

Legal Protection of Consumers in Online Transactions for Counterfeit Halal Products on E-Commerce Platforms

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ABSTRACT

This study aims to analyze the legal protection of consumers regarding counterfeit halal products in online transactions through e-commerce platforms in Indonesia. The rapid development of e-commerce raises problems such as counterfeit halal products which are a serious problem that can harm consumers. Several regulations, such as Law Number 8 Year 1999 concerning Consumer Protection, Law Number 33 Year 2014 concerning Halal Product Guarantee, as well as regulations related to e-commerce and electronic transactions, have existed to provide a basis for legal protection. Less than optimal implementation and low consumer understanding of how to verify the halal of products have led to many counterfeit halal products circulating in the online market. This study uses a normative juridical approach by analyzing existing regulations and their implications for consumer protection. The findings show that despite existing regulations, supervision of halal products in e-commerce is still weak. Collaboration between the government, relevant institutions, and e-commerce platforms is needed to improve the legal protection system and educate consumers to avoid counterfeit halal products.

INTRODUCTION

The development of digital technology, especially in terms of e-commerce, has brought significant changes in the pattern of buying and selling goods and services. The e-commerce platform is now the main choice for consumers to obtain various products, including halal products. The easy online transaction also opens a gap for the circulation of products that do not meet standards, including counterfeit halal products. This problem is increasingly prominent because not a few consumers are trapped in these transactions without knowing that the products they buy are not guaranteed their halal. Counterfeit halal products circulating in the e-commerce market can harm consumers, reduce public trust in halal products, and damage the market as a whole.

The Indonesian legal system has provided various protections for consumers through various existing regulation. The comprehensive implementation of the law in dealing with counterfeit halal products in online transactions still faces many obstacles. Despite the existence of Law Number 8 Year 1999 concerning Consumer

Protection and other regulations governing halal product standards, the reality shows that many consumers are still trapped in the practice of buying and selling counterfeit goods (Rafli & Apriani, 2022). A study is needed on how existing regulations can be applied effectively in dealing with this problem, as well as what efforts can be made to strengthen consumer protection against counterfeit halal products circulating on e-commerce platforms.

Most cases related to counterfeit halal products have an impact on legal aspects, and on aspects of public trust in the quality of products marketed. Uncertainty about the halal of a product can interfere with consumer trust, especially those who have a need to ensure the halal of the goods they consume. Regulations governing halal products in Indonesia, including in online transactions through e-commerce, need to be more detail and clear in order to provide adequate legal protection. It is important to analyze whether the existing supervision mechanism is adequate in ensuring products circulating on e-commerce platforms (Habeahan & Tamba, 2021), especially related to meeting the established halal standards.

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From a legal perspective, consumer protection against counterfeit halal products in e-commerce involves a complexity of regulations that must support each other. There are regulations governing halal standards, such as the Minister of Religious Indonesia Affairs Regulation Number 31 Year 2019 concerning the Implementation of Halal Product Guarantee, but on the other hand, law enforcement relating to online transactions in e-commerce still faces many challenges. By understanding this background, we can see that there is an imbalance between existing regulations and their implementation in the field, which ultimately leads to consumer problems that are not fully protected.

First, the lack of supervision of products sold on e-commerce platforms is a very basic problem. The number of traders who do not comply with regulations related to halal products means that consumers cannot easily distinguish between legitimate halal products and counterfeit products (Mubarak, 2022). In fact, while there are already institutions authorized to carry out supervision, such as the Food and Drug Supervisory Agency (BPOM) and the Indonesian Ulema Council (MUI), supervision of halal products in e-commerce is still not optimal. This is exacerbated by the online transaction system that allows anonymous and fast trading of counterfeit products.

Second, there is still limited consumer knowledge about the importance of the halal of a product and how to ensure the halal of the product when buying online. While there is a halal label issued by MUI, not all consumers know how to verify the authenticity of the halal certificate, especially on e-commerce platforms that offer thousands of products from various sources. Some consumers are also unaware of the potential legal and health risks that can arise from consuming counterfeit halal products. Thus, consumer ignorance is one of the obstacles in tackling the circulation of counterfeit halal products.

Third, the weak sanctions applied against the perpetrators of selling counterfeit halal products is also a problem that needs to be observed. While there are already regulations governing consumer protection and halal products, the implementation of sanctions for violators in the e-commerce realm is still relatively weak. Many business actors can still carry out their illegal activities without getting strict legal action. This condition triggers repeated violations in the e-commerce environment. This certainly affects the effectiveness of legal protection that should be given to consumers who buy halal products through e-commerce platforms.

The importance of this study lies in the need to ensure that consumers in Indonesia receive proper legal protection in relation to counterfeit halal products circulating in e-commerce. While regulations are in place, implementation is far from ideal. In the absence of strong protection, consumers will continue to face the risk of being trapped into purchasing products that do not comply with halal standards, which can further harm them economically, socially, and even religiously. It is imperative to understand and critically assess how the existing legal system can be improved to provide better protection for consumers.

This study aims to analyze the legal protection provided to consumers regarding counterfeit halal products in online transactions through e-commerce platforms, as well as evaluate the effectiveness of existing regulations. The results of this study are expected to provide a better understanding of the legal gaps in consumer protection and contribute to improving existing policies, in order to create a safer and more transparent e-commerce environment for Indonesian consumers.

RESEARCH METHOD

This study uses a literature study approach with a normative juridical method to analyze the legal protection of consumers related to counterfeit halal products in online transactions through e-commerce platforms. The normative juridical approach focuses on the study of legal norms contained in applicable laws and regulations in Indonesia, as well as efforts to understand how these norms are applied in relation to e-commerce transactions. The literature reviewed includes various laws and regulations such as Law Number 8 Year 1999 concerning Consumer Protection, Minister of Religious Indonesia Affairs Regulation Number 31 Year 2019 concerning the Implementation of Halal Product Guarantee, as well as relevant Government Regulations related to e-commerce. The analysis also includes other legal documents that provide perspectives related to consumer protection and halal products, to assess the implementation and effectiveness of existing regulations (Mertokusumo, 2017).

This literature study approach is carried out by collecting and reviewing relevant books, articles, and legal journals, to identify legal issues that arise regarding consumer protection against counterfeit halal products in e-commerce. The literature on Muslim consumer protection in e-commerce shows that information transparency and producer honesty are important aspects of this protection (Angriyani, 2020). In conducting the analysis, this study focuses on the review of legal theories that discuss consumer protection and the application of law in cyberspace,

especially in e-commerce. Legal study methodology books such as those written by Peter Mahmud Marzuki (2017) provide guidelines on how legal study can be conducted with a normative approach that prioritizes analysis of existing legal regulations and policies. From this literature review, it is hoped that a clearer understanding can be obtained regarding the extent to which existing legal protection is effective in overcoming the circulation of counterfeit halal products in the Indonesian online market.

RESULT AND DISCUSSION

The rapid development of the e-commerce sector in Indonesia in recent years has had a significant impact on the way consumers shop. E-commerce platforms that are increasingly accessible provide convenience and speed in transactions, however, the emergence of issues related to the authenticity of products sold is a big concern (Akhmaddhian & Agustiwi, 2016). Especially products that have halal claims, which are very important for the majority of Indonesia's Muslim population. Consumers often find it difficult to ascertain whether the products they buy really comply with established halal standards, especially if transactions are carried out online without direct interaction with the seller.

The issue of counterfeit halal products in online commerce not only affects consumer trust, but also has the potential to undermine the integrity of the e-commerce market as a whole. Products that claim to be halal but do not meet official certification standards can cause deep disappointment for consumers, especially for those who make product halalness part of their religious beliefs. Without adequate protection, consumers can be trapped into buying goods that do not meet their expectations or even endanger their health (Sjahputra, 2021). The economic harm caused by the circulation of counterfeit products also threatens the stability of the e-commerce industry itself. Regulations governing online transactions and halal product assurance need to be implemented more strictly to protect consumers from harmful practices.

The country has a very important role to ensure that there is a legal protection system that can provide guarantees for the halal of products circulating on e-commerce platforms. The government, related institutions such as MUI, and e-commerce platform organizers must work together to ensure that traders who offer halal products actually comply with applicable regulations. Legal protection of consumers who transact online is related to the halal aspect of the product, and to the rights of consumers to obtain accurate and clear information before making a purchase decision.

Muslim consumer protection of halal products should be guaranteed through strict regulations, such as the Halal Product Guarantee Law Number 33 Year 2014. In order to protect consumers from counterfeit halal products, Indonesia already has a number of regulations governing halal products. This is important to maintain consumer safety, especially on online platforms that are difficult to monitor by the government and halal regulatory agencies (Prawira, 2022). The integration of Islamic law in consumer protection in Indonesia creates its own challenges, especially in ensuring that every halal product truly meets halal standards according to religious provisions (Mujiono, 2016).

Law Number 8 Year 1999 concerning Consumer Protection (UUPK) is the basis for consumer protection in Indonesia, which guarantees consumer rights, including the right to obtain true, clear and honest information about the goods or services offered. Articles in the UUPK emphasize that business actors are obliged to provide consumers with correct and not misleading information. While these regulations exist, the implementation of protection against counterfeit halal products in e-commerce platforms still faces many challenges.

The legal protection given to consumers against counterfeit halal products is further strengthened by the existence of Law Number 33 Year 2014 concerning Halal Product Guarantee. This law regulates the obligation to obtain halal certification for products circulating in Indonesia. The institution authorized to provide halal certification is MUI, which cooperates with the Halal Product Guarantee Agency (BPJPH). Sometimes products are sold by third parties who are outside of physical supervision, the implementation of this regulation is the key to providing protection to consumers (Soeroso, 2014).

The importance of halal certification is increasingly clear, given the huge market for halal products in Indonesia. Halal certification is not only a religious symbol, but also a representation of quality, safety, and trust in a product. Indonesians value certainty regarding the halal of the products they consume, whether in food, cosmetics, or medicine. The circulation of counterfeit halal products in e-commerce can reduce the level of consumer trust in digital marketplaces and even damage the image of e-commerce itself (Habeahan & Tamba, 2021). Consumers who buy counterfeit halal products also risk their health, because these products are not guaranteed to meet safety and quality standards in accordance with applicable regulations. The existence of official halal certification is very important to ensure the certainty and peace of mind of consumers.

E-commerce platforms in Indonesia, such as Tokopedia, Bukalapak, and Shopee, also play an important role in ensuring that products sold on their platforms comply with existing regulations, including regarding halal certification. While many e-commerce platforms already have policies in place to monitor the products sold, the monitoring of counterfeit halal products on these online platforms is still limited. The main obstacle in implementing consumer protection against counterfeit halal products is the lack of mechanisms to verify the validity of halal labels, especially on online platforms. This suggests that e-commerce platforms need to ensure the authenticity of the halal certification used by manufacturers before displaying the products to consumers (Angriyani, 2020). Many merchants take advantage of loopholes in regulations to sell products with unverified halal claims. Collaboration between e-commerce platforms and regulatory agencies is needed to tighten supervision on the circulation of counterfeit products.

The Halal Product Guarantee Law Number 33 Year 2014 aims to provide assurance to Muslim consumers that the products they buy meet halal standards set by the competent authority. Implementation in the digital realm still requires adjustments to suit the characteristics of online transactions that are more difficult to monitor (Prawira, 2022). Consumer protection is also regulated in Minister of Trade Regulation Indonesia Number 50 Year 2020 concerning General Provisions for Trading Goods Through Electronic Systems, which regulates the obligation of merchants in e-commerce platforms to provide clear information about the products they sell (Rohendi, 2015). This regulation also requires platform providers to ensure that merchants comply with existing rules, including regarding halal certification of products sold. While these regulations provide a strong basis for supervision, the main problem lies in the suboptimal implementation and supervision in the field.

The existence of Law Number 11 Year 2008 concerning Electronic Information and Transactions (ITE) also provides a legal basis in dealing with acts of fraud or falsification of information in cyberspace, including related to unauthorized halal claims. While halal certification is mandatory, many manufacturers ignore this requirement, and the lack of supervision leaves consumers vulnerable to non-halal products (Permadi, 2022). Consumers who feel harmed by the sale of counterfeit halal products through e-commerce can file a report with the authorities. The reality is that law enforcement related to this case is often hampered by the lack of evidence that can be used in the digital realm. The principles of Islamic law must also be applied in the protection of halal products,

especially in ensuring honesty and information disclosure by producers (Mubarok, 2022). By integrating Sharia values in consumer protection, it is hoped that Muslim consumers in Indonesia can be better protected from products whose halal is unclear, especially in the e-commerce sector (Mujiono, 2016).

Regulations to ensure halal products on online platforms in Indonesia still face various challenges, including limited supervision and products without halal labels. This points to the importance of developing a more effective legal framework to protect consumers (Fadzlurrahman & Suparto, 2019). Another challenge that arises is the low consumer awareness of the importance of verifying the halal of products before buying online. While consumers have the right to obtain correct information, not all consumers understand how to verify the authenticity of halal certificates or understand the legal and health risks that may arise from buying counterfeit products. In this case, education and outreach to consumers is necessary to reduce the level of ignorance that can cause harm.

For business actors, many merchants on e-commerce platforms do not fully understand their legal obligations regarding halal products. Many business actors are unaware that it is illegal to put the "halal" label on products without official certification from the competent authority. The halal label may only be included if the product has passed the official certification process from an authorized institution. In fact, as sellers, they are obliged to ensure that the products they sell meet the standards set by the government. Authorities need to strengthen supervision of merchants to ensure that they do not abuse the "halal" status to unlawfully attract consumers (Tupaidah, 2021). This step is important to protect consumers from misleading information and ensure legal compliance in the digital commerce sector.

The existing complaint system also needs to be strengthened. While there is already a complaint mechanism through BPOM or MUI, it is often difficult for harmed consumers to report cases of counterfeit halal products that they have purchased. When consumers feel that they do not receive a clear response or solution to their report, it can reduce their trust in the consumer protection system. As a result, many cases of halal label abuse go unreported, allowing irresponsible businesses to continue operating unhindered. A more transparent and accessible complaint system will increase consumer participation in maintaining a healthy and honest market. Consumer complaints are not only a means of complaint, but also a real contribution to maintaining a fair and honest market.

Dispute resolution related to counterfeit halal products is also a major concern in the consumer legal protection system. The existing legal process must ensure that harmed consumers can obtain appropriate compensation (Wajdi & Susanti, 2021). When consumers buy products with fake halal labels, they are not only harmed materially, but also morally and spiritually, especially for Muslims who make product halalness an important part of their faith. A slow process or lack of decisive action against offenders will only exacerbate this problem. There needs to be a system that ensures that consumers who buy counterfeit halal products can immediately get the protection they need (Anggien, 2021).

The big challenge of protecting consumers from counterfeit halal products on e-commerce platforms cannot be solved by regulation alone. While Indonesia has a strong legal foundation, suboptimal implementation and weak supervision are still the main obstacles. This shows that existing regulations must be followed by stricter and more effective law enforcement. Through this step, regulations do not only become written norms but are actually implemented as real protection for consumers in the digital era. Without adequate supervision, loopholes for the circulation of counterfeit products will continue to exist, harming consumers and reducing trust in e-commerce platforms.

Cooperation between various parties, including the government, halal certification bodies, e-commerce platform providers and consumers, is essential to create a healthy and safe digital trade ecosystem. The government should be more active in strengthening supervision of online transactions, while e-commerce platforms need to ensure that merchants selling on their platforms meet the set standards (Naisabur & Putra, 2022). Consumers, as the most vulnerable party, also need to be empowered with knowledge of their rights and how to verify the halal of products before making a purchase. This comprehensive collaboration between all stakeholders will create a digital trade ecosystem that is not only efficient, but also ethical and reliable.

The importance of legal education for both consumers and merchants increasingly clear in the face of these issues. With increased awareness and understanding of the law, both among consumers and business actors, the implementation of consumer protection will be more solid. Joint efforts in improving the quality of supervision, improving the halal product information system, and ensuring openness and transparency will lead Indonesia to a more trusted and fair e-commerce market, and provide a sense of security to consumers in shopping online.

CONCLUSION

Legal protection of consumers related to counterfeit halal products in online transactions through e-commerce platforms in Indonesia still faces many challenges. While there are a number of regulations governing consumer protection and halal products, the implementation of the less optimal supervision and low public understanding of the importance of verifying the halal of products are the main factors in triggering the circulation of counterfeit halal products in the digital market. The implementation of existing regulations has not been fully effective in overcoming this problem, so collaborative efforts between the government, e-commerce platforms, and consumers are needed to improve the existing protection system.

The implications of these findings are far-reaching, from a legal, social and economic perspective. From a legal perspective, the unoptimized implementation of regulations has an impact on the lack of security for consumers in online transactions, especially those related to product halal. This also has the potential to damage the image of e-commerce which has grown rapidly, considering that more and more consumers are demanding certainty that the products they buy meet legal halal standards. From a social perspective, this uncertainty reduces the level of consumer trust in halal products and can affect consumer behavior in shopping on online platforms.

The suggestion that can be given is the need to strengthen supervision of products sold on e-commerce platforms, both through firmer regulations and the implementation of technology that can verify product halal more accurately. Education to consumers regarding the importance of verifying halal certificates and how to identify legitimate halal products is needed. There also needs to be more intense cooperation between the government, MUI, BPJPH, and e-commerce platforms to create a more transparent and accessible system for consumers.

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