of the Maqasid Syariah Perspective on the Practice of Buying and Selling Counterfeit Motorcycle Oil

In the Maqasid Syariah concept, every action and transaction in human life must pay attention to the principles of protection and benefit. One of the main objectives of Maqasid Syariah is Hifz al-Mal (property protection), which aims to protect wealth and prevent all forms of actions that can harm individuals and society. The distribution of fake motorbike oil found in several workshops in the Medan Area District is a practice that is contrary to this principle because it causes financial losses for consumers, damages vehicles, and reduces the quality and safety of transportation. Apart from that, from the perspective of Hifz an-Nafs (life protection), the use of fake oil can also endanger the safety of road users. Oil that does not meet quality standards can reduce engine performance, cause accidents, and increase the risk of injury and even death for drivers. (Aryet 2025)

In the Qur'an, Allah SWT says in QS. Al-Baqarah verse 188:

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْخِلُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ ﴿١٨٨﴾

Meaning: "And do not consume the property between you in a false way and (do not) take (the affairs of) the property to the judge, so that you can consume part of other people's property by (doing) sin, even though you know." (QS. Al-Baqarah: 188)

This verse emphasizes the prohibition against all forms of transactions that contain cheating, deception or falsehood that harms other people. Buying and selling counterfeit oil is a form of violation of this principle because it contains elements of *gharar* (obscurity), *tadlis* (fraud), and causes harm (loss). Therefore, from the *Maqasid Syariah* perspective, this practice must be prevented and prosecuted legally to maintain the benefit of the people.

In Surah Al-Baqarah verse 188, it can be understood that there is a prohibition against an action due to concerns about the negative impacts that might arise, especially in the context of protecting property (*hifzu al-mal*) and soul (*hifzu an-nafs*) as part of *maqasid sharia*. This verse prohibits Muslims from consuming other people's property through unlawful means, such as corruption, fraud, or manipulation. This prohibition is given because such actions not only harm others materially but also threaten social harmony and the safety of human life.

From the perspective of the *maqasid sharia* (Islamic principles), this prohibition aims to protect property as one of the basic human needs (*dharuriyyat*) and to safeguard the soul from all forms of injustice. Illegal appropriation of property can lead to conflict, hostility, and even violence that threatens life. Therefore, Allah commands Muslims to always uphold justice and honesty in all matters of property, as an effort to maintain the public interest. The principle of *maqasid sharia* in this verse teaches that any form of action that has the potential to cause harm, whether to property or life, must be avoided.

Thus, this verse serves as a foundation for Muslims to always act responsibly, avoid injustice, and ensure that their actions do not harm themselves or others, for the sake of achieving the broader good. (Zulfa et al. 2023)

The strict liability theory states that businesses are responsible for consumer losses without the need for proof of fault (Zulham, 2013). In this context, a repair shop owner selling counterfeit oil remains obligated to provide compensation or restitution, even if they claim they were unaware of the product's counterfeit nature.

Consumer Protection Against the Circulation of Counterfeit Motorcycle Oil in Motor Vehicle Repair Shops in Medan Area District

The circulation of counterfeit motorcycle oil in repair shops in Medan Area District poses a serious threat to consumers, particularly in terms of safety and the protection of their rights as users. Consumers have the right to products that meet quality standards, are safe to use, and have clear and accurate information. In this regard, consumer protection against the circulation of counterfeit oil can be examined from three main aspects: legal protection, business actors'

responsibilities, and prevention and oversight efforts that must be implemented by the government and the public (Syukni, 2018).

Consumer Protection

Consumer protection is all efforts made to guarantee consumers' rights so that they are not harmed by business actors, whether in the form of goods or services. Consumer protection in Indonesia is regulated by Law Number 8 of 1999, which encompasses all efforts to ensure legal certainty to provide protection to consumers. The concept of the Consumer Protection Law is regulated in several articles, namely:

a. Article 4 concerning Consumer Rights.

Based on this research, consumer rights that must be protected in cases of oil counterfeiting include the right to comfort, security, and safety when consuming goods and/or services. This means that consumers who purchase counterfeit oil and experience damage to their vehicles as a result of the product are entitled to protection and compensation.

b. Article 7 concerning Business Actors' Obligations

Based on this research, business actors are required to provide correct, clear, and honest information regarding the condition and guarantees of the goods being sold, and to guarantee the quality of the goods in accordance with applicable standards. Oil counterfeiting not only misleads consumers but also has the potential to cause damage to vehicle engines and endanger user safety. This demonstrates that business actors have failed to fulfill their obligations to act in good faith and provide adequate protection to consumers as mandated by laws and regulations. Therefore, business actors can be held legally accountable, including providing compensation to injured consumers.

c. Article 8 Paragraph (1) concerning Prohibitions on Business Actors

Based on this research, business actors are prohibited from trading goods that do not meet established standards, including products that lack labels or correct information regarding their quality and safety. Counterfeit oil is often packaged to resemble genuine products, thereby misleading consumers and violating this legal provision.

d. Article 62 concerning Criminal Sanctions for Business Actors

Based on this research, business actors who violate the above provisions are subject to a prison sentence of up to five years or a maximum fine of IDR 2 billion. In addition to the Consumer Protection Law (UUPK), other regulations that can be used as a basis for protection are laws.

In addition to the Consumer Protection Law Number 10 of 2009 concerning Consumer Protection, consumer protection related to the distribution of counterfeit oil is regulated by Law Number 7 concerning Trade. This law regulates trade activities in Indonesia, prohibiting the distribution of counterfeit goods and

authorizing the government to take action against business actors who violate these regulations. As stipulated in Article 36, every business actor is prohibited from trading goods and/or services that have been designated by the government as prohibited. In addition, Article 37 stipulates that business actors are required to comply with provisions regarding restrictions or prohibitions on the circulation, distribution, and/or sale of goods and/or services stipulated by the government. This is in line with Minister of Trade Regulation No. 69 of 2018, which serves as the primary legal basis for prosecuting and monitoring the circulation of counterfeit goods in Indonesia. The PMSE (Electronic Trading) regulation and Law No. 80 of 2019 expand the scope to digital platforms. Implementation of these regulations is being accelerated through collaboration with e-commerce associations and enforcement agencies such as the Directorate General of Intellectual Property (DJKI), to ensure consumer protection against pirated products.

Responsibilities of Business Actors

In this case, workshop owners and oil distributors have a significant responsibility to ensure that the products sold to consumers are safe and genuine. According to Article 19 of the Consumer Protection Law, business actors are responsible for providing compensation or redress to consumers if the products they sell cause harm. This responsibility includes:

- a. **Honesty in Sales:** Workshops selling oil must ensure that the products they offer are genuine and meet standards. If proven to be selling counterfeit oil, they are required to compensate consumers.
- b. **Provision of Clear Information:** Workshops must educate consumers about the characteristics of genuine oil and how to distinguish it from counterfeit oil.
- c. **Not Manipulating Prices and Quality:** There have been cases where workshops sell counterfeit oil at prices almost identical to genuine oil, making it difficult for consumers to distinguish between them. This practice violates the law and can be detrimental to consumers.

Prevention and Supervision Efforts

Preventing the circulation of counterfeit oil must be carried out by various parties, including the government, consumers, and business actors. The following steps can be taken:

- a. **Increased Supervision by the central and regional governments.** The central government is responsible for this through the Ministry of Industry and the Ministry of Trade. Meanwhile, regional governments are responsible for this through relevant agencies, such as the Department of Industry and Trade. In addition, LPKSM (Non-Governmental Consumer Protection Institution) is also responsible. Regional governments need to increase their oversight of the

- distribution of counterfeit oil. Regular raids and inspections of workshops and oil distributors are necessary to ensure the products sold meet standards.
- b. Consumer Education and Outreach: Consumers must also be more careful when purchasing oil for their motorcycles. The government and genuine oil manufacturers need to provide outreach regarding the differences between genuine and counterfeit oil. Social media campaigns, seminars, or training for workshop owners can also be solutions to reduce the circulation of counterfeit oil.
 - c. Strengthening the role of the Automotive and Lubricant Industry Association (APU) must be more active in monitoring the distribution of their products. If counterfeit oil is discovered, genuine oil manufacturers must report the incident to the authorities so that legal action can be taken immediately.
 - d. The Role of Consumers in Oversight: Consumers must be more selective in choosing vehicle service centers. They can verify the authenticity of the oil they use by examining the label, packaging, and price. If they find any indication of counterfeit products, consumers can report it to LPKSM or the relevant agency.

Based on the explanation above, it can be seen that the practice of distributing counterfeit motorcycle oil in workshops in Medan Area District involves the sale of products that do not meet established quality standards. Counterfeit oil circulating on the market has the potential to damage vehicle engine components, reduce motorcycle performance efficiency, and endanger rider safety on the highway. This practice not only harms consumers financially but also violates applicable laws in Indonesia, particularly regarding consumer protection and product standards. Therefore, stricter action is needed from the government and increased public awareness to avoid the use of counterfeit oil and choose products with guaranteed quality.

Based on Maqasid Syariah, consumers must be protected because the circulation of counterfeit oil can harm Hifz al-Mal (protection of property) and Hifz an-Nafs (protection of life). The theory of strict liability or absolute responsibility is a theory in civil law which states that a person (or business actor) can be held responsible for losses caused by a product or activity without having to prove any element of fault. In the context of consumer protection law, Strict liability means that business actors are automatically responsible for losses experienced by consumers due to using goods or services produced or traded, even though the business actor has acted carefully. In the concept of consumer compensation is a form of compensation given to consumers for losses arising from the consumption of goods and/or services that do not meet safety standards, quality, or do not match what was promised. This compensation can be in the form of: refunds, product replacement, and repairs or maintenance. The application of the theory of strict liability in the Consumer Protection Law aims to guarantee consumers' rights to compensation, without having to first prove that the business actor committed

an error or negligence. Consumers simply need to prove that they have suffered a real loss and that the loss was caused by the product or service provided by the business actor. Therefore, liability for compensation arises automatically when a loss occurs due to a product or service, and the business actor (producer) is still required to provide compensation.

4. CONCLUSION

This study reveals that the circulation of counterfeit motorcycle oil in Medan Area District is a serious problem with multiple impacts, both economically (Hifz al-Mal) and safety (Hifz an-Nafs). From a positive legal perspective, this practice clearly violates the provisions of Law Number 8 of 1999 concerning Consumer Protection, specifically regarding consumers' rights to safety, comfort, and security, as well as the obligation of business actors to provide accurate and honest information. From a Maqasid Sharia perspective, this practice violates the principles of justice, trustworthiness, and the prohibition against all forms of fraud (tadlis) and ambiguity (gharar) in transactions.

The results indicate that the main factors contributing to the proliferation of counterfeit oil are weak government oversight, low consumer awareness, and the economic profit motive of business actors. The integrative approach between positive law and the Maqasid Sharia principles in this study provides an academic contribution by offering a more comprehensive analytical framework for consumer protection. This research also strengthens the relevance of strict liability as a legal accountability mechanism, so that consumers are not burdened with proving business actors' fault.

Practically, these findings underscore the need for consumer protection policies that are not only based on regulations but also internalize the moral and ethical values of Islamic commerce. Therefore, eradicating the circulation of counterfeit oil requires cross-sector collaboration, including government, industry players, and the public.

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